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HANDBOOK FOR FACULTY AND ACADEMIC ADMINISTRATORS

A SELECTION OF POLICIES AND PROCEDURES
OF THE
UNIVERSITY OF PENNSYLVANIA

PREFACE

TO THE FACULTY AND ACADEMIC ADMINISTRATORS

This handbook contains certain selected major policies and procedures of the University of Pennsylvania. Its contents have been derived from a variety of sources. First, it includes those actions of the Trustees which pertain to the faculty. Second, it incorporates those items from earlier handbooks which are still in effect. Third, it codifies current practices on academic appointments and promotions. Finally, it presents general policies for faculty and administration, some of which were recommended to the administration by the University Council and the Faculty Senate and some of which have been previously issued as President’s and Provost’s memoranda.

While every attempt has been made to be accurate, policies as outlined in the Human Resources Policy Manual and its current revisions may supersede those in this Handbook. Additional policy statements outlining basic expectations for behavior on campus may be found in the PennBook, a handbook on resources, policies, and procedures published by the Vice Provost for University Life.

I. UNIVERSITY STRUCTURE

I.A. Introduction

The University of Pennsylvania is a non-profit corporation chartered under the laws of the Commonwealth of Pennsylvania. Under the Charter, the Trustees are charged with the ultimate responsibility for the course of the University. The administrative management of the University, on the other hand, is delegated by the Trustees to the President. The University’s Faculties participate in the decision-making process through two major bodies advisory to the President and administration — the University Council and the Faculty Senate. Non-faculty employees and students also participate with the faculty in the University’s governance through their membership in the Council and in an extensive number of advisory groups and committees.

The policy of the University on consultation between officers of the University and their representatives (“the administration”) and persons or bodies who are members of constituent groups having an interest in the adoption, modification or implementation of various programs, actions and policies of the University in those areas of decision-making where the administration has final or primary responsibility and the faculty does not have a distinctive role is included as Appendix 1. This policy on consultation—which includes the Standing Faculty as one among several relevant constituency groups—does not pertain to those areas of decision-making where the Standing Faculty holds primary responsibility or where responsibility is held jointly by the
administration and the Standing Faculty, under the University’s system of coordinate powers and shared governance. Nor does it apply to those areas of primary administrative responsibility in which the Standing Faculty’s distinctive role in the University would justify differential access to consultation as compared with the other constituency groups referred to in this policy.

Organizationally the University is divided into twelve schools. Each school is under the direction of a Dean. Some schools are further subdivided into departments.

I.B. The Trustees

(Source: Office of the Vice President and Secretary, 2004)

The Statutes classify the Trustees as follows:

a. Trustees Ex Officio (Non-voting): The Governor of the Commonwealth of Pennsylvania and the President of the University during their respective terms.

b. Charter Trustees (Voting): Up to ten in number, elected to serve until retirement from among persons who have served as Trustees for a period of not less than five years.

c. Term Trustees (Voting): Normally up to thirty in number, elected to serve for terms of five years. A term Trustee may serve only two terms, which would ordinarily be successive, for a total of ten years’ service. Prior service in any other voting class is also applied toward this ten-year maximum.

d. Alumni Trustees (Voting): The President of Penn, the General Alumni Society; up to eight Regional Alumni Trustees, one from each region; and up to five Alumni Trustees At-Large, elected by the alumni for terms of five years. A regional alumni Trustee may not succeed himself or herself in office, but may be elected in another class.

e. Trustees Emeriti (Non-voting): Charter Trustees are designated as Trustees Emeriti upon attaining the age of seventy (70), or as early as age sixty-five (65), if they so choose. Other Trustees who have served for more than five years in any class are eligible for election as Trustees Emeriti upon attaining the age of seventy or, in special circumstances, at an earlier age.

f. Commonwealth Trustees (Voting): Four non-elected officials appointed by the following representatives of the Pennsylvania General Assembly: the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, each of whom shall have the power to appoint one Commonwealth Trustee in accordance with Act No. 1994-25A.
g. **Special Trustees** *(Voting):* Special Trustees are defined as individuals whose service is in the best interests of the University to meet a particular need or purpose; there may be up to two in number, to serve for a term determined by the Chair and approved by the Trustees Executive Committee at the time of their election.

The Executive Committee of the Trustees exercises all of the powers and authority of the Trustees except for those cases where the Statutes specify action by the full board. The Executive Committee is elected annually by the Trustees and has no fewer than ten voting Trustees. The Trustees may form such boards and committees as they see fit for any of the purposes and activities of the University. The standing committees at present are: Academic Policy, Audit and Compliance, Budget and Finance, Compensation, Development, External Affairs, Facilities and Campus Planning, Honorary Degrees and Awards, Neighborhood Initiatives, Nominating, and Student Life. There is also an Investment Board.

The Trustees annually elect the chair of the Trustees and one or more vice chairs, who also serve as members of and as chair and vice chairs of the Executive Committee. The Trustees hold two-day meetings three times a year, normally in the spring, fall, and winter. The meetings consist primarily of committee sessions and culminate in a stated meeting of the Trustees. The Executive and Budget and Finance committees are scheduled to meet at additional times throughout the year, and the other standing committees may have additional meetings if necessary. In accordance with Pennsylvania law, formal action on resolutions is taken in stated meetings open to any member of the University community, subject to space.

Each standing committee is staffed by a University administrator who assists the chair in planning agendas and preparing background material for meetings. Six of the standing committees currently have faculty and student liaisons elected by the Faculty Senate, the Graduate and Professional Student Assembly, and the Undergraduate Assembly, who help represent the University community in committee discussions.

Eleven of the schools, and five University centers have boards of overseers composed of informed laypersons who act in an advisory capacity to the Trustees, the President, the Provost, and the Dean of a school or director of a center.

Copies of the Statutes and more detailed information about the Trustees are available on the web site of the Secretary of the University at [http://www.upenn.edu/secretary/Trustees/statutesTrustee.html](http://www.upenn.edu/secretary/Trustees/statutesTrustee.html).
I.C. The Central Administration

(Source. Statutes of the Trustees October 1995, Article 3, as revised 1996)

I.C.1. The Officers

The officers of the University shall be the President, the Provost, the Vice Presidents, the Secretary, the Treasurer, the Comptroller, and the General Counsel. Subject to the policies of the University, all officers except the President shall be elected by the Trustees upon nomination by the President and shall be suspended or terminated by the Trustees upon the recommendation of the President. With the consent of the President and subject to the policies of the University, officers may appoint such associates and assistants and assign them such duties as they shall deem appropriate.

I.C.2. The President

The President shall hold office upon such terms as the Trustees shall determine.

 Functions and Duties of the President. As the chief executive officer of the University, the President is its educational and administrative head.* He or she is responsible to the Trustees for the conduct, coordination, and quality of the University’s programs and for its future development. The President shall have the authority to perform all acts which are necessary to make effective the policies and actions of the Trustees unless a resolution of the Trustees specifically grants such authority to another person or entity. As a liaison between the Trustees and the faculty, the President shall inform each of the views and concerns of the other relating to the programs and administration of the University.

The President shall hold the academic rank of Professor, shall be a member of every Faculty of the University, and may at his or her discretion call a meeting of any Faculty.

Election of the President. When it becomes necessary to elect the President, the Executive Committee of the Trustees shall convene a consultative committee, composed of Trustees, faculty and students, to identify and recommend candidates for review by the Executive Committee. The consultative committee shall be advisory to the Executive Committee. The composition of and procedures governing the consultative committee are specified in a Standing Resolution of the Trustees (adopted by the Trustees on June 17, 1983).

The Executive Committee shall, at a closed meeting, review the report of the consultative committee and shall receive from members of the Executive Committee a nomination or nominations to be voted upon by the Trustees.
At least ten days prior to the stated or special meeting of the Trustees at which the election of the President is proposed, the Secretary shall give to each Trustee notice stating that the election of the President shall be held at such a meeting and giving the names of the person or persons who have been nominated by members of the Executive Committee. No such election shall be valid unless a nominee shall receive the affirmative votes of at least two-thirds of the number of Trustees then in office.

**Removal of the President.** The President may be removed only after consultation with representatives of the faculty and by the affirmative vote of Trustees actually present at a stated or special meeting equal to at least two-thirds of the number of Trustees then in office. Notice of such proposed action must be included in the notice of the meeting.

The Executive Committee shall appoint a temporary successor or substitute to act in case of the death, extended absence, disability, or removal of the President. The President may appoint an officer of the University to act for him or her during a period of temporary absence.

*The President is assisted in the management of the University by several Vice Presidents. The current Vice Presidents who report directly to the President are: the Executive Vice President, to whom the Vice President for Finance and Treasurer, the Vice President for Public Safety, the Associate Vice President for Audit, Compliance and Privacy, the Vice President for Human Resources, the Vice President for Budget and Management Analysis, the Vice President for Information Systems and Computing, the Vice President for Business Services and the Chief Investment Officer report; the Executive Vice President of the University for the Health System; the Vice President for Development and Alumni Relations; the Secretary of the University; the Senior Vice President and General Counsel, the Senior Vice President for Facilities and Real Estate Services, the Vice President for Government, Community and Public Affairs; the Vice President for Communications; and the Vice President and Chief of Staff, Office of the President.

**I.C.3. The Provost**

The Provost shall be the officer responsible for the conduct, coordination, and quality of the University’s academic programs and for the planning of their future development.* Hence, the Provost is crucially involved in the recruitment and maintenance of a faculty of the highest distinction in research and teaching. He or she is also concerned with maintaining a student body of superior quality and thus exercises oversight over academic program standards and over the admissions process. All Deans report to the Provost, and under the President, the Provost has ultimate authority for all academic budgets.

The Provost shall hold the academic rank of Professor, shall be a voting member of every Faculty of the University, and may at his or her discretion call a meeting of any Faculty. In the performance of his or her duties, the Provost shall consult with representatives of the Faculty.
*Among the members of the administration are several persons who serve as key advisors to the Provost with considerable responsibilities in their areas of expertise. The Deputy Provost is the Provost’s designated alternate, and has primary responsibility for the oversight of such educational program and policy as the Provost shall designate. The Associate Provost manages the academic personnel process, including recruitment of faculty, appointments, promotions, tenure cases and grievances. The Vice Provost for Research is responsible for the development and implementation of policies and procedures that promote excellence in research across the University and for the overall operation of the University’s extensive research enterprise. The Vice Provost for Research is also responsible for the development and implementation of Penn’s strategy for technology transfer and entrepreneurial initiatives as well as the University’s corporate relations and regional economic development strategy. The Vice Provost for University Life is responsible for all non-academic aspects of student life. This includes addressing a wide array of student concerns in order to improve the quality of campus life for students and other members of the University community. The Vice Provost and director of libraries administers the University library system and plays an important role in the dissemination of information on campus.

I.C.4. The Secretary

The Secretary of the University shall attend and keep minutes of the meetings of the Trustees, shall act as secretary of all boards and committees of the Trustees, and shall be custodian of communications, reports, and other documents of importance presented to the Trustees. The Secretary shall give notice to Trustees and to members of boards and committees of all stated and special meetings. The Secretary shall have custody of the Seal of the Corporation, shall affix it to such instruments as require its use, and when so affixed, shall attest it by signature.

The Secretary shall prepare all diplomas and certificates of study, shall have charge of official convocations of the University, and shall have such other powers and duties as may be conferred from time to time by the Trustees. Any minute books, documents, and records of the University not yet deposited in the Archives shall be open at all times to the inspection of Trustee boards and committees, to any Trustee, and to authorized University officers.

I.C.5. The Treasurer

The Treasurer shall have custody of all evidences of ownership of real or personal property owned by the University or pledged to it, other than those evidences in the custody of the Investment Board. The Treasurer also shall have custody of all policies of insurance, and shall have the authority to accept and receipt for the same on behalf of the Trustees, and under their supervision he or she shall arrange for the safekeeping thereof.

The Treasurer shall collect and receive all monies due and payable to the University and deposit them in the name of the University in such banking institutions as the Trustees
may approve. He or she shall discharge all debts or other obligations of the University when due and payable. He or she shall keep a complete set of accounts showing in detail the financial transactions of the Treasurer’s Office, and these shall be open at any time to the inspection of any Trustee. The Treasurer shall furnish such financial statements compiled from his or her accounts as from time to time may be required by the proper University officers, Trustee boards and committees, or any Trustee.

I.C.6. The Comptroller

The Comptroller shall maintain a complete set of accounts, except those maintained by the Treasurer, showing in detail the business and financial transactions of the University. He or she shall be responsible for the proper keeping of accounts of every department of the University and shall have authority to direct the methods, including audit and control, by which such accounts are kept. The Comptroller shall compile and furnish such financial or statistical reports or information as may be required by the proper University officers, Trustee boards and committees, or any Trustee. He or she shall approve all vouchers before they are submitted to the Treasurer for payment; such approval shall be evidence that the charge has been recorded against an approved budget on file, and that it is within the appropriation of the budget against which it is charged.

I.C.7. The General Counsel

The General Counsel shall represent the University as a corporate entity in legal matters. All matters requiring legal advice or legal action shall be referred to the General Counsel.

I.D. The Faculties and the Schools

(Source. Statutes of the Trustees 1983, Article 9)

There shall be such Faculties and such Schools as authorized by the Trustees. The Trustees recognize the following (listed in the order of their origin):

Faculty of Arts and Sciences
The School of Arts and Sciences, including the College of Arts and Sciences, as its undergraduate division, and the Graduate Division of Arts and Sciences

Faculty of Medicine
The School of Medicine

Faculty of Law
The School of Law

Faculty of Engineering and Applied Science
The School of Engineering and Applied Science
Faculty of Design  
The School of Design

Faculty of Dental Medicine  
The School of Dental Medicine

Faculty of the Wharton School  
The Wharton School

Faculty of Veterinary Medicine  
The School of Veterinary Medicine

Faculty of Education  
The Graduate School of Education

Faculty of Social Policy and Practice  
The School of Social Policy and Practice

Faculty of Nursing  
The School of Nursing

Faculty of Communication  
The Annenberg School for Communication

I.E.  General Provisions Concerning a Faculty

(Source. Statutes of the Trustees, 1983, Article 9)

The faculty of a school consists of the members of the Standing Faculty, the Standing Faculty-Clinician-Educator, the Associated Faculty, and the Academic Support Staff. The voting faculty of a school (hereinafter referred to as the Faculty) shall consist of the members of the Standing Faculty and the Standing Faculty-Clinician-Educator and such other persons who have been granted the right to vote by that faculty. The Standing Faculty and the Standing Faculty-Clinician-Educator comprise the core of the academic staff. The term “Standing Faculty,” used alone, shall refer only to those faculty members with tenure or in tenure-probationary status.

There shall be a Dean and a Secretary of each Faculty. The Dean shall be appointed or removed by the Trustees, upon recommendation by the President and the Provost, and according to policies and procedures promulgated by the President and the Provost. The Dean shall preside at meetings of the Faculty. He or she shall sign all diplomas, certificates, and other official papers on behalf of his or her Faculty and shall serve as the official means of communication between the Faculty and the Provost. The Secretary shall be elected by the Faculty and shall serve for such a time as determined by the Faculty.
Each Faculty shall meet at stated times and also at the call of its Dean or of the President, the Provost, or other designated officer. Each Faculty shall also adopt provisions governing the call of meetings by its members. Except for the standing Committee on Academic Freedom and Responsibility, which shall be elected annually, committees of each Faculty shall be appointed by the Dean, or elected, as prescribed by the procedures adopted by each Faculty.

Upon recommendation of the President, the Trustees may authorize the establishment of academic departments within a Faculty. The chair of each department shall be appointed or removed by the President, upon the recommendation of the Dean with the advice of the Faculty, and with the approval of the Provost or his or her designee. A department chair shall serve according to policies and procedures established by the President and the Provost.

Subject to general policies established by the Trustees, the responsibility for determining the quality of the student body shall rest with the Faculty of that school. Each Faculty shall articulate the criteria for selection of applicants for admission and shall establish a written admissions policy that describes these criteria. Each Faculty shall also monitor implementation of its admissions policy and amend it when necessary.

Subject to general policies established by the Trustees, and in a manner consistent with general University policies, each Faculty shall also set its regulations for instruction of students and requirements for recommendations for degrees in course and in faculty.

Subject to general policies established by the Trustees, and in a manner consistent with general University policies, each Faculty shall set its own procedures for governance and determine the qualifications for membership in the Faculty.

I.F. Organization and Responsibilities of Graduate Groups

(Source. Office of the Provost, February 16, 1996)

I.F.1. Introduction

In the University of Pennsylvania, graduate programs leading to the Ph.D. and related master’s degrees are carried on by associations of faculty members called “graduate groups.” Many of these groups are founded on individual departments. In such groups, all members of the Standing Faculty of the foundational department are ipso facto members of the graduate group, but there may be many members of the group who come from other departments or schools. These groups typically provide disciplinary training.

A significant number of groups are not founded on any one department. These graduate groups are composed of faculty from several departments or schools and
typically provide interdisciplinary training. (In cases in which the type of a graduate group is not clear, the Graduate Council of the Faculties determines its character.)

The graduate group structure provides the adaptability necessary to mount graduate programs in newly developing areas of intellectual endeavor or to phase out programs in areas of declining vigor, without profound and perhaps premature perturbation of the underlying structure of the traditional disciplinary departments and schools. The price paid for this adaptability is continuing vigilance over the academic quality and vigor of each graduate program, particularly those that are not founded on a single disciplinary department or school. The purpose of this section is to outline the organization and responsibilities of the faculty who are members of graduate groups, and of the group chairpersons, all within the context of the graduate organizational structure established in the spring of 1977.

I.F.2. Graduate Group Faculty

Only members of the Standing Faculty, the Associated Faculty and Emeritus Faculty are eligible for membership in Graduate Groups.* Thus, Instructors, Lecturers, Research Associates, etc. are not eligible. Moreover, scholars and scientists employed by, or visiting from, other universities are not eligible unless they have an appointment in the Associated Faculty.

*Members of the Research Faculty may not take responsibility for courses or seminars nor may they supervise theses or dissertations unless the prior approval of the Provost is obtained for each such activity. (Office of the Provost — 8/5/83)

The fundamental responsibility for the academic quality and effectiveness of a graduate program rests with the Faculty of the appropriate graduate group. The essential duties of this Faculty include:

a. Design of an academic program that meets the requirements of the student and of the University for depth, breadth, and academic quality of the highest order. Equally important is the continuous adaptation of this program in response to the challenges by and opportunities for new developments in its scholarly field.

b. Establishment of well defined academic standards and requirements that are rigorous and flexible and that ensure quality and encourage the free development of the scholarly abilities of individual students. These standards and requirements must be consistent with the intellectual style and spirit of the field and also with the minimum base requirements of the University, as established by the Graduate Council of the Faculties.

c. Establishment of standards and procedures for admission of graduate students and the operation of an admissions program that will attract and admit students
of the highest possible quality. Such admissions standards and procedures must be consistent with University-wide standards and procedures established by the Graduate Council of the Faculties, the Council of Graduate Deans or the Deputy Provost.

d. Wise and intensive counseling of graduate students in matters both academic and nonacademic, to encourage their rapid progress toward their academic goals.

e. Active participation in the quest for financial resources for support of graduate students and in the allocation of available resources so as to optimize the quality of the program and its students.

f. Active assistance in the placement of the program’s graduates in positions where their abilities and training are utilized to the fullest degree possible.

At least half of the members of Ph.D. examination and dissertation committees must be members of the graduate group at the time of appointment to the committees. Faculty who are not members of the graduate group may serve only with the written approval of the graduate group. The authority to approve membership on committees may be delegated to the graduate chair. The chairs of dissertation committees and of all examination committees must be members of the Standing Faculty in the graduate group. If the chair of a dissertation committee leaves the Standing Faculty before the dissertation is completed, then a new chair from the Standing Faculty must be appointed as chair. The dissertation committee chair is responsible for conveying committee meetings, advising the student on graduate group and university expectations, and assuring the graduate group chair that the group’s requirements have been met. The committee chair does not have to be the primary dissertation adviser.

Instructors in courses that satisfy the requirements for the Ph.D. must hold the Ph.D. degree or be members of the Standing Faculty or the Associated Faculty. No one may teach a required core course for more than one semester without becoming a member of the Standing Faculty or the Associated Faculty.

The selection and appointment of faculty to membership in a graduate group are the responsibility of the appropriate Dean, in consultation with members of the graduate group and such other faculty groups or individuals and academic administrators as may be appropriate. The standards and criteria to be used in selection and appointment of members of the Standing Faculty or the Associated Faculty to graduate groups are established by the Dean in consultation with his or her faculty and include academic excellence and commitment to the academic goals of the program.

In cases where a graduate group is founded on an academic department or school, appointment to membership in the graduate group accompanies and is implicit in a primary appointment to the Standing Faculty in the department or school and is for the
same term. In all other cases, appointment to membership in a graduate group is for a term specified at the time of appointment.

All appointments to membership in a graduate group carry full voting rights in the deliberations of the group unless otherwise specified at the time of appointment.

All appointments to membership in a graduate group must be reported to the Office of the Provost at the time of appointment.

It should be noted that this procedure for appointment of a faculty member to membership in a graduate group not founded on his or her department or school differs from and is independent of two other types of intra-university “linking” appointments:

a. Interlocking faculty appointments, made by the Provost to facilitate interaction between the faculties of the several schools.

b. Secondary faculty appointments, made by the Trustees following the normal academic appointment process.

These two types of appointments, as well as all appointments to other than Standing Faculty positions, do not automatically carry with them appointment to a graduate group.

I.G. Policies Concerning Academic And Administrative Officers

I.G.1. Consultation Procedures for the Election of a President

(Source. Standing Resolution of the Trustees, adopted on June 17, 1983)

Article 3.2 of the Statutes of the University states: “When it becomes necessary to elect the President, the Executive Committee of the Trustees shall convene a consultative committee, composed of Trustees, faculty and students, to identify and recommend candidates for review by the Executive Committee. The consultative committee shall be advisory to the Executive Committee. The composition of and procedures governing the consultative committee shall be specified in a Standing Resolution of the Trustees.”

The consultative committee to advise the Executive Committee in the nomination of a candidate or candidates for President shall be chaired by a Trustee and, in addition, shall be composed of an equal number of Trustees and members of the Faculty Senate and half that number of students. The Executive Committee shall determine the overall size of the consultative committee. The Trustee members shall be selected by the Executive Committee and shall include at least one alumni Trustee. The faculty members shall be selected by the Faculty Senate Executive Committee. Half of the student members shall be undergraduates, and half shall be graduate/professional students. The student members shall be selected by the appropriate student governance organizations. The charge to the
consultative committee shall come from the Executive Committee and shall be reviewed by the consultative committee. The consultative committee shall endeavor to carry out a broad search and solicit suggestions from the entire University community, alumni, and friends of the University.

Acceptance of appointment to the consultative committee signifies full acceptance of the obligation to preserve the confidentiality of the identity of the candidates and the proceedings of the committee, except where disclosure of such matters is expressly authorized by the consultative committee as part of its efforts to obtain information about and to evaluate candidates. The members of the consultative committee shall, in a manner consistent with their obligation of confidentiality, attempt to obtain information about inside and outside candidates from a broad range of faculty, students, and administrators at this and other institutions.

In reporting to the Executive Committee, the consultative committee shall endeavor to recommend affirmatively at least three candidates. The consultative committee may rank-order the candidates that it affirmatively recommends to the Executive Committee.

Members of the Executive Committee shall endeavor to make a nomination or nominations for President from among the candidates affirmatively recommended by the consultative committee. In making a nomination or nominations, members of the Executive Committee are not bound by any rank-order recommended by the consultative committee. If members of the Executive Committee, after review of the recommendations of the consultative committee, wish to nominate a candidate or candidates not affirmatively recommended by the consultative committee, the Executive Committee shall so inform the consultative committee and seek the consultative committee’s specific advice about the proposed nomination or nominations before presenting such nomination or nominations to the Trustees. When presenting a nomination or nominations for President to the Trustees, the Executive Committee shall communicate to the Trustees the views of the consultative committee regarding the candidate or candidates so nominated.

The consultative committee shall submit a final report to the University community which shall include the relevant facts necessary to inform the University about the search process.

I.G.2. Consultation Procedures for the Appointment and Reappointment of Deans and University-wide Administrators

(Source. Offices of the President and Provost, Almanac September 15, 1981, as revised)

In General

The University administration, before recommending the appointment of certain officers, typically seeks the advice of ad hoc committees composed of faculty and students. The offices subject to this practice include all those having a significant influence in
academic affairs. While the application of this criterion is clear when positions such as the Provost and Deans are in question, it is difficult to draw a precise line of demarcation for subordinate positions or for major administrative posts not directly in academic affairs. This is in part because influence on academic affairs is not an “either/or” question for many of these positions but a matter of degree which, given the changing nature of the University’s problems, is sometimes difficult to gauge in advance. Another complication is that new posts with different titles may be created from time to time.

These procedures take cognizance of these difficulties by providing for consultative input that is graduated according to the degree of influence that a post seems likely to have in the academic life of the University. Thus, where the post is one that involves little direct authority or influence, the consultative process should be informal and should give great scope to the preferences of the administration. For such a position, the appointing officer may consult faculty and student leaders individually about a candidate proposed by the appointing officer. For non-academic appointees whose duties have a more substantial impact on academic affairs or on campus life, consultation may proceed through a small advisory faculty-student committee which gives advice concerning one or more candidates proposed by the administration. For subordinate academic officers, such an advisory committee may both offer its own suggestions and react to suggestions of the administrator for whom an aide is being chosen. Finally, where the post is one in which major academic authority is exercised, more formal consultative procedures should be followed. In these procedures a consultative committee is established for the purpose of conducting a search and drawing up a list of recommended candidates. Such a consultative committee receives its charge from the President or Provost and may meet from time to time with one or both of these officers during its deliberations. The committee does not confine itself to suggestions made by the President or Provost. Both advisory and consultative committees make their decisions in executive session.

In selecting members for consultative and advisory committees, consideration should be given to diversity of membership, including affirmative action concerns, range of interests and rank, as well as quality of membership. In addition, the affirmative action policy of the University requires that searches be conducted so as to identify potential candidates from within the broadest possible pool, including women and members of minority groups. Acceptance of appointment to a consultative committee implies a commitment to making such a search, and no one who does not share this commitment should accept appointment to the committee.

Spelled out below are specific consultative procedures for the appointment and reappointment of Deans and certain University-wide academic officers, as well as a mechanism (the University Committee on Consultation) for resolving questions regarding the appropriate level of consultation in doubtful cases. Unless otherwise provided, the composition of consultative committees should conform to the principle that “the normal maximum proportion of students on the consultative committee shall not exceed one-quarter of the membership of the committee, except in the case of a consultative committee
for offices in the area of student affairs, in which case, the proportion of students shall not exceed one-third of the membership.”

University Committee on Consultation

Where doubt exists about the appropriate level of consultation for any given post which the administration wishes to fill, the President or Provost should seek the advice of the University Committee on Consultation. This committee is composed of the chair, past chair and Chair-Elect of the Faculty Senate and the chairpersons of the Undergraduate Assembly and the Graduate and Professional Student Assembly. The University Committee on Consultation shall respond quickly to the President’s or Provost’s request for an opinion, indicating the nature of the procedure that it recommends. The President and Provost should err on the side of inclusiveness in seeking opinions from the committee.

Consultation for University-wide Academic Offices

Provost. When a vacancy has occurred or is expected to occur in the office of Provost, an ad hoc consultative committee composed of 12 faculty members, 2 undergraduate students, and 2 graduate or professional students shall be established by the President. The President shall request from the Senate Executive Committee, through its chair, nominations of 6 faculty members. The President shall appoint to the consultative committee those nominated by the Senate Executive Committee and shall appoint an equal number of other faculty members.

The committee shall meet with the President and/or the Provost for the purpose of obtaining information and views concerning the responsibilities of the position and the qualifications of the person to be sought. The committee may develop additional qualifications in consultation with the President and/or the Provost. The President and/or the Provost shall be free to submit names of candidates at the initial meeting or at any subsequent time prior to the completion of the work of the consultative committee. In the case of a person from outside the University, a consideration of academic appointment in a school and department will normally be appropriate. If this is the case, the department, school, and administration should act expeditiously.

It is understood that the role of the ad hoc committee shall be an advisory one; the final authority for the appointment rests with the President and the Trustees. In those cases in which the President wishes to appoint a person not considered by the ad hoc committee, the committee shall be asked to review the qualifications of that person and determine if they wish to recommend that person for the position.

Deputy, Associate, and Vice Provosts. With respect to the selection of Deputy, Associate, and Vice Provosts, more flexibility in the consultative arrangements is appropriate, depending on the particular circumstances at the time the vacancy exists. It is also necessary to ensure that the Provost have aides in these posts with whom he or she can establish a close personal rapport. Before an ad hoc committee is appointed, the Provost
should consult with the University Committee on Consultation regarding the appropriate size for the committee, the relative proportion of faculty, undergraduate and graduate or professional students to serve on the committee, the extent of the search to be undertaken, the timing of the appointment, and similar questions.

Appointment of Deans, Associate Deans and Vice Deans

The Statutes of the Corporation (9.4) state that the Dean shall be appointed or removed by the Trustees, upon recommendation by the President and the Provost, and according to policies and procedures promulgated by the President and Provost.

When a vacancy has occurred or is expected to occur for a Dean of a faculty, the faculty concerned, by its own procedures, shall nominate to the President four members of its own faculty. The President shall appoint those four persons and shall also appoint four other faculty members to a committee to nominate a new Dean. The President shall also appoint two students from that school of whom one shall be an undergraduate if the school has an undergraduate as well as a graduate program. These students shall be nominated by the students according to their own procedures. When appropriate, the President may designate one or two alumni advisers to the committee. In special circumstances or where the faculty of the school is very small, exceptions to the numerical limitations above may be made. The committee shall meet with the President and/or the Provost for the purpose of obtaining information and exchanging views concerning the responsibilities of the position and the qualifications of the person to be sought. The final appointment of a Dean is made by the Trustees upon the recommendation of the President of the University. In the case of a person from outside the University, a consideration of academic appointment in the school concerned will normally be appropriate.

In the selection of Associate Deans and Vice Deans, the Dean of a faculty should seek advice from his or her faculty and student body. Should doubts or issues arise about the procedure for obtaining such advice, guidance should be sought from the University Committee on Consultation.

Renewals of Terms of Office

Provost. The initial term of office of the Provost shall be no longer than 7 years and the total length of service normally no more than 12 years. If, when the initial term of the Provost expires, the President favors the continuation of the Provost in office, he or she shall determine whether the incumbent is willing to accept further service. If a reappointment or extension is contemplated by the President, the President, with the advice of the University Committee on Consultation, shall appoint an ad hoc committee to ascertain and report on faculty and student opinion, and advise the President with respect to the proposed reappointment or extension.

Deans. Deans shall normally serve no more than 12 years with an initial term of no more than 7 years. A consultative review committee will be established in the sixth year of
the initial term of a Deanship if a reappointment (i.e., an extension of more than two years) is contemplated. The faculty of the school shall choose four of its own members for this committee, to be matched by up to an equal number chosen by the President and the Provost, who will make sure that there are faculty representatives from within the University but outside the school. Students will select two student members from the student body of the school, one of whom shall be an undergraduate if the school has an undergraduate as well as a graduate program, and there will be one non-voting alumni representative: The consultative committee will advise the President and the Provost on the desirability of reappointment. In addition, each member of the Standing Faculty of that school shall have the opportunity to give advice and views to the President and the Provost. The President and the Provost will consult as well with knowledgeable colleagues and officials of the school. When the school has been recently reviewed by the Academic Planning and Budget Committee, an outside accreditation organization or by some other means, the findings will be considered pertinent in the decision whether to recommend reappointment.

A school or the President and the Provost are free to propose another consultative path for the reappointment of a Dean after an initial term, but any such alternative path would require the concurrence of the appropriate elected committee of the school involved, of the President and Provost, as well as review by the University Committee on Consultation.

If an extension for only one or two years is proposed, the Provost may constitute a faculty and student committee by inviting faculty and student members currently holding elective office, such as members of the school’s academic freedom committee, Council representatives, or members of the school’s council (where such an elective body exists), to serve on a consultative body.

Removal of a Dean

(Source. Offices of the President and Provost, September 5, 1995)

The procedure for the removal of a Dean prior to the expiration of his or her term may be initiated by the President and the Provost. It may also be initiated by a faculty vote of no confidence taken at a meeting in accordance with the bylaws of the school. The vote of no confidence must be confirmed by a majority of the Standing Faculty in a subsequent mail ballot. In either case, the Provost shall appoint, in consultation with the Senate Committee on Consultation, an Advisory Committee of at least five faculty members, a majority of whom shall be from outside of the school. The Committee shall be charged by the Provost and the President to gather information relevant to the issues specified in the charge, including interviews with the faculty and Dean. The Committee shall forward its recommendations, with supporting documents, to the Provost, the President, and the Dean, within four weeks of its appointment. The Committee shall report its recommendations to the faculty of the school.
Appointments of Acting Administrators

When there is a need to appoint a person to occupy a position temporarily, the University Committee on Consultation and, in the case of a school administrator, the appropriate elected school committee, should be consulted. The University Committee on Consultation may, according to the circumstances, decide to propose other arrangements to insure adequate consultation.

Reports about Searches

In the case of a University-wide post, the President and the consultative committee, before its discharge, shall submit a final report to the University Council, the Faculty Senate, the Undergraduate Assembly and the Graduate and Professional Student Assembly, and shall publish the report in *Almanac*. The report shall include, but not be limited to, the following:

1. The nature of the search, including goals and objectives;
2. The consensus on policy issues;
3. A copy of the job description and/or advertisement, if any;
4. Information concerning the candidates, including:
   a. Characteristics of the individuals (such as ethnic background, sex, etc.),
   b. Number of names considered,
   c. How many candidates were from within the University,
   d. Specifically, was the person selected to fill the position, if it was filled, recommended by the consultative committee, and
   e. Any additional relevant information.

Should there be disagreement between the President and the consultative committee, separate reports should be submitted.

In the case of the election of a new Dean, the *ad hoc* committee shall submit a report along similar lines to the faculty and the students of the school involved. The report or a summary of it shall be published in *Almanac*.
Confidentiality on Search Committees

Confidentiality of much of the material handled during a consultation is essential to the process. Acceptance of appointment to a committee is understood to signify full acceptance of the conditions of confidentiality as follows. The name, background, personality and character of any candidate and the proceedings of the committee shall be maintained in strictest confidence by all members of the committee and by administrative personnel who have access to the names. This principle, of course, does not preclude the revelation of names of candidates in officially authorized efforts to obtain outside appraisals.

The committee shall have the option to keep confidential any other items it deems necessary for its functioning by roll call vote requiring a two-thirds majority of the committee members present and voting. Each letter of appointment to an advisory or consultative committee should make plain the obligation to maintain confidentiality, and the chair of the committee shall remind the members of this obligation. Anyone who cannot accept those conditions should be asked by the chair to resign. Failing this, he or she should automatically be removed from membership of the committee.

Administrative Support for Search Committees

Administrative and secretarial assistance will be provided to advisory and consultative committees for Deans and University-wide administrators by the Secretary of the University.

I.G.3. Appointment of Department Chairs

(Source. Office of the Provost, October, 1977, revised 1983)

The following procedures will guide the selection and appointment of department chairs:

All department chairs are appointed by the President upon recommendation of the Provost and the Dean and with the advice of faculty both inside and often outside the department. Responsibility for initiating the appointment of a new department chair and the charge to any nominating/search/selection body, including criteria and number of persons to be recommended, rests with the Dean. The Dean should state from the outset whether there is available a position in the Standing Faculty to allow consideration of external candidates. The means by which nominations are secured and reviewed will vary from school to school, but should be regularized and clearly stated for each school. In all cases, the Dean should play an active role, either as a participant in the departmental review, or by requiring two or three names from which to choose.

A change in department chairs should normally be preceded by a review of the direction, quality, and plans of the department. Such a review may be initiated by the Dean, Provost, President, or members of the department and should be planned cooperatively by
all parties. Reviews with external evaluators should take place as a matter of course in departments at regular intervals, but preferably at such times as to be helpful to new departmental leadership.

A recommendation for appointment as a department chair takes the form of a letter from the Dean to the Provost, accompanied by a current *curriculum vitae* of the nominee and other information about the selection process, including names of others considered. The letter should set forth the proposed period of appointment (most often five years, renewable, but may be less and occasionally more according to prevailing school practice.) The letter is sent to the Provost, who will transmit it to the President for final approval and preparation of the appointment letter.

I.G.4. Responsibilities of Department Chairs

*(Source. Offices of the President and Provost, 1979)*

**To the Administration.** It is the responsibility of the department chair to execute within the department the policies of the University concerning teaching and research, fiscal affairs, and other administrative business.

The chair has the responsibility, after consultation with appropriate members of his or her department, for securing and retaining staff and faculty members of high caliber and recommending those to whom tenure should be granted and to whom promotions should be awarded. It is the duty of the chair to submit departmental recommendations in these matters, including the names of those consulted, to the administration for consideration, and a separate statement giving his or her personal opinion.

The chair is responsible, after conferring with faculty and students, for ensuring the appropriateness of the courses and adequacy of the program offered by the department in accord with educational policies established by the faculties concerned. The chair should have the courses staffed so as to promote teaching that is as effective and stimulating as possible in content and in presentation.

The chair has a general responsibility for promoting the quality of the scholarly and research activities of the department. The chair reviews applications for research projects for appropriateness and transmits those approved to the administration, making sure that the human, fiscal, and space demands of all such projects are in the best interests of both the department and the University as a whole.

**To the Department.** The chair is the department’s executive officer. In aid of the development and maintenance within the department of collegial respect for the educational enterprise, the chair is responsible not only to the Dean but also to the department as a collectivity for the conduct of its affairs. He or she is responsible for the administration of its teaching, academic advising, and research functions and also the implementation of its policies.
The chair has the obligation to foster the welfare of his or her entire staff and to encourage and facilitate their work and professional development. The chair should take the initiative in reporting the needs and championing the legitimate causes of the department to the Dean. The Chair is responsible for obtaining merited recognition by the University for his or her staff members with respect to promotions, and for making recommendations concerning faculty salaries and salary increases to the Dean and Provost, who supervise this area. Each faculty member has the right to discuss with the chair their faculty member’s own salary, status, requests for academic leaves, and applications for research projects. If the faculty member is dissatisfied, he or she may discuss these matters with the Dean.

I.G.5. Appointment and Responsibilities of Graduate Group Chairs

(Source. Office of the Provost, February 16, 1996)

The chair of a graduate group is charged with the responsibility of leading and coordinating the work of the graduate group faculty in the discharge of their responsibilities. This is an important task requiring academic and personal abilities of a high order.

Graduate group chairs are appointed by the Provost upon recommendation of the appropriate Dean or Deans and other appropriate officials such as a Vice Provost for Graduate Education. The letter from the Dean to the Provost transmitting the recommendation should refer to the selection process (e.g. department chairs and other Deans consulted, procedure for self-selection by the graduate group) and the proposed term of appointment (generally three to five years, renewable).

In cases where a graduate group is founded on an academic department, the graduate group chair reports to the department chair and may carry a title such as “Associate Chair for Graduate Affairs.” In all other cases, the graduate group chair reports directly to the appropriate Dean or delegate. (The latter may carry a title such as “Associate Dean for Graduate Studies and Research.”) The Dean determines the appropriate reporting channel.

I.G.6. Reappointment of Department and Graduate Group Chairs

(Source. Office of the Provost, Almanac September 7, 1982)

The following procedures will guide the reappointment of department and graduate group chairs.

a. No department chair shall be reappointed under circumstances such that his or her total term will exceed six years unless a review of his or her performance is made. Ideally this review should be combined with a review of the
department, since an evaluation of an incumbent chair inevitably involves an evaluation of the department’s evolution during his or her tenure.

In the event that a full-scale review of the department is untimely or particularly inconvenient when a reappointment is being considered, a review committee, chosen by whatever formal mechanisms have been adopted by the school or department and accepted by the Dean, should be convened to evaluate the chair’s performance and recommend appropriate action to the Dean. In the event the department has no formal procedures, the following procedures should be used:

The review committee will consist of three faculty members selected by the tenured faculty in the absence of the chair, one untenured faculty member (if any exist), and two other faculty members, who may be from other departments or schools, selected by the Dean. The chair of the review committee will be selected by the Dean from among the six (or five) members.

Total service in excess of twelve years as chair should be rare and should not occur in the absence of compelling reasons. Exceptions to this limit should be approved in advance by the President and Provost after consultation with the Chair, Chair-Elect, and Past Chair of the Faculty Senate.

b. Where graduate groups are generally coterminous with departments, the graduate group chair will either be the department chair, in which case the above procedures apply, or report to the chair, in which case independent review mechanisms are not necessary. However, when the graduate group is not coterminous with a single department, the guidelines below should be followed.

No graduate group chair will be reappointed under circumstances such that his or her total term will exceed 6 years unless a review of his or her performance is made. As when the graduate group chair is also the department chair, ideally this review should be combined with a review of the graduate group, since evaluation of an incumbent graduate group chair inevitably involves an evaluation of the group’s evolution during his or her tenure. In the event a full-scale review of the graduate group is untimely or particularly inconvenient when a reappointment is being considered, a review committee, chosen by whatever formal mechanisms have been adopted by the graduate group and accepted by the relevant Dean or Deans, should be convened to evaluate the graduate group chair’s performance and recommend appropriate action to the Dean or Deans. In the event the group has no formal procedures the following procedures should be used:

The review committee will consist of three faculty members selected in the absence of the chair by the tenured faculty members of the group, one
untenured faculty member (if any exist) selected by the untenured faculty members of the group, and two other faculty members, who may be from other groups or schools, selected by the Dean or Deans. The chair of the review committee will be selected by the Dean or Deans from among the six (or five) members.

Total services in excess of twelve years as graduate group chair should be rare and should not occur in the absence of compelling reasons. Exceptions to this limit should be approved in advance by the President and Provost after consultation with the Chair, Chair-Elect, and Past Chair of the Faculty Senate.

I.H. The University Council, The Faculty Senate and University Committees

There are two University-wide deliberative bodies: the University Council and the Faculty Senate. The Faculty Senate was established in 1952 and assumed its present function through reorganization in 1962. The University Council was established in 1963 and assumed its present form in 1969.

I.H.1. The University Council

(Source: University Council Bylaws, Almanac, September 23, 2003)

Scope and Purpose

The University Council of the University of Pennsylvania is a deliberative and broadly representative forum which exists to consider the activities of the University in all of its phases, with particular attention to the educational objectives of the University and those matters that affect the common interests of faculty, staff and students. It may recommend general policies and otherwise advise the president, the provost, and other officers of the University. It is authorized to initiate policy proposals as well as to express its judgment on those submitted to it by the administrative officers of the University and its various academic divisions. It is also empowered to request information through appropriate channels from any member of the University administration.

In its deliberative role, as it undertakes to reach collective decisions on policies to be initiated or evaluated for recommendation to officers of the University, an important function of the University Council is to transform the interests of its various constituency groups into forms congruent with the interest of the University as a whole. In such a case, a majority decision should be articulated in terms of the University’s general welfare and constructed to advance this welfare. In its representative role, an important function of the University Council is to inform the officers of the University-as well as the citizens of the University at-large-of the range and strength of views held by members of the University community. In this case, the public expression of a heterogeneity of views, without their resolution into a majority agreement for action, may serve the University Council’s
advisory purpose most authentically, and especially so when such a diversity of discourse increases understanding among constituencies in addition to revealing the breadth of considered opinion as a ground for accommodation in subsequent University policy making.

**Membership**

Composition

The University Council shall be composed of administrative officers and elected representatives of the faculty, students, and staff as follows:

Forty-five members of the Executive Committee of the Faculty Senate. The Faculty Senate shall insure that each faculty is represented and that at least three assistant professors serve on the Council. The members of the Faculty Senate Executive Committee who are members of the Council shall otherwise be chosen in accordance with the rules of the Faculty Senate.

One full-time lecturer and one full-time member of the research faculty to be selected to serve two-year terms by vote of the Steering Committee from a slate consisting of the five lecturers, and the five members of the research faculty receiving the largest number of nominations by lecturers and members of the research faculty. If the Steering Committee receives fewer than five nominations for either group, additional nominations shall be solicited from the constituency representatives of the Senate Executive Committee.

Eleven administrative officers, including the president, the provost, and nine members of the administration to be appointed annually by the president, at least five of whom shall be deans of faculties.

Fifteen graduate and professional students elected as members of the Graduate and Professional Student Assembly. The Graduate and Professional Student Assembly shall insure that, to the extent possible, each school is represented. The members of the Graduate and Professional Student Assembly who are members of the Council shall otherwise be chosen in accordance with the rules of the Graduate and Professional Students Assembly.

Fifteen undergraduate students elected as members of the Undergraduate Assembly. The Undergraduate Assembly shall insure that, to the extent possible, each undergraduate school is represented. The members of Undergraduate Assembly who are members of the Council shall otherwise be chosen in accordance with the rules of the Undergraduate Assembly.

Two elected representatives of the Penn Professional Staff Assembly.
One elected representative of the Librarians Assembly.

Two elected representatives of the Weekly Paid Staff Assembly.

One elected representative of the United Minorities Council.

Election

Members of the Council who are to be chosen by election shall be selected no later than the end of the academic year proceeding the year of their membership in the Council, according to procedures established by their respective governing bodies, namely the Faculty Senate, the Graduate and Professional Student Assembly, the Undergraduate Nominations and Elections Committee, the Penn Professional Staff Assembly, the Librarians Assembly and the Weekly Paid Staff Assembly. Such elections shall be democratic in both principle and practice.

Each academic year the secretary shall distribute with the agenda for the last meeting a list of the members of the Council for the coming academic year.

Terms of Office

The term of office of members of the Council other than the administrative officers, the chair, chair-elect and past chair of the Faculty Senate, the chair of Graduate and Professional Student Assembly, the chair of the Undergraduate Assembly, the full-time lecturer, and the full-time member of the research faculty shall be as specified in the rules of their respective governing bodies but in no case for more than four consecutive academic years.

The terms of office of new members of the Council, other than members elected to fill vacancies, shall commence with the taking up of business at the first meeting of the academic year. The terms of office of retiring members of the Council shall conclude upon the close of business at the last meeting of the academic year. The Steering Chair and the new Steering Committee shall take up items that may arise between the last meeting of the old Council and first meeting of the new Council. The Steering Chair shall report any such items at the first Council meeting of the academic year.

Vacancies

Vacancies among elected representatives of the respective governing bodies shall be filled according to procedures of the body that elected them.

Vacancies among administrative officers shall be filled by the president.

Vacancies in the representatives of the full-time lecturer or the full-time member of the research faculty shall be filled by vote of the Steering Committee.
Duties

Membership on the Council requires a readiness to attend meetings of the Council regularly and to participate fully in its business, including the work of its committees. It is the continuous obligation of the members of the Council to report to the members of their constituencies about the discussions, decisions, and recommendations of the Council and to solicit questions and suggestions from them for presentation to the Council.

Positions

There shall be a presiding officer and moderator of the Council. There shall also be a parliamentarian and a secretary, who shall not be members of the Council.

Presiding Officer and Moderator

The president of the University is the presiding officer of the Council. Each year, with the advice of the Steering Committee and the consent of the Council, the president shall appoint a moderator of the Council, who shall become a non-voting member of the Council. The president, or in the absence of the president, the provost, shall open each meeting and shall normally turn the conduct of the meeting over to the moderator.

An alternate appointed by the president shall conduct the meeting on a temporary basis in the absence of the moderator. If the moderator is absent from three meetings in an academic year, the president shall remove the moderator and, with the advice of the Steering Committee and the consent of the Council, appoint a new moderator to serve for the remainder of the academic year.

Parliamentarian

The president shall each year appoint a parliamentarian, in consultation with the Steering Committee. It is the parliamentarian's duty to advise the moderator and the presiding officer in the application of Robert’s Rule of Order Revised, as modified by special rules of the Council.

Secretary

The secretary of the University or the secretary’s designee shall be secretary of the Council. In addition to duties specified elsewhere in these bylaws, it is the duty of the secretary to issue notices of meetings of the Council, to record the minutes of such meetings and distribute them to its members, to receive communications for the Council, and to perform any other duties assigned by the presiding officer, the Steering Committee or the Council. The secretary shall supply members of the Council with a copy of these bylaws and appendices and amendments thereto, a current list of members of the Council, and a list of members of the Council’s committees. The secretary of the Council shall serve as secretary of the Steering Committee.
Council Staff

The Council shall be assisted by such staff of the University as is required in the conduct of its business. Staff personnel shall not be members of the Council. The secretary shall be aided by such additional persons as may be necessary.

Meetings

Stated Meetings

The normal schedule of the stated meetings of the Council shall be 4 p.m. on the third Wednesday of September, January, and March; on the second Wednesday of October, November, December, and February; and on the fourth Wednesday of April. Meetings shall continue no later than 6 p.m. unless extended by action by a majority of members in attendance. Stated meetings may be canceled and the times of stated meetings may be changed only by vote of the Steering Committee.

Special Meetings

A special meeting shall be called whenever requested by the president or the provost, or by decision of the Steering Committee, or by petition of 25 percent of the total membership of the Council.

Agenda

Any member of the University may suggest questions or proposals for the consideration of the University Council by submitting them in writing to the Steering Committee addressed to the Chair of the Steering Committee, in care of the Faculty Senate Office. At any Council meeting, a member of the Council may propose and a majority of those voting may adopt an item for the agenda of the next meeting.

The Steering Committee, acting in response to the directions of the Council and the requests of the respective governing bodies, shall complete the agenda for each meeting of the Council. To the extent possible, the Steering Committee will indicate to the Council at each meeting the items it intends to include on the agenda of subsequent meetings.

Each meeting of the Council should accommodate committee reports and administrative reports, as well as discussion on issues that occur in the conduct of the Council’s normal business or which arise unexpectedly during the year. The allocation of emphasis, which follows, for the agenda of each stated meeting is to indicate the various focuses of the course of the Council’s work for the year. In addition, the specific designations of stated meetings for reports by University officials are provided to supplement and structure the usual and continuing accessibility of these officials to questioning by members of the Council.
The agenda of the first (September) stated meeting of the Council in each academic year shall include the selection and ranking of issues to be dealt with during the academic year. The Steering Committee shall present to the Council its recommendation with respect to such issues and the charging of committees, but the Council shall not be limited in its selection of issues or in the construction of committee charges to those recommended by the Steering Committee. To the extent possible, the Council shall select the central issues for primary focus during the year, and shall refer them to the relevant standing committees or special committees, with the expectation of reports in time for its deliberation before the end of the academic year. Each active Council committee shall be informed of the dates when such committee is to report to the Council.

The agenda of the second (October) stated meeting of the Council in each academic year shall include extended reports by the president, the provost and other administrators selected by the president and provost or by the vote of the Council. These reports shall cover the state of the University, with particular attention to the activities of the University with respect to which significant problems are perceived. The president, provost and other administrators may be questioned on subjects other than those included in their reports. Adequate time shall be allotted for full and open discussion.

The agenda of the third or fourth (November or December) stated meetings of the Council in each academic year shall incorporate an open forum to which all members of the University community are invited and during which any member of the University community can direct questions to the Council.

The agenda of the seventh (March) stated meeting of the Council in each academic year shall include extended reports by the president, the provost and other administrators covering budgets and plans for the next academic year. Adequate time shall be allotted for full and open discussion of these reports.

The agenda of the remaining (March and April) meetings shall include reports by Council committees and such other items as the Council may direct. The April meeting shall also include a preliminary discussion of issues to be dealt with in the coming academic year.

Notice of Meetings and Committee Reports

Notices of all meetings, the agenda, and reports of committees that will be presented for action by the Council shall be distributed to members at least five days in advance of the meeting.

Resolutions on the agenda may come from any member of the Council. Resolutions shall be submitted to the Council through the Steering Committee, accompanied by the advice of the Steering Committee whenever the Steering Committee believes that its advice would be helpful. The Council, by affirmative vote of a majority of members attending a meeting in the presence of an actual quorum, may decide to act on a matter not on the agenda for action; otherwise no action, including a straw vote, may be taken.
Conduct of Meetings

Forty percent of the full membership shall constitute an actual quorum. If at any time during a meeting an actual quorum has been established, a working quorum will be in effect until the stated time of adjournment. Except as otherwise specified in these bylaws, Council action may be concluded by a working quorum. Voting shall ordinarily be by voice or by show of hands, at the discretion of the moderator. A roll call vote shall be taken upon motion and the affirmative vote of one-fourth of the voting members present. Conduct of the meetings shall conform to the latest edition of Robert’s Rules of Order Revised, as modified by these bylaws and by special rules of the Council. The Steering Committee, subject to directions of the Council, may formulate Rules of the Day, such as the designation of limitations on the time for the debate of specified issues, or on the time for each member to speak or respond, in the interest of distributing the opportunity to be heard. Changes in these rules shall require a majority vote of members attending, at a time when an actual quorum is present.

Persons Entitled to Attend

Meetings of the Council shall be open to members of the Council. Chairs of Council committees and subcommittees, non-Council members of the Senate Executive Committee, non-Council members of the Graduate and Professional Student Assembly Executive Committee and non-Council members of the Undergraduate Assembly Steering Committee may also attend as observers. Non-members of the Council, who are members of committees reporting to the Council at a particular meeting, or who are expressly invited by the secretary on designation by the Council, or by the Steering Committee, may attend a particular meeting and may be invited to participate in discussion, without vote. All Deans and Administrators (academic and non-academic) other than those appointed to membership in Council may attend Council as non-voting observers upon invitation of the president.

The chair of a reporting committee, if not a member of the Council, shall be given all the privileges of membership, including the making of motions, but excluding voting, during the discussion.

Other members of the University community will be allowed to attend Council meetings if there is space in the Council room to accommodate them, and if they have asked to attend by signing a list maintained by the Secretary’s Office prior to the meeting. All members of the University community may attend a Council meeting designated as a forum for open discussion by the University community.

Any non-member attending a meeting who, in the opinion of the moderator, does not preserve the decorum of the meeting will be required to leave.

Members of the Council and other members of the University authorized to speak at a meeting of the Council shall not be subject to inquiry or sanction, under any of the
University’s procedures for limiting unprotected expression, for any speech or debate during a meeting of the Council.

Steering Committee

Composition

The Steering committee shall consist of the president of the University, the provost, the chair, the chair-elect and the past chair of the Faculty Senate, the chair of the Undergraduate Assembly, the chair of the Graduate and Professional Student Assembly, the chair of the Penn Professional Staff Assembly, and the chair of the Weekly Paid Staff Assembly. Drawn from the Council membership there shall be in addition four faculty members, one graduate/professional student, and one undergraduate student elected by the respective governing bodies, as well as one additional member of the Penn Professional Staff Assembly, and one additional member of the Weekly Paid Staff Assembly, each elected by their representative assemblies. The chair of the Faculty Senate shall be the chair of the Steering Committee. In the absence of the chair, or at the request of the chair, the chair-elect shall serve as chair of the Steering Committee. The Council moderator will be an official observer at meetings of the Steering Committee. The secretary of the Council shall serve as secretary of the Steering Committee. Members of the Steering Committee may attend the meetings of Council committees.

Duties

The Steering Committee, within the limits imposed under IV.3, above, and subject to the directions of the Council, shall prepare the agenda for meetings of the Council. Announcement of forthcoming Steering Committee meetings shall be published in Almanac and in the Daily Pennsylvanian reminding the University community of the appropriate means to request that items be placed on the agenda of the Council, as provided for in IV.3.

The Steering Committee shall have cognizance of the rules of procedure of the Council and its committees, and may recommend from time to time such modifications of Robert’s Rules of Order Revised, or special rules of procedure, as are deemed particularly appropriate for the efficacious consideration of proposals by the Council.

Resolutions that committees elect to place on the Council agenda should be submitted to the Council through the Steering Committee. The Steering Committee shall promptly forward all such resolutions to the Council. The Steering Committee shall also inform the Council of its decisions concerning the inclusion of such resolutions on the agenda of a Council meeting. The Steering Committee may give its advice concerning such resolutions to the Council whenever the Steering Committee believes that its advice would be helpful.

The Steering Committee shall publish an annual report to the University community. This report, to be published early in the academic year, shall include a review
of the previous year’s Council deliberations (highlighting both significant discussions and the formal votes taken on matters of substance) and a survey of major issues to be taken up by the Council during the coming year.

Vacancies

Vacancies among the elected members of the Steering Committee shall be filled by election of the respective governing and elective bodies affected by the vacancies, following the rules of those bodies.

Committees

The committees governed by these bylaws are the standing committees of the Council, special committees created by the Council from time to time, and the independent committees.

Members of all standing committees with the exception of the Committee on Research and the independent committees with the exception of the Committee on Open Expression shall be chosen in the numbers required for each committee according to procedures established by the respective governing bodies as listed in II.2. The term of office for members of committees shall, unless otherwise specified in the charges, be one year.

Any member of the University may be asked to serve on committees of the University Council and only members of the University shall be eligible for membership on the committees. All committee members are eligible for reappointment. Members may be reappointed, if mutually agreeable, for a maximum of four years total consecutive service. To provide continuity, chairs-elect may be designated. Committee chairs, in consultation with their committee, may invite guests to attend committee meetings.

To the extent possible, each committee should normally include at least one faculty member, one undergraduate student and one graduate student who are members of the Council. The members of committees shall be selected by the respective governing and elective bodies in the numbers required for each committee. Committee representatives of graduate/professional students, undergraduate students, the Penn Professional Staff Assembly and the Weekly Paid Staff Assembly who are unable to attend a meeting may select a non-voting alternate to take their place. If possible they should consult with their nominating body regarding the alternate.

The memberships specified in the committee charges which follow constitute the normal makeup of each committee. Changes can be made only by action of the Council through amendments to the bylaws, as provided for in section VII.
1. Standing Committees

The standing committees of the Council are those whose activities are directly instrumental in advancing the work of the Council. The president, provost, chair and chair-elect of the Faculty Senate, chair of the Graduate and Professional Student Assembly, and chair of the Undergraduate Assembly (or their designees) shall be entitled to attend meetings of all standing committees of the Council and to participate in the discussions.

In cases where a committee has an oversight or advisory function to a branch or department of the University administration, in general the administrators who serve as ex officio members should serve primarily as liaison and resource persons to support the work of the committee under the direction of its chair and members, and accordingly should not vote. Consistent with this principle, any such administrator(s) shall be designated as a non-voting ex officio member of each committee (except where noted below).

Any standing committee shall have the power to delegate specific tasks or functions to subcommittees whose members shall include one or more members of the parent committee. Unless specifically authorized, no subcommittee report or recommendations shall be represented to be a report or recommendation of the full committee without the express approval of the full committee as indicated by a majority vote at a regular meeting of the full committee.

Reports and communications by committees to the Council shall be submitted to the Council through the Steering Committee for inclusion in the agenda and publication in Almanac. The Steering Committee shall promptly forward all such reports and communications to the Council, and it shall monitor committee activities and, as necessary, report on these activities to the Council.

Committee on Admissions and Financial Aid. The Committee on Admissions and Financial Aid shall have cognizance over matters of recruitment, admissions, and financial aid that concern the University as a whole and that are not the specific responsibility of individual faculties. The Committee shall have the authority to carry out studies on existing recruitment and admissions procedures and their relationships with existing policies on admissions and financial aid, and shall be responsible for recommending changes in policy to the Council. The Committee may invite deans, associate deans and others responsible for undergraduate and graduate/professional recruitment, admissions, and financial aid to its meetings to provide information and shall be available to consult with these persons on interpretation of existing policy and application of policy to specific cases. The Committee shall consist of eight faculty members, one representative of the Penn Professional Staff Assembly, and three senior undergraduate students. The dean of each
undergraduate school shall appoint one ex officio, non-voting representative to the Committee. The vice provost for university life or his or her designee, dean of admissions, director of institutional research and analysis, and director of student financial aid are non-voting ex officio members.  

Committee on Bookstores. The Committee on Bookstores considers the purposes of a University bookstore and advises the Council and the director of the University bookstore on policies, development, and operations. The Committee shall consist of six faculty members, three representatives of the Penn Professional Staff Assembly, one representative of the Weekly Paid Staff Assembly, two graduate/professional students, and two undergraduates. The vice president for business services or his or her designee is a non-voting ex officio member.  

Committee on Committees. The Committee on Committees, on behalf of the Steering Committee, will monitor all Council standing and ad hoc committees to assess their continuing usefulness. It will familiarize itself with the work and performance of committees and present recommendations to the Steering Committee for such changes in the structure, charges and number of members as it thinks appropriate.  

The Committee on Committees will receive nominations from the various constituencies for membership on the standing committees with the exception of the Committee on Research and the independent committees with the exception of the Committee on Open Expression. It will transmit those nominations together with recommendations for committee chairs to the Steering Committee.  

The Committee will consist of six faculty members (including the chair-elect of the Faculty Senate). They will nominate faculty members for the various committees on behalf of the Faculty Senate. In addition there will be a representative from each of the following: the Penn Professional Staff Assembly, the Weekly Paid Staff Assembly, the Graduate and Professional Student Assembly, and the (undergraduate) Nominations and Elections Committee. The chair-elect of the Faculty Senate shall be a voting ex officio member of the committee.  

Committee on Communications. The Committee on Communications shall have cognizance over the University’s communications and public relations activities in their various formats and media including electronic (e.g. PennNet), audio (the telephone system), video and printed copy. In particular, it shall monitor the University’s internal communications, the operations of News and Public Affairs and the Publications Office, communications to alumni, and the interpretation of the University to its many constituencies. The Committee will consist of eight faculty members, two representatives of the
Committee on Community Relations. The Committee on Community Relations shall advise on the relationship of the University to the surrounding community. It shall advise the Council and help make policy with respect to the community. It shall work with the Office of Community Relations to assure that the University develops and maintains a constructive relationship with the community. The chair of the committee shall have cognizance of pending real estate activities of concern to the community. The chair along with the director of community relations shall meet quarterly or more often, if needed, with the executive vice president or his or her designee for real estate to be informed of impending real estate activities that affect the community. They shall, with discretion, discuss relevant cases with the Committee, and may inform the community as the need arises. The Committee shall consist of eight faculty members, four representatives of the Penn Professional Staff Assembly, two representatives of the Weekly Paid Staff Assembly, two graduate/professional students, and two undergraduates. At least three members shall reside in West Philadelphia. The executive vice president or his or her designee, the directors of community relations, the African-American Resource Center, the Center for Community Partnerships, and Civic House shall be non-voting ex officio members of the Committee.

Committee on Facilities. The Committee on Facilities shall be responsible for keeping under review the planning and operation by the University of its physical plant and all services associated therewith, including transportation and parking. The Committee shall consist of eight faculty members, three A-1 staff members, two representatives of the Weekly Paid Staff Assembly, two graduate/professional students, and two undergraduate students. The vice president for facilities services, the chair of the Committee for an Accessible University, and the registrar shall be non-voting ex officio members of the Committee.

Committee on International Programs. The Committee on International Programs shall review and monitor issues related to the international programs and other international activities of the University. The Committee shall advise and make policy recommendations in such areas as services for international students and scholars, foreign fellowships and studies abroad, faculty, staff and student exchange programs, and cooperative undertakings with foreign universities. The Committee shall consist of eight faculty members, one
representative of the Penn Professional Staff Assembly, one representative of
the Weekly Paid Staff Assembly, three undergraduates, and two
graduate/professional students. The director of international programs shall be
a non-voting ex officio member of the Committee.

**Committee on Libraries.** The Committee on Libraries shall advise the vice
provost and director of libraries on the policies, development, and operation
of the University libraries. The Committee shall consist of eight faculty members,
one representative of the Penn Professional Staff Assembly, one representative
of the Weekly Paid Staff Assembly, two graduate/professional students, and two
undergraduate students. The director of the Biddle Law Library and the vice
provost and director of libraries shall be non-voting ex officio members of the
Committee.

**Committee on Personnel Benefits.** The Committee Personnel Benefits shall
have cognizance over the benefits programs for all University personnel. The
Committee shall consist of eight faculty members (of whom one shall be a
member of the Senate Committee on the Economic Status of the Faculty), three
representatives of the Penn Professional Staff Assembly, two representatives of
the Weekly Paid Staff Assembly, and one graduate/professional student. The
vice president for human resources, associate provost, and director of benefits
shall serve as non-voting ex officio members.

**Committee on Pluralism.** The Committee on Pluralism shall advise the offices
of the president, provost, the executive vice president, and the vice provost for
university life on ways to develop and maintain a supportive atmosphere on
campus for the inclusion and appreciation of pluralism among all members of
the University community. The Committee will also address specific diversity
issues that may arise on campus. The Committee shall consist of eight faculty
members, two representatives of the Penn Professional Staff Assembly, three
representatives of the Weekly Paid Staff Assembly, three graduate/professional
students, and three undergraduate students, with due regard for appropriate
diversity. The chaplain, directors of the Penn Women’s Center, the African-
American Resource Center, the Office of Fraternity and Sorority Affairs, the
Lesbian Gay Bisexual Transgender Center, the Office of Affirmative Action,
and the Greenfield Intercultural Center shall be non-voting ex officio members
of the Committee.

**Committee on Recreation and Intercollegiate Athletics.** The Committee on
Recreation and Intercollegiate Athletics shall have cognizance over recreation
and intramural and intercollegiate athletics and their integration with the
educational program of the University, including the planning and provision of
adequate facilities for various sports and recreational activities. The Committee
shall consist of eight faculty members, two representatives of the Penn
Professional Staff Assembly, two representatives of the Weekly Paid Staff
Assembly, two graduate/professional students, and two undergraduate students. The director of recreation and intercollegiate athletics, the vice provost for university life, and one representative of the president’s office shall be non-voting ex officio members of the Committee.

**Committee on Research.** The Committee on Research shall be generally concerned with the research activity of the University. It shall have cognizance of all matters of policy relating to research and the general environment for research at the University, including the assignment and distribution of indirect costs and the assignment of those research funds distributed by the University. It shall advise the administration on those proposals for sponsored research referred to it because of potential conflict with University policy.

Its membership shall include eight faculty members nominated by the Faculty Senate Executive Committee, four faculty and/or representatives of the Penn Professional Staff Assembly nominated by the president and/or the provost, two graduate/professional students, and two undergraduate students. Faculty members and representatives of the Penn Professional Staff Assembly shall be appointed for staggered two-year terms and students shall be appointed for one-year renewable terms. The chair is selected by the Steering Committee from among the membership. The vice provost for research and the executive director of research services shall be non-voting ex officio members of the Committee.

**Safety and Security Committee.** The Committee on Safety and Security shall advise the president, the director of public safety, and the administrators or directors of specific buildings, offices, or projects on all matters concerning safety and security in the conduct of their operations. Its principal responsibility is to consider and assess means to improve safety and security on the campus. The Committee shall consist of eight faculty members, two representatives of the Penn Professional Staff Assembly, three graduate/professional students, and three undergraduate students. The directors of fraternity and sorority affairs, the Penn Women’s Center, special services, transportation and parking or his or her designee, the director of off-campus housing, the director of the African-American Resource Center, the vice provost of university life or his or her designee, and the vice president for public safety shall be non-voting ex officio members of the Committee.

**Committee on Quality of Student Life.** The Committee on Quality of Student Life shall have cognizance of the conditions and rules of undergraduate and graduate student life on campus. The Committee shall, *inter alia:* 1) gather and analyze information concerning student life and student affairs and make recommendations to Council; and 2) respond as appropriate to requests from and report information and recommendations concerning student life and
student affairs to the vice provost for university life and other appropriate administrative officers. The Committee shall consist of eight faculty members, two representatives of the Penn Professional Staff Assembly, three graduate/professional students, and three undergraduate students. The chair of the Undergraduate Assembly and the chair of the Graduate and Professional Student Assembly shall serve as voting ex officio members. The vice provost for university life or his or her designee, the faculty director of college houses and academic services, director of counseling and psychological services, and the chaplain shall serve as non-voting ex officio members. The Committee shall monitor the performance of all student services and shall recommend to appropriate administrators ways in which services to students may be improved; a standing Subcommittee on Student Services shall be charged with the monitoring function.

Special Committees

The Council may create special committees to undertake specific tasks or functions. The membership of special committees shall be specified in the charges detailed by the Council in creating such committees.

Independent Committees

The Council takes cognizance of several University committees, which it does not directly charge but which may be called upon to report to the Council on specific issues within their purview.

Committee on Open Expression. The Committee on Open Expression has as its major task: monitoring the communication processes to prevent conflicts that might emerge from failure of communication, recommending policies and procedures for improvement of all levels of communication, investigating alleged infringements of the right of open expression of any member or members of the University community, advising administrative officers where appropriate, and participating in evaluation and resolution of conflicts that may arise from incidents or disturbances on campus. The Committee shall consist of seventeen members: eight faculty members, two representatives of the Penn Professional Staff Assembly, one representative of the Weekly Paid Staff Assembly, three undergraduate students, and three graduate/professional students. The faculty and representatives of the Penn Professional Staff Assembly are appointed to two-year terms, staggered so that in each year either two or three faculty members are appointed, and one representative of the Penn Professional Staff Assembly is appointed. The student members are appointed to one-year terms. The chair of the Committee shall be selected by the Steering Committee from among the members. The jurisdiction of and procedures of the Committee shall follow the Guidelines on Open Expression. At the beginning of every year, the Committee shall conduct a meeting in order to familiarize the
members with the Guidelines and the responsibilities of Committee members in enforcing and implementing the Guidelines.

Disability Board. The Disability Board continually evaluates the disability plan for adequacy, equity, and consistency with the broad University objectives; monitors the financial and administrative operations of the plan; oversees the processing of any applications for disability benefits and periodic reviews of existing disability cases; and hears appeals from decisions of the Medical Subcommittee of the Disability Board. The Board shall consist of eight faculty members, of whom at least three shall be members of the clinical faculty of the School of Medicine; two representatives of the Penn Professional Staff Assembly; and two representatives of the Weekly Paid Staff Assembly. The chair of the Committee on Personnel Benefits is an ex officio member.

Committee on Honorary Degrees. The Committee on Honorary Degrees solicits nominations from faculty and staff members and students for honorary degrees to be awarded by the University at Commencement and at special convocations and submits a slate of nominees for action by the trustees. It may make recommendations to the president regarding Commencement speakers and the conduct of special convocations. The Committee shall consist of eight faculty members, two graduate/professional students, and two undergraduate students.

Amendments

These bylaws may be amended by a majority vote of the members of the Council in attendance in the presence of an actual quorum at any meeting if the proposed changes have been distributed in writing to the members of the Council at least one month in advance of that meeting.

I.H.2. The Faculty Senate

(Source. Office of the Faculty Senate, 1989)

The Faculty Senate is described in the Statutes of the Trustees:

There shall be a Faculty Senate composed of members of the Standing Faculty and the Standing Faculty-Clinician-Educator holding the rank of Professor, Associate Professor, or Assistant Professor. The Senate shall provide opportunity for its members to discuss and express their views upon any matter that they deem to be of general interest to the faculty, and to make recommendations and pass resolutions with respect thereto. It shall have power to make recommendations directly to the President, the Provost, and the Trustees, and to request reports from the University administration (Article 8).
The officers of the Senate are the Chair, the Past Chair, the Chair-Elect, the Secretary, and the Secretary-elect. The Chair of the Senate is the principal executive officer, calls meetings of the Senate and of the Executive Committee, prepares agendas, and presides at meetings. The Senate Chair also serves simultaneously as the chair of the University Council’s Steering Committee.

The Senate Executive Committee consists of the officers of the Senate, thirty-six faculty members elected by separate faculty constituencies, and twelve at-large faculty members and three Assistant Professors elected by the faculty as a whole. The Executive Committee meets once each month during the academic year and may act for the Senate on substantive policy issues.

The Committee on Academic Freedom and Responsibility, the Committee on the Economic Status of the Faculty, the Committee on Conduct, and the Nominating Committee are standing committees of the Senate whose members are elected by the entire Senate. The Senate Consultation Subcommittee consists of the Chair, Chair-Elect, and Past Chair and regularly meets with the President and Provost during the academic year to discuss matters of concern to the faculty. Other standing committees, appointed by the Executive Committee, are the Committee on the Faculty, the Committee on Students and Educational Policy, the Committee on Administration, the Committee on Publication Policy for the *Almanac*, the Committee on Faculty Development, Diversity & Equity and the Committee on Committees.

Further information and copies of the Manual of the Faculty Senate may be obtained through the Office of the Faculty Senate.

I.I. **Academic Planning and Budget Committee**

*(Source. Office of the Provost, April 30, 2001)*

The purpose of the Committee shall be:

1) to provide to the administration advice on the composition of the annual budget and on multi-year financial plans for the University;
2) to take into account, study, and report on long-range implications of current budget issues and alternatives;
3) to provide systematic thought about the evolving educational mission and educational needs of the University, and their present and future budgetary implications;
4) to provide useful early warnings of potential problems and early information on potential opportunities; and
5) to clarify means-ends relationships regarding programs and resources, including a reasoned basis for proposed priorities.
In addition to the general charge to the Committee, the President may from time to time give more specific charges to the Committee. Preferably, such periodic charges will be given at the beginning of the academic year, but the President may frame an *ad hoc* charge on matters that are either more specific or that are more immediate than the charge given at the beginning of each year. The Committee may, of course, develop its own agenda apart from the President’s charges, based upon the Committee’s interpretation of the general charge in the context of the University’s situation at a given time.

It is to be understood that in regard to major reallocations that would change the character of an academic or other center or school, the President will seek and/or receive advice from other duly constituted advisory and consultative bodies according to the provisions and practices obtaining at the time.

The Committee’s work shall be confidential, and it shall be empowered to promise corresponding confidentiality to those with whom it interacts. The requirement of confidentiality applies only to the proceedings of formal business meetings, including documents and information provided for or at such meetings. It does not apply to open hearings or other non-business formats that the Provost as chair wishes to employ.

The Provost will implement and administer this rule of confidentiality not as an end in itself, but as a means towards the larger ends of the Committee. As such, the Provost will develop, in and through the Committee’s practices, the practical accommodations necessary to foster a necessary openness to the University community on the one hand and the confidentiality of the Committee’s actual deliberations on the other hand. The practical goal in mind will be to reconcile properly all three of the following principles: openness to information and opinion from outside the Committee; the protection of ongoing deliberations and developing individual positions within the Committee; and the communication of the positions of the Committee as a whole after they have been achieved. In order to achieve this goal, the Committee shall provide progress reports and information on items on the agenda with the aim of facilitating communication between the Committee and the University community.

The Provost, on behalf of the Committee, shall communicate with the President through whatever means and at whatever times are appropriate. In addition, the Provost shall periodically, but at least annually, inform the University community about the advice the Committee has given the President and its reasons.

The Committee shall have fourteen members and two alternate members: nine faculty members, two graduate or professional students (one member, one alternate), two undergraduate students (one member, one alternate), two representatives of the Penn Professional Staff Assembly, and the Provost. The nine faculty shall be chosen as follows: four faculty shall be chosen by the President and five shall be chosen by the Faculty Senate Executive Committee. The two student members and two alternates shall be chosen as follows: one graduate or professional student member and one alternate by the Graduate and Professional Student Assembly; one undergraduate student member and one alternate
by the Undergraduate Assembly. The two representatives of the Penn Professional Staff Assembly shall be named by the President each year. The Provost shall serve *ex officio*, and shall serve as chair.

The nine faculty members, chosen as above, may be appointed by the Faculty Senate or the administration for single three-year terms. Faculty members who have served previously may be appointed for one additional term after an interval of at least three years. When vacancies occur due to faculty leaves, resignations, etc., replacement members will be appointed to full three-year terms. It has been the practice that the Past Chair of the Faculty Senate serve a one-year term as a Senate appointee. This one year of service will not be counted as a term. The two student members, and the student alternates, shall serve one-year renewable terms. A student alternate may be renewed as a student member if a vacancy exists and vice versa. In order that there be the potential for partial faculty membership rotation annually, the nine initial faculty appointments shall include three one-year and three two-year appointments which may be renewed as three-year appointments.

The fourteen members shall each have a vote; the Provost as chair shall vote only to resolve a tie. The two alternates may attend all proceedings of the Committee, may be privy to all its information and deliberations, but shall not have voting power, except when a primary student member (undergraduate or graduate or professional) is absent for a particular vote; then the respective alternate may vote in his/her stead.

I.J. **The Ombudsman**

(Source. Office of the Ombudsman, 1982)

The Ombudsman is appointed by the President and has the following duties:

a. to advise members of the University community concerning the authority, actions, and procedures of the University, and the various grievance mechanisms that may be available. The University Community includes faculty, students, alumni, and administrative and staff employees;

b. to help resolve grievances of members of the University community on a confidential, informal basis, except where the issues involved are subject to a collective bargaining agreement; and,

c. to recommend changes in the policies and procedures of the University which appear desirable so as to assure that, first, members of the University are treated fairly and with respect, and, second, that the principles on which decisions are based are sound.
The Ombudsman is independent of the University’s administrative structures and does not make decisions or set policy. The Ombudsman may investigate the facts underlying individual grievances and determine the nature of relevant policies and regulations. In the course of such investigations, the Ombudsman has access to relevant University records and to all members of the University community. When the complainant concerned has granted permission to do so, his or her findings and recommendations may be presented to officers of the University and, if deemed appropriate, to the community at large.

I.K.  Equal Opportunity and Affirmative Action

(Source. Office of Affirmative Action, 1982)


The University of Pennsylvania intends to provide the highest quality of research, education and service. In support of this mission, we seek talented individuals who contribute unique strengths and a diversity of talents to our community. We therefore promote opportunities for all qualified persons in accordance with the laws governing equal opportunity in employment and this Affirmative Action Plan.

Penn is committed to ensuring that all educational programs and personnel actions, including application, hiring, promotion, compensation, benefits, transfers, layoffs, training, tuition assistance, and social and recreational programs are administered without regard to race, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, gender identity, religion, national or ethnic origin, age (except where age is a bona fide occupational qualification), disability, or status as a disabled or Vietnam Era veteran. The University’s policy is applicable to faculty and staff, applicants for faculty and staff positions, and applicants to educational programs and other activities. This policy is fundamental to the effective functioning of the University as an institution of teaching, scholarship and public service.

The application of Penn’s policy is reflected in the following statements:

a. University officials will be resourceful and creative in their recruitment efforts.

b. University officials will use the principles of equal employment opportunity in making employment decisions.

c. Analysis of faculty and staff units will be periodically conducted to determine areas of concern.
d. Units which have been identified as having practices that are inappropriate or inconsistent with this policy statement will receive direct and firm guidance.

The President, Provost and Executive Vice President will support the Director of the Office of Affirmative Action in administering the Affirmative Action Plan. They are responsible for assuring that the University’s equal employment opportunity and affirmative action policy is practiced in their administrative areas.

The University has written equal opportunity and affirmative action policies that are monitored by the Office of Affirmative Action. Questions or concerns regarding these policies should be directed to the Office of Affirmative Action, Suite 228, 3600 Chestnut Street, Philadelphia, PA 19104-6106, (215) 898-6993 (Voice) or (215) 898-7803 (TDD).

I.K.2. Affirmative Action Office

The Office of Affirmative Action exists organizationally under the Office of the President. It is headed by the Director of Affirmative Action and is responsible for the development and functioning of the University’s Affirmative Action Program, and for providing a formal liaison between the federal, state, and city compliance agencies and the University. The responsibilities include coordinating affirmative action implementation, programs for the handicapped, and overseeing the mechanism for resolving non-academic employee grievances as they relate to equal opportunity and affirmative action.

I.K.3. Affirmative Action Council

The Affirmative Action Council is an advisory committee appointed by the President to review the University Affirmative Action Program, to recommend changes when necessary, to develop policy proposals, and to monitor performance and progress relating to affirmative action throughout the University.

In addition, the Council is charged by the President with oversight and coordination of the University’s implementation of the Sexual Harassment Policy, the Guidelines for Addressing Academic Issues of Students with Disabilities, and the Non-discrimination Policy.

Members of the Council are appointed by the President for one-year terms, and include faculty, staff, and students. The Director of Affirmative Action, and administrators from the Provost’s Office, Human Resources, and other University offices serve as ex-officio members on the Council. The Chairperson of the Council is a tenured faculty member appointed by the President for a two-year term.
II. FACULTY POLICIES AND PROCEDURES

II.A. Academic Freedom and Responsibility

(Source. Statutes of the Trustees amended November 2001, Article 11)

The University recognizes the importance of a system of tenure for faculty members as the preeminent means of fostering and protecting academic freedom in teaching and in scholarly inquiry.

There shall be a Senate Committee on Academic Freedom and Responsibility of at least seven members selected in accordance with the Rules of the Senate. This Committee shall advise and consult with each Faculty's Committee on Academic Freedom and Responsibility, and with administrative officers, on the establishment of appropriate procedures to be followed in the event of a claim of violation of academic freedom or responsibility. At the beginning of each year, the Senate Committee on Academic Freedom and Responsibility shall distribute the 'Procedural Principles for Handling Complaints Concerning Academic Freedom and Responsibility' to the members of each faculty's Committee on Academic Freedom and Responsibility. The Committee shall have power to make investigations, reports, and recommendations on any matter relating to academic freedom and responsibility within the University. The Committee will be governed in its responsibilities and procedures by rules established by the Faculty Senate.

Each Faculty shall have a standing Committee on Academic Freedom and Responsibility which shall be elected annually. Each Faculty's Committee on Academic Freedom and Responsibility shall, subject to review by the Faculty, represent the Faculty in all proceedings that involve temporary exclusion of a faculty member, suspension, or termination of the appointment of a faculty member, some matters arising from financial exigency proceedings, or other questions concerning an individual faculty member's claim of violation of his or her academic freedom. The Committee shall have power to make investigations, reports, and recommendations on any matter relating to academic freedom and responsibility within the school that may affect one or more faculty members.

Each Faculty’s Committee on Academic Freedom and Responsibility shall consist of not less than three members. The Faculty shall also elect one or more alternate members to serve in the event of the resignation or disqualification of a Committee member. A Faculty’s Committee on Academic Freedom and Responsibility should not contain department chairs or administrators. Exceptions, if necessary in small schools, should only be allowed with the approval of the Senate Committee on Academic Freedom and Responsibility. Most members of a Faculty’s Committee should be tenured faculty. Such Committees shall be elected annually, and in accordance with the bylaws of a Faculty, by those faculty members who are members of the Standing Faculty. Elections shall be held not later than the beginning of the academic year. The Dean shall report to the Provost, not
later than October 15 of each year, giving the names of the members of the Faculty Committee on Academic Freedom and Responsibility that is currently in existence. Each Faculty Committee on Academic Freedom and Responsibility shall elect its own chair.

It is the policy of the University of Pennsylvania to maintain and encourage freedom of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, that would restrict him or her in the exercise of these freedoms in his or her area of scholarly interest.

The teacher is entitled to freedom in research and in the publication of results, subject to the adequate performance of his or her other academic duties, and to the institutional policies and procedures as set forth in the research policies of the University. Research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject.

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

II.B. Structure of the Academic Staff

(Source. Standing Resolution of the Trustees, adopted on September 9, 1983 and Statutes of the Trustees, Article 9)

The academic staff of the University of Pennsylvania is divided into seven classes: the Standing Faculty, the Standing Faculty-Clinician-Educators, the Associated Faculty, the Academic Support Staff, the Postdoctoral Fellows, the Teaching Graduate and Professional Students, and the Emeritus Faculty.

II.B.1. Standing Faculty

The essential requisite for membership in the Standing Faculty is a commitment to both the advancement and the communication of knowledge. The Standing Faculty is composed of all faculty members with tenure or in tenure probationary status. Permissible ranks in the Standing Faculty are Professor, Associate Professor, and Assistant Professor.

Professor. The title of Professor signifies that the holder is a mature scholar whose
achievements have won outstanding approval both by scholars outside the University and
by his or her faculty colleagues, and whose presence on the faculty enhances the prestige
of the University. Appointment to this rank is not merely a recognition of length of service,
but also of outstanding quality. Such an appointment is for an indefinite term.

Associate Professor. Appointment to this rank is made only to a person who has
demonstrated the personal and intellectual qualities that with increased maturity are
expected to lead to appointment to a professorship. Appointment to the rank of Associate
Professor may be for a fixed term or for an indefinite term.

Assistant Professor. Appointment as Assistant Professor is accorded to a person
who has completed his or her final earned degree or other professional certification
relevant to his or her discipline and who has given evidence of superior potential for
development in academic stature. As most persons in this rank are passing through an early
period of their scholarly growth, an effort is made to design departmental and school
policies in such a way as to provide them with a variety of educational experiences,
including the opportunity to conduct original research and to participate in both
undergraduate and graduate levels of instruction. Appointment in this rank provides a
period during which an individual has an opportunity to confirm his or her own interest
and motivation as being appropriate to the broad scope of University faculty
responsibilities, and also one in which senior faculty may assess the promise and the
competence of the faculty member’s performance in both instruction and scholarly
productivity. Appointment to the rank of Assistant Professor is always for a fixed term.

II.B.2. Standing Faculty-Clinician-Educator

(Source. Office of the Provost, January 8, 1985)

Introduction

The University of Pennsylvania has five schools that have established a faculty
category called “Clinician-Educator”: the School of Dental Medicine, the School of
Medicine, the School of Nursing, the School of Veterinary Medicine and the School of
Social Policy and Practice. For each of these schools, appropriate Trustee action has been
taken. In the School of Dental Medicine, the Clinician-Educator category was established
in 1981; in the School of Medicine, in 1976; in the Schools of Nursing and Veterinary
Medicine, in 1983; and in the School of Social Policy and Practice in 1987.

Candidates for appointment or promotion in the Clinician-Educator faculty are
urged to consult the appropriate department chair or the Dean of the appropriate school for
additional information concerning membership in the Clinician-Educator faculty.
Health Schools

Purpose

The four health schools have found it desirable to make long-term, full-time faculty appointments to individuals whose primary responsibilities are in patient care and in the instructional programs of the University rather than in the research activities engaged in by members of the tenured and tenure-probationary faculties. These faculty members are called “Clinician-Educators”; such a group is essential for program stability, development and continuity.

Appointment

All appointments of Clinician-Educators are full-time untenured appointments to the Standing Faculty. Hence procedures governing appointments to the Standing Faculty will be followed.

In the School of Dental Medicine a proposal to appoint or promote will be initiated by a recommendation from the department to the Dean. To take effect such a proposal must be reviewed and approved by the School of Dental Medicine’s personnel committee (the Committee of Professors) and the Dean.

In the School of Medicine, the same procedure applies with review being carried out by the Committee on Appointments and Promotions and the Dean.

In the School of Nursing, which does not have a departmental structure, the proposal to appoint or promote a Clinician-Educator will be initiated by a recommendation from the clinical section through its chair to the Dean. Review will be by the School’s Personnel Committee.

In the School of Veterinary Medicine, the proposal to appoint or promote will be made by the department chair to the Committee on Appointments and Promotions and to the Dean.

In all cases, the review criteria shall be appropriate for the Standing Faculty; however, the identifying feature of criteria governing Clinician-Educator appointments is emphasis upon patient care and teaching performance rather than upon research performance. In all cases further review is carried out by the Provost’s Staff Conference with appointment being made by the Trustees upon recommendation of the President.

Title

To assure conformity with approved nomenclature, appointees in the Clinician-Educator category will hold modified titles as Assistant Professor, Associate Professor or Professor of (clinical specialty) at the (school or appropriate department, hospital, teaching unit or other base facility). That is, a clear and correct modifier must be attached to the professorial title. This title is to be written in full whenever used in documents, in listings of University personnel, or in correspondence.
A full statement of the conditions of employment, salary and benefits, professional activity, rights and privileges, limitations on the size of the Clinician-Educator faculty, timing of appointments, shift in faculty category, termination and scope of appointments is available in Appendix 2.

II.B.3. Associated Faculty

Members of the Associated Faculty play varied and important roles in the teaching, research, and professional programs of the University. However, they do not acquire tenure. Permissible ranks in the Associated Faculty are those used in the Standing Faculty preceded by one of the descriptive modifiers “Research”, “Clinical”, “Adjunct”, “Visiting”, “Visiting Executive”, “Practice” or “Wistar Institute”. Also, Artists-in Residence are members of the Associated Faculty.

Research Faculty


The purpose of Research Faculty appointments is to increase the quality and productivity of the research programs in the University by permitting the appointment of scholars to the faculty on a non-tenure basis in order to collaborate with the research efforts of other faculty and/or carry out independent research. Salaries over the period of the appointment are mainly derived from research grants or other external funds. Compensation for the limited teaching effort permissible to the Research Faculty is derived from sources other than research grants.

An individual on the research track should not be supported for an extended period of time from funds derived from the unrestricted budget.

Members of the Research Faculty do not acquire tenure. The Research Faculty will be appointed in the Associated Faculty on a full-time basis only. Part-time appointments in the Research Faculty are not offered. As a full-time employment category, recommendations for appointment to the Research Faculty must be in compliance with the Affirmative Action Plan of the University.

The Research Faculty is composed of individuals who hold a terminal degree and who choose to concentrate on research. Appointees are not part of the teaching faculty, although invitations to present guest lectures may be accepted. Members of the Research Faculty may not take responsibility for courses or seminars in their home departments or in other departments of the University, nor may they supervise theses or doctoral dissertations unless prior approval of the Provost is obtained for each such activity. However, if the individual wishes to participate in the training of students in an area of expertise in which he or she is uniquely qualified, the department chair may permit a limited teaching assignment in a course or seminar for which a faculty member with a tenure-significant appointment holds responsibility. Over the term of an appointment,
course and seminar teaching by a member of the Research Faculty may not exceed 10% of the expected course and seminar teaching load of a member of the Standing Faculty in the school and in any one year no more than 10% of the course and seminar teaching in a department may be done by research faculty. Supervision of theses or doctoral dissertations or other laboratory supervision is regarded as part of the research enterprise and the proportion of effort devoted to such supervision is not included in this limitation. Under no circumstances may a member of the Research Faculty be continuously engaged over an extended period in the same activities as faculty members having tenure or serving in a probationary period for tenure. Appointments to the Research Faculty should not be made to displace or make unnecessary the appointment of individuals in the tenure-significant ranks.

Permissible ranks are: Research Professor, Research Associate Professor, and Research Assistant Professor. These titles are to be written in full whenever used on documents, in listings of University personnel, and in correspondence. All appointments are for the term specified, or for the duration of the external financial support, whichever is shorter. Research Professors and Research Associate Professors may be appointed for terms of up to 5 years and may serve without limit of time through successive reappointments. Research Assistant Professors may be appointed for terms up to 4 years, but in no case may a person hold that rank for more than 10 years.

Initial appointments may be made as Research Assistant Professor. An individual appointed initially as Assistant Professor in the Standing Faculty may request review for transfer to the research faculty prior to reappointment. Time served in the tenure probationary appointment will be counted as part of the ten-year maximum period for Research Assistant Professors. In the ninth year of the single-track or combined-track appointment, Research Assistant Professors are subject to a mandatory review for promotion to research associate professor. Failure to obtain promotion requires termination of the faculty appointment at the end of the tenth year assuming external funding is available for the terminal year appointment.

Members of the Research Faculty do not normally move to positions on the Standing Faculty, and they may do so only in conjunction with a national search. If a Research Assistant Professor moves to an untenured position on the Standing Faculty, the beginning of the tenure probationary period in the Standing Faculty will be set at the date at which the probationary period for promotion to Research Associate Professor had begun. If the move occurs within a school the tenure probationary period may not be extended. If the move involves a change of schools, a maximum of two additional years in the tenure probationary period may be granted with the Provost’s approval. Under no circumstances may appointment to the Associated Faculty be used as a device to extend the tenure probationary period.

Because appointments to the Research Faculty are contingent upon external funding and may be terminated when the funding ceases, indefinite continuity of appointment at any rank should not be assumed. For that reason all initial appointments
and reappointments shall specify the sources of funding. The dependence of research appointments on grant funding reflects the University’s policy to limit guaranteed long-term appointments to faculty who contribute in significant measure to both the teaching and the research mission of the University. Research Faculty appointments are for enhancement of research programs, particularly in those areas where unique expertise is required.

Promotion to Associate Professor rank in the Research track requires collaborative or independent research of high quality with a distinctive, original, and expert intellectual contribution that is recognized by external reviewers. Promotion to professorial rank requires independent research of high quality, which may be in addition to collaborative research.

While imposition of a firm limit on the relative size of the Research Faculty may be harmful in its application to a particular program, the number of Research Faculty in a school may not exceed 20% of the combined Standing Faculty and Standing Faculty-Clinician-Educator in the school or five positions, whichever is larger.

The faculty of a school may grant the Research Faculty voting rights in the school’s faculty. Voting rights in the appointees’ home department are at the discretion of the respective departments. Members of the Research Faculty may not vote on matters related to Standing Faculty appointments and promotions, or on matters concerning the teaching mission of the school. Members of the Research faculty may serve on promotions committees as nonvoting members. Members of the Research Faculty may not serve on committees concerned with teaching (i.e., curriculum, student advising, academic standards, etc.). Individuals in the Research track enjoy all the rights and privileges of academic freedom and responsibility and have access to the grievance procedures of the University.

As noted above, failure to secure promotion to research associate professor by the end of the nine-year probationary period will result in a one-year terminal reappointment provided external funding is available.

Although continued funding may be available, reappointment may be denied for the following reasons: 1) lack of suitable facilities; 2) inconsistency with the research priorities of the department or school; or 3) failure to maintain excellence in the quality of research and productivity. In such instances, the individual should be given a one-year advance notice in writing that, at the conclusion of the term appointment, he or she will not be recommended for reappointment or promotion. However, in most cases of programmatic change, appointment will normally be maintained to the expiration date of current grant support if a Research track faculty member has independent funding. An appointment can be terminated prior to the expiration of its term only if the source of external funding for the research faculty member has ended. In that event, the individual should be notified immediately of the cessation of funding. An attempt may be made to carry the individual on other funding sources, either to the conclusion of the term
appointment or for a reasonable period in which the individual may attempt to secure other employment. When there is reason to believe that the individual may be eligible for transfer of employment to another University research group, efforts should be made to effect such placement.

Research Faculty are subject to termination for “just cause” as customarily determined within the University.

At the time a Research Faculty position is offered to a candidate, the relevant Dean shall inform the candidate in writing of the conditions and limitations on such appointments.

Academic Clinician

**Purpose:** The School of Medicine has found it desirable to make long-term, full-time faculty appointments to individuals whose responsibilities are in patient care and in the instructional programs of the University and not in the research activities engaged in by members of the Standing Faculty or the Standing Faculty—Clinician-Educator Faculty. These faculty members are called “Academic Clinicians.” Such a group is essential for assuring program stability and continuing excellence of patient care.

**Appointment:** All appointments of Academic Clinicians are full-time untenured appointments to the Associated Faculty. Hence, procedures governing appointments to the Associated Faculty will be followed. This track is available to full-time faculty at core hospitals (HUP, CHOP, Presbyterian and Pennsylvania Hospital); as on the Clinician-Educator track, a reduction of duties (not less than fifty percent) is also permissible. HSC physicians at these sites may, with the approval of their departments, elect to transfer into this track, or they may remain in the HSC designation. Clinician-Educator (and even tenure-significant) faculty may elect to switch into this track with the approval of their departments; such faculty (mostly Clinician-Educators) may have amassed clinical and teaching credentials appropriate to the Academic Clinician track, but may not have produced sufficient scholarship to advance on their present track. The number of full-time faculty on this track may not exceed twenty percent of the Standing Faculty (tenured, tenure-probationary, and Clinician-Educator), but there is no limit in any one department.

**Title:** To assure conformity with approved nomenclature, appointees in the Academic Clinician track will hold modified titles of the form Assistant Professor of Clinical (department). This title is to be written in full whenever used in documents, in listings of University personnel, or in correspondence.

**Conditions of Employment:** As is the case with other faculty categories, all Academic Clinicians receive a clear statement of their conditions of employment, including use of facilities and access to patients; the responsibilities of the school or other budgetary unit for payment of salary and specified benefits; the right of persons to due process by mechanisms available to all University faculty in the event of grievances or alleged failure
to protect the individual rights accorded a faculty member; and the circumstances under which the appointment may be terminated. This statement will be part of the document governing the appointment.

**Salary and Benefits:** Academic Clinician salaries shall conform to school policies. They will receive the same benefits as other full-time members of the faculty, but they are not entitled to scholarly leaves of absence or income allowance for early retirement.

**Professional Activity:** Academic Clinicians are expected to devote their effort primarily to clinical practice. They are expected to teach a minimum of 100 contact hours annually. Excellence in clinical practice and innovation in delivery of care, quality improvement initiatives, and regional patient referral base are desirable. Excellence in teaching, including curriculum development, innovative teaching materials and methods, and mentoring of junior faculty, is also expected. They may participate in research, for example, by recruiting patients for research studies or publishing case reports or clinical experience; but research scholarship is not required and is not a criterion for promotion. Research and scholarship are not discouraged but may detract from time available for teaching and clinical care. Service to the community, such as serving on academic and hospital committees, is encouraged. Academic Clinicians may achieve distinction in administration, for example as chiefs of clinical programs, but they will not supervise faculty engaged in research or vote on promotions. The faculty member will be subject to University and UPHS policies on conflict of interest and extramural activities. The one-in-seven day rule will apply except that the Academic Clinician will not be permitted to devote any time to employment in extramural patient care. All patient-derived income of Academic Clinicians must be returned to and managed by the school.

**Rights and Privileges:** Academic Clinicians share in all of the rights and privileges of other full-time members of the Associated Faculty. They may vote in the Medical Faculty Senate and serve on the Medical Faculty Senate Steering Committee according to the rules of these bodies. As Associated Faculty, they may not vote on matters pertaining to tenure and Clinician-Educator faculty promotion nor on matters relevant to research. They may sit on and be eligible for leadership positions in Health System and School of Medicine committees. However, they may serve on School of Medicine and Departmental COAP committees only as non-voting members, and they may not serve on committees dealing with research matters. They may serve on Advisory Committees on Teaching Evaluation and Clinical Evaluation. They are not members of the University Senate and are not eligible for scholarly leaves. Should grievances arise which are not adjusted administratively, appointees may seek adjudication through the established mechanisms of the school and the University.

**Terms of Appointments:** Ranks in the Academic Clinician track will be at the Assistant Professor, Associate Professor, and Professor level. Appointment at the Assistant Professor level will generally be for three years. Persons may serve as Academic Clinicians at the Assistant Professor rank without limit of time through successive three-year
appointments. The decision to reappoint an Academic Clinician at the Assistant Professor level must be made during the second year of the appointment. A decision not to renew the appointment may be made for reasons including the following: (1) failure to maintain excellence in quality of clinical practice or teaching; (2) inadequate clinical productivity; or (3) change in the clinical priorities of the Department or School. After a decision to terminate, an Academic Clinician will have a terminal year of employment. Academic Clinicians, like all other faculty members, may also be terminated following a finding of a “major infraction of University behavioral standards”, as outlined in Section II.E. 16 of this Handbook.

Faculty will be eligible for promotion to Associate Professor on this track after ten years; outstanding performance will be recognized by earlier promotion. There will be no “up or out” decision at the end of this ten-year period. Faculty who were not promoted to Associate Professor may continue to serve at the rank of Assistant Professor and could apply for promotion in any subsequent year. For Clinician-Educator faculty who transfer into this track, time spent on the Clinician-Educator track could count toward these ten years. Promotion to Associate and Full Professor on the Academic Clinician track will require “superior” performance in both teaching and clinical practice, as defined by COAP. Promotion to Full Professor rank typically will occur no less than five years after promotion to the Associate Professor level, but could be earlier in outstanding cases. Community service, including participation on Health System or University committees, and administrative accomplishments will be supporting credentials for promotion. Regional reputation or recognition are desirable but are not an absolute requirement for promotion to Associate or Full Professor.

After promotion to or appointment at Associate or Full Professor rank a faculty member in the Academic Clinician track will generally be offered successive five-year appointments. Reappointment will require approval of the chair with the advice of departmental, but not school, COAP. The decision on reappointment will normally be made before the end of the fourth year of the term. Reasons for non-renewal of appointment will be the same as those enumerated above for the Assistant Professor rank. The year following a decision of non-renewal will be a terminal year.

Track changes: Faculty in the Clinician-Educator track may transfer into the Academic Clinician track at any time with departmental support. The latter track may be appealing to those whose primary interest is in clinical care and teaching and who wish to minimize their scholarly activity. For such faculty, the Academic Clinician track may offer a more appropriate path to promotion to the Associate or Full Professor level. Excellence in teaching and clinical care, as documented in periodic performance reviews, is required for such a transfer. Appointment to the Academic Clinician track after denial of promotion to Associate Professor in the Clinician-Educator track would be very unusual and would be subject to especially close scrutiny; superior clinical and teaching skills would be categorically required. Junior Clinician-Educator faculty who transfer into the Academic Clinician track are eligible for promotion to Associate Professor from the time of appointment to the Clinician-Educator track rather than from the time of transfer. Transfer
from the tenure track to the Academic Clinician track is theoretically permissible, but it is unlikely that a physician-scientist could have accumulated the required clinical credentials. For faculty at Associate or Full Professor rank in other tracks, transfer into the Academic Clinician track will usually be at the same rank, but appointment at a different rank may be justified by clinical and teaching evaluation. A faculty member must meet the same requirements for appointment at senior ranks as for promotion to these ranks, i.e. superior performance in teaching and clinical care. Track change and rank must be approved by departmental and School of Medicine COAP committees.

Track change from the Academic Clinician track to the Clinician-Educator track is also permitted at any time, again with departmental and School of Medicine COAP approval. An inclination to clinical research may blossom, or a faculty member may have more time for scholarship as time commitments in other areas diminish. The individual must be identified as the result of a national search and there must be evidence of serious commitment to and potential for scholarship. Research accomplishment is not required for initial appointment at Assistant Professor rank, but as with any appointment to the Clinician-Educator track, the candidate is generally expected to have had formal training in clinical research, to be provided with it after appointment, or to manifest the equivalent of such training in his or her prior scholarship. The probationary period for promotion on the Clinician-Educator track commences at the time of transfer into the Clinician-Educator track rather than at the time of the original appointment to the Academic Clinician track. Faculty who hold senior rank (Associate or Full Professor) on the Academic Clinician track would generally lack research accomplishment to justify appointment at these ranks on the Clinician-Educator track.

Clinical Faculty


This group is composed of persons who are members of the Faculties of the Schools of Medicine, Dental Medicine, Nursing or Veterinary Medicine, who provide professional services and participate in educational programs on a part-time basis. The professional careers of the Clinical Faculty are primarily independent of their University affiliations, with exceptions noted below. Persons may serve in full or part-time status in the Clinical Faculty without limit of time through successive reappointments. The University does not assure continuity of appointments for any person in the Clinical Faculty. Academic ranks in the Clinical Faculty are Clinical Professor, Clinical Associate Professor, and Clinical Assistant Professor; e.g., Clinical Professor of (specialty) in the Faculty of (school). These titles are to be written in full whenever used on documents, in listings of University personnel and in correspondence.

In the School of Nursing, the School of Medicine and the School of Dental Medicine, the professional careers of the Clinical Faculty may be in University-owned clinical practices. In the School of Dental Medicine, the clinical faculty may not exceed twenty percent of the Standing Faculty.
Adjunct Faculty

This group is composed of faculty members whose primary careers are outside the University faculty, whether self employed or with other institutions of higher education, business or non-profit organizations, or government agencies. Such persons may be appointed to part-time academic status in the University while continuing their principal associations or careers elsewhere.

Appointment to the Adjunct Faculty may also be used for academically qualified persons employed by the University for nonacademic or administrative duties. Persons may serve in the Adjunct Faculty without limit of time through successive reappointments. The University does not assure continuity of appointment for any person in the Adjunct Faculty. Academic ranks in the Adjunct Faculty are Adjunct Professor, Adjunct Associate Professor, and Adjunct Assistant Professor. These titles are to be written in full whenever used on documents, in listings of University personnel and in correspondence.

Visiting Faculty

This group normally is confined to persons who are temporarily appointed by the University while they have continuing academic appointments in another institution of higher education, or have continuing associations with business or non-profit organizations, or with government agencies. A Visiting Faculty member is a full-time member of the University while on leave from the other institution, organization or agency with which he or she is affiliated. Full-time appointment as a Visiting Professor is limited to three consecutive years, and normally such appointments are for one year or less. Academic ranks in the Visiting Faculty are Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor.

Visiting Executive Professor

This group is made up of Full Professors in the Wharton School who have held very senior positions in business or government. They impart real-world knowledge to students and serve as role models and advisors as well. Appointments are made for terms of up to five years; no individual shall serve as a Visiting Executive Professor for more than five years; not more than five appointments in this faculty category may be current at any one time.

Practice Faculty

Law School, Graduate School of Education, School of Engineering and Applied Science: There are a small number of untenured Full Practice Professorships in the Law School, the Graduate School of Education and the School of Engineering and Applied Science. Practice Professorships in the Law School shall not exceed twenty percent of the number of Standing Faculty, with each appointment for a term of five years, renewable in accordance with the Trustee resolution of October 30, 1992. Practice Professorships in the
Graduate School of Education are limited to two at any given time, with each appointment for a term of five years, renewable for not more than a single additional five-year term. Practice Professorships in the School of Engineering and Applied Science may not exceed five percent of the Standing Faculty, with each appointment for five years renewable in accordance with the Trustee resolution adopted May 17, 2001.

**School of Design:** In accordance with the Trustees resolution adopted in June 2000, this category is intended for Associate Professors of Practice and Full Professors of Practice in the School of Design, who continue to carry on distinguished practices in their field, and whose skills and knowledge are essential to the educational process. The positions are untenured and appointments may be made for terms of up to five years, renewable. The number of appointments is limited to no more than thirty percent of the number of Standing Faculty in the school, and may not exceed the number of Standing Faculty in any academic department.

**Wharton School:** In accordance with the Trustee resolution adopted June 20, 1997:

1. There shall be established a Practice Faculty consisting of full-time Practice Professors, Practice Associate Professors, and Practice Assistant Professors, who are members of the Associated Faculty of the University, to take effect on July 1, 1997. All appointments in this category are without tenure or tenure-probationary status. Practice Professors in the Wharton School holding appointments as of June 30, 1997 shall be covered by these policies.

2. These persons shall staff courses with a substantial professional skill-based development focus, in particular those courses with a skills-oriented subject matter. Among the courses in this category are those in leadership, negotiation, communication, deal structuring, tax accounting, and auditing. Practice Faculty shall have such teaching and administrative duties within the Wharton School as are determined according to normal Wharton School policies and procedures.

3. Appointments

   (a) An appointment in this category shall be recommended by the faculty on recommendation of the Wharton Personnel Committee, following a search, using a standard of promise of superior performance in skills-oriented education. Appointees will have a high level of educational achievement and relevant practice experience commensurate with the level of appointment. Appointment criteria include excellent teaching, commitment to collegial service, relevant experience and publications in practitioner journals on subject matter related to the topic being taught or on pedagogical approaches to the teaching of such material. A reappointment or promotion within this category shall be recommended by the faculty on recommendation of the Wharton Personnel Committee, using a standard of
past performance in fulfilling the promise and justifying an expectation of continued growth in professional skill, productivity, and recognition.

(b) Appointments, reappointments, and promotions must be reviewed and approved in normal course by the Dean, the Provost, and the Trustees of the University.

(c) Persons who currently hold appointments in the Standing Faculty are not eligible to transfer their appointment to the Practice Faculty. A person who has previously held a Standing Faculty appointment at the University shall not be eligible for an appointment to the Practice Faculty for three years after leaving the Standing Faculty. Appointment shall be based on the criteria stated in (a) above.

(d) Term of Appointment

(1) The initial term of appointment as Practice Professor shall be for not more than five years. Successive reappointments of Practice Professors for terms of five years are permitted until retirement.

(2) The initial term of appointment for Practice Associate Professor shall be for three years. Practice Associate Professors may be reappointed once to a three-year term, but may not be further reappointed (except to a terminal one-year appointment) unless promoted to Practice Professor.

(3) The initial term of appointment for Practice Assistant Professor shall be for three years. Practice Assistant Professors may be reappointed once to a three-year term, but may not be further reappointed (except to a terminal one-year appointment) unless promoted to Practice Associate Professor.

(e) Reappointment in the Practice Faculty may be made if the individual has demonstrated superior performance in skills-oriented education and other criteria as outlined in section 3 (a). Employment for persons appointed in this category may be terminated because of:

(1) failure to satisfy the standard for reappointment at the conclusion of the initial or of any succeeding term;

(2) reduction in skills-oriented course offerings by the Wharton School in the subject area taught by the individual; or

(3) for "just cause" as customarily determined with the University under its policies.
One year’s notice shall be required for termination under subsections (0)(1) and (f)(2).

4. Titles

An appointee in this category will hold the title Practice Professor, Practice Associate Professor, or Practice Assistant Professor of [name of department] at the Wharton School. The modified title must be written in full whenever the appointee indicates his/her affiliation with the University, such as in documents (printed or electronic media), in correspondence, in curriculum vitae, and in listings of University personnel.

5. Contracts of Employment

A Practice Professor, Practice Associate Professor, or Practice Assistant Professor shall have a written contract with the University that contains a clear statement of, or specifically incorporates by reference documents (e.g., this policy) defining:

(a) the conditions of employment;

(b) the conflict of interest policies that are applicable;

(c) the circumstances under which the contract can be terminated;

(d) the responsibility of the Wharton School or other budgetary unit for payment of salary and all specified benefits; and

(e) the rights of persons to due process by mechanisms available to University faculty in the event of grievance or alleged failure to protect the individual rights accorded a faculty member.

6. Benefits

Members of the Practice Faculty are entitled to full University faculty benefits. Leaves of absence will be granted in accordance with the University policy applicable to the Standing Faculty, with the exception that scholarly leaves of absence are not applicable to members of the Practice Faculty.

7. University Policies

Members of the Practice Faculty are subject to all University and Wharton School policies, including the University and Wharton School policies on conflict of interest.
8. Voting Rights

(a) Members of the Practice Faculty shall not have voting rights on items submitted to the Wharton faculty for a vote.

(b) Members of the Practice Faculty shall not vote on appointments or promotions.

(c) Whether members of the Practice Faculty have voting rights in department meetings on matters other than appointments and promotions shall be determined by the faculty of the department in which they are appointed.

9. The number of persons appointed in the Practice Faculty shall not exceed ten percent of the number of Standing Faculty that the Wharton School may at any given time be authorized to fill.

10. This policy will apply to any person appointed to the Practice Faculty beginning July 1, 1997, and is without prejudice to the rights of any person appointed under existing categories in the Associated Faculty prior to June 30, 1997.

11. This category of appointment will be reviewed periodically in conjunction with the regular reaccreditation review of the Wharton School, without prejudice to the rights of any person previously appointed in this category.

School of Nursing: The category of untenured Practice Professor in the Nursing School was approved by the Trustees in June 2005. This track permits the addition to the faculty of highly experienced individuals who have achieved success in their fields and whose skills and knowledge are essential to the educational process at both the undergraduate and graduate levels. The primary activity of a Practice Professor is to teach.

Individuals holding the rank of Practice Professor in the School of Nursing will participate in educational programs on a full-time basis; have a high level of educational achievement and relevant practice experience commensurate with the level of appointment; and shall staff courses related to the scientific application of clinical knowledge in the practice of nursing. Teaching and administrative duties of such faculty within the School of Nursing will be determined according to normal school policies and procedures. Practice Professors are eligible for membership in the Faculty Senate of the School of Nursing, with voting rights on curriculum and instructional matters, but will not have voting rights related to personnel matters in the standing faculty. The number of such faculty shall be limited to no more than 20% of the Standing Faculty in the school.
Academic ranks in the Practice Faculty are Practice Professor, Practice Associate Professor and Practice Assistant Professor. Appointment and reappointment criteria for such faculty include excellent teaching, commitment to collegial service, and relevant experience with the subject matter related to the topic being taught or on pedagogical approaches to the teaching of such material. Appointments, reappointments and promotions shall be reviewed and approved in normal course by the Personnel Committee, the Dean, the Provost, and the Trustees of the University.

The initial term of appointment as Practice Professor shall be five years, with successive five year terms possible. Practice Associate Professors and Practice Assistant Professors shall be appointed to a five-year term as well, and may be reappointed once to another five-year term, but may not be further reappointed unless promoted to either the rank of Practice Professor or Practice Associate Professor.

Wistar Institute Appointments

Members of the scientific staff of the Wistar Institute who hold appointments in the Associated Faculty of the University hold titles prefixed by the modifiers “Wistar Institute”.

Artists-in-Residence

(Source, Office of the Provost, 2006)

The position of Artist-in-Residence in the Associated Faculty is intended to promote the presence of distinguished creative artists – writers, composers, performing artists, and filmmakers – in the School’s intellectual community. While these individuals will not necessarily possess traditional academic credentials, their record of artistic contribution, as evidenced through an established body of creative work, will be one of great originality and accomplishment that is widely recognized by peers in the field.

A full description of the requirements for the appointment or reappointment of an Artist-in-Residence as well as the responsibilities of the individual artist is available in Appendix 3.

II.B.4. Academic Support Staff

Members of the Academic Support Staff include the many persons who participate in the University’s teaching, research, or clinical services, but who are not eligible for appointment to the Standing or Associated Faculty. Each appointment to the Academic Support Staff is for a term of years and is without tenure or tenure significance.

Lecturer. The rank of Lecturer is flexible, denoting eminent scholars whose appointments at the University are temporary or part-time, scholars still in professional
training, or persons who do not possess the normally expected scholarly credentials but nevertheless provide valuable instructional services. Appointments are for one year or less, but may be renewed. Full-time service in the rank of Lecturer is limited to three consecutive years, except where additional appointments are approved by the Provost.

Senior Lecturer in the School of Arts and Sciences and in the School of Engineering and Applied Science. A limited number of Lecturers in the School of Arts and Sciences and in the School of Engineering and Applied Science who have completed four years of full-time service in that rank may be appointed Senior Lecturers. Appointments shall be made for periods of no more than four years, but successive appointments are allowed. Detailed provisions are set forth below as adopted by the Executive Committee of the Trustees on May 6, 1983 and by the Academic Policy Committee of the Trustees on February 19, 2004.

1. Like other Lecturers, Senior Lecturers are members of the Support Staff. Thus Senior Lecturers never hold tenure and never accrue time toward tenure.

2. A Lecturer in the School of Arts and Sciences or the School of Engineering and Applied Science who has completed four years of full-time service in that rank may be considered for appointment as a Senior Lecturer. Persons appointed to this rank will normally not possess the scholarly credentials expected of members of the Standing Faculty.

3. No Senior Lecturers may be appointed from the ranks of the Standing Faculty.

4. A recommendation for an initial appointment as a Senior Lecturer must clearly demonstrate that:
   
a) The proposed candidate is performing an instructional service which is exceptionally difficult (or impossible) to obtain from members of the Standing Faculty.

b) The proposed candidate performs this service at a very high level of competence, as judged by faculty, peers and students.

c) The service provided by the proposed candidate is an essential part of an academic program in the School of Arts and Sciences or in the School of Engineering and Applied Science.

d) The proposed candidate cannot be readily replaced by other persons of similar competence.

5. Appointments to rank of Senior Lecturer shall be for periods of no more than four years, but successive appointments are allowed. Appointment and reappointment shall be proposed by the department (and require a vote by all
members of the Standing Faculty of the department), be reviewed by the school’s Personnel Committee, and be approved by the Dean and the Provost.

6. Continued reappointments are expected provided that the individual maintains his or her professional competence and that the academic need continues to exist. Any reappointment must be approved prior to the end of the penultimate year of an appointment.

7. Although not members of the Standing Faculty, the total number of Senior Lecturers in the School of Arts and Sciences shall never exceed three percent of the total number of Standing Faculty, and the total number of Senior Lecturers in the School of Engineering and Applied Science shall never exceed five percent of the total number of Standing Faculty.

Senior Lecturer in the Law School.

1. Like other Lecturers, the Law School Senior Lecturer is a member of the Support Staff. Thus the Senior Lecturer never holds tenure and never accrues time toward tenure.

2. A Lecturer in the Law School who has completed four years of full-time service in that rank as Director of the Legal Research and Writing Program may be considered for appointment as a Senior Lecturer. Persons appointed to this rank will normally not possess the scholarly credentials expected of members of the Standing Faculty.

3. No Senior Lecturer may be appointed from the ranks of the Standing Faculty or from the clinical faculty.

4. A recommendation for an initial appointment as a Senior Lecturer must clearly demonstrate that:

   a) The proposed candidate is performing an instructional service which is exceptionally difficult (or impossible) to obtain from members of the Standing Faculty.

   b) The proposed candidate performs this service at a very high level of competence, as judged by faculty, peers and students.

   c) The service provided by the proposed candidate is an essential part of the academic program in the Law School.

   d) The proposed candidate cannot be readily replaced by other persons of similar competence.
5. Appointments to the rank of Senior Lecturer shall be for terms of no more than four years, but successive appointments to additional terms of not more than four years each are allowed. Consideration for the initial appointment as Senior Lecturer shall be during the fourth and final one-year appointment as Lecturer. Recommendations for appointment and reappointment as Senior Lecturer shall be submitted by the Committee on Tenure and Promotion of the Law School to a vote by the Standing Faculty of the Law School and be approved by the Provost. Any reappointment after the initial appointment as Senior Lecturer should be approved prior to the end of the penultimate year of the term.

6. Any individual appointed or reappointed as Senior Lecturer shall be entitled to the position only so long as he or she continues to serve full-time as the Director of the Legal Research and Writing Program.

As the purpose of seeking approval to create the position of Senior Lecturer in the Law School is to retain exceptionally qualified Directors of the Legal Research and Writing Program whose worth to the Law School has been demonstrated by his or her performance in the three annual terms as Lecturer and Director of the Legal Research and Writing Program, it is the sense of the faculty that:

1. Future Directors of the Legal Research and Writing Program shall not be hired with the expectation or representation that they will advance to Senior Lecturer after four years as Lecturer.

2. The position of Senior Lecturer shall be limited to Directors of the Legal Research and Writing Program who have significantly strengthened the Program during their four annual terms as Lecturer and who consequently would be difficult to replace.

Lecturer in Foreign Languages and Senior Lecturer in Foreign Languages. Initial appointment as Lecturer in Foreign Languages will be for one year only. At the end of the first year, it is expected that the appointment will be extended an additional two years on the basis of current excellent performance provided the academic need for the services continues to exist. This initial appointment and extension requires approval of the Dean upon recommendation of the department. The first professional review in this track will take place prior to the end of the second year of service, and if the appointment is continued, a second professional review will take place prior to the end of the fifth year of service. If the appointment is continued, a third professional review will take place prior to the end of the eighth year. If the appointment is continued, all subsequent reviews will be conducted prior to the end of the fourth of each five-year cycle with either a recommendation for termination after an additional year or recommendation for an additional five years. Detailed provisions are set forth in a resolution adopted by the Trustees on October 11, 1996. The number of Lecturers in Foreign Languages will not exceed six percent of the Standing Faculty.
In order to recognize and encourage outstanding performance in both language pedagogy and language research and scholarship, the school will consider appointment of outstanding foreign language teachers to the rank of Senior Lecturer in Foreign Languages. Language teachers employed as Lecturers in Foreign Languages are eligible for appointment as Senior Lecturer at the end of their eighth year of service or subsequently. The number of Senior Lecturers in Foreign Language will not exceed three percent of the Standing Faculty. Detailed provisions are set forth in a resolution adopted by the Trustees on October 11, 1996.

No one who has previously been a member of the Standing Faculty may be appointed to the rank of Lecturer or Senior Lecturer in Foreign Languages.

**Lecturer in Educational Practice in the Graduate School of Education.** The initial appointment as a Lecturer in Educational Practice will be for one year only. At the end of the first year, it is expected that the appointment will be extended for an additional two years on the basis of: (1) performance, and (2) the academic need for such services continuing to exist. The initial appointment and extension require the approval of the Dean upon the recommendation of the division.

The first professional review of the Lecturer in Educational Practice will take place prior to the end of the second year of service, at which time a division may decide to make the third year a terminal year of appointment or to recommend continuation for four additional years for a total of six years. Again, performance and academic need are the critical factors. A recommendation for continuation requires an evaluation by the division, the Faculty Personnel Committee, and the Dean. A recommendation for the Dean to continue an appointment beyond the third year will require approval of the Provost Staff Conference.

The second professional review of the Lecturer in Educational Practice will take place prior to the end of the fifth year of service, at which time a division may decide to make the sixth year a terminal one or to recommend continuation for three additional years for a total of nine. At this and all subsequent reviews, continued reappointments are to be based on professional performance and the academic need for services. The fifth year review and all subsequent reviews are as specified for the original second-year review.

The third professional review of the Lecturer in Educational Practice will take place prior to the end of the eighth year, at which time a division may decide to make the ninth year terminal or to recommend extension for an additional five years for a total of fourteen. The eight year review and approval will be similar to that conducted in the second year.

All subsequent reviews of the Lecturer in Educational Practice will be conducted prior to the end of the fourth year of each five-year cycle, with either a recommendation for termination after an additional year or recommendation for an additional five years. The structure of the reviews and the approval mechanism are as specified for the original second year review.
While the number of people serving as Lecturer in Educational Practice may vary depending on enrollments in the professional education courses, that number will not exceed fifteen percent of the Standing Faculty.

**Lecturers, Seniors Lecturers and Advanced Senior Lecturers in the Nursing School.** At their June 2005 meeting, the Trustees approved the creation of the categories of Lecturers, Seniors Lecturers and Advanced Senior Lecturers in the Nursing School. Individuals in these categories are not eligible for appointment to the Standing or Associated Faculty.

Individuals in these categories may be eminent scholars whose appointments at the University are temporary or part-time, scholars still in professional training, or persons who do not possess the normally expected scholarly credentials but provide valuable services. They must have at a minimum the Master’s degree. The University does not assure continuity of appointment for any Academic Support Staff appointee.

Lecturers, Senior Lecturers and Advanced Senior Lecturers are responsible for the classroom teaching and course content of didactic and/or clinical courses. They plan, supervise and evaluate nursing students’ performance in the clinical setting; teach clinical content and work with agency staff to provide a supportive learning environment; contribute to course development and revisions; lecture in area of expertise; and participate in advising and recruitment activities. Appointments may be for nine or twelve months and are without tenure or tenure significance.

**Lecturer A**—appointments are for one year or less, with service limited to three consecutive years. Under unusual circumstances, an appointment may be extended to a fourth year with the approval of the Dean and the Provost’s Staff Conference.

**Senior Lecturer A**—entry position or promotion from full-time Lecturer A. Appointment shall be for terms of no more than four years, but successive appointments to additional terms of not more than four years each are allowed. There is no limit on the length of service in this rank. The total number of Senior Lecturer As in the School of Nursing shall never exceed twenty percent of the total number of Standing Faculty.

**Advanced Lecturer A**—entry position or promotion from full-time Senior Lecturer A. Appointments to the rank of Advanced Senior Lecturer A shall be for terms of no more than four years, but successive appointments to additional terms of not more than four years each are allowed. There is no limit on the length of service in this rank. The total number of Advanced Senior Lecturers As in the School of Nursing shall never exceed twenty percent of the total number of Standing Faculty.

**Lecturer B**—entry position, which is for one year or less, but may be renewed. There is no limit on the length of part-time service in this rank. This is a part-time position.
Senior Lecturer B—entry position or promotion from Lecturer B. There is no limit on the length of part-time service in this rank. This is a part-time position.

Advanced Senior Lecturer B—entry position or promotion from Senior Lecturer B. There is no limit on the length of part-time service in this rank. This is a part-time position.

Lecturers in the Law School Clinical Program. A Lecturer may be appointed in the Law School’s clinical program for a term of two years or less, and through successive reappointments, may serve in this rank for a maximum of seven consecutive years. Details are given in a resolution of the Trustees adopted on June 18, 1982.

Instructor. This rank is used primarily for part-time clinical personnel in the health professional schools. There is no limit to the length of part-time service in this rank. In addition, this rank is occasionally used in some schools for full-time appointments of scholars still in professional training. In this case appointments are limited to three consecutive years, except where additional appointments are approved by the Provost.

Research Associate. Research Associates work in sponsored research programs and must hold the appropriate terminal professional degree in their disciplines. Full time service in this position may not exceed three years, except with approval of the Provost.

Clinical Associate. Clinical Associates work in clinical programs of the health schools and must hold the appropriate terminal degree in their disciplines. The professional careers of Clinical Associates are primarily independent of their University affiliations, with the exceptions noted below. They participate on a full- or part-time basis in the educational programs of their respective schools. They may serve without limit of time through successive annual appointments, but the University does not assure continuity of appointment for any Clinical Associate.

In the School of Nursing, the School of Medicine and the School of Dental Medicine, the professional careers of Clinical Associates may be in University-owned clinical practices.

Senior Fellow. A Senior Fellow of the University is a distinguished scholar who holds an appointment outside the Standing Faculty at the University for teaching or research, for a limited period of time.

II.B.5. Postdoctoral Fellows

This title is accorded to an individual who holds the degree of Ph.D. or M.D. or the equivalent and comes to the University for the principal purpose of furthering his or her personal development by engaging in research or participating in advanced training programs. Appointments are made on an annual basis for no more than five years. Policies concerning Postdoctoral Fellows are outlined in the following:

http://www.upenn.edu/almanac/volumes/v51/n02/OR-postdoc.html
II. FACULTY POLICIES AND PROCEDURES

II.B.6. Staff Appointments of Graduate and Professional Students

The following appointments are limited to persons registered for full time study in the graduate or professional programs of the University of Pennsylvania. Service-related appointments are for one year or less; however, they may be renewed. Service-related appointments cannot require more than 20 hours of service per week. All teaching assistants, teaching fellows, research assistants and research fellows must receive letters of appointment that state the length of the appointment, the level of funding and the services expected.

Teaching Assistant. A teaching assistant teaches or guides students under the direction of a faculty member. The teaching assignment is not required of all graduate students in the degree program.

Teaching Fellow. A teaching fellow teaches or guides students under the direction of a faculty member. The teaching assignment is directly related to the area in which his or her degree is to be conferred and equivalent teaching (with respect to duration and the nature of the assignment) is required of all candidates as a condition for receiving such a degree.

Research Assistant. A research assistant aids the research of an investigator or a member of the faculty.

Research Fellow. A research fellow is appointed for research under the direction of a faculty member that is directly related to the area in which his or her degree is to be conferred and in which equivalent research is required of all candidates as a condition for receiving such a degree.

Pre-doctoral Trainee. A pre-doctoral trainee receives a fellowship that is paid from external grants but that requires no service of the student for the term of the appointment.

Educational Fellow. An educational fellow receives a fellowship that is paid from University of Pennsylvania funds, such as a Dean’s account or the University Fellowship fund, that requires no service of the student for the term of the appointment.

II.B.7. Emeritus Faculty

Emeritus status is conferred upon Professors and Associate Professors in the Standing Faculty and upon Standing Faculty—Clinician-Educators at the time of their retirement. (see II.E.9).
II.C. **Tenure System at the University of Pennsylvania**

(Source. *Standing Resolution of the Trustees, September 9, 1983*)

II.C.1. Purpose of the Tenure System

The protection of the academic freedom of individual teachers and scholars is the instrument by which society at large is protected from hindrances to the search for knowledge and from limits on the dissemination of knowledge. The statutes of the University hold that a system of tenure for faculty members is the preeminent means of fostering and protecting academic freedom of the faculty in teaching and in scholarly inquiry.

The tenure system consists of rules and procedures which establish an essentially self-regulated body of scholars enjoying the continuity of existence and economic security within which academic freedom is both fostered and protected. The protections of academic freedom are extended to all members of the faculty during their terms of appointment. The rights and privileges embodied in the tenure system are extended to all members of the Standing Faculty during their terms of appointment. Certain of these rights and privileges are also extended to members of the Associated Faculty during their terms of appointment.

The concomitant responsibility of faculty members, benefited and encouraged by the tenure system, is to use the opportunities thus provided for the advancement of the purposes of the University and of the communities it serves. These purposes include teaching and scholarship. Members of the Standing Faculty are obliged to share in the teaching mission so that their students may advance in learning. They are also obliged to push forward the frontiers of knowledge through study and research. These activities go hand in hand, for scholarship is unavailing if its results are not communicated, and a lively stimulus to learn is best imparted by one who is adding to our store of knowledge.

II.C.2. Basic Principles of the Tenure System

A faculty member who has received tenure has a continuous appointment that extends to retirement unless terminated sooner by resignation, death, or by action of the Trustees under the provisions for removal for just cause or by reason of financial exigency.

Only members of the Standing Faculty are eligible to be appointed with tenure. Members of the Standing Faculty—Clinician-Educator, the Associated Faculty or the Academic Support Staff do not acquire tenure; service in any of these three classes is without tenure significance. Each decision creating tenure status for a faculty member is made, upon recommendation of the faculty, the Provost and the President, only by positive action of the Trustees, except in the case of the “rare instances” mentioned below.
No faculty member shall be appointed or promoted to the rank of Professor in the Standing Faculty without a simultaneous affirmative grant or confirmation of tenure status.

The faculty of any school of the University may adopt a resolution asking the Provost’s approval for promotion of members of the Standing Faculty to the rank of Associate Professor without simultaneous affirmative grant of tenure. After receiving the advice of the Senate, the Provost may authorize this type of promotion for the school in question. The school may then recommend individual members of the Standing Faculty for promotion to the rank of Associate Professor without affirmative grant of tenure by the usual process. In such cases, the faculty member may serve without tenure for the remainder of the probationary period established for the faculty member’s previous appointment as Assistant Professor. In schools whose faculty have not received authorization for this type of appointment from the Provost, promotion to the rank of Associate Professor must be accompanied by simultaneous grant of tenure.

An initial appointment of a faculty member from outside the University, or a transfer from the Associated Faculty, to the rank of Associate Professor is permissible without conferral of tenure status.

In no case, except that of faculty who have not previously held appointments at other institutions, can the total probationary period as Associate Professor in the Standing Faculty exceed five years.

There shall be definite limits upon the length of time any faculty member can serve as a member of the Standing Faculty without tenure. For members of the Standing Faculty initially appointed as Assistant Professor, the probationary period is seven years, except for members of the faculty in the health professional schools who have substantial clinical duties and thus are eligible for and elect a probationary period of ten years. Faculty appointed from outside the Standing Faculty to the rank of Associate Professor without tenure have a probationary period of five years except that faculty appointed to the rank of Associate Professor who have not previously held faculty appointments at other institutions may elect a probationary period of seven years. In cases where a proposed untenured appointment to the Standing Faculty is substantially different from the present appointment of an untenured faculty member, the Provost is authorized to decide, after consultation with the Senate Committee on Academic Freedom and Responsibility, that the probationary period for the present appointment should not be considered as probation for the proposed appointment because of the degree of professional dissimilarity and to determine whether or not the new untenured appointment would preserve academic freedom. If the Provost decides that the new appointment may be untenured, the new tenure probationary period will be measured without regard to any probationary period already served at the University by the faculty member.

For faculty members serving with reduced duties on a half-time basis, the probationary period shall be extended by one year for each two years spent in such half-
time service, except that the total extension cannot exceed three years. For faculty with a normal seven-year probationary period, the total tenure probationary period including the time spent in reduced duties cannot exceed ten years. For faculty with substantial clinical duties, who elect a probationary period of ten years, the total tenure probationary period including time spent in reduced duties cannot exceed thirteen years.

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

**Tenure in Part-Time Status.** In very rare instances prior to July 1, 1976, the University granted tenure for persons serving on a part-time basis. In such cases the University’s financial commitment is only for corresponding partial salary. Since July 1, 1976, part-time service, however, is never tenure probationary except for persons who after appointment to tenure probationary status receive approval for reduced load (See II.E.2 under Reduction in Duties).

**Tenure of Title and Limited Tenure.** The University reserves the right to employ individuals to whom rank in the Associated Faculty is accorded without accepting responsibility for the continuation of their salaries beyond the termination of the contract or grant supporting them, but in such cases the letter of appointment or the Trustees’ minute must contain a specific statement to this effect.

Prior to July 1, 1976 appointments were sometimes made of the form “Tenure of Title”, “tenure limited to” or “indefinite tenure of academic rank; salary limited to” in which the appointments or salary commitments were limited to funds from research grants or contracts, clinical practice funds, or funds from certain administrative appointments. All new appointments after July 1, 1976 with such limitations shall be without tenure significance and to the Associated Faculty.

The terms and limitations of the appointments made prior to July 1, 1976 shall continue to be observed, except that commencing with July 1, 1989 all existing “Tenure of Title” and Limited Tenure appointments will be in the Standing Faculty.

**II.D. Appointments and Promotions**

(Source. Statutes of the Trustees, 1983, Article 9.13)

**Trustee Action Required.** All appointments and promotions to the ranks of Professor, Associate Professor, or Assistant Professor whether in the Standing Faculty, or in comparable ranks in the Associated Faculty, are made, upon recommendation of the
faculty, the President and Provost, by positive action of the Trustees. The minutes of the Trustees are the official record of such actions.

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

Power to appoint and reappoint to positions below the rank of Assistant Professor and not in tenure probationary status may be delegated by the President and Provost to the Deans.

II.D.1. Procedures for Academic Appointments and Promotions

(Source. Standing Resolution of the Trustees, September 9, 1983)

Uniformity of Procedures. The diversity of professions and disciplines within the academic community of the University and the valued traditional customs of the several Faculties preclude wholly uniform procedures for appointments and promotions at the school level. The primary responsibility for developing and maintaining a high quality faculty rests with the individual discipline. Each faculty shall adopt bylaws prescribing procedures for review of proposals for appointments or promotions within the faculty. Each faculty shall also establish procedures for the appointment of a school personnel committee. Uniform procedures should be followed when appointments and promotions are considered at the University level under the aegis of the President and Provost. Consistent with policies adopted by the Trustees, additional procedures concerning academic appointments and promotions may be promulgated by the President and Provost.

Where the President and Provost propose to recommend an appointment or grant of tenure without the approval of the faculty concerned, they shall inform the Dean, the body responsible for articulating the opinion of that faculty in personnel matters and the Committee on Academic Freedom and Responsibility of that faculty. These bodies shall be provided an opportunity to respond before the proposed appointment is submitted to the Trustees.

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

Every recommendation for Trustee action of appointment or promotion of a faculty member to a tenure probationary position shall indicate the date (month, day and year) that the probationary period began and the latest date by which such faculty member shall be
reviewed for purposes of a timely tenure decision (hereafter referred to as the date of mandatory review).

The Secretary of the University and the Provost shall arrange for suitable means of notifying each faculty member and the respective Dean of such action. The notice shall contain the minutes entered in the records of the Trustees.

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

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

No single term appointment or combination of such appointments shall exceed the appropriate maximum period of time permitted in a tenure-qualifying position in the Standing Faculty. Where a faculty member’s total years of actual service in one or more term appointments approaches the maximum period, a timely decision on promotion to tenured status shall be made. Such consideration shall be no later than the date of mandatory review, that is, the end of the academic year preceding the last year of the permitted period.

If a faculty and its Dean determine not to recommend continued employment of a faculty member on a term appointment, the faculty member should be so advised as soon as possible, in order to enable him or her to explore other employment opportunities. A faculty member who has served more than two years in the Standing Faculty should be given by the Dean one full year's notice of non-reappointment. A faculty member who has served fewer than two years in the Standing Faculty should be so informed by the Dean on or before March 1 of the final academic year of the term.

In the rare instances where certain time limits on notification of termination are not followed, a faculty member may acquire tenure. A faculty member who is in tenure probationary status approved by the Trustees, if not notified on or before the date of mandatory review that the appointment will be terminated, will be granted tenure in his or her present rank after the date, provided that the faculty member has been notified in writing not later than November 1 that he or she is due for mandatory review prior to the following July 1, or, if this does not occur, the faculty member has notified the Dean and
the Provost in writing no later than February 1 that he or she believes that review is
required before the following July 1.

A faculty member who is not notified of forthcoming tenure review, as in the
above, and who does not notify the Dean and Provost as in the above, and who does not
receive notification of a tenure decision, shall not receive tenure after the date of
mandatory review. Such a faculty member shall automatically receive an additional one-
year appointment still in tenure probationary status at his or her current rank. The above
procedures and obligations of notification shall then again apply in this additional year,
and if not observed, still another year in tenure probationary status shall be automatically
granted. If, however, the faculty member is not notified either of tenure or termination
within two years after the expiration of the normal probationary period (i.e., by the end of
nine years for Assistant Professor, or Associate Professor with no previous academic
experience, and twelve years for faculty with substantial clinical responsibilities in tenure
probationary status) the faculty member will receive tenure at the current rank.

Reappointments and Promotions of Faculty Members in the Standing Faculty—
Clinician-Educator: There shall be a limit of ten years on the length of full-time service
as Assistant Professor Clinician-Educator in accordance with procedures set by the faculty.
Clinician-Educators with the rank of Professor or Associate Professor shall have
continuing appointments, subject to their generation of income to support their
appointments, and subject to satisfactory performance of their responsibilities. Action to
terminate members of the Standing Faculty—Clinician-Educator at the rank of Professor
and Associate Professor for failure to generate appropriate levels of practice funds shall be
carried out according to policies and procedures promulgated by the President and Provost.

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

The Appointments Process

(Source. Office of the Provost, 1983)

The procedure for making all appointments to and/or promotions within the
Standing Faculty at the University of Pennsylvania involves the following steps:
a. In the case of a new appointment, a search conducted in compliance with the University’s policy on affirmative action.

b. Initiation of a proposal for appointment or promotion by an academic department (or school, if without department structure) after review of its faculty needs, academic plans, and objectives.

c. Review by the School Personnel Committee to determine the academic qualifications of the candidate for membership on the faculty at the rank proposed.

d. Evaluation of the qualified candidate’s credentials by the Dean for consistency with the academic standards, plans, priorities, and budget of the school.

e. Review by the Provost’s Staff Conference to advise the Provost that University-wide academic standards are being met, that the proposal is consistent with approved academic and financial plans of both the school and the University, and that it is in accord with statutory provisions.

f. Approval by the University Trustees, upon the recommendation of the President, and following approval by the Provost.

Guidelines for the appointment and promotion process are based upon the recommendations adopted by the University Council in February 1973, various memoranda of the Provost since then and the practices of the Provost’s Staff Conference since 1973.

In general, the appointments and promotions process is initiated by the department (or school, if without departmental structure). A department can initiate the process on the basis of consultation within the department and with other knowledgeable persons in its faculty and in the University. The initial decision as to whether a particular person is to be appointed or promoted should be made by faculty members having rank equal to or higher than the position being considered; faculty members without tenure cannot vote on appointments or promotions to tenured ranks. Whenever the department does not have at least three faculty eligible to vote, the Dean can establish a school-wide or University-wide faculty ad hoc committee to initiate the process. Departmental review committees should provide mechanisms to obtain student opinion on the candidate’s teaching performance. The department chair is obligated to forward to the Dean any positive recommendations of the review committee even when he or she might be personally opposed to it. In such a case, of course, the department chair can also transmit his or her personal opinion on the merits of the case. The department chair should also communicate to the Dean any minority opinion that dissents from the positive recommendation. The Dean and, at his or her request, the school personnel committee can review any negative decision of a department that would have the effect of terminating an individual’s appointment.
The department’s recommendations for appointments and promotions should be reviewed by a personnel committee appointed according to procedures established by the faculty of the school in which the department is situated. The committee should be composed entirely of faculty members, with none currently serving in an administrative position. The vote required for a positive recommendation should be established by each school. The positive recommendations of the school personnel committee should be forwarded to the Provost’s Staff Conference by the Dean, who may choose to concur with or dissent from the proposal.

The overriding objective of the faculty appointment and promotion policy and procedures should be the recruitment and retention of a distinguished faculty. While the means to this end may vary, particularly in some of the professional schools, generally the objective will be met by stressing intellectual leadership as the chief criterion. Accordingly, a high degree of excellence is expected in both research and teaching. The relative weight given to research and teaching varies from case to case and should be determined by the individual faculties, but always with significant achievements in research if they are to be assigned teaching responsibilities. An acceptable standard of competence in research should be required even of outstanding teachers, and at a research institution such as the University of Pennsylvania an acceptable standard in research is very high indeed. The initial determination of competence in research should be made by scholars in the same or closely related disciplines, subject to review at the school and University levels. In identifying good teaching, it is essential to make use both of carefully tested forms for evaluation by current and former students and also of some type of peer evaluation. Teaching evaluation forms may differ from school to school.

In matters of appointment and promotion, some weight should also be given to unusual service in such “citizenship” activities as University governance, curriculum development, service to the profession, editing of professional journals, or academic programs carried out in residences.

**II.D.2. Documentation of Promotion and Appointment Proposals**

(Source. Office of the Provost, 1979)

Some of the components of current promotion or appointment proposals are:

A curriculum vitae of the candidate containing information on past educational and professional experience and a bibliography of published work.

Letters of evaluation from current University faculty familiar with the candidate and with his or her work.

Letters of evaluation from experts outside of the University.
Evaluations of the candidate’s teaching. Some of these evaluations should be by students.

An affirmative action statement, indicating how the appropriate pools of potential minority and female candidates were reviewed.

An assessment by the department chair giving an evaluation of the research, teaching, and service of the candidate, and the academic purposes to be served by the appointment or promotion.

An evaluation by experts within the University who are familiar with the candidate’s field.

A statement from the school personnel committee stating that the candidate meets high academic standards.

A statement from the Dean summarizing his or her evaluation of the research, teaching, and service of the candidate, the academic purpose to be served by the appointment or promotion, and budgetary support for the proposal.

Proposals for tenure should be submitted to the Provost as early as possible in the academic year so that all aspects of the required review may be completed by the end of the spring term.

II.D.3. Appointment to More Than One Department

(Source: Office of the Provost, April 2006)

A. Every faculty member has a single home department although cooperative undertakings by individual faculty members with other departments are encouraged. In some instances, formal appointments are made to second departments. The rank of this appointment to a second department will usually be the same as the rank of the faculty member in his home department. Except in the case of distinguished interdisciplinary appointments, such secondary appointments are never for an indefinite period. Unless specific arrangement is made to the contrary, no appointment at any rank in a second department shall be for a longer term than three years. In no case shall the term of appointment extend beyond the terminating date of the existing appointment in the home department. Reappointments in second departments are generally made as long as the faculty member continues to participate significantly in the work, symposia, and other affairs of that department. Departments may as a collectivity set a general policy on secondary appointments. However, the specific recommendation as to whether an individual faculty member is to have voting rights in the second department should be made by faculty members in the second department having a rank equal to or higher than that of the
individual being considered. At the time a chair of the second department recommends to his dean a secondary appointment or reappointment, the chair shall also state whether the action is expected to confer voting rights in the second department. The Provost’s Staff Conference shall make the question of voting rights a matter of record whenever a secondary appointment or reappointment is approved.

B. In cases of interdisciplinary appointments, a faculty member may hold a tenured appointment, or a secondary appointment of longer than three years, in two or more schools in accordance with the policies of those schools. The responsibility for faculty holding joint appointments will be shared. The deans of the schools in which the faculty member will hold tenure must reach agreement on how the responsibilities are to be shared. The deans should set down in writing the agreements that have been reached with regard to salary, research funding and research space, teaching obligations, committee service, and leave entitlements. One school should also be designated the administering school, indicating that it has primary responsibility for ensuring that administrative actions are taken. At the time of the initial appointment of a faculty member with tenure in more than one school, the formal appointment process should for the most part mirror the appointment process in each of the schools. The faculty of each school is expected to follow its own processes and to vote on whether the candidate should be offered an appointment in their school.

II.D.4. Appointment of Non-U.S. Personnel

(Source. Office of International Programs, 1983, revised 2005)

The University community is enriched by the presence of scholars, short-term visitors, visiting professors and researchers, as well as longer-term and permanent appointedees from other countries. In this regard, certain guidelines must be followed with respect to immigration regulations.

The hiring of foreign faculty members at the University, while usually not difficult, requires careful advance planning. All departments contemplating the hiring of a foreign faculty member should work closely with the Office of International Programs (OIP), which is the officially designated signatory for the University in immigration matters. Please note: Other University offices and departments may not authorize outside counsel to represent the University in immigration matters. Ideally, a foreign candidate being interviewed on campus should consult directly with an OIP staff member during the campus visit to explore the visa ramifications of the potential faculty appointment.

A determining factor in employability is the individual’s immigration status, not citizenship. Various non-immigrant visas allow foreign nationals to work in the United
States on a temporary basis. Non-immigrant visas (J-1’s, H-1’s, or occasionally others, depending on circumstances) can also be used for faculty positions that are not tenured from the outset. With the University’s support, the individual can be adjusted to permanent resident status at a later date. Faculty positions that are tenured from the outset require that the individual have permanent resident status prior to taking up the position. This status can take one or more years to obtain. Please note that tenure cannot be awarded to individuals until they have established citizenship or permanent residency. They can be appointed to a tenure-track position, but tenure may be granted by the Board of Trustees only to individuals who have been classified as citizens or permanent residents of the United States. No offer to a foreign national should be made without stating that the offer is contingent on that person’s obtaining the appropriate visa.

Details of these guidelines are in Provost’s Memorandum 81-8 of November 3, 1981, “Guidelines for the Hiring of Foreign Personnel.” Any department wishing to hire a faculty member from another nation should contact the Office of International Programs for assistance with the administrative aspects of the appointment. They can be reached at 3701 Chestnut Street, Suite 1W, Philadelphia, PA 19104-3199, (215)898-4661. Their website is: http://www.upenn.edu/oip/iss/index.html.

II.E. Terms and Conditions of Faculty Appointments

II.E.1. Statement on Faculty Responsibility

(Source. Office of the Provost, Almanac, October 7, 1980)

An appointment to the Standing Faculty of the University of Pennsylvania implies the recognition of a teacher-scholar’s professional achievements and promise. Although the final authority for the conduct of University affairs is vested in the Board of Trustees, much of that authority is delegated to the various faculties whose policies and decisions play the key role in determining the character of the University as an educational institution. Working with their Deans, the Provost and the President, the faculties conduct the affairs of their schools and departments to the mutual advantage of their students, the University, and the scholarly community.

Traditionally, professional men and women have chosen university teaching posts partly because they allow for a flexible scheduling of time and an opportunity to pursue intellectual interests relatively free from distraction. In a research university, which has as its main functions the advancement and imparting of knowledge, teaching and scholarship may be said to have equal rank and to be interdependent. At the same time it must be recognized that the University is an institution of great complexity that requires a large expenditure of faculty time for its successful governance and operation. It is the purpose of this statement to indicate in a general way the minimum obligations of a faculty member toward the students and the institution. More specific obligations will be found in the policy statements of the various schools. Unless otherwise authorized by the University
administration, all members of the Standing Faculty of the University of Pennsylvania will be expected to abide by the principles stated herein.

**Teaching and Related Activities**

Except for official leaves of absence, release time provided by research grants or administrative appointments, special *ad hoc* arrangements that permit teaching to be concentrated in one term during a particular academic year, or other official exemptions, faculty are expected to participate fully in the teaching program during each regular term of the academic year. Teaching loads, which may vary from time to time, are determined by the Dean of each school in consultation with the faculty, the department chair and the Provost.

The teaching of students at all levels is to be distributed among faculty members without regard to rank or seniority as such. Basic-level courses are not deemed the exclusive province of the junior faculty nor advanced courses the unique domain of the senior faculty. It is important that undergraduates, including freshmen and sophomores, have significant opportunities to learn from eminent scholars. And junior faculty members should not be called upon to bear a disproportionately heavy share of the responsibility for large and pedagogically demanding basic-level courses. This is not to say that teaching assignments should be unrelated to research interests or teaching strengths. On the contrary, the marriage of teaching and research greatly enhances both enterprises. Moreover, to the extent that some professors are more adept at teaching small classes than large ones, or at leading discussions rather than lecturing, those comparative advantages are an appropriate consideration in allocating teaching responsibilities. Naturally, teachers should be flexible enough to offer courses outside narrow fields of specialization. A teacher whose class must be cancelled because of underenrollment is normally expected to make up this deficiency in scheduling. In addition to their formal course loads, faculty members are also expected to bear their fair share of the responsibility for supervising student research and independent study.

**Availability**

Becoming a member of the Standing Faculty of the University implies a willingness to accommodate oneself to the reasonable scheduling of courses, laboratories, faculty meetings, and committee assignments. Faculty members are expected to be available for advising and individual student conferences throughout the term by means of regularly scheduled office hours or appointments or both unless prevented by conflicting professional activities. Moreover, faculty members are also expected to be easily available to their colleagues. Only compelling personal or professional reasons should prevent faculty members from holding all classes at the scheduled times and places. Every effort should be made to reschedule classes missed because of a teacher’s absence. Formally scheduled final examinations are to be given only during the time periods officially announced (see rules governing final examinations and administration of examinations on religious holidays).
Research

Appointments are made to the Standing Faculty of teacher-scholars whose research and publications are expected to continue throughout their active careers. Teaching loads at the University of Pennsylvania generally reflect the assumption that a significant part of the faculty member’s time will be devoted to research.

Service

Another aspect of faculty activity is service to the department, the school, and the University. The faculty is involved in all decisions affecting courses, curricula, degrees, appointments and promotions, and in many other choices affecting the physical plant and the multifarious aspects of University life and activities. Thus, service as administrators and committee members is an important part of faculty life.

All three activities — teaching, research, and service — are of major importance, and all may be considered in determining salary levels and eligibility for promotion. Since some members may be called upon for extraordinary effort in one or more of these areas, such effort is consistent with adjustment in the others. Thus, exceptionally heavy administrative duties are often balanced by a reduction in teaching load. Taken in their entirety, faculty activities usually involve a total commitment of one’s professional time and efforts (see section regarding extramural associations).

II.E.2. Faculty Leaves of Absence

(Source. Executive Committee of the Trustees, December 17, 1981, as revised)

The two main types of leaves of absence available to the faculty of the University of Pennsylvania are scholarly leave and leave for employment elsewhere. All leaves require the approval of the relevant department chair, school Dean and the Provost. Combinations of these types of leave are possible; however, such arrangements are governed by the principle that no faculty member will be on leave for more than four semesters during any six years that include the period of a requested leave without the explicit approval of the Provost, President and Trustees.

Scholarly Leaves

It is appropriate that members of the Standing Faculty, Clinician-Educators, and full-time Research Faculty periodically be granted scholarly leaves for study and research. A scholarly leave is a means of recognizing a faculty member’s high academic performance while at the University, future potential for growth, and an opportunity to make a major contribution to knowledge. It is intended to extend and to accelerate intellectual growth and to enable a faculty member to pursue without distraction a project
designed to this end including the advancement of personal knowledge or competence in the faculty member’s current or potential areas of specialty. A scholarly leave is also intended to benefit the general academic community and the University. Therefore, a scholarly leave normally will be granted only to a faculty member who will have a continuing appointment with the University after the end of the leave and who, at the time of notification of approval for the leave, has not made a commitment inconsistent with return to the University. Exceptions to this requirement will be made for faculty members who plan to retire at the end of their proposed scholarly leave.

A scholarly leave is granted only to a faculty member who has presented an appropriate private program of study or research. It is recognized, however, that scholarly leaves for faculty members in the arts and professions can be based upon programs designed to increase professional competence even though these may not normally be interpreted as research programs.

Approval of an application for scholarly leave is contingent upon adequate fiscal and personnel resources being available to meet instructional assignments and other departmental responsibilities. If exigencies require, it may become necessary to postpone leaves.

Scholarly leave is normally not granted to University faculty members holding term appointments. In special cases where a faculty member on a term appointment is granted a scholarly leave, the leave will be counted as part of the time accumulated toward tenure, unless the formal action approving the leave expressly provides otherwise.

Scholarly leaves may be with or without salary from the University.

Scholarly Leaves without Salary

Scholarly leaves without salary are occasionally granted. In these cases, the faculty member does not receive remuneration in the form of salary from the University of Pennsylvania or from any other organization. To the extent that personnel benefits are not financed under this arrangement, the faculty member may request that the University make contributions toward the cost of these personnel benefits as permitted by law and University benefits policies, provided that the faculty member continues individual contributions to the employee benefits plans.

Scholarly Leaves with Salary

(Revised policy approved by the Provost, effective January 1, 1989)

Normally, an initial scholarly leave with salary is granted to a University faculty member holding the rank of Assistant Professor, Associate Professor, or Professor after a period of six or more consecutive years of full-time service in the Standing Faculty, Standing Faculty—Clinician-Educator, or Research Faculty at the University. Additional paid scholarly leave may be granted periodically.
Eligibility for consideration for up to a maximum of two semesters of leave at full academic base salary may be accrued at the rate of one semester of leave at up to half academic base salary (or equivalent) for each six semesters of full-time service:

<table>
<thead>
<tr>
<th>Accrued Full-time Service</th>
<th>Leave Eligibility</th>
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<tr>
<td>Six semesters</td>
<td>One semester at up to half academic base salary</td>
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<tr>
<td>Twelve semesters</td>
<td>One semester at up to full academic base salary or two semesters at up to half academic base salary</td>
</tr>
<tr>
<td>Eighteen semesters</td>
<td>One semester at up to full academic base salary and one semester at up to half academic base salary</td>
</tr>
<tr>
<td>Twenty-four semesters</td>
<td>Two semesters at up to full academic base salary</td>
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*Accumulation cannot begin before July 1, 1982.

Faculty members may not normally be granted scholarly leave with salary for more than two consecutive semesters. Faculty members on 12-month appointments will accrue eligibility for leave at full or half academic base salary for six months or twelve months after full-time service for corresponding six month (rather than semester) periods.

The University will administer all types of scholarly leave with flexibility, allowing faculty members to take advantage of special opportunities such as prestigious fellowships. In such cases, when a leave is granted earlier than would be expected, the interval between this leave and any subsequent leave will be adjusted to make the faculty member's leaves conform, on the average, to the guidelines above.

Faculty members are encouraged to seek outside support wherever possible to permit them to take advantage of the full year leave option without loss of income. Total salary during the leave cannot exceed the normal academic salary for that period; if the outside support is such that the total would exceed the normal academic salary, the University contribution shall be appropriately reduced. Payments specifically designated by a supporting agency for travel or living expenses are exempt from this limitation; such payments may also be made from departmental or school budgets, but not from the benefits pool.

It is the responsibility of an applicant for a scholarly leave to inform the University fully concerning the financial circumstances surrounding the leave, including any grant, fellowship, stipend or other compensation that is received during the leave period so that the University may make arrangements for appropriate financial support. Such information shall be presented as soon as it is available.

A faculty member may not accept paid employment during a scholarly leave with salary except as provided within the University’s policy governing extramural activity for compensation. During a paid leave, personnel benefits are continued to the extent permitted by law and by University benefits policy, provided the faculty member continues normal benefits contributions.
Leaves for Employment Elsewhere

A leave of absence may be granted to a faculty member who wishes to accept a temporary post at another university, in governmental service, or in a private institution, agency, industry or firm. Such leaves are granted only when clear benefits in terms of scholarly opportunity or professional development derive from the leave and support the activities of the University. They are granted only when the personnel resources of the University are adequate to maintain the programs with which the faculty member is concerned in his or her absence.

Normally a leave of absence for employment elsewhere will be for a period of one year. If there is sufficient justification, a second year of leave may be approved. A leave of absence for employment elsewhere will never be extended beyond two years with the single exception of leave to accept a Presidential appointment to a high level position in the federal government. In this one case, leave may be extended for a period as long as four years. The appointment of a faculty member who does not return to his or her duties at the University at the end of a leave for employment elsewhere will be terminated as of the end of the leave period.

Normally the University does not contribute toward the salary or benefits of a faculty member on leave for employment elsewhere. Frequently employers will provide their own benefits plan to the faculty member or will reimburse the University in order to maintain University benefits coverage for the individual in question. However, the University urges the faculty member to retain appropriate benefits coverage while on leave and to make any necessary arrangements with the Office of Human Resources prior to the leave period.

Other Leaves

The University recognizes that occasions may arise when faculty members may wish, or be forced, to request leaves of absence for purposes other than scholarly study or employment elsewhere. It will endeavor to be as generous as possible in granting these requests when they are compatible with the best interests of the faculty members, the students, and the University. If such a leave is granted to a member of the Standing Faculty on a term appointment, this leave will be counted as part of the time accumulated toward tenure unless expressly provided otherwise in the formal action approving the leave. Additional information on leaves is included in the University of Pennsylvania’s Personnel Policy Manual.

Reduction in Duties

(Source. Provost’s Memorandum January 23, 1991; revised January 2006)

Members of the standing faculty, the research faculty and Academic Clinicians may request a reduction in duties for a period not to exceed six years. Such a reduction is
granted only for whole years and requires Trustee approval. It will be granted for good and sufficient reason such as serious illness or injury, child care, elder care or service to the community. [Faculty anticipating a move to emeritus status and seeking a reduction in duties should refer to Section II.E.9.] Typically, a reduction in duties does not exceed 50% of full duties. Reduction in duties is always accompanied by a proportional reduction in salary and in those benefits, such as life insurance and retirement contributions, that are salary-based.

For faculty with a normal seven-year (ten-year) probationary period, the total probationary period including time spent at reduced duties for child care cannot exceed ten years (thirteen years). Faculty members who wish to devote full time to child care should consider requesting personal leave as described under the heading “Other Leaves.”

Inactive Status

Special arrangements whereby faculty members are released from academic duties for periods of time shorter than a single semester are not called leaves. Such arrangements require the approval of the Dean and are handled within the several schools; they do not involve the University benefits pool.

Resignation While on Leave

If a faculty member accepts an appointment to another institution while on leave, it is customary among institutions of higher learning for the new institution to reimburse the former institution for sums paid to the faculty member, or on his or her behalf, from the University funds during the period of the leave. The University of Pennsylvania generally observes this practice in its own appointment procedures, and it expects that faculty members who resign from the University of Pennsylvania while on leave will cooperate in seeking such reimbursement for the University from their new institutions.

II.E.3. Policy on Extension of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor


A. A non-tenured member of the Standing Faculty shall be eligible for an extension of the tenure probationary period, and a Clinician-Educator or member of the research faculty shall be eligible for an extension of the promotion review period corresponding to the semester or year during which any of the following events occurred:

1. a child is born, adopted, or placed for foster care, into the faculty member’s household and the faculty member is the primary or co-equal parental caregiver;
II. FACULTY POLICIES AND PROCEDURES

2. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (as defined in the domestic partner benefits policy); or

3. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of his or her position.

Only a primary caregiver may obtain an extension of the tenure probationary period due to a serious health condition of a family member as described above in sections A1 and A2. If both spouses or domestic partners (as defined in the domestic partner benefits policy) are co-equal caregivers, then both may obtain extensions of the tenure probationary period.

B. The length of each extension shall be one year. The faculty member shall complete the Notification of Extension form and transmit it to the Provost’s office within one year of the birth, adoption, or foster care placement. Deans and department chairs are responsible for ensuring that all faculty eligible for an extension receive the Notification of Extension form.

C. Extensions of the tenure probationary period shall be without prejudice to the obligation of the University to provide faculty members with twelve-months’ notice of termination.

D. When a faculty member who has taken an extension under this section is being reviewed for tenure or promotion to associate professor, the dean, in his/her letter soliciting evaluations from external reviewers, should explicitly state that the candidate has taken an extension pursuant to this policy. The dean should further state that the policy of the University of Pennsylvania is to evaluate the productivity of each candidate who has been granted an extension as if he or she had been in probationary status for the normal duration, so that the candidate is not penalized for having received the extension.

Upon being notified of a faculty member’s application for a one-year extension of the probationary period, the University will approve the application unless specific and compelling factors require its denial. The action of the Provost shall be communicated in writing to the faculty member and shall specify the revised date of tenure review and termination date of the probationary period and (in the event that the request is denied) shall specify the grounds for the denial.

For untenured members of the standing faculty on the tenure track, the total probationary period cannot exceed ten years. For assistant professors on the clinician-
educator track, and assistant professors on the research track, the total probationary period cannot exceed thirteen years.

N.B. The statute defines a “serious health condition” as “an illness, injury, impairment, or physical or mental condition that involves”—“(A) inpatient care in a hospital, hospice, or residential medical care facility”; or “(B) continuing treatment by a health care provider.” “Health care provider” is defined (2611(6)) as: “(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or “(B) any other person determined by the Secretary [of Health and Human Services] to be capable of providing health care services.”

E. **Catastrophic Event**

*(Source. Office of the Provost, 2005)*

The University recognizes that rare and unusual situations may occur in which a faculty member in a probationary period will be the victim of an unforeseen, catastrophic event. A “catastrophic event” is defined under this policy as either: (1) the destruction, loss, or unavailability of, or interference with access to, materials, data or research opportunities necessary for completion of a research project, such that the research project is unable to proceed or is disrupted for at least 60 days, or (2) unforeseen interruptions in the availability of building facilities or suspension of laboratory operations that deprive the faculty member or appropriate members of the research team of access to a laboratory or the availability of other essential supports for at least 60 days. It is understood that a “catastrophic event” has a serious impact on the faculty member’s ability to pursue his/her area of scholarly focus or activity in a customary and timely fashion and occurs through no fault of the faculty member. Under those circumstances, a faculty member may be eligible for an extension of the probationary period applied to the granting of tenure or promotion to associate professor. The extension shall be for one year. A faculty member may apply for additional extensions up to the maximum permissible under University policies.

In order to determine if the faculty member is eligible for an extension of his/her probationary period under the *catastrophic event clause*, the following review and evaluation will apply:

- the faculty member must report the event to the Dean or department chair as soon as feasible, but in any event no later than 30 days following the catastrophic event or the discovery of the catastrophic event.

- the faculty member will submit a written report of the event to the dean or department chair, documenting the loss and including any supporting materials, such as insurance claims, statements from collaborators, witnesses, University reports, etc. The report will include a request for an extension of the probationary period.
the faculty member’s report, supporting materials, and a statement of support for
the extension will be reviewed by the Dean of his/her School.

the Dean will appoint a committee to review and evaluate the request and to
provide a written report and recommendation within twenty-one days. The
committee will be comprised of three senior standing faculty who are not from the
home department of the faculty member making the request; in the schools where
there is an Associate or Vice Dean for Research and/or Research Training, that
person will serve *ex officio.*

the committee will review the details of the event, evaluate the impact on the ability
of the faculty member to pursue his/her area of scholarly focus or activity, suggest
a plan for amelioration, and a timeline for completion. The committee members
should interview faculty and staff who may have information pertinent to the event.

the committee will submit a report and recommendation to the Dean. In those cases
where the Dean recommends an extension, he/she will submit the report, any
additional documentation, and a recommendation to the Deputy Provost.

The Deputy Provost will review the report with the subcommittee of the Provost’s
Staff Conference who will serve as advisors to the Associate Provost in making the
determination. Each case will be judged on its own merits and will not create a
precedent for future determinations. The decision of the Deputy Provost and/or
Provost will be final and binding.

II.E.4. Faculty Parental Policy

(Source. Office of the President and Provost, March 18, 1997; revised January 2006)

The arrival of a new child into a family, either at the time of birth or adoption,
typically requires that one parent devote substantial time to child care duties, often of such
a nature that the duties cannot be delegated to another adult. The assumption of these
substantial child care duties often is incompatible with the time required by a full time
faculty member’s University obligations. In recognition of this, a member of the standing
faculty who is the primary caregiver of a child newly arrived in his/her home is entitled,
without reduction in pay, to a reduction in teaching duties amounting to a 50% reduction
in a given academic year. Depending on how teaching duties are assigned in the faculty
member’s school, this may or may not correspond to a semester without teaching duties.
The period without teaching duties will commence within six months of the baby’s birth
or the child’s arrival in the home. The date of the birth or adoption and the faculty
member’s teaching schedule will determine the appropriate timing for the relief from
teaching. The faculty member is expected to notify the department chair and/or Dean in
writing of his/her preferred teaching schedule at an early date so that appropriate arrangements can be made to cover his/her teaching. This relief from teaching duties is not a leave of absence. Outside the period of incapacity due to childbirth or FMLA leave taken, and as compatible with the particular situation, the faculty member will be expected to meet his/her other normal departmental and University responsibilities, including research, committee membership, and advising. The preceding sentence does not authorize assignment of additional such duties to compensate for the reduction in teaching duties.

Where both parents are faculty members at the University, only one parent is entitled to the 50% reduction in teaching duties. If the parents wish to share the reduction in teaching duties, a pro-rated reduction is permitted where the parents’ home departments can accommodate such a request.

A faculty member who gives birth normally is entitled to eight weeks’ paid time off, or longer if her physician certifies a longer period, under the University’s sick leave / short term disability policies. Those seeking a longer period relieved from teaching or who wish relief from all other duties should consider whether they qualify under Section II.E.4 or should apply for a child care leave.

II.E.5. Policy on Extra Faculty Compensation

Faculty should not receive extra compensation from the University for undertaking research during the academic year. Similarly, extra compensation should not be provided for undertaking unusually heavy teaching responsibilities in the regular academic programs of the University. Such unusual overload should be offset by corresponding lighter loads in a future semester.

Extra compensation may be provided when a faculty member:

(1) has been appointed to an administrative post in addition to his or her faculty appointment and for which additional salary has been authorized by the Dean or Provost;

(2) holds a nine-month appointment and teaches in summer programs of the University;

(3) holds a nine-month appointment and receives a summer salary from the University for other than teaching purposes, in which case the faculty member may receive up to one-ninth of his or her academic base salary times the number of months spent in full-time service on the project during the months of June, July, and August. The normal pattern is two-ninths additional salary for two months’ work and one month’s vacation. In some cases, if the granting agency approves and the faculty member takes no vacation three-ninths may be paid. But in no case will payments exceed one-third of the base academic salary.
(4) teaches in evening, extension, and specialized or supplemental programs which may be established from time to time provided:

a. They are conducted by a faculty or a school of the University; or

b. The function of the program serves an extramural purpose for which the need is broadly recognized;

(5) engages in clinical practice in an established group practice within the University, the University hospital, and affiliated hospitals.

(6) is asked to engage in “internal consulting” where services essentially of an intramural consulting nature are required for very short periods of time within a semester and where reduction in departmental loads is not feasible. The rule excluding extra compensation may be waived by the Provost. Extra compensation may be paid only in cases which meet all the following criteria:

a. The time involved would be limited to approximately four days per project during an academic year, and the total time for all intra-university consulting or research (for extra compensation) would be limited to eight days per academic year.

b. The work must not interfere with the regular work of the department or of the individuals concerned.

c. The work must either have been unforeseen at the time the faculty member’s duties for the period were planned, or no feasible alternative means could be found for absorbing it into his or her work schedule.

d. The administration of such arrangements must include an exchange of correspondence between the chairs of the departments involved prior to the start of the work as well as approval by the Provost.

In addition, home department chairs or other appropriate immediate superiors should be made aware of all activities undertaken by faculty members for extra compensation, with a view to preventing conflicts of interest and to avoid excessive overall commitments.

II.E.6. Financial Obligations of the University to Faculty Members

(Source. Standing Resolution of the Trustees, September 9, 1983)

Death. Accelerated payment of a portion of life insurance equal to one-fourth of
the insured’s annual benefits base is available through the Benefits Office in accordance with the Group Life Insurance policy as published in The University of Pennsylvania Personnel Policy Manual.

Illness. Policies regarding absence for illness are covered by the University sick leave policy as published in The University of Pennsylvania Personnel Policy Manual.

Absenteeism. The University is not obligated to pay an individual holding tenure or a term appointment for periods of absence without leave. When a faculty member is recurrently absent from classes to a degree which interferes with the proper conduct of the course in the opinion of the department chair, and fails to provide evidence for the necessity of the absence which is satisfactory to the chair or the Dean, the Dean may, after one written warning to the faculty member, reduce the faculty member’s salary by the amount actually expended to employ a substitute for the remainder of the course, without raising any question of termination. At the end of this period the reduced salary would be restored subject to the possibility of either suspension or permanent removal determined as outlined above.

II.E.7. Resignation

Resignation should be made by letter to the appropriate Dean and submitted to the department chair.

Faculty members in tenure probationary status who intend to terminate their services at the end of their appointments should notify their department chairs by letter one year in advance, if possible, and no later than February 1 of the last year of the appointment. A faculty member with tenure should also notify his or her department chair by letter one year in advance of resignation.

II.E.8. Acceptance of Appointments Elsewhere

(Source. Office of the Provost, Almanac, December 5, 1989)

Any full-time member of the Standing Faculty, Associated Faculty or Academic Support Staff who accepts a full-time position at another institution must notify his or her department chair and Dean of that act at the time it takes place. Unless a leave of absence has been granted, the appointment at this University terminates as of the beginning of the new appointment.

In the case of tenured faculty who wish to accept a full-time tenured position elsewhere, this University will not grant leaves of absence for periods after the acceptance of the new appointment.
II.E.9. Retirement

(Source. Office of the Provost, 2004)

Faculty members who consider retirement should make a careful assessment of their financial needs and resources. The primary retirement benefit to faculty members is provided through the University’s Tax Deferred Retirement Plan. More detailed information about the Plan is available from the website of the Office of Human Resources, www.hr.upenn.edu; click on Benefits and then on Summary Plan Descriptions. In addition to these resources, TIAA/CREF and The Vanguard Group, the carriers for the Plan, present frequent seminars on retirement issues and provide opportunities for individual counseling. Schedules for the seminars and information on making individual appointments can be found at the Office of Human Resources website or by contacting the carrier directly. To make an appointment for a counseling session with a TIAA/CREF representative, visit their website at www.tiaa-cref.org/moc. To make an appointment for a counseling session with a Vanguard representative visit their website at www.meetvanguard.com.

Transition Programs

Two programs are available to faculty members who wish to ease the transition from full-time employment to retirement:

Faculty Income Allowance Program

The Faculty Income Allowance Program (FIAP) provides a transitional income allowance to members of the Standing Faculty and of the Standing Faculty – Clinician-Educator who qualify for the program. This allowance, which is paid during the first twenty-four months of a faculty member’s retirement, is typically somewhat greater than eighty percent of the faculty member’s pre-retirement monthly salary. Details of the program are available at: http://www.hr.upenn.edu/benefits/retirement/fiap.asp. or at http://www.upenn.edu/almanac/volumes/v51/n33/OR-fiap.html.

Phased Retirement

Phased retirement is available for faculty members who wish to move gradually from full-time employment to full retirement. During the period of phased retirement which may extend up to six years, a faculty member’s responsibilities and salary are reduced by a maximum of fifty percent. All benefits are continued during the period of phased retirement, but those benefits linked to salary are proportionately reduced. Participation in the program requires a) agreement between the faculty member and the chair of the faculty member’s department and b) agreement to move to full retirement at the end of the period of phased retirement. At the end of the period of phased retirement a faculty member who meets the requirements of FIAP may begin full retirement with the benefits of that program.
Continuing University Benefits in Retirement

The University currently provides subsidized retiree medical coverage and continued dependent tuition benefits to faculty members. Effective January 1, 2006, eligibility for these benefits requires that the “Rule of 75” be met. This requires that (1) the age and years of service of the faculty member must total 75; (2) the current eligibility requirements of age 55 with 15 years of service or age 62 with 10 years of service must also be met; and (3) service must be full-time and continuous. There is also a grandfathering provision for three years ending December 31, 2008. Therefore, those who meet the current eligibility requirements during the three-year period between January 1, 2006 and December 31, 2008 will be eligible for the benefits without having to meet the Rule of 75.

More information on current policies concerning retirement benefits is available from the website of the Office of Human Resources, www.hr.upenn.edu, click Benefits, Summary Plan Descriptions.

Rights and Privileges of Retired Faculty Members

Though no faculty member acquires new rights or privileges in the University upon retirement, certain of those rights and privileges to which he or she was entitled prior to retirement are still extended.

a. When a retired faculty member is actively engaged in productive scholarship, the University will try to furnish him or her office space as well as assistance from the departmental support staff. Such aid can be granted only if it is available; prior consideration must necessarily be given to the Standing and Associated Faculties.

b. Retired faculty members may file research or travel grant applications. The consent of the relevant department chair or Dean must be obtained prior to submission to the Vice Provost for Research. Such applications will be transmitted further only if the Vice Provost believes the project to be of significance, if there is probability of its being completed and if necessary office and laboratory space is available. If there is a shortage of such space, first priority must go to members of the Standing and Associated Faculties.

c. Retired faculty members may attend meetings of their school faculties and may participate in the work of committees of those faculties if invited.

d. The right to attend Faculty Senate meetings is extended by the by-laws of the Senate.

e. The library use privileges enjoyed by members of the Standing and Associated
Faculties are continued for retired faculty members, who may apply for faculty studies in the library if such facilities are required.

f. Retired faculty will be listed in the University online and printed telephone directory, if they so desire.

g. Retired faculty may receive mail at the University and may use the University as a mailing address.

h. The right of continued membership in the University Club is extended to retired faculty members.

i. The privilege of receiving the *Almanac*, the *Pennsylvania Gazette*, and special reports is continued.

j. Certain employee benefits are available as described in the University of Pennsylvania Personnel Policy Manual.

k. Faculty staff scholarship benefits are continued to those eligible for such benefits at the time of retirement.

l. A University of Pennsylvania identification card and all the privileges attached thereto is available to retired faculty members.

m. Access to recreational and cultural activities is the same for Standing, Associated, and retired faculty members.

### II.E.10. Conflict of Interest Policy for Faculty Members

[See also, Human Resources Policy Manual, Policy No. 003 on Use of University Property]


**Introduction**

This policy applies in full to all Standing Faculty, Standing Faculty-Clinician-Educators, and all full-time members of both the Associated Faculty and Academic Support Staff, hereinafter simply designated as “faculty members.” Parts of it also apply to those with part-time faculty appointments; these cases are noted in the appropriate sections. The details of this policy derive from the following general obligations:

- a. All employees are required to conform to the mores and ethical standards of the University and the rules promulgated to enforce them.
b. Employment as a faculty member presumes a primary commitment of time and intellectual resources to the academic mission of the University and its functioning as a community.

The following sections cite specific types of activity that have commonly been found to conflict with these obligations, and the procedures and regulations that have been devised to identify and resolve such conflicts. They are intended to serve as examples and not as a comprehensive compilation. Situations not covered by them will be judged in the light of the above general obligations.

Examples of actions that run counter to the first general obligation include nepotism, discrimination on the basis of irrelevant characteristics, inappropriate use of the University’s name, and exploitation of any aspect of association with the University for unacceptable purposes or private gain. They are proscribed at all times for all faculty members, extending to those in part-time employment as noted in the relevant sections of this document. Excessive commitment of time or mental effort to extramural engagements or other non-University activities during the academic year constitutes a violation of the second general obligation. As used in this policy, the academic year is defined for each faculty member as that portion of the year during which he or she receives a salary from the University for services.

**Conflict of Interest in the Allocation of Time and Effort to Extramural Activities**

The University recognizes that its faculty members are not employees in the usual sense, and that a precise allocation of academic time and effort is inappropriate. Their pursuit of knowledge in their areas of competence is presumed to be a lifelong commitment. A limited association of faculty members with government, professional agencies, and public or private organizations is appropriate, especially when it may enhance their competence as scholars.

**Policy on Extent of Extramural Activities.** Forms of extramural activity include part-time engagement for a fee as a technical or professional consultant or practitioner and formation or association with business enterprises or non-profit organizations.* In principle, both such associations are approved under the following conditions:

a. Faculty members should not engage in such extramural associations to an extent that detracts significantly from their availability for normal academic duties. These commitments in aggregate should not exceed one day per seven-day week during the academic year. Exceptions to this will be permitted only in unusual circumstances and require the specific approval of the President or Provost, the academic Dean and the department chair.

b. Faculty members shall make known to their department chairs and academic Deans the prospect of each continuing engagement, including, at least, all

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*The asterisk (*) indicates a note or reference that is not visible in the image provided.
engagements expected to extend for a substantial portion of an academic term. Faculty members should decide to enter a relationship only if, after discussion with their department chairs and academic Deans, there is concurrence that the proposed engagement will not conflict with the faculty members’ professional obligations to the University, or with the University’s outstanding or prospective commitments for teaching and research.

c. In addition to the prospective disclosure cited above, all faculty members must report on the extent of their extramural activities of all types as detailed below.

*Including part-time employment by another academic institution. Such employment may be inappropriate for a faculty member whose primary commitment of time and intellectual resources is to the academic mission of the University of Pennsylvania and its functioning as a community. A full-time faculty member who considers employment for research or teaching at another academic institution during the period of his or her employment by the University should treat this prospective employment as a continuing engagement and follow the procedures outlined below.

Conflict of Financial Interest Between the University and Extramural Organizations

Members of the faculty or of their immediate families (including parents, children, siblings, spouse) may have significant investments or interests or hold official positions in extramural business organizations, whether or not they have undertaken to perform continuing work or services for them. Such economic or official relationships are of concern if:

a. The organizations are engaged in activities that parallel activities in which the University is currently or prospectively engaged, and in which faculty members play (or might appropriately play) a role in their academic capacity; or

b. The organizations have a present or prospective relationship with the University, e.g., as suppliers of goods or services or as parties to research contracts, and the conduct of those relationships may involve faculty members in their academic capacities; or

c. The engagements undertaken by faculty members under the aegis of extramural business organizations might be suitable and appropriate activities for execution within the University.

Policy on Disclosure of Relationships with Organizations that are Suppliers or Potential Competitors of the University

In any of these situations, faculty members shall be required to report the facts and circumstances to their department chairs and academic Deans so that appropriate steps may be taken to avoid conflicts of interest, especially ones in which faculty members may
benefit from a knowledge of confidential information.

In the foregoing it assumed that those with part-time faculty appointments will not normally participate in University decisions that could engender such conflicts of interest for them. Whenever this condition does not obtain, the policy stated above extends to them. Furthermore, in any circumstances in which part-time faculty members are engaged in externally sponsored research projects contracted with the University, or in which they stand to benefit from a knowledge of confidential information, full disclosure of their relationships with relevant extramural organizations and of the facts pertaining to any potential conflict is required.

Policy on Acceptance of Engagements Through Extramural Organizations

Faculty members with positions or connections in extramural organizations who wish to undertake engagements through those organizations rather than the University are obliged to offer first to the University each such engagement (grant, contract, client, etc.) in which they would assume one or both of the following relationships to the engagement:

a. Owner, executive or other principal decision-making position responsible for the conduct of that business enterprise; and/or

b. Principal investigator or other substantial responsibilities for the satisfaction of the engagement.

By requiring that each engagement be offered to the University, the following ends are served:

(1) The disclosure of the type, scope and extent of extramural activities is achieved, in accordance with University policy;

(2) The decision as to whether an engagement is appropriately undertaken as a University or extramural activity is shared with the University administration, thereby avoiding possible conflicts of interest, and the appearance of such conflicts.

Faculty members intending to conduct engagements in business enterprises with which they are associated shall disclose in writing to their department chairs and Deans:

a. The nature and terms of the proposed enterprise, and

b. The reasons why it should be conducted as an extramural activity.

If the chairs and Deans agree that the engagements are not appropriate as a University activity, and if they conclude that the other conditions of the extramural
consulting policies of the University will be met, then they will advise the faculty members to proceed. Otherwise, they may require that the engagements be conducted within the University.

**Disclosure of University Affiliation in Publications of Extramural Organizations**

Faculty members who form or associate with extramural business enterprises or non-profit organizations should exercise particular care that their University affiliation is appropriately cited in publications of such organizations. Problems that can arise from failure to observe this injunction include:

a. Such an organization, by reason of the participation of faculty members, might be considered to have some formal or informal relationship to the University.

b. Faculty members by reason of their positions in such organizations might be expected to discharge duties and responsibilities for those organizations that would be inconsistent with their primary duty to the University.

**Disclaiming University Relationships.** A business enterprise or non-profit organization with which a faculty member has a connection may release to the public from time to time publications concerning itself and its activities. In all such publications it may be desirable and, in many cases, required by law that a faculty member’s affiliation with the University be disclosed.

The impact of such disclosure will depend on the circumstances. At one extreme a faculty member might serve as a member of the board of directors of an established business or non-profit organization, where there is not even a remote implication that such organization is in any way connected with the University of Pennsylvania. At the other extreme, all or a large number of the principals of an organization (officers, directors, promoters and substantial shareholders) may be faculty members. In such cases, there is a strong implication that the organization may be connected with the University of Pennsylvania, even that the University bears some responsibility for its activities and success. In these cases, an express statement of the form,

The ______________________ has no connection, directly or indirectly, with the University of Pennsylvania.

in prominent type, should be included in all publications released by such organization. The Provost shall have the power to require that such a statement be included in all organizational publications that refer to faculty members, when it is in his or her judgment necessary.

The foregoing rules extend to part-time faculty members, when their association with the University is mentioned in an organizational publication.
Affirmation of Obligations to the University. A faculty member may have a position of responsibility (continuing or temporary) with an extramural business organization. In such cases it should be made clear in any publications of the organization that the obligations, in terms of both time and responsibility, of the faculty member to the extramural organization are limited by and subject to the policy of the University of Pennsylvania. This alerts both the public and the faculty member’s business associates that duties to the extramural organization are thus limited. This is especially necessary in the case of corporate officers who are normally regarded as owing a comprehensive fiduciary duty to the corporation and its shareholders. The suggested format for such a disclosure is:

J. Smith, a Vice President of this corporation, is a member of the faculty of the University of Pennsylvania and as such is subject to limitations by the University on the time that may be devoted to the affairs of this corporation. In any instance where the interest of this corporation may conflict with the interest of the University of Pennsylvania, J. Smith will resolve such conflict in favor of the University of Pennsylvania.

The Provost shall have the power to require such a disclosure in any instance where he or she adjudges it necessary.

Conflict of Interest in Externally Sponsored Research

Regulations concerning sponsored research may be found in the “Sponsored Projects Handbook”; please see http://www.upenn.edu/researchservices/, available from the Office of Research Services, and Guidelines for Extramural Activities of Faculty of the University of Pennsylvania Medical Center and Health System. The Office of Research Services can be reached at 3451 Walnut Street, Room P-221, Philadelphia PA 19104-6205, 215-898-7293.

The University encourages its faculty members, including those in part-time employment, to participate in externally sponsored research projects, whether supported by government agencies, foundations, associations, or other non-profit organizations; or by corporations, partnerships or other for-profit entities. In any sponsored project, faculty members are expected to avoid use of the project for their private financial gain other than in the form of salary support or of royalties resulting from commercialization of intellectual property rights in accordance with University policies. However, there may be unusual circumstances under which the interests of the University would be served if a faculty participant in a sponsored project were to assume an entrepreneurial role; for example, if a faculty member participates directly in a private enterprise providing funds to Penn in support of the project. Assumption of such a role would not be a violation of these guidelines if approved in advance and reviewed periodically by the relevant Dean and the Vice Provost for Research. Examples of situations from which conflicts of interest may arise include, but are not limited to, the following:
a. Undertaking or orientation of sponsored research to serve the needs of a private agency or enterprise in which a responsible staff member has an interest.

b. Purchase of major equipment, instruments, materials or other items for externally sponsored research from any agency or enterprise in which a responsible staff member has an interest.

c. Acceptance of any limitations on the free publication of and access to the results of any sponsored research. Exceptions may be granted by the Provost for privileged information, but only in the form of a delay in the release of such information. The delay will only on rare occasions exceed three months. Those wishing to engage in research of a kind whose results cannot be so disseminated may only do so as an extramural consulting activity under the conditions previously described.

d. Transmission to any private agency or enterprise, use for personal gain, or other unauthorized use of the work product, results, materials, records, or information gathered from sponsored research that is not made generally available through publication or other free access.

e. Acceptance of gratuities or special favors from a private agency or enterprise with which the University conducts business in connection with a sponsored research project.

Disclosure to Responsible University Officials. Before participating in any sponsored research project, all faculty members must give written notice of their extramural consulting relationships or other sponsored research projects that may relate in any way to the project to the appropriate department chairs and through them to the Deans and Vice Provost for Research. Any significant financial or managerial interests that may relate in any way to the project must be disclosed in writing to the Vice Provost. Any faculty members engaged in sponsored research projects must disclose in the same manner any change in their outside activities or interests. In the light of such disclosures, the University will take appropriate steps to neutralize or eliminate potential conflicts of interest.

Distribution of Effort. The sponsoring agency supporting research must not be misled as to the amount of intellectual effort that faculty members are actually devoting to these research projects. A system of precise time accounting is incompatible with the inherent character of the work of faculty members, because the various functions that they perform are closely interrelated and do not conform to any meaningful division of a standard work week. However, if externally sponsored research agreements provide that faculty members will devote a definite fraction of effort to the projects, or if it is agreed that they will assume specified responsibilities in relation to such research, demonstrable
relationships between the stated efforts or responsibilities and the actual extent of their involvement are to be expected. Each faculty member, in such circumstances, shall confirm the fraction of effort devoted to the projects in the effort reports required of all faculty members who are so engaged.

_Advice and Guidance._ Any questions concerning potential conflicts of interest, appropriate distribution of effort, or other problems associated with externally sponsored research, should be addressed to the office of the Vice Provost for Research.

_Requirements for Reporting Extramural Activities and Obligations._ At the end of each academic year, each faculty member shall submit to his or her department chair and Dean a report of his or her extramural activities during that year, containing the following information:

a. Number of days (or hours, if preferred) of extramural activities for fee (include consulting, professional practice, outside teaching commitments, lectures for honoraria, etc.);

b. Names of organizations (government agencies, private firms, partnerships, etc.) for which the extramural activities conducted represented a continuing engagement;

c. Number of days (or hours, if preferred) of extramural activities on behalf of business enterprises in which the faculty member has a financial interest or official position.

d. Names of business organizations in which the faculty member is a significant owner, partner, officer, director, or staff member, etc.

The last item shall also be reported by all part-time faculty members for whom any of the following conditions obtain:

a. The organization is a supplier of the University and the part-time faculty member participates in the decision to engage its services.

b. The organization supplies goods or services to the University to be used in the performance of externally sponsored research projects in which the part-time faculty member participates.

c. The part-time faculty member is privy to confidential University information that could be used to the business advantage of the organization.

d. The affiliation of the part-time faculty member with the University may be mentioned in any publication of the organization.
Forms for the reporting of extramural activity are available from the Office of the Provost.

All faculty members must also report on a continuing and timely basis to the appropriate administrators the relevant circumstances, as noted in the sections cited, whenever any of the following conditions are met:

a. They have or wish to initiate a relationship with an extramural business organization that is or may become a supplier or competitor of the University (see section II.E.10 on Policy on Disclosure of Relationships with Organizations that are Suppliers or Potential Competitors of the University).

b. They wish to undertake an engagement (grant, contract, client, etc.) through an extramural organization (see section II.E.10 on Policy on Acceptance of Engagements through Extramural Organizations).

c. They intend to participate in a sponsored research project that may be related to their other sponsored research projects, to any of their extramural consulting relationships, or to any organization in which they have significant managerial or financial interests (see section II.E.10 on Policy on Acceptance of Engagements through Extramural Organizations).

Employment of More than One Family Member

(Source. Office of the Provost, Almanac, December 16, 1997)

University policy permits the employment of more than one member of a family (defined as being related by blood, marriage and former marriage, or adoption, or defined as partners recognized under University benefits policy), whether or not the persons concerned are in the same academic or administrative department. The University's primary concern in such cases of appointment, as in all others, is that faculty or staff members are the best candidates with respect to the requisite qualifications for employment. The University has a parallel concern, however, in the avoidance of a conflict of interest or the appearance of such conflict, where an employee's professional decisions or actions pertaining to the performance of his or her job would be colored by considerations arising from a family relationship with another employee. The University also recognizes that the appointment of two or more family members, especially within the same department, could generate pressures and prejudice among colleagues. To guard against such conflicts and abuses, the following rules must be observed:

A. Family Members Appointed to the Faculty

1. No faculty member shall participate in any way whatsoever in the decision to employ, promote, reappoint, or terminate the appointment of a member of his
or her family on the Standing Faculty or the Associated Faculty.

2. Any proposal to employ as a faculty member a person who is related to a member of the faculty or administration must be brought to the attention of the Dean before an offer of appointment is made. In cases where there is a potential conflict of interest in the professional relationships of family members or with respect to other employees of the University arising from the family relationship, the department chair must outline in writing the steps being taken to avoid or manage conflicts of interest or the appearance of such conflicts, subject to approval by the Dean. Deans will report such arrangements to the Provost in the course of normal administrative oversight.

3. No faculty member shall participate in any other decision, including determining the salary, teaching and/or administrative assignments, and space assignments, directly and individually affecting a member of his or her family on the Standing Faculty or Associated Faculty.

B. Family Members Appointed to Non-faculty Positions

Faculty members should take care to avoid conflicts of interest or the appearance of such conflicts in the employment of, and in any ongoing University-related professional relationship with, a family member in a non-faculty position. All decisions regarding such employment should be conducted in strict conformance with Human Resources Policy.

C. Reporting

In the course of normal administrative oversight, department chairs or other heads of departments will report periodically to Deans, and Deans will report to the Provost, on steps that have been taken to avoid or manage conflicts of interest or the appearance of such conflicts among faculty members and/or academic administrators who are related as family. In each case, the faculty members and/or academic administrators who are subject to such reports shall receive copies of such reports on a timely basis.

These requirements extend to part-time faculty appointments whenever such a person may exercise decision-making power over the employment and/or administration of a family member employed by the University.

II.E.11. Decreases in Salary

(Source. Trustees of the University of Pennsylvania, October 16, 1959, as revised; Provost’s Memorandum 190 dated June 8, 1990)
II. FACULTY POLICIES AND PROCEDURES

Academic base salaries of faculty members may be decreased only in accordance with an expressed agreement between the faculty member and the University or because of financial exigency. Decreases for financial exigency shall be limited to the following: (a) simultaneous uniform percentage decreases in the academic base salaries of all faculty members in the University and (b) simultaneous uniform percentage decreases in the academic base salaries of a class of faculty members such as a particular rank, department or school. No decrease for financial exigency shall be made except after consultation, initiated by the President, with the Executive Committee of the Faculty Senate or with representatives selected by the class of faculty members subject to a proposed decrease. Consultation shall cover such issues as the existence in fact of a financial exigency, the appropriateness of the selection of the particular class for salary decrease, alternative actions and the like.

If after such consultation the academic base salaries of faculty members are decreased, with or without the concurrence of the Senate or the representatives of the class of faculty members, the President shall notify the affected faculty members, in writing, of (a) the fact that the academic base salaries of all of the faculty members in the University, or of a described class of faculty members, have been simultaneously decreased, (b) the formula applied uniformly to determine the amount of the decrease, and (c) the reasons for the action taken.

II.E.12. Faculty Grievance Procedure

(Source. Office of the Provost, Almanac, August 30, 1988 and October 4, 1988)

Applicability

a. This grievance procedure shall be available to any member of the Standing Faculty, Standing Faculty—Clinician-Educator, Associated Faculty, Academic Support Staff, or compensated Emeritus Faculty at the University of Pennsylvania.*

b. A grievance is a claim that action has been taken which involves a faculty member's personnel status or the terms or conditions of employment and which is: (1) arbitrary or capricious; (2) discriminatory with regard to race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin, or handicap; or (3) not in compliance with University procedures or regulations.

*Members of these classes are henceforth referred to in this section as “faculty” or “faculty members.”

Faculty Grievance Commission

a. There shall be a Faculty Grievance Commission (the Commission) composed of three members of the Standing Faculty holding the rank of Professor. They shall be
appointed by the Senate Executive Committee for staggered three-year terms expiring June 30. These three members shall serve serially as chair-elect, chair, and past-chair of the Commission. The cost of any compensatory release from teaching should be provided from central University funds as needed.

b. The chair of the Commission shall be the primary administrator of the Faculty Grievance Procedure. The past-chair shall serve as presiding officer at grievance hearings. The chair-elect will observe the functions of the Commission and may attend hearings. Each member of the Commission may substitute for another member when a member cannot serve because of a conflict of interest or for other reasons. If a member or members of the Commission cannot serve for whatever reason, the Commission, with the advice of the chair of the Faculty Senate, may replace its missing members with former Commission members who still hold compensated faculty appointments.

c. There shall be an independent legal officer to assist the Commission in its operations. The legal officer's appointment and terms of employment shall be jointly determined by the chair of the Faculty Senate and the Provost. Once appointed, the legal officer's professional responsibility shall be to the Commission.

d. There shall be a hearing list consisting of at least 30 persons selected by the Senate Executive Committee from members of the Standing and Associated Faculties. The list shall be broadly representative of these faculties and include women and members of minority groups. It shall not include faculty members holding administrative appointments at the level of department chair or above. Faculty members shall serve on the hearing list for three-year terms expiring on June 30. Appointments shall be made by May 30 of each year and arranged so that the terms of approximately one-third of the members shall expire each year. Replacements shall be selected by the Senate Executive Committee as needed. At all times during the academic year, one or more hearing panels, composed of three faculty members and alternates selected by the Commission by lot from the hearing list, shall stand ready to hear any grievance that may arise. At least two of the three members of each panel must have tenure. In addition, members of the Standing Faculty—Clinician-Educators shall not serve on a panel hearing a grievance related to tenure or compensation of a tenured faculty member. The first panel for each year shall be selected by June 30 and four succeeding panels shall be named as soon as a grievance is assigned to the standing panel.

Pre-Hearing Procedures

a. Before filing a grievance with the Commission, a faculty member shall first review the complaint with his or her department chair or Dean in an effort to effect an equitable resolution. If a resolution is not reached, the faculty member is encouraged to consult with the University Ombudsman, the chair of the
Commission and any other concerned University groups to determine whether the Commission is the appropriate body to hear the complaint and whether they can be of assistance in resolving the complaint.

b. Failing to receive satisfaction, the faculty member shall inform his or her Dean in writing of the nature of the complaint, of the remedy sought, and of his or her intention to file a grievance with the Commission. The faculty member may also request in writing from the Dean a written statement of the reasons for the actions which are the subject of the complaint. The Dean’s written statement should either be approved by the department chair and the chairs of any panels that have reviewed the case or be accompanied by separate statements from these persons. These written statements should be supplied to the faculty member within two weeks after receipt by the Dean of the written request for them. Exceptions to these deadlines may be necessary during the summer months or in extraordinary circumstances.

c. If the faculty member is not satisfied with the Dean’s response, he or she may file a grievance with the commission after the Dean’s written statement is due or received. Written notice of the grievance and request for a hearing shall be submitted to the Commission through its chair with copies to the Provost and the Dean. If a grievance is not filed with the Commission within thirty days of the receipt of the Dean’s written statement, the Dean may inquire in writing whether the faculty member intends to file a grievance. The grievance shall be treated as abandoned unless it is filed within fifteen days of such inquiry. Exceptions to these deadlines may be necessary during the summer months or in extraordinary circumstances.

d. Since grievances may be cumulative, a faculty member may base his or her grievance on prior as well as current events or conditions. The grievance must be initiated not later than two years after the initial event complained of and not later than four months after the end of the faculty member’s compensated faculty appointment.

e. The chair may decide not to proceed with a grievance, for example, because the claim is deemed not to be a grievance as defined under Applicability, section b., because the matter at issue has been the subject of a previous grievance, or because the grievance is of so little consequence or merit that no panel should be created. The faculty member may appeal this decision to the Commission as a whole.

f. If the Commission believes that the faculty member’s claims are primarily concerned with academic freedom, it shall send a copy of the grievance to the Senate Committee on Academic Freedom and Responsibility (“Senate committee”), which shall promptly determine whether the grievance raises questions of academic freedom. If the decision is positive, the Commission shall not hear the matter. If the complaint is brought against a University administrator
or involves more than one school or University policies of general interest, the Senate committee shall have jurisdiction. If the complaint concerns matters occurring in one school, the chair of the Senate committee shall forward the grievance to the chair of the appropriate school committee on academic freedom and responsibility which shall have jurisdiction in this matter.

g. Once the chair has decided to proceed with the grievance, the chair shall so inform in writing the presiding officer, the grievant, the Dean, and the Provost and shall ask the Provost to name, within two weeks, the University’s representative (the respondent) who shall act on behalf of all the persons complained of. “Person or persons complained of” might include: chairs of departments, department personnel committees, Deans of schools, school personnel committees, the Provost, and the President. The respondent shall normally be drawn from the hierarchy of those responsible for the action complained of. The grievant and the respondent may each designate a University colleague if they wish to do so. The grievant’s colleague may be any member of the Standing, Associated or Emeritus Faculty; the respondent’s colleague must be selected from the group of persons who are eligible to serve on panels. A colleague may not serve as a legal advocate; rather, the colleagues aid the grievant and the respondent in preparation and presentation of their respective cases. The chair shall inform all parties of the names of the grievant, the respondent and the colleagues, if any.

h. Where more than one entity was responsible for the action complained of, the respondent and his or her colleague shall consult with representatives of each such entity and involve them from the beginning in the planning and execution of the response.

i. The Commission on its own motion, or on the motion of the grievant or respondent, may disqualify individuals from service on a particular panel for reasons such as having potentially biasing relationships to those involved in a case or having taken a position on the merits of a case. The grievant and the respondent may each exercise up to two peremptory challenges. Requests for disqualification must be submitted to the Commission within one week after the grievant and respondent are told the names of the panel members. Replacements for disqualified panel members shall be drawn by lot by the chair of the Commission from the three alternates with due regard for the tenure requirement stated in Faculty Grievance Commission, section d. Disqualified panel members shall remain on the hearing list.

j. The name of a faculty member who has served on a panel shall be removed from the hearing list at the completion of such service and shall not appear again on the hearing list until three years after the end of his or her period of service. Faculty members selected as members of a panel shall serve until the completion of that grievance even if the hearings extend past the time they would otherwise have left the hearing list. The names of alternates who serve for a year in that capacity
without serving on a panel shall be returned to the hearing list for the balance of their terms.

Hearings

Hearings should begin within one month of the acceptance of a grievance by the Commission. The decision on the merits of a grievance will be made by the panel after hearings in which the grievant and the respondent have the opportunity to present their cases. Hearings shall be chaired by the presiding officer, assisted by the legal officer who shall be present whenever possible at all hearings to see that proper procedures are followed. Arguments, oral and documentary evidence and witnesses will be presented first by the grievant and then by the respondent. Whenever possible, each side and its witnesses should submit evidence and arguments in written form for prior distribution to the other side and to the panel. Conference calls may be used to facilitate the presentation of evidence.

The presiding officer shall have the power to call witnesses and to introduce documents and shall, at the request of the panel, obtain expert opinion from inside or outside the University. Each side shall have the right to address questions through the presiding officer to witnesses introduced by the other side. Members of the panel, when recognized by the presiding officer, may question witnesses. A majority of the panel must be present at all times during each hearing. It is the responsibility of the grievant and the respondent to ensure the presence of their witnesses at times deemed appropriate by the legal officer. Neither the grievant nor the respondent may present evidence to the panel unless the other is present except for reasons of confidentiality as determined by the presiding officer with the advice of the legal officer. One and only one tape recording shall be made of the hearings. This recording shall be kept in the custody of the Commission. The panel, the grievant, the respondent and their colleagues shall have reasonable access to these tapes during the processing of a grievance. No copies of the whole or part of any tape may be made without express permission of, and supervision by, the Commission. Such permission shall be granted to the Provost when he or she requests copies in connection with pending or threatened legal action.

A hearing shall follow an agenda prepared by the legal officer that is based on demonstration of relevance by the grievant or the respondent. An important function of the legal officer is to advise the Commission as to the admissibility or relevance of issues, oral statements and other evidence presented. However, the final decision on admissibility or relevance shall be made by the Commission by majority vote.

The legal officer and the Commission shall have access to all documentary evidence that is in the custody of or under the control of the person or persons who took the action complained of or of the grievant and that is deemed by the Commission to
be relevant to the grievance. The presiding officer and the legal officer have the 
authority to obtain additional documents including the dossiers of other 
comparable members of the same department, or if there are none such, 
comparable members of the same school who are alleged to have recently or 
currently received more favorable treatment. “Comparable” here means 
comparable for the issue(s) involved in the grievance and shall be determined by 
the Commission on the basis of evidence presented. Notice is to be given to those 
faculty members whose dossiers are to be examined.

If documentary evidence is needed by the grievant or the respondent in the preparation 
of his or her case, or by the panel in the course of its deliberations, application shall 
be made to the presiding officer. The presiding officer, with the advice of the legal 
officer, shall determine, subject to appeal to the commission, whether the evidence 
requested is relevant (see Note 1 below). The legal officer shall then obtain all 
evidence deemed relevant. All such evidence shall be available to the panel, the 
respondent, the colleagues and, subject to the restrictions of confidentiality, to the 
grievant (see Note 2 below).

Like all other members of the faculty, members of departmental or school personnel 
committees or subcommittees have the right to testify in grievance hearings as a 
matter of personal choice and are encouraged to do so. However, they will neither 
be required to testify nor prevented from so doing. Members of such committees 
who agree to appear in grievance hearings may testify specifically about their own 
participation in committee deliberations, present the committee’s vote, and give a 
general characterization of its discussion. They are explicitly prohibited from 
disclosing direct quotations, positions, or votes of other individuals on these 
committees.

Unreasonable delays by either side are subject to sanctions. In cases where primary 
blame for the delay may be attributed to one side, the commission has the right to 
suspend or terminate proceedings and recommend that the panel send to the 
Provost an accusatory report including reasons for this suspension or termination 
and recommendations for action. A copy of this document shall be sent to the Chair 
of the Faculty Senate.

The Commission may establish further rules and procedures to govern its operations. 
Where procedures have not been adopted, the presiding officer may rule on the 
matter with the advice of the legal officer. Appeals from rulings established in this 
way may be presented to the Senate Executive Committee to be decided by 
majority vote. Procedures adopted under this provision should be included in the 
commission’s annual report.

Findings

Upon conclusion of the hearings and after consultation with the legal officer and the
presiding officer concerning the format of the report, the panel shall prepare a
written report to the Provost which may include a minority opinion. The report
shall state each element of the grievance and in separate, clearly labeled sections
record the findings of fact and the recommendations for action by the Provost.

As part of its recommendations, the panel may propose remedies. In cases where
reappointment, promotion or tenure has been denied, it may recommend a full
review and reevaluation of the case. The panel may also suggest to the Provost
procedures that might be followed in such a reevaluation, but the choice of
procedures remains with the Provost. However, a panel shall not have the
responsibility or the authority to evaluate professional competence either in the
case of an individual or in comparison with other individuals. If the Provost, on
receiving the panel’s report, decides that a reevaluation will be carried out, he or
she will ensure that the recommendations of the panel and the relevant supporting
documentation are included in the documents considered in that reevaluation.

The presiding officer shall distribute the panel’s report to the Provost, the Dean, the
grievant, the respondent, the person or persons who took the action complained of,
and the Chair of the Faculty Senate. If the Provost wishes to consult with the
presiding officer to obtain more information about the case, the presiding officer
will provide details and make available the full documentation, including copies of
the hearing tapes.

If the grievance is withdrawn or settled prior to the completion of the hearings, the
presiding officer shall dismiss the panel with thanks, and no report will be
prepared. However, if the hearings are completed and the panel submits a report to
the Provost, the presiding officer shall be informed by the Provost when final
action on the grievance has been taken within the University. The presiding officer
shall then dissolve the panel.

After the receipt of the panel’s final report, the presiding officer shall return all
borrowed documents to their owners and turn over to the chair of the Commission
for retention in a locked cabinet a complete file of the case including one complete
set of documents and the tape recordings of the hearings. The presiding officer
shall destroy all other copies of the documents used by the panel. The
confidentiality of peer evaluation materials, including outside letters, shall be
preserved by the commission. Except when the chair of the commission determines
otherwise, the complete file shall be sent to the archive for permanent storage
according to the University archives policy three years after final action on the
grievance within the University. However, the panel’s report shall be kept
permanently on file along with the Provost’s response.

While the panel’s report is to be accorded great weight, it is advisory to and not binding
upon the Provost. The Provost’s decision shall be made and communicated in
writing within six weeks to the chair of the Commission, the grievant and the

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respondent. In the event the Provost declines to implement one or more of the recommendations, the written communication shall include the detailed reasons and shall be sent also to the Chair of the Faculty Senate.

If the grievance proceeding identifies an administrative action or practice that seemingly violated University procedures or otherwise led to inequitable treatment, the Commission on behalf of itself or the panel should bring the matter to the attention of the Provost and the chair of the Faculty Senate. The Provost and the Chair of the Faculty Senate should examine the matter and see to it that appropriate corrections are made if needed. Within six months they shall inform the Senate Executive Committee concerning the problem and its resolution.

Confidentiality

The work of the Commission and its panels requires the highest level of sensitivity to the privacy of all concerned. Members of the Commission, members of panels, grievants, respondents, colleagues, witnesses and all other concerned parties have the moral obligation to maintain confidentiality with respect to oral and documentary evidence presented and deliberations occurring during the processing of grievances (except as necessary for the preparation of a grievance or as subject to legal process, or as otherwise noted in this document). Any breaches of confidentiality will be reported by the chair of the Commission to the Provost and the chair of the Faculty Senate. In the event of a breach of confidentiality, the Commission has the right to terminate proceedings; in such a case it may advise the panel that it should send to the Provost its recommendations in a report giving great weight to the breach.

Except as otherwise provided in this document or as authorized by the Provost or the Chair of the Faculty Senate, the report of a panel shall be treated as confidential by all participants in a grievance hearing and by all members of the University community.

Hearings by Senate Committee on Academic Freedom and Responsibility

In cases in which reappointment, promotion or tenure has been denied to the grievant, and in which the Provost has declined or failed to implement the recommendations of the panel and only in such cases, the grievant, within one month after the issuance of the Provost’s response, may request a hearing before the Senate Committee on Academic Freedom and Responsibility. The report of the panel and the Provost’s decision shall be made available to the Senate committee which will then decide whether or not to hold a hearing. The Senate committee shall also have access to all evidence presented to the panel and to the records of the grievance hearings.

The Senate committee shall follow as far as possible procedures consistent with the
section on hearings for the conduct of its hearing. However, the parties shall not be permitted to introduce evidence presented before the panel, and the findings of fact made by the panel shall be binding unless the Senate committee finds they were not supported by substantial evidence. The Senate committee shall issue an opinion as to whether the Provost’s action in declining or failing to implement the recommendations of the panel was reasonable under the circumstances. If the Senate committee finds that there is significant evidence that was not previously available to the party asserting its relevance, it may return the case to the presiding officer for reconsideration by the panel.

The Senate committee shall promptly report its findings and recommendations to the President with copies to the Provost, the chair of the Commission, the panel, the Chair of the Faculty Senate, the grievant and the respondent and *Almanac* for publication.

**Expenses**

The Commission’s necessary and proper expenses for processing a grievance, including compensation for the legal officer, shall be met from University resources. It shall be the responsibility of the presiding officer to determine what is necessary and proper; such expenses shall not include any *per diem* expenses, released time charges or travel expenses for any participant in the hearings, except as provided above. To the extent possible, administrative and secretarial services shall be provided by the office of the Senate. Services that cannot be provided in this way and other necessary and proper expenses should be charged to the Faculty Senate. These charges shall be under the administration of the chair of the grievance Commission.

**Annual Report**

At the end of each academic year, the commission shall write a report describing its activities and giving an account of the cases completed or in progress with due regard for the maintenance of confidentiality. The report shall be sent to the President, the Provost, the chair of the Faculty Senate and *Almanac* for publication.

**Note 1:** The confidentiality of peer evaluation materials, including letters of recommendation and evaluation, is integral to the tenure process. Accordingly, while the legal officer and the commission may obtain peer evaluation materials, if during the hearings, the grievant asks that such materials be presented to the panel, before requesting such materials, the presiding officer shall consider the following in such a way as to balance the interest in confidentiality against the interest in disclosures.

a. Has the grievant shown cause for the panel to believe that it is sufficiently likely that the grievance is well-founded to justify examination of confidential peer evaluation materials?
b. Is examination of confidential peer evaluation materials essential to reach a judgment concerning the substance of the grievance? Or is other evidence available that could be used by the panel in making its determination without necessitating review of confidential peer evaluation materials?

Note 2: Special care must be taken in the examination of confidential peer evaluation materials, including letters of recommendation and evaluation and other documents that disclose individuals’ opinions of candidates for promotion. Of course, both sides involved in a grievance may stipulate that such materials are irrelevant. Or the grievant, in unusual cases, may already have had access to these materials through procedures unrelated to the grievance, for example from the author of the document. In either of these cases, the question of the grievant’s access to the confidential materials will not arise. In all other cases the grievant will not have access to the materials. With respect to letters of recommendation and evaluation concerning the grievant or other members of the faculty, the presiding officer must determine, in accordance with the considerations outlined in Note 1 above, whether the letters should be examined. If so, the panel shall separately consider the following issues in such a way as to protect confidentiality and to further the broader interests of the University.

a. Did the department or other parties to the decision make a reasonable effort to obtain the views of experts not biased for or against the grievant? The presiding officer may let the grievant examine and testify on a list of names that includes but is not limited to people who made the assessments; the panel may also compare the letters obtained at its behest, if any, with the original set.

b. Did the requests for the letters of recommendation and evaluation ask for a fair review or did they imply that confirmation of a preexisting judgment was desired? The panel may examine any written requests for letters and may inquire of the letter writers or other relevant knowledgeable parties.

c. Do the views expressed in the letters, after consideration of the reputations of the writers and after comparison with evaluations of other comparable persons currently or recently promoted or tenured in the department or, if necessary, school (under the conditions of Hearings, Section d) give rise to concern that improper discrimination or other grounds for grievance may have been involved?

If the grievant has a colleague who has agreed to maintain complete confidentiality with respect to all information contained therein, the colleague shall be given access to the letters and may question witnesses about the contents of the letters when the grievant is not present. If the grievant does not have a colleague, the letters shall not be disclosed to the grievant; however, the legal officer shall provide the grievant with a reasonable indication of the tenor of the material therein contained, without disclosing details or identifying the authors.
II.E.13. Transfers of Faculty Members or Terminations of Faculty Appointment Resulting from Discontinuation of Programs

(Source. Standing Resolution of the Trustees, September 9, 1983)

Where a faculty or school is discontinued for valid academic or financial considerations in accordance with University procedures, an attempt to relocate members of the Standing Faculty and the Associated Faculty within the University will be made. In considering any transfer of a faculty member from one faculty to another, the rights of the faculty as expressed in the Statutes of the Trustees shall not be impaired. The University’s obligation to those faculty members whose academic base has been terminated must be balanced with the considered opinion of the receiving faculty on the suitability of any transfer. The final decision on any transfer from one faculty to another is made by the Trustees on the recommendation of the President and Provost.

Where a program or department within a faculty is discontinued for valid academic or financial considerations, in accordance with University procedures, the faculty concerned, and its Dean, will attempt to relocate members of the Standing Faculty and Associated Faculty in other programs or departments within the faculty. If suitable intra-faculty transfer cannot be effected, the possibility of transfer to another faculty will be pursued in accordance with the above paragraph.

If, after full exploration of the opportunities for transfer, no suitable appointment within the University can be found for faculty members affected by the discontinuation of a school, department or program, and if the continuation of their salaries would become an undue burden on the University, proceedings to terminate academic tenure under the financial exigency provisions may be implemented.

II.E.14. Procedures for the Establishment, Merger and Closing of Departments, Divisions and Similar Entities within Schools

(Source. Offices of the President and Provost, September 5 1995, revised 2002)

According to the Statutes of the Trustees of the University of Pennsylvania, “Upon recommendation of the President and Provost, the Trustees may authorize the establishment, merging, or closing of departments, divisions or similar entities in schools that do not have departments.” Subject to the statutes of the University, these procedures govern the establishment, merger and closing of departments, divisions and similar entities (hereinafter “departments”) within the schools of the University.

Although the organization of a school into departments is an administrative decision, the dean should make a recommendation concerning the establishment, merger or closing of a department only after careful study and consultation with involved faculty inside and outside the school, including discussion in a meeting of the faculty of the school. The process leading to such recommendations requires special care in reviewing
possible courses of action, special efforts to consult early and often with interested parties, and special sensitivity to the legitimate interests of faculty who may be affected.

**Careful Study**

The decision to establish, merge or close a department should be based upon academic considerations and priorities as determined by the faculty as a whole or appropriate committees thereof. Accordingly, there should be early and meaningful faculty involvement in the process leading to decisions relating to the creation, reorganization or reduction of instructional and research programs.

Schools having a departmental structure should have regular reviews of departments. Departmental reviews should be used to provide departments with timely notice of any shortcomings and the need for improvement and to provide school decision-makers with information essential to a sound evaluation of the department. Such reviews also provide formal and informal opportunities to alert departments to the school’s plans. Departmental reviews should not be triggered by specific proposals for closing or making other adverse changes to a department. However, when a closing is being considered, there should be a timely external review.

Faculty involvement must precede not only the ultimate decision to create, merge or close a department but also decisions made during the pendency of the issue that may influence its outcome (e.g., the suspension of student admissions into a program or department in the case of a contemplated closing).

**Consultation**

1. Most, if not all, schools, and the University as a whole, have faculty committees charged with responsibility to review planning and budget decisions. Such committees should be involved in the process leading to decisions to establish, merge or close departments. However, such reviews are not substitutes for early and frequent consultation with the faculty of the affected departments themselves and/or with the faculty as a whole. Consultation should include the opportunity for thorough discussion at a meeting of the faculty of the school. Consultation also will require soliciting an advisory vote, in favor of or against the proposed course of action, from those members of the faculty of the school with voting privileges. Although such vote is advisory only, in most circumstances the dean should act in accordance with the advice received.

2. Action to establish, merge or close departments within one school may have serious implications for the activities and resources of departments in other schools. At such time as a dean initiates consultation with the faculty of the school directly affected, he or she should send a communication to all other deans requesting that they bring the possibility of the action to the attention of their colleagues who may be interested and inviting comment.
Informing Departments of Recommendations to Close

1. Given that department closings typically follow a protracted period during which the department in question receives limited resources, school administrations have ample time to explain the implications of such action for the future. Departments that are at risk should be so informed promptly and provided with a full, frank and detailed explanation of the reasons.

2. Faculty members of a department facing closure must be informed well before a formal recommendation is publicly announced. At that time, they must be given information regarding their future at the University and the procedures the school has initiated to find a new University affiliation for them.

Academic Freedom

1. Although decisions regarding departmental structure may be made for reasons that would not justify adverse action against an individual faculty member, ordinarily they do not for that reason give rise to an academic freedom violation. However, even if all appropriate review and consultation procedures have been followed, structural decisions concerning a department may present delicate and difficult questions of academic freedom.

2. In cases where academic freedom issues appear to be raised, the dean should seek the advice of the Committee on Academic Freedom and Responsibility of the school (CAFR) or the Faculty Senate at a sufficiently early stage for that advice to be considered before the dean makes a recommendation.

3. Aggrieved faculty members have the right to complain of the dean’s action to the appropriate Committee on Academic Freedom and Responsibility.

II.E.15. Extension of Faculty Appointments When a School Is Being Discontinued

(Source. Trustees, January 13, 1978)

Notwithstanding other provisions of the University’s policies on faculty appointments and tenure, non-tenured faculty in schools which are to be discontinued may continue to serve beyond expiration of their normal tenure probationary periods without acquiring tenure, provided:

a. The Trustees of the University have formally adopted a resolution to discontinue the school, and have set a date for the closing of the school.

b. The faculty of the school has formally adopted a resolution to the effect that
extensions of the appointments of non-tenured faculty are necessary in order to maintain appropriate academic standards in the programs to be discontinued.

c. Each faculty member for whom such extension is proposed has formally requested the extension in writing to the Dean, and has clearly indicated his or her understanding and acceptance of the fact that the extended appointment will not convey tenure.

d. The extensions of appointments are not more than five years from the June 30 following the resolution of the Trustees authorizing the closing of the school.

If the appointment of a faculty member is extended under these provisions and the decision to close the school is rescinded after the expiration of the probationary period for that individual, the faculty member shall be deemed to have acquired tenure.

If during the term of an extended appointment, a faculty member from the school to be closed is appointed to a Standing Faculty position in another school in the University, the probationary period shall be measured without regard to these provisions, and if that period has expired, the new appointment must be with tenure.

II.E.16. Procedure Governing Sanctions Taken Against Members of the Faculty

(Source. Trustees, June 20, 1997, Almanac, October 21, 1997)

1. Introduction and Definitions

A. Introduction

The imposition of a sanction on a faculty member of the University of Pennsylvania is a rare event. However, when situations that might lead to such an action arise, they must be handled fairly and expeditiously. It is essential to have a process that both protects the rights of faculty members and addresses the legitimate concerns of the University. This policy replaces the previously existing “Suspension or Termination of Faculty for Just Cause” (Handbook for Faculty and Academic Administrators 1989, as revised 1991, pages 47-51) and also modifies the “Procedures of the Senate Committee on Conduct” (Almanac, October 31, 1989).

Any cases initiated after this policy is in force, even if the alleged actions preceded its adoption, will be governed by the procedures prescribed here. This document simplifies the previous processes and relates them to a Dean’s procedures for imposing minor sanctions. The result is a more coherent and less cumbersome process.

B. Definitions

1) “Charging party”: the Provost, a Dean, a Provost’s or Dean’s designee who shall be a faculty member of the University, or a Group for Complaint (Definition
2) “Complainant”: individual bringing to the attention of a Dean or the Provost a situation that may call for a sanction (Definition No. 14) against a faculty member (Definition No. 5). The complainant may be a student or faculty or staff member of the University, or any individual outside the University who believes that a major infraction (Definition No. 8) or minor infraction (Definition No. 10) of University behavioral standards by a faculty member has occurred.

3) “Counsel”: an advisor, who may be an attorney.

4) “Dean”: the Dean of one of the University’s schools.

5) “Faculty member”: a member of the Standing Faculty, or a Standing Faculty Clinician-Educator.

6) “Group for Complaint”: a charging party elected by the Standing Faculty of a school, by a secret ballot, from its own tenured professors which by the fact of its election shall be empowered to take action that may result in the imposition of a major sanction (Definition No. 9) pursuant to these procedures. The size of the Group for Complaint shall be determined by the faculty but shall not be less than three.

7) “Hearing Board”: either the University Tribunal or the School Committee on Academic Freedom and Responsibility (CAFR). The respondent shall determine whether the Hearing Board will be the University Tribunal (Definition No. 18) or the School CAFR.

8) “Major infraction of University behavioral standards”: an action involving flagrant disregard of the rules of the University or of the customs of scholarly communities, including, but not limited to, serious cases of the following: plagiarism; misuse of University funds; misconduct in research; repeated failure to meet classes or carry out major assigned duties; harassment of, improperly providing controlled substances to, or physical assault upon, a member of the University community; the bringing of charges of major or minor infractions of University standards against a member of the University community, knowing these charges to be false or recklessly indifferent to their truth or falsity; violation of the University’s conflict of interest policy or commission of serious crimes such as, but not limited to, murder or rape.

9) “Major sanction”: serious penalties that include, but are not limited to, termination; suspension (Definition No. 15); reduction in academic base salary; zero salary increases stipulated in advance for a period of four or more
10) “Minor infraction of University behavioral standards”: an action involving disregard of the University’s rules or of the customs of scholarly communities that is less serious than a major infraction.

11) “Minor sanction”: penalties less serious than a major sanction that may include, but are not limited to, a private letter of reprimand; a public letter of reprimand; special monitoring of specific future research, teaching, supervision of students, or other activities related to the minor infraction.


13) “Respondent”: the faculty member complained against.

14) “Sanction”: penalties imposed by the Trustees, the President, the Provost, or a Dean on a faculty member.

15) “Suspension”: temporary removal of all or a substantial portion of a faculty member’s University activities with or without compensation.

16) “Termination”: cancellation of a faculty member’s appointment and compensation, as of a certain date.

17) “University Just Cause Panel”: a University-wide Panel from which University Tribunals are chosen. This Panel shall be composed of tenured professors: twelve from the School of Arts and Sciences; twelve from the School of Medicine; six each from the School of Engineering and Applied Science, the School of Veterinary Medicine, and the Wharton School; and three from each of the remaining schools of the University. They shall be appointed, for staggered three-year terms except where an appointment is to complete the term of a person who leaves the Panel early. Terms start on July 1. Appointments may be renewed.

The Chair of the Faculty Senate, after consultation with the Past Chair and Chair-elect, has the responsibility for designating the members of the Panel from current or past members of the various School Committees on Academic Freedom and Responsibility and/or past members of the Senate Committee on Academic Freedom and Responsibility (SCAFR).

This shall be done in consultation with the current or past chairs of the various Committees on Academic Freedom and Responsibility, and with due regard for
the need for appropriate diversity on University Tribunals. It is also the responsibility of the Chair of the Faculty Senate to inform the prospective members of the Panel about their responsibilities as members of a Tribunal.

18) “University Tribunal”: a body of six tenured professors selected from the Just Cause Panel to hear evidence in a particular case. No more than two members of a Tribunal shall hold primary appointments in the same school. Not less than one of the members shall be from the school of the respondent. The Tribunal shall be created by the process described below. That process shall continue until a Tribunal of six that includes at least one member of the faculty of the school of the respondent can be designated. Once the members of the Tribunal have been designated, they will then elect a chair. Members of the Tribunal shall serve until the case is completed regardless of the termination date of their appointment to the University Just Cause Panel. The Chair of the Tribunal shall conduct the Tribunal’s business and preside at hearings but not cast votes except to break ties. Once having served as members of a Tribunal, faculty members are excused from further membership on the University Just Cause Panel for the remainder of their terms. The Chair of the Faculty Senate shall designate a faculty member from the same school to serve the remainder of the term in accordance with the process described in Definition No. 17.

19) “Working days”: shall mean Mondays through Fridays except when the University is officially closed.

2. Suspension or Termination for Just Cause: Preliminary Procedures

A. Types of Charges

Two types of charges, governed by two separate but related processes, are covered by these procedures: major infractions of University behavioral standards and minor infractions of University behavioral standards. In each situation, appropriate action shall be initiated promptly by a member of the University administration who shall normally be the Dean of the school in which the faculty member’s primary appointment lies but who may, in unusual circumstances, be another Dean or the Provost. The Dean or Provost may act personally or through a delegate.

B. Preliminary Procedures

Should a question arise regarding the possible imposition of a sanction, the Dean or Provost shall normally interview the respondent in the presence of any department chair concerned and afford opportunity for informal adjustment of the matter. If the matter is adjusted informally to the satisfaction of the Dean or Provost and the respondent, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean or Provost shall consult with several tenured members of
the University faculty who are not currently members of the University Just Cause Panel or the school CAFR. Relying on these consultations, the Dean or Provost shall decide whether to invoke the Just Cause procedures in a case involving major infractions of University behavioral standards, to impose minor sanctions directly in a case involving minor infractions of University behavioral standards, or to drop the matter. If the decision is to drop the matter, the Dean or Provost shall notify the respondent and any complainant in writing.

C. Formation of a Group for Complaint

If the Dean or Provost decides to drop the matter or impose a minor sanction, no further proceedings shall be initiated with the single exception of the faculty’s prerogative to form a Group for Complaint. If a faculty has by resolution requested its Dean to examine a situation possibly involving the imposition of a major sanction and within 15 working days following the date such a resolution was adopted, neither the Dean, another Dean, nor the Provost has either initiated proceedings for imposition of a major sanction nor provided reasons for not initiating such proceedings that are deemed satisfactory by the faculty, then, within 30 working days, the faculty may elect from its own members a Group for Complaint. Members of the University Just Cause Panel and the School CAFR shall withdraw from faculty meetings when these matters are considered and shall not be eligible for membership on the Group for Complaint. The secretary of the faculty shall record the minutes of this meeting and attach as appendices any written information upon which the faculty’s vote to elect the Group was based. If formed, the Group shall receive this material and promptly conduct an investigation and may initiate proceedings for imposition of a major sanction if it determines that there is substantial reason to believe that just cause exists therefore. A determination by the Group not to initiate further proceedings shall be reported to the faculty, the Dean, the Provost, the respondent and any complainant, with the Group’s reasons for making such determination, and no further action shall be taken by the faculty. However, the Group for Complaint may recommend that the Dean or Provost, where appropriate, impose a minor sanction. If a Dean, Provost or Group for Complaint decides to pursue the case against the faculty member, that individual or group shall initiate other proceedings as described in the remaining sections of this policy.

3. Minor Sanction

A. Imposition by Dean or Provost

If, having consulted with several members of the tenured faculty, the Dean or Provost concludes that the situation involves only a minor infraction of University behavioral standards, the Dean or Provost shall impose a minor sanction on the respondent. He or she shall notify the respondent of this decision and take the steps necessary to put the sanction into effect after the two-week time period for the possible initiation of the mechanisms needed to create a Group for Complaint.
B. Application for Relief to Faculty Grievance Commission

The respondent may apply to the Faculty Grievance Commission for relief from any minor sanction imposed by the Dean or Provost. However, subsequent formation of a Group for Complaint requires that the Grievance Commission cease all activity regarding such relief until a final decision has been reached concerning a major sanction.

4. Major Sanction

A. Charging Party Requests Formation of Hearing Board

Respondent’s Options

1) If the charging party believes that a major infraction of University behavioral standards has occurred, the charging party shall promptly request that the Chair of the Faculty Senate determine, within three working days, whether the respondent wishes to be heard by a University Tribunal or the school CAFR. If the respondent chooses the University Tribunal, the Chair of the Faculty Senate shall prepare a list of ten faculty members from the University Just Cause Panel who will constitute the potential members of the University Tribunal.

2) The ten potential members are to be drawn from a randomly ordered list of members of the University Just Cause Panel that is stratified to insure that at least two shall hold primary appointments from the school of the respondent and no more than three shall hold primary appointments from a single school. Only the Chair of the Faculty Senate and the Executive Assistant to the Faculty Senate Chair shall know the order of the names on this list. The Chair of the Faculty Senate shall provide the potential members with copies of these procedures.

B. Charging Party and Respondent Informed of Potential Members of Hearing Tribunal

If the respondent chooses to be heard by a University Tribunal, the Chair of the Faculty Senate shall, within five working days following the respondent’s choice, provide to the charging party and the respondent an alphabetic listing of the potential members of the Tribunal.

C. Disqualification of Potential Members of Hearing Board

1) The charging party and the respondent each shall be entitled to move to disqualify for prejudice any potential member of the Hearing Board. Such motion shall set forth, in writing, the reasons therefore and shall be delivered to the Chair of the Faculty Senate if the hearing is to be conducted by a
University Tribunal or to the chair of the School CAFR if the Hearing is to be conducted by that body not later than fifteen working days after the potential members have been named.

2) Motions to disqualify members of the school CAFR shall be decided by the remaining members of the committee. If the remaining members decide that disqualification is proper, an alternate member, if any is available, shall serve as a substitute for the disqualified member. If an alternate member is not available, the remaining members shall select a substitute.

3) If the respondent has chosen to be heard by a University Tribunal, the Chair of the Faculty Senate shall convene the potential members of the Tribunal after the deadline for motions to disqualify has passed, but no later than twenty-five working days after the potential members have been named. The potential members shall immediately elect a pro tempore chair from those members who are not named in a motion to disqualify. These members shall decide, by majority vote, whether to disqualify the members named in the motions. The pro tempore chair shall provide the list of potential members who have not been disqualified to the Chair of the Faculty Senate. The Chair of the Faculty Senate will designate the six of the remaining eligible members who rank highest on the randomized list as the University Tribunal for this case.

D. Members of University Tribunal Named

If more than four members of the group or all members of the faculty of the school of the respondent are disqualified, the Chair of the Faculty Senate shall, without identifying those who were not excused, provide an additional list of four more than the number excused, in the manner provided in paragraphs IV.A., B., and C.

E. Hearing Board Determines Whether to Proceed

1) Once the composition of the Hearing Board is determined, the charging party shall promptly send to the Chair of the Hearing Board, the respondent and the Dean and Provost a written statement which sets forth in as much detail as is practicable the grounds for the complaint and for the recommendation of a major sanction. In the case of misconduct in research, the report of the formal investigation committee issued under the Misconduct in Research Procedures shall be included. The notice to the respondent shall be by certified mail. To determine whether formal hearings shall take place, the Hearing Board shall immediately consider the statement from the charging party, consult the relevant documents, and afford the charging party opportunity to present oral and written argument, but shall not hold a hearing to receive evidence.
2) If the Hearing Board concludes that the grounds stated, if true, would clearly not constitute just cause for imposition of a major sanction, it shall issue a report to that effect, sending copies to the charging party, the President, any complainant, and the respondent. The substance of the complaint shall not be the basis of any further proceedings with respect to major sanctions. However, the Hearing Board may remand the case to the Dean or Provost for further proceedings or actions in accordance with paragraph 3.A. that relates to a minor sanction.

3) If the Hearing Board concludes that the grounds stated, if true, might constitute just cause for the imposition of a major sanction, and it believes that there is probable cause that in further proceedings the grounds stated will be found to be true, it shall conduct such proceedings as are hereinafter provided.

4) The Hearing Board shall normally issue its determination within fifteen working days of receiving the complaint, unless circumstances clearly warrant a delay, in which case the record shall detail reasons for the delay.

F. Notification of Right to a Hearing

If further proceedings are conducted, the Chair of the Hearing Board shall send to the respondent, by certified mail, written notice that the respondent may preserve the right to a hearing by notifying the Hearing Board’s Chair, in writing, within fifteen working days following the respondent’s receipt of such notice. The Hearing Board may at its discretion and in exceptional circumstances, grant a short extension of this time period at the respondent’s request and upon a showing of good cause. The charging party shall supply to the Chair of the Hearing Board a summary statement of the evidence to be presented by the charging party, including a list of witnesses, copies of relevant extracts from the Statutes and standing resolutions of the Trustees of the University of Pennsylvania, a copy of these procedures, and copies of any other University documents that are relevant to the respondent’s procedural rights in this matter. The Chair of the Hearing Board shall furnish these documents with the notice to the respondent.

G. Hearing Board Procedure in the Absence of Participation by Respondent

If the respondent does not request a hearing, the charging party shall nevertheless present evidence to the Hearing Board. The Hearing Board shall then make a written report of its findings, conclusions and recommendations and send a copy of its report and a transcript of the testimony prepared as in paragraph 4.1. below to the charging party and the respondent within twenty working days following the receipt of the charging party’s evidence. If the Hearing Board concludes that the charging party has not shown clear and convincing evidence of just cause for the imposition of a major sanction, no major sanction may be
imposed, and the substance of the complaint shall not be the basis for any further proceedings with respect to major sanctions. However, based on clear and convincing evidence of a minor infraction, the Hearing Board may recommend that the Dean or Provost impose a minor sanction and he or she will normally implement that recommendation. If the Hearing Board concludes that the charging party has shown clear and convincing evidence of just cause for the imposition of a major sanction, the Hearing Board shall promptly send to the President a copy of its report recommending the major sanction and a transcript of the testimony.

H. Hearing Board Procedure when Respondent Participates

If the respondent requests a hearing before the Hearing Board, the Chair of the Hearing Board shall notify the charging party and the respondent in writing of the date and place of the hearing, within five working days following the receipt of the respondent’s request. The hearing shall be held at the earliest date that is practicable to the respondent, charging party and Hearing Board, and ordinarily no more than three months from the notification date. Delay of the hearing beyond three months from the notification date shall require a written request to the Hearing Board from the charging party or respondent, and be granted only if the Hearing Board deems that more time is required. Not less than fifteen working days prior to the date of the hearing, the respondent shall provide to the Chair of the Hearing Board a written answer to the charging party’s statement of the grounds for the complaint and for the recommendation of a major sanction.

I. Procedures During a Hearing

Hearings shall be private with two exceptions. The respondent shall have the right to invite as observers representatives of national professional academic associations concerned with matters of academic freedom and tenure. Other observers may be invited to attend if the charging party, the respondent and the Chair of the Hearing Board consent. A transcript of the hearing shall be made at the expense of the University. The charging party has the burden of proving by clear and convincing evidence that there is just cause for imposition of a major sanction against the respondent. Both the respondent and the charging party may appear personally throughout the hearing; both may have the assistance of counsel. The Hearing Board shall afford the respondent and the charging party the opportunity to present oral and written argument. The respondent and the charging party shall have the right to confront the witnesses and to question them personally or through counsel. They may call witnesses and shall receive the cooperation of the University administration in securing the attendance of such witnesses and the production of such documents as may be relevant. The extent of document production shall be determined by the Hearing Board. The Hearing Board may permit the use of electronic or other means, such as telephone conference calls, in lieu of the appearance of witnesses.
II. FACULTY POLICIES AND PROCEDURES

J. Report of Hearing Board and Objections of Respondent

1) Upon concluding the hearings, the Hearing Board shall deliberate privately. It shall determine solely upon the basis of information presented at the hearings whether or not the charging party has established by clear and convincing evidence that a major infraction has occurred. If so, the Hearing Board shall recommend what the major sanction should be. Decisions shall require a majority of the members participating. If the Hearing Board determines that just cause for the imposition of a major sanction has not been established, no major sanction may be recommended. In that event, the Hearing Board may recommend a minor sanction if it determines that a minor infraction has occurred.

2) The Hearing Board shall conclude its deliberations promptly and send to the President a written report in which it shall set forth its findings, conclusions, recommendations, and a transcript of the hearings. Copies of these documents shall also be sent to the respondent by certified mail, and to the charging party, and the Dean and/or Provost.

3) The respondent may request a reconsideration of the sanction by submitting a written statement to the Chair of the Hearing Board within five days of the receipt of the panel’s recommendation. In the event of such a request, the Chair shall reconvene the Hearing Board within five days of the receipt of the request and hear statements from both the complainant and the respondent, delivered either personally or through counsel. The Hearing Board may, by majority vote, elect to recommend an increased or a decreased sanction; if the Board votes not to change its recommendation, the initial recommendation remains in force. The Chair of the Hearing Board shall communicate its recommendation to the President and to the respondent in writing no later than five days after the hearing on the request for reconsideration of sanction.

4) In either case the respondent may, within thirty working days following the receipt of the documents (i.e., thirty days, including the fifteen days allowed for a reconsideration of sanction), send to the President any objections to the findings, conclusions or recommendations of the Hearing Board.

K. President’s Actions

1) The President, relying only upon the materials forwarded by the Hearing Board and objections submitted by the respondent, shall normally accept the Hearing Board’s recommendations.

2) The President may depart from the Hearing Board’s recommendations only
in exceptional circumstances and only after consulting the individuals then serving as the Chair, Past Chair and Chair-elect of the Faculty Senate (“the three Chairs”). Permissible departures are limited to (a) discontinuance of the proceedings for failure of proof and (b) the reduction in the severity of a sanction. When a departure is proposed, the President shall send to the three Chairs all of the documents received from the Hearing Board and the respondent and shall secure their views before taking action. Should any of the three Chairs be unable to serve, the other two Chairs shall select a replacement from the available former Chairs of the Faculty Senate.

3) If the proceedings are discontinued, the substance of the complaint shall not be the basis for any further proceedings with respect to major sanctions.

4) The President may request reconsideration of the sanction recommended by a hearing board by submitting a written statement to the Chair of the Hearing Board within five days of the receipt of the panel’s recommendation and the respondent’s objections. In the event of such a request, the Chair shall reconvene the Hearing Board within five days of the receipt of the request and hear statements from both the President and the respondent, delivered either personally or through counsel. The Hearing Board may, by majority vote, elect to recommend an increased or a decreased sanction; if the Board votes not to change its recommendation, the initial recommendation remains in force. The Chair of the Hearing Board shall communicate its recommendation to the President and to the respondent in writing no later than five days after the hearing on the request for reconsideration of sanction.

5) The President may remand the matter to the Hearing Board because there has been a significant defect in procedure. If the matter is remanded to the Hearing Board, the President shall send to the Hearing Board the respondent’s objections, if any. The Hearing Board shall reconvene, take steps to repair any procedural defects, and hold an additional hearing, if needed, granting to the parties those procedural rights provided in paragraph 4.1. The Hearing Board shall then send a second report to the President, along with the transcript of any second hearing, with copies to the respondent by certified mail, and to the charging party and the Dean and/or Provost.

6) Within ten days of the receipt of the materials forwarded by the Hearing Board, the President shall send to all interested parties a letter stating his or her decision and the reasons. The President’s decision, except a decision to remand or a decision that is the subject of an appeal under paragraph 4.L., is final within the University.

L. Appeal of President’s Decision
If the respondent objects that there has been a significant defect in procedure but the President declines to remand the matter to the Hearing Board under paragraph 4.K.4), the respondent may appeal on that ground in writing to SCAFR. The President shall promptly forward to SCAFR all of the documents upon which the decision was made. SCAFR shall review the documents forwarded by the President and the respondent’s written statement of appeal and shall decide the appeal within thirty working days of the receipt of the documents. If SCAFR finds that there has been a significant defect in procedure, it shall remand the matter to the Hearing Board for further proceedings in accordance with paragraph 4.K.4). Otherwise, the President’s decision shall be final.

M. Termination

If the Hearing Board recommends that the respondent’s appointment be terminated, it shall also recommend a date of termination and a date of termination of salary and benefits, which cannot be more than one year beyond the date of the President’s final action.

N. Hearing Board Records

On the completion of the case the Hearing Board shall transfer all of its records to the office of the Faculty Senate. These records shall be stored in a locked file. The Chair, Past Chair and Chair-elect of the Faculty Senate are responsible for obtaining and maintaining these records.

5. Interim Suspension

A faculty member shall not be suspended prior to the conclusion of proceedings under this policy unless continuance poses a threat of immediate harm to the faculty member or others. Any such suspension shall be with salary. A Dean’s decision to suspend a faculty member shall be accompanied by a concise statement of the factual assumptions on which it is based and the grounds for concluding that the faculty member’s continuance threatens immediate harm. Such a decision should be made only after consultation with the school CAFR, which should, whenever possible, afford the faculty member an opportunity to be heard, and to present evidence why interim suspension should not be imposed.

6. General Matters

A. No Public Statements When Proceedings Are in Progress

To preserve the integrity of the process, members of the University community
should avoid public statements about charges and proceedings that involve minor or major sanctions until the proceedings have been completed.

B. Actions When Charges Are Unfounded

If final action under Section 4 completely exonerates the respondent, the University shall reimburse that individual for the reasonable costs and expenses, including attorney fees, incurred in his or her defense. In that event the administration should also attempt to ameliorate any damage wrongly done to the reputation of the respondent or of any complainant, provided that the complainant acted in good faith. If it appears that the complainant did not act in good faith, the administration shall investigate and take appropriate action.

C. Statements Following a Minor Sanction

If the respondent has been subjected to a minor sanction, the Dean or Provost, after consultation with the President and discussion with the Chair of the Faculty Senate, may publicize this fact.

D. Statements Following a Major Sanction

If the respondent has been subjected to a major sanction, the President, after informal discussion with the Chair, Past Chair and Chair-elect of the Faculty Senate, shall publish in *Almanac* a statement describing the case and its disposition in appropriate detail.

Aide Memoir: Initialization of Panels

The following statement shall be sent to the Chair of the Faculty Senate on approval of this policy:

4. Initially, one-third of the members of the University Just Cause Panel chosen from each school shall serve for one year, one-third for two years and one-third for three years. Thereafter, all appointments shall be for three-year terms, except where appointments are made to complete the terms of persons who leave the panel before the end of their terms.

II.E.17. Removal of Faculty by Reason of Financial Exigency


a. If the administration of the University proposes to curtail an activity of the University which might involve the removal of faculty members, it shall initiate consultation with the Executive Committee of the Senate on the issues of the existence in fact of a financial exigency, the appropriateness of the selection of
the particular segment of the faculty for removal, possible alternative actions and the like, at least thirty days before it proposes to send to the affected faculty members the notice described in paragraph b. below.

b. If after such consultation the administration determines to take action to curtail an activity of the University with or without the concurrence of the Senate, the administration shall make an attempt to continue those faculty members who will be affected by such action, by transfer to other faculty positions so far as feasible. If such transfer is not deemed feasible by the administration, the President shall send the following written notice to (a) each faculty member whose employment the University proposes to terminate and who either has tenure at the time such notice is given or, by the operation of the University’s tenure principles, will have tenure at the time of the proposed termination and (b) each faculty member on term appointment whose employment the University proposes to terminate prior to the expiration of such term. The President’s notice shall state that the University is engaged in proceedings which may result in termination of the faculty member’s employment, that, if it is finally decided that his or her employment will be terminated, such termination will become effective not less than one year from the date of receipt of such notice and that he or she may request a hearing before the Committee on Academic Freedom and Responsibility of his or her faculty (unless the administration proposes to terminate the employment of an entire faculty, in which case the notice shall state that the faculty member may request a hearing before the Senate’s Committee on Academic Freedom and Responsibility).

c. Each faculty member so notified may request a hearing by sending a written request therefore to the chair of the appropriate committee within thirty days of his or her receipt of the President’s notice. The faculty member’s failure to request a hearing before the committee shall be a waiver of his or her right to request the hearing before the board. The faculty member shall accompany his or her request with a statement in which he or she may make one or more of the following charges:

- that the administration is not acting in good faith to remove him or her on the grounds of financial exigency;
- that it is possible for him or her to be assigned to other duties, the nature of which shall be described in his or her statement.

In his or her statement, the faculty member shall specify in as much detail as is practicable the reasons for his or her charge or charges. The faculty member shall send a copy of his or her statement to the President. The President shall furnish the faculty member and the committee with a written answer to the faculty member’s charges.
d. If the faculty member charges that the administration is not acting in good faith, the President shall send a written notice to each faculty member affected by the proposed curtailment, stating that the recipient may join in the hearing. The President shall also furnish each such faculty member with a copy of the charges made by the faculty member initially requesting the hearing and a copy of the answer thereto. A faculty member who receives such notice and who does not, within ten days following receipt of such notice, deliver to the chair of the committee a written statement of his or her intention to join in the hearing and of his or her reasons therefore, shall thereby waive his or her right thereafter to request a hearing on the charge that the administration is not acting in good faith. A faculty member’s failure to join in such a hearing shall not be a waiver of his or her right to request a hearing on the possibility of his or her own reassignment. Promptly after the expiration of the period within which faculty members may state their intention to join in the hearing, the chair of the committee shall notify the parties in writing of the date and place of the hearing, which shall be held not less than three weeks from the date the chair shall send to the parties notice of such date and place.

e. Any faculty member requesting or joining in the hearing, and the administration, shall be entitled to move to disqualify, for prejudice, any member of the committee. Such motion shall be made in writing, which shall set forth the reasons therefore, and shall be delivered to the chair of the committee no later than ten days prior to the date set for the hearing. Such motion shall be decided by the remaining members of the committee. If the remaining members decide that disqualification is proper, an alternate member, if any, shall serve as a substitute for the disqualified member. If an alternate member is not available, the parties may agree that the hearing shall be held by the remaining members or that the remaining members shall select a substitute. In the event of failure to agree, a substitute shall be elected by the faculty (if the committee is a faculty committee), or shall be selected by the Executive Committee of the Senate (if the committee is a Senate committee).

f. If a hearing is held at the request of a faculty member on a charge that the administration is not acting in good faith, the administration shall have the burden of proving by a preponderance of the evidence that it is acting in good faith in seeking to remove the faculty member on the grounds of financial exigency. If a hearing is held at the request of a faculty member on a charge that it is possible for him or her to be assigned to other duties, the faculty member shall have the burden of proving by a preponderance of the evidence that such assignment is possible, and shall not be deemed to have met such burden unless he or she shall introduce testimony, supporting such assignment, by faculty members from the department or school to which such assignment is proposed to be made. A transcript of the hearing shall be kept by a stenographer furnished by the University. Both the faculty member and the representatives of the administration may appear throughout the hearing; both may have the
assistance of counsel. Both shall have the right to be confronted by the witnesses against them and to question the witnesses personally or through counsel. Each party may call witnesses on his or her own behalf; the faculty member shall receive the assistance of the administration in securing the attendance of witnesses on his or her behalf. The committee shall afford the faculty member and the administration opportunity to present oral and written argument.

g. After the hearing, the committee shall deliberate privately. It shall determine solely on the basis of the information presented at the hearing whether or not the administration has proved by a preponderance of the evidence that it is acting in good faith in seeking to remove the faculty member on the grounds of financial exigency, or whether or not the faculty member has proved by a preponderance of the evidence that it is possible for him or her to be assigned to other duties. The committee shall send to the faculty member and (through administrative channels) the President a transcript of the proceedings and a copy of its report, in which it shall set forth its findings, recommendations and reasons therefore.

h. If the committee concludes that the administration is not acting in good faith, or that it is possible for the faculty member to be assigned to other duties, the administration shall not proceed with action to terminate the faculty member’s employment. If the committee concludes otherwise, the faculty member may appeal to the board by sending to the Secretary of the University within thirty days following receipt of the committee’s report, a written request that he or she be accorded the hearing before the board. The board shall then afford the faculty member, the administration and the committee an opportunity to appear before it. The faculty member and the administration may have the assistance of counsel.

i. The board may direct that action to terminate the faculty member’s employment be discontinued, may take action based on the committee’s conclusions, or, if it decides that additional evidence should be received or that further proceedings are otherwise required, shall remand the matter to the committee. In the event of such remand, the committee may receive additional evidence, shall send the parties written notice of hearings at least one week before they are to be held and shall accord the parties the procedural rights provided in paragraph (c) above. The faculty member may again appeal to the board as provided in paragraph (h) above. The board shall furnish all parties with copies of a report of its decision, in which it shall set forth its reasons therefore.

j. If the employment of a faculty member is terminated by reason of financial exigency, his or her salary shall be continued for one year from the date of his or her receipt of the President’s notice described in paragraph b. above. Until such termination date the faculty member will continue to work in his or her
own field or on some other activity mutually agreed upon. If the employment of a faculty member who has tenure is terminated by reason of financial exigency, the released faculty member’s place will not be filled by a replacement within a period of two years from the date of termination, unless the released faculty member has been offered reappointment with tenure and has declined.

k. A decision by the board made pursuant to these procedures shall be final within the University.

II.E.18. Temporary Exclusion of a Faculty Member

(Source. Standing Resolution of the Trustees, September 9, 1983)

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

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

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

II.E.19. Policy on Safeguarding University Assets

(Source. Trustees Internal Audit Committee, March 13, 1995)

a. Introduction:

University and Health System management at all levels are responsible for safeguarding financial and physical assets and being alert to possible exposures, errors and irregularities. Management must be aware of internal control weaknesses which can lead to or permit misuse, misappropriation or destruction of assets. The University policy regarding the safeguarding of assets and the investigating, processing and reporting of suspected mis appropriations and similar irregularities applies to all areas of the University and Health System. These include the schools, service and resource
centers, central administrative departments, auxiliary enterprises, subsidiaries, the Clinical Practices (CPUP) and the Hospital (HUP), Clinical Care Associates (CCA), and any wholly-owned subsidiaries of the University.

b. Objectives:

1. To ensure the protection of the University and Health System assets and to ensure that such assets are not misappropriated, misused, damaged or destroyed.

2. To provide a policy for the investigations of known or suspected misappropriations and other irregularities.

3. The objectives of investigating suspected misappropriations and similar irregularities are to determine whether the suspected irregularity occurred; to ascertain the source and the amount of funds involved; to identify the individual(s) responsible for the loss; to adequately document fraudulent activities; and, to provide a sound basis for any subsequent corrective action.

c. Responsibilities:

All supervisors and managers should be familiar with the types of irregularities involving misuse of University and Health System resources that might occur in their respective areas and be alert for symptoms that an impropriety is or was in existence in their respective areas. Any individual who detects or suspects a misappropriation shall notify his/her supervisor immediately.

The Director of Internal Audit, has the primary responsibility for the investigation of all cases of misappropriation, fraud, and other misuse of University and Health System assets. The Director is available and receptive to relevant information concerning suspected fraudulent activities on a confidential basis. All audits will be conducted in a thoroughly professional manner.

The Director of Internal Audit, shall consult with and coordinate the investigative activities with other University and/or Health System offices as appropriate. All University and Health System employees shall cooperate fully with and provide support to the Director as requested during such investigations and reviews.

The Internal Audit Department will be given free, unlimited and unrestricted access to all books, records, files, property and to all personnel of the University and the Health System during such investigations. The Director
of Internal Audit shall have the authority, after consultation with the Executive Vice President of the University, the Executive Vice President of the University for the Health System, when applicable, and with the Provost when a member of the faculty is thought to be involved and with other senior officials as appropriate, to:

1. Take control of and/or gain full access to all University and Medical Center premises, whether owned or rented; and

2. Examine, copy and/or remove all or any portion of the contents, physical or electronic, of all files, desks, cabinets and other storage facilities that are located on such premises without the prior knowledge or consent of any individual who may use or have custody of such premises or contents. When an auditor removes any files or materials from desks or offices, a record will be established and maintained. The record must be as complete as practicable, and a copy will be deposited with the Executive Vice President of the University and with the person from whose office the files or materials were removed.

The powers described in (1) and (2) will be exercised with due regard for privacy, property, and academic freedom of the occupant of the premises, or the owner of the materials being searched. The Director, moreover, will make every reasonable effort to confine the investigation to areas, files, and papers that seem likely to yield relevant evidence.

When a member of the faculty is thought to be involved, the Provost:

1. Will inform the Chair of the Faculty Senate, if the Chair is available, prior to the search being undertaken, and seek the Chair’s opinion.

2. Will report the completion of the search and the justification for that search as soon as practicable after the event to the Chair, the Past Chair, and the Chair-Elect of the Faculty Senate.

d. Reporting:

The results of investigations by the Internal Audit Department will be disclosed only to those who have a legitimate need to know such results in order to perform their duties.

Internal Audit shall report the results of the investigation and/or audit to the General Counsel and the Executive Vice President of the University; the Executive
Vice President of the University for the Health System when applicable, and to the Provost when a member of the faculty is involved. In addition, Internal Audit shall report the results as appropriate to the Executive Vice President of the University for the Health System, and to the Associate Vice President for Legal Affairs of the Health System. The Executive Vice President shall report all cases of fraud to the President. Copies of all investigation and/or audit reports shall be sent concurrently to the senior official responsible for the area.

All documented cases of fraud shall be reported to the Board of Trustees’ Committee on Audit by the Director of Internal Audit.

To meet requirements of granting agencies or other external funding sources, the Director of Internal Audit shall, as appropriate, report information concerning misappropriations to granting agencies or other external funding sources.

Information concerning misappropriations may be released to the news media only as authorized by the President of the University.

III. POLICIES AND PROCEDURES CONCERNING FACULTY RESEARCH

III.A. Guidelines For The Conduct Of Sponsored Research

(Source. Office of the President, Almanac, April 7, 1981)

1. Roles and Responsibilities of the University and Its Faculty

The University imposes no limitation on the freedom of the faculty in the choice of fields of inquiry or upon the media of public dissemination of the results obtained. It is the obligation of faculty members to make freely available to their colleagues and to the public the significant results achieved in the course of their inquiries.

By providing financial support, physical facilities, and especially an intellectual environment conducive to research, the University encourages scholarly inquiry by its faculty. In doing so the University recognizes its responsibility to the faculty to maintain a research environment in which unrestricted scholarship and freedom of inquiry may continue to thrive.

The University recognizes that its faculty consists of self-motivated scholars and scientists; their participation in scholarly or scientific controversies does not involve the University beyond its general support. Such support is predicated on the University’s confidence that its essential functions are best accomplished by freely permitting capable scholars to follow the search for truth wherever it may lead.

2. Sponsored Research Projects
An interdependent relationship between the University and the research skills of its faculty becomes manifest whenever the University becomes involved as a corporate entity in the administration of research. In pursuing a policy of encouraging free inquiry the University affirms its reliance on its faculty in all matters of judgment concerning the intellectual merits of a project.

For its part, as the beneficiary of gifts and as the recipient of grants and contracts, the University must reserve the right to accept only that support which does not in any way compromise the freedom of inquiry of its faculty, the integrity of its scholarship or its commitment to the policy of non-discrimination.

In its role as a degree-granting institution, the University views the substantial participation of graduate students in sponsored research as altogether appropriate to its educational mission.

The University administration does not distinguish between research activities which acquire new knowledge and research activities which apply existing knowledge. It leaves the decision of how to balance these two elements to the judgment of those who perform research and to their academic supervisors.

3. Academic Evaluation of Sponsored Programs

Approval of proposals for grants, contracts and other cooperative agreements by the appropriate department chair and/or Dean is an indication that a favorable evaluation for academic merit has been made.

Where research programs lie outside the normal departmental or school structure, the Provost, or a designated member of the Provost’s staff, has a special responsibility to ensure that an appropriate academic review has been made.

4. Administrative Requirements for Sponsored Programs

The following seven conditions must govern any research agreement entered into by the University and a sponsor in order for a favorable evaluation to be made.

Open identifications of sponsors and the actual sources of funding must be present in the agreement. Exception is made for anonymous sponsorship when, in the judgment of the Provost, such a condition is not harmful to the University nor to the integrity of the research and is essential for the award to be given.

Unrestricted dissemination of all findings and conclusions derived from the project must be an integral part of the agreement, except where the privacy of an individual is concerned. The University regards any infringement on complete access to research findings as detrimental to free inquiry. It therefore neither
seeks nor accepts security clearance for itself or any administrative unit. The decision of whether to seek clearance is an individual one to be made by each faculty member according to his or her judgment. Such decisions will not be influenced or judged in any way by the University and must be made in each instance on the basis that the benefit of clearance will balance its academic shortcomings. Exception may be granted by the Provost for privileged information but only in the form of a delay in the release of such information. The delay will only on rare occasions exceed three months.

The resources or data sources on which research is wholly dependent must be free of control by the sponsor. The University views such control as incompatible with free inquiry and accepts exceptions to this condition only when no alternative source exists. Exceptions may be granted by the Provost for projects that are conducted abroad and subject to the legal restraints of foreign governments and their agencies.

No conditions may be attached to the gift, grant or contract that would in any way jeopardize the University’s commitment to the principle of non-discrimination on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or handicap.

Academic appointments made with the support of gifts, grants, or contracts shall be made only in accord with established University procedures. A sponsor shall not ordinarily participate in the selection of persons to work on a project, and individuals employed by the University shall not be excluded by a sponsor from participation in a project for any reason other than when necessary because of insufficient competence or when required to protect privileged information.

No financial obligations by the University in the present or at any time in the future can be implied other than those stated in the contract. When uncertainty exists in his or her judgment, the Provost or a designated member of the Provost’s staff shall consult with appropriate officers of the University to ensure that this condition is met prior to the final approval of the agreement.

The University relies primarily on the discretion of its faculty to limit the commercial aspects of research sponsorship, such as advertising and publicity. Contracts must not allow the use of the University’s name for commercial purposes unless such use has been specifically approved by the President of the University. Agreements must not permit the names of University investigators to be exploited for advertising purposes or permit reprint distribution to be made part of a publicity campaign.

5. Administrative Review of Sponsored Programs
Approval by the Provost or a designated member of the Provost’s staff indicates that the evaluation of compliance with the University’s administrative requirements has been favorable.

Grants and contracts which, in the judgment of the Provost, have features that pose potential embarrassment to the University or raise serious non-technical questions of compliance with this policy will require further review. This review is to be accomplished by the Council Committee on Research.

Concurrently with the call for consultation, notice of the project shall appear in *Almanac*.

Failure to conform to the Guidelines is expected only on rare occasions marked by special circumstances, such as the exceptional public need of a national, regional or local emergency. On these occasions it is required that the President of the University, in consultation with appropriate faculty, shall give approval to such action.

### III.B. Financial Disclosure Policy for Research and Sponsored Projects and Financial Disclosure and Presumptively Prohibited Conflicts for Faculty Participating in Clinical Trials

(Source. Office of the Vice Provost for Research, February 6, 2001)

Several years ago the National Science Foundation (NSF), and the U.S. Public Health Service including the National Institutes of Health (NIH) and the Food and Drug Administration (FDA) issued regulations that require disclosure of personal financial interests by Principal Investigators (PIs), Clinical Investigators (Co- and Sub- Investigators) (CI) (Collectively Investigators) and others engaged in a project being proposed to those agencies, when such interests would reasonably appear to be affected by the research or other activity being proposed. These regulations require that the University have in place a policy on conflicts of interest. This policy is available at the following:

http://www.upenn.edu/almanac/v47/n21/ORdisclosure.html

Clinical trials represent a special area of research, which is distinguished by the involvement of human subjects who are often particularly vulnerable because they suffer from serious illness, may be searching desperately for treatments, and are being asked to participate in research that carries unknown risks and indeterminate benefits. Under these circumstances, it is particularly important that clinical research be insulated from potential conflicts of interest that might be perceived to influence its conduct or outcome. Therefore, for investigators involved in clinical trials, the University has implemented an additional set of requirements involving disclosure and prohibition of financial interests, which supplement the standard conflict of interest policies. These requirements can be found at:

http://www.upenn.edu/almanac/v49/n32/OR-clinicaltrials.html
III. POLICIES AND PROCEDURES CONCERNING FACULTY RESEARCH

III.C. Procedures Regarding Misconduct In Research

(Source. Office of the Provost, Almanac, May 6, 2003)

The University relies on its faculty to establish and maintain the highest standards of ethical practice in academic work including research. Misconduct in research is forbidden and represents a serious breach of both the rules of the University and the customs of scholarly communities.

Although instances of research misconduct are relatively rare, the University has a responsibility to detect and investigate possible misconduct and to resolve cases of possible misconduct fairly and expeditiously.

Procedures regarding misconduct in research are at the following:

http://www.upenn.edu/almanac/v49/n32/OR-misconduct.html

III.D. Patent Policy

The University Patent Policy is reprinted in The Research Investigators Handbook, available from the Office of Research Services. It is also available at the following:

http://www.upenn.edu/almanac/volumes/v51/n22/pdf_n22/patent_policy.pdf

III.E. Guidelines for Student Protection and Student Access to Information Regarding Sources of Financial Support

(Sources. Office of the President and Provost, Almanac, October 21, 1986)

Participation in sponsored research may be an important part of a student's undergraduate or graduate education, as well as an important source of his or her financial support. The University recognizes that the student must be protected in cases where the terms of the research project conflict with the student’s academic progress, and affirms that the student has the right to reject such funding if he or she chooses to do so. The University recognizes the sensitivity of these issues, since they pertain directly to the relationship of personal trust which exists between a student and his or her faculty sponsor; they are also fundamental to the development of the student’s intellectual and moral integrity. Therefore, the University adopts the following policy:
The University recognizes the central role of sponsored research in fostering educational opportunities for students at all levels and in every discipline, and encourages the involvement of students in research projects. On rare occasions, the terms of a research agreement may contain limitations which may inhibit the participation of students, such as delays in publication of results which might conflict with a student’s academic schedule. In such cases, the University requires that careful consideration be given to the appropriateness of student participation and that the faculty sponsor or Principal Investigator assure in advance that students are fully aware of any such restrictions.

The University affirms the student’s right to know the source(s) of financial support for his or her educational and living expenses, individual research projects, or the research activities of a faculty sponsor in which the student is involved and from which the student obtains financial support. It is the responsibility of the faculty sponsor to make this information known to the student.

Should a student choose to reject financial assistance, the University affirms and upholds the student’s right to do so.

III.F. Policy Concerning the Exclusion of Foreign Nationals From Specific Research Areas

(Source. Offices of the President and Provost, Almanac, February 23, 1988)

Members of the University research community shall not be subject to discrimination based on citizenship with respect to their participation in research activities. While funding agencies may limit their financial support to particular groups (such as U.S. citizens), they may not prohibit the participation of others in University research.

Where a research contract deviates from this policy an exception may be granted by the Vice Provost for Research after review by the University Council Committee on Research.

III.G. Copyrights and Commitment of Effort

The Trustees of the University of Pennsylvania, subject to the exceptions declared in Sections 1.a., 1.b. and 1.c. of this policy, affirm the academic custom that creators of intellectual property own the copyright to works resulting from their research, teaching and writing and have the individual right to apply for, own all right, title and interest to, enforce, profit by and transfer to other parties, such as publishers, copyrights in their works under the laws of the United States and other jurisdictions. Computer software and courseware (the tools and technologies used to present courses), to the extent not protected by patent law, are governed by this policy. With respect to works such as journal articles and other similar publications, when an author transfers an interest in these copyrightable works, the author should use reasonable efforts to secure for the University the right to reproduce such works, royalty free, for all traditional, customary or reasonable academic uses. With respect to computer software and courseware, the University shall enjoy a
permanent, non-exclusive, royalty free license to make all traditional, customary or reasonable academic uses of these works.

This policy in its entirety may be found at:

http://www.upenn.edu/almanac/v47/n24/ORcopyright.html


(Source. Office of the Vice Provost for Research, May 2002)

On October 16, 2001, a statement was published in Almanac setting down guidelines for Institutional Review Board (IRB) review of research in the social and behavioral sciences.

As promised in that statement, a Working Group was commissioned “to propose guidelines for the ethical use of human subjects in socio-behavioral research at the University of Pennsylvania”. The Working Group has now submitted their report titled “Report of the Working Group on Human Subjects Research in the Socio-behavioral Sciences” which is published at the website designated below.

There is a policy pending with regard to this report, but it has yet to be finalized.

http://www.upenn.edu/almanac/v49/n02/FC-human_subjects.html

III.I. Standard Operating Procedures and Policies of the University of Pennsylvania Institutional Animal Care and Use Committee (IACUC)


The University of Pennsylvania recognizes the scientific and ethical responsibility for the humane care and use of animals involved in research and education and enjoins all individuals involved to maintain the highest standards of animal care and consideration. This concern extends to investigators to protect the animals as well as comply with the specific requirements established and regulated by the sponsors of their research, University Policies and/or federal regulations.

The University of Pennsylvania recognizes and supports fully The Institutional Animal Care and Use Committee (IACUC), as the agent for The University of Pennsylvania in its obligations for the humane care and use of animals.
The full text of the University’s Institutional Animal Care and Use Committee’s standard operating procedures and policies is available on the Vice Provost’s for Research’s webpage at the following URL:

http://www.upenn.edu/research/policies.htm

III.J. Reporting of Animal Welfare Concerns

(Source. Office of the Vice Provost for Research, January 2005)

Many faculty work with animals in the course of their research. Penn is concerned that these animals are treated with the highest standards of care while in our charge. The University’s policy for reporting concerns about animal welfare is stated at the following website:

http://www.upenn.edu/almanac/volumes/v51/n16/rawc.html

III.K. University Laboratory Animal Resources (ULAR) Policies

(Source. Office of the Vice Provost for Research)

University Laboratory Animal Resources (ULAR) is responsible for the procurement, care, and use of all University-owned animals used for teaching, research, and testing as approved by the Institutional Animal Care and Use Committee (IACUC) and as mandated by federal law and regulations. As an organization of specialists in a university, ULAR has additional responsibilities in the academic areas of teaching and research. In the conduct of its duties, ULAR is responsible to the Vice-Provost for Research, who is designated to the United States Department of Agriculture and the Public Health Service as the “Institutional Official.”

To fulfill the above responsibilities, ULAR provides or has oversight for the provision of husbandry and veterinary medical care for all University-owned animals. It provides professional and technical consultation, assistance, and training to administrators, researchers and their staffs on the humane, proper and efficient use of animals, design of new and renovated animal housing areas, and interaction with the public on animal use in biomedical research. It procures all animals used by the University and maintains the legally required records pertaining to the procurement and use of animals.

ULAR has a number of policies pertaining to the use of University-owned animals. They can be found at the following website:

http://www.ular.upenn.edu/frames/policies.html
IV. PROCEDURES REGARDING ADMISSION AND INSTRUCTION OF STUDENTS

IV.A. Academic Integrity

(Source. Office of the Provost, May 18, 1982)

A university’s reputation depends upon the quality and integrity of the academic work that its faculty and students perform. The academic work at a university includes the research, scholarship, teaching, and related activities of its faculty and the studies that its students undertake as they progress toward degrees or other certification. Members of the faculty should carry on their academic work in such a way as to encourage academic integrity.

IV.B. School Policies and Procedures

Each of the twelve schools of the University has regulations, policies, and procedures specific to the undergraduate and graduate students within that school. These policies are stated in the official bulletins and announcements issued by each school and are available in the school and departmental offices. Faculty members and administrators who teach in the College of General Studies, in executive education programs and during the summer sessions should be aware that each of these divisions issues its own bulletin and that some policies may differ from those stated in the undergraduate and graduate studies bulletins.

Grading policies are strictly within the province of the faculties of the several schools. Students who believe that they have been graded unfairly have recourse of appeal through the grade appeal procedures established by each school.

IV.C. Guidelines for Admissions Policies and Procedures

(Source. Office of the Provost, Almanac, February 14, 1980)

Summary of the Guidelines

This document describes the way in which the admissions policies of the University of Pennsylvania should be formulated and implemented. It prescribes neither particular policies nor the details of the admissions process. The purpose of these guidelines is to protect the integrity of the admissions process.

The admissions function may be divided into three parts. First, the legislative function establishes the substantive provisions of an admissions policy, i.e., standards and goals describing the qualities of the students sought that can be applied to the applicant pool. Second, the administrative function translates admissions standards and goals into procedures for attracting a suitable body of qualified applicants, for differentiating among them and for persuading those who best fit the admissions criteria to attend the University.
Third, the monitoring function involves regular evaluation both of the validity of the norms set in admissions policies and the efficacy of administrative practices in fulfilling the normative standards and goals. Accordingly, the responsibility for this function rests mainly with the several faculties.

The legislative function is essentially a determination of educational policy. Accordingly, the guidelines place responsibility for this function on the several faculties after appropriate consultation with administrators and student groups. Each faculty’s policy is subject to any overriding University policy.

The administrative function is a responsibility of academic administrators. For graduate and professional schools and programs, the Dean is the officer charged with executing the admissions policy. For the Ph.D. programs and those master’s degree programs managed by the graduate groups, the Provost, working with the relevant Deans and graduate group chairpersons, is the responsible officer. The Provost is also ultimately responsible for the administrative function for joint degree programs in cases where at least one of the degrees of concern is the Ph.D. The administrative function of other joint degree programs at the graduate level is the joint responsibility of the relevant Deans. In the admission of undergraduate students, a centralized office, reporting to the Provost and working with the undergraduate Deans, serves all the schools and colleges.

The monitoring function is, in major part, a responsibility of each faculty. Regular review of prior experience provides a basis for possible amendment of the admissions policy and assures that the prevailing policy’s standards are being carried out faithfully. The University Council also participates in the monitoring function.

To assure that the various admissions functions are carried out with integrity, the University relies upon two familiar safeguards. The first is a required formality of action. In adopting an admissions policy, a faculty should endorse by formal resolution a written statement of its policy that can be publicly disseminated. Administrative staff members, in developing and evaluating the files of applicants, should preserve a written record that includes the source of any item of relevant information. Though confidentiality is an important element of any application, the preservation of a written record enables consideration, either in the decision-making process or during a monitoring review, of all actions taken by others.

The second safeguard of the integrity of the process is collective action. The relevant voting faculty should participate in final adoption of any admissions policy statement. A final decision to accept or reject an applicant should be made by an appropriately constituted group of persons.

Educational values are primary in the establishment of any admissions policy. Matters of institutional concern may also be reflected in any admissions policy.
Responsibility of the Legislative Function

The admissions process is integral to the educational mission of the University. Primary responsibility for that process is vested in the several faculties of instruction, the bodies best suited to decide matters of educational concern. For the undergraduate programs, this function lies with the several undergraduate faculties. For the Ph.D. programs and the master’s degree programs administered by graduate groups, this function is carried out by the Council of the Graduate Faculties and the various graduate groups. For the professional degree programs, this function is carried out by the faculties of the individual schools. Policies of general applicability to admissions may be adopted by the Trustees after careful study by the appropriate faculty bodies and administrative offices.

The Office of the Provost is the primary focus of University-wide actions to oversee the fulfillment of the legislative function of the faculties of instruction. Accordingly, the Provost should be kept informed of actions by the faculties; in return he or she will disseminate to the faculties general University policies on admissions.

General Standards for Faculty’s Policies

While the primary responsibility for developing admissions policies is delegated to the faculties of instruction, there are certain University-wide principles or regulations that govern these bodies.

The admissions policy for each school should be consonant with the overall policies of the University.

The criteria for admission of applicants to a degree program, or to a non-degree program, should be related to and derived from the educational mission of the school or college and its cognate activities.

In determining the admissions policy for a school or college, a faculty should consider the relationship among the several schools and colleges and avoid unnecessary parochialism in admissions criteria. Among the undergraduate schools and colleges, common admissions policies should be followed. There are also common minimum standards for admissions to the University’s Ph.D. programs. The Provost working with the undergraduate Deans should provide coordinating services in the case of undergraduate admissions; for graduate admissions this function should be carried out by the Provost working with the graduate Deans.

Admissions policies for all schools and colleges should conform to any obligations or constraints imposed by laws of the United States or of the Commonwealth of Pennsylvania.

An admissions policy statement should be sufficiently complete and precise that those persons charged with its implementation can carry out their responsibilities faithfully.
The selection of individuals for admission to any academic program may not be delegated to any extra-University group.

Procedures for Each Faculty’s Action

An admissions policy statement can be adopted or amended through formal action by the voting faculty of a school or graduate group. Assistance may be rendered by staff members, by faculty committees or by coordinating councils within the University.

The prevailing admissions policy statement for a school or graduate group should be generally available within the University and, as appropriate, in the larger community. Upon adopting or amending a policy statement, a faculty should promptly forward a copy to the Provost through its Dean. The bulletin or other equivalent publication of a school or college should contain an accurate description of the admissions policy.

Responsibility for the Administrative Function

Allocation of Responsibility

The decentralization of admissions policy to the several faculties implies concomitant distribution of administrative responsibility. While the Provost, as chief academic officer of the University, oversees the administration of admissions throughout the University, the Deans of schools and colleges are its primary administrators.

In the undergraduate sector, a single officer under the Provost supervises the implementation of admissions policies for all of the schools and colleges; the administrative head of the office reports to the Provost. For doctoral program admissions, the Vice Provost for Graduate Education or equivalent University officer performs this function. Professional schools maintain separate admissions offices.

Procedures for the Administration of Admissions Programs

In most schools and colleges applications are sufficiently numerous that they cannot be efficiently processed without the assistance of a special staff functioning under the supervision of a Dean or of the Provost. The following practices should guide the admissions staff in the processing of individual applications.

It is the responsibility of the applicant to ensure the completeness of his or her file as regards requirements for admission. All applicants should be assured that whatever the decision on their application, each will receive full and equitable consideration under the prevailing admissions policy. All written communications about an applicant must be placed in the applicant’s file; a record of oral messages must also be filed in each case where such messages are taken into consideration in the admissions decision. Communications from applicants that require a response should be acknowledged.
promptly. Admissions staff members may give applicants a preliminary estimate of the probable final decision on their applications.

The contents of an applicant’s admissions file are subject to the University’s guidelines on the confidentiality of student records. Each Dean shall identify in writing those individuals who, under the guidelines, may have access to admissions files without the consent of an applicant; the Provost shall do so in the case of the undergraduate admissions office. All members of a graduate group have access to the files of applicants to that group.

The protection of individual privacy does not extend to actions on behalf of the University in processing applications. Thus final decisions to accept or reject applications, as well as preliminary estimates of the probable final decisions, are matters that can be disclosed through the informed discretion of authorized University personnel without violating the principle of confidentiality.

Persons other than applicants are normally involved in the completion of an application. When a response is appropriate, admissions staff members should reply to communications from these persons promptly and courteously. In all responses to correspondents about applicants, staff members should be mindful of the general policy of confidentiality of admissions information. Examples of several common types of communications follow:

Various persons send letters of appraisal about applicants. In many instances, admissions procedure requires applicants to arrange for submissions of this type; in other instances, individuals may volunteer information about applicants. Both types of communications must be placed in the applicant’s file.

University staff members assigned to recruit potential groups of applicants and to assist them through the admissions process, regularly communicate with admissions personnel on behalf of such applicants. These staff members usually act on behalf of programs for the enrollment of specific categories of students identified by the admissions policy statements. They have access to applicants’ files if and only if their names appear on the approval list for such access. Since they are filling an advocacy role, they should be sensitive to the partisan aspect of their functions.

Persons related to the University often express interest in the application of a candidate. Communications of this kind may come from a wide variety of sources. The weight of these endorsements in the ultimate decisions is determined by the admissions policy statements. In instances where this seems appropriate, the admissions staff may notify the Dean or an appropriate University officer of the communication. These officials may respond to queries from such interested outside parties, but they should avoid taking the initiative in such interchanges prior to the admissions notification.
University officials not engaged in the admissions process may receive inquiries concerning admissions applicants. Ordinarily these communications can be referred to the appropriate admissions staff persons for proper response. If the University official concludes that it is desirable to have additional response by the Dean or by some other University officer, a suggestion to this effect should be made and acted upon. A response may be transmitted through the University official initially contacted.

Final decisions on applicants are made in accordance with stated admissions policies. Whenever possible, two or more individuals should participate in the evaluation process leading to each admissions decision. Exceptions may be made for preliminary screening activity in those schools that receive large numbers of applications and for final decisions in faculties admitting small numbers of students, such as certain graduate groups. In these cases, it may be appropriate for a single individual to make the decision. Participation by faculty members throughout the decision process can be valuable in assuring conformity with the criteria adopted by the responsible faculty; each faculty should determine how faculty members should be selected for this purpose. A complete record for each application should identify the decision reached, the persons who participated in that judgment and the basis for the decision in applicable criteria. No one having any personal interest in the disposition of an application should take part, directly or indirectly, in the final decision-making process. Persons with advocacy responsibilities should avoid involvement at this stage.

In all cases, notification of the final decision on an application must be sent to the applicant first. Thereafter, the Dean of a school or college or other appropriate University officer may, in the exercise of informed discretion, disclose to others the decision reached. When a disclosure is made, record should be made in an applicant’s files of the person authorizing the communication and the person to whom the information is being given.

The files of applicants for admission, as of matriculants, should be retained for at least three years beyond the matriculation date stated in the application. Confidential letters of appraisal in the admissions files of students who have matriculated should not be merged with records pertaining to those students that are used for purposes other than admissions. Admissions files should be available to representatives of the faculties or to the University official charged with responsibility for reviewing the implementation of admissions policies.

Responsibility for the Monitoring Function

Responsibility for assuring that the admissions process is reaching its goals and operating within the limits set by appropriate authorities exists at all levels of University governance. Regular procedures should exist for examination and review of prior actions taken. Through such auditing, those charged with establishing the content of admissions policy statements can ascertain that existing policies are valid or that amendments to admissions policies should be developed. Likewise, procedures should exist for periodic accounting by those who bear responsibility for the administrative function. Primarily,
oversight of administrative actions is the responsibility of the respective faculties. Within the University as a whole, the Office of the Provost coordinates efforts to protect the integrity of the admissions process.

IV.D. **Rules Governing Final Examinations**

*(Source: Office of the Provost, 2005)*

1. No instructor may hold a final examination nor require the submission of a take-home final exam except during the period in which final examinations are scheduled; when necessary, exceptions to this policy may be granted for postponed examinations (see 3 and 4 below). No final examinations may be scheduled during the last week of classes or on reading days.

2. No student may be required to take more than two final examinations on any calendar day during the period in which final examinations are scheduled. If more than two are scheduled, the student may postpone the middle exam. If a take-home final exam is due on a day when two final examinations are scheduled, the take-home exam shall be postponed by one day.

3. Examinations that are postponed because of conflicts with other examinations, or because more than two examinations are scheduled in the same day, may be taken at another time during the final examinations period if the faculty member and student can agree on that time. Otherwise, they must be taken during the official period for postponed examinations.

4. Examinations that are postponed because of illness, a death in the family, or some other unusual event, may be taken only during the official periods: the first week of the spring and fall semesters. Students must obtain permission from their dean’s office to take a postponed exam. Instructors in all courses must be willing to offer a make-up examination to all students who are excused from the final examination.

5. No instructor may change the time or date of a final exam without permission from the appropriate dean.

6. No instructor may increase the time allowed for a final exam beyond the scheduled two hours without permission from the appropriate dean.

7. No classes (excluding review sessions) may be held during the reading period.

8. As of Fall 2005, the first examination of the day begins at 9 am and the last examination concludes by 8 pm. There will be one hour between exam time blocks.

9. All students must be allowed to see their final examination. Exams should be available as soon as possible after being graded with access ensured for a period of at least one
regular semester after the exam has been given. To help protect student privacy, a student should have access only to his or her own exam and not the exams of other students. Therefore, for example, it is not permissible to leave student exams (or grades or papers) in publicly accessible areas.

10. Students may not be asked for their Social Security numbers. Instructors may not publicly display a student’s Penn ID or any portion of the Social Security number, nor use name, initials, or any personally identifiable information to post grades. Even when an identifier is masked or absent, grades may not be posted in alphabetical order, to protect student privacy.

In all matters relating to final exams, students with questions should first consult with their Dean’s offices. Faculty wishing to seek exceptions to the rules also should consult with their Dean’s offices. Finally, instructors are urged to see that all examinations are actively proctored.

IV.E. Reporting of Final Grades

(Source. Office of the Provost, December, 1992)

Grades in each course should be reported to the Registrar and the school offices within 72 hours of the last day of exams.

The validity of a grade for any student is determined by the home school of that student, not the home school of the faculty member teaching the course. For example, the grade of I (Incomplete) is governed by very specific regulations of the faculty in the student’s home school and may be given to students of those schools only if those conditions are satisfied. If there is any doubt as to the validity of a grade for a particular student, the Dean’s office of that student should be consulted.

IV.F. Secular and Religious Holidays

(Source. Office of the Provost, 1996, revised 2001)

1. The University recognizes/observes the following secular holidays: Martin Luther King Day, Memorial Day, July 4, Labor Day, Thanksgiving and the day after and New Year’s Day.

2. The University also recognizes that there are several religious holidays that affect large numbers of University community members, including Christmas, Rosh Hashanah, Yom Kippur, the first two days of Passover, and Good Friday. In consideration of their significance for many students, no examinations may be given and no assigned work may be required on these days. Students who observe these holidays will be given an opportunity to make up missed work in both laboratories and lecture courses. If an
examination is given on the first class day after one of these holidays, it must not cover material introduced in class on that holiday.

Faculty should realize that Jewish holidays begin at sundown on the evening before the published date of the holiday. Late afternoon exams should be avoided on these days. Also, no examinations may be held on Saturday or Sunday in the undergraduate schools unless they are also available on other days. Nor should seminars or other regular classes be scheduled on Saturdays or Sundays unless they are also available at other times.

3. The University recognizes that there are other holidays, both religious and secular, which are of importance to some individuals and groups on campus. Such occasions include, but are not limited to, Sukkot, the last two days of Passover, Shavuot, Shemini Atzerat, and Simchat Torah, as well as Chinese New Year, the Muslim New Year, and the Islamic holidays Eid Al-Fitr and Eid Al-Adha. Students who wish to observe such holidays must inform their instructors within the first two weeks of each semester of their intent to observe the holiday even when the exact date of the holiday will not be known until later so that alternative arrangements convenient to both students and faculty can be made at the earliest opportunity. Students who make such arrangements will not be required to attend classes or take examinations on the designated days, and faculty must provide reasonable opportunities for such students to make up missed work and examinations. For this reason it is desirable that faculty inform students of all examination dates at the start of each semester. Exceptions to the requirement of a make-up examination must be approved in advance by the undergraduate Dean of the school in which the course is offered.

IV.G. Guidelines on the Confidentiality of Student Records

(Source. Office of the Provost, 2005)

Penn recognizes the importance of protecting the privacy of student and applicant records. Under the University’s Policy on the Confidentiality of Student Records, personally identifiable information from a student or applicant’s record generally may not be disclosed, except with the student’s written permission.

There are some exceptions, most commonly:

- Disclosure to qualified Penn employees for legitimate educational interests
- Disclosure to another school in which a student or applicant seeks to enroll
- Disclosure to parents if the parent properly documents that the student is a dependent for tax purposes
- Directory Information
- Records produced in compliance with subpoenas and court orders.

Please note: If your office receives a subpoena, court order or other legal papers soliciting student records, please contact the Office of General Counsel.
The University’s Policy on the Confidentiality of Student Records includes provisions concerning (a) informing individuals in attendance of their rights under the Family Educational Rights and Privacy Act, the implementing regulation, and University Guidelines, (b) permitting students to inspect and review their records, (c) not disclosing personally identifiable information from the records of a student or an applicant for admission without his or her prior written consent, (d) maintaining a record of disclosures of personally identifiable information from the records of a student and permitting a student to inspect that record, and (e) providing a student with an opportunity to seek the correction of these records through a request to amend them or a hearing.

A one-page summary of the policy can be viewed at:

http://www.upenn.edu/privacy/summary_privacy_student_records.htm

The complete policy can be viewed at:  http://www.upenn.edu/osl/confiden.html

IV.H. Charter of the University Student Disciplinary System

(Source. Office of the Provost, July 1, 1996)

Introduction

The Charter of the Student Disciplinary System sets forth the procedures under which alleged violations of the University’s Code of Student Conduct, Code of Academic Integrity, and other policies, rules, and regulations are resolved.

The Code of Student Conduct sets forth the responsibility of all students at the University of Pennsylvania to exhibit responsible behavior regardless of time or place. This responsibility includes, but is not limited to, the obligation to comply with all provisions of the Code of Student Conduct; with all other policies and regulations of the University, its Schools, and its Departments; and with local, state, and federal laws.

The Code of Academic Integrity, and similar codes adopted by some of the University’s Schools, set forth the standards of integrity and honesty that should be adhered to in all student academic activities at the University of Pennsylvania.

Violations of the Code of Academic Integrity or School regulations are also violations of the University’s Code of Student Conduct. Further, violations of local, state, and federal laws may be violations of the Code of Student Conduct. Therefore, throughout the Charter references to violation(s) or alleged violation(s) of the Code of Student Conduct include violations of these other policies and laws.

The University disciplinary process at Penn may involve the following stages:

• Bringing a Complaint to the Office of Student Conduct
Under the University’s Student Disciplinary System, charges are brought on behalf of the University, not on behalf of the complainant(s) who brought the matter to the Office of Student Conduct (OSC) or the party(ies) who may have been directly or indirectly harmed by the alleged violation of University regulations. Therefore, complainants who wish to maintain greater control over the investigation and resolution of their complaints, such as is sometimes appropriate in cases of sexual offenses or in cases involving serious cultural or communicative differences, or those who wish merely to create a record of their complaint without necessarily beginning a formal disciplinary process, may wish to bring their complaint to other University resource offices, particularly the Office of the Ombudsman, which are equipped to handle cases in this manner. Such offices may, when appropriate and helpful in an individual case, consult with relevant campus communities or other resource offices in the process of investigating and resolving a complaint and are able to work closely with both complainants and respondents in resolving such matters. If such efforts fail to arrive at a satisfactory resolution, the complainant still has the option of bringing a complaint to the OSC.

Through the University Conduct Council and the University Honor Council, students play a major role in the Student Disciplinary System by advising the Director of the Office of Student Conduct and the Provost on matters of policy and the operation of the System, and by sitting as members of disciplinary hearing panels. Students also serve as advisors and mediators within the System.

The System places great emphasis on the mediation of disputes, as is appropriate in a University community.
IV.H.1. The Student Disciplinary System

A. Statement of Purpose

The purpose of the Student Disciplinary System is to further the educational mission of the University of Pennsylvania by providing a fair and effective mechanism for investigating and resolving disputes involving students and alleged violations by students of the University’s rules, regulations, and policies.

B. Jurisdiction of the Student Disciplinary System

Through the Office of Student Conduct (OSC), the Student Disciplinary System handles complaints from members of the University community — Trustees, faculty, staff or registered students — about alleged violations of the Code of Student Conduct, the Code of Academic Integrity, or other University policies.

Except as provided below, the Student Disciplinary System has jurisdiction in all disciplinary matters arising under the regulations of the University against registered students, whether they be undergraduates, graduate or professional students, or others, including students who are on unexpired leaves of absence. Approved or unapproved absence from the University is not a bar to the conduct or completion of disciplinary proceedings under this Charter.

In general, a student is any individual who has been admitted, matriculated, enrolled, or registered in any academic program or other educational activity provided by the Trustees of the University of Pennsylvania.

The Student Disciplinary System does not handle complaints against graduate and professional students when such cases lie within the jurisdiction of a hearing board or other disciplinary body established by the School of the University in which the student is enrolled. When such a School-based disciplinary procedure exists, it should be the recourse of first resort for the resolution of an alleged violation of University or School regulations, unless the OSC decides, in consultation with the Provost, that it is appropriate in light of the circumstances for the Student Disciplinary System to handle the matter. Schools with such procedures are encouraged to refer disciplinary matters (excluding academic integrity matters) to the University Mediation Program whenever appropriate. When an alleged violation of University regulations by a graduate or professional student is not within the jurisdiction of a disciplinary system established by the student’s School, the Student Disciplinary System will have jurisdiction over the matter.
The Student Disciplinary System does not handle alleged violations of the University’s parking regulations.

Alleged violations of the University’s Residential Living policies and contracts are ordinarily handled under the procedures of the Department of Residential Living but, if serious enough to warrant sanctions beyond those which the Department of Residential Living is authorized to impose, may be referred by the Director of Residential Living to the OSC. The fact that proceedings have been held and sanctions imposed under Residential Living policies does not preclude proceedings under this Charter.

The Director of the Office of Student Conduct decides all questions of jurisdiction of the Student Disciplinary System arising under this Charter, consulting with the Provost (or designee) and with the University’s General Counsel when necessary. When appropriate, the OSC may refer a complaint to another University office or disciplinary process.

C. General Principles of the Disciplinary System

1. The University’s Student Disciplinary System is not a legal system, and University disciplinary proceedings are not civil or criminal litigation. Thus, they operate under different rules, standards, and procedures, and seek to achieve ends different from criminal or civil proceedings.

2. Any member of the University community — Trustees, faculty, staff or registered students — may bring a complaint about student conduct or academic integrity to the attention of the Office of Student Conduct. Doing so in no way limits a complainant(s)’s rights or obligations to bring such matters to the attention of other University offices, officers, or resources, including the Office of the Ombudsman and appropriate Deans, or to seek recourse outside the University through civil or criminal legal proceedings.

3. In all cases, the University reserves the right to determine how to process a disciplinary complaint. Once a complaint is brought to the attention of the Office of Student Conduct, the OSC, on behalf of the University, will decide how the complaint will be handled, including whether disciplinary charges should be brought against a student.

4. It is expected that most matters brought to the OSC can and should be resolved through mediation and will not result in charges or disciplinary hearings. However, because of their seriousness within an academic community, alleged violations of the Code of Academic Integrity will not be referred for mediation. Thus, except in academic integrity matters and matters that warrant treatment as serious violations of the Code of Student Conduct or other University policies, the initial response by the OSC may

IV.H.1. The Student Disciplinary System
be to refer the complainant and respondent to the University’s Mediation Program. Only if mediation fails or is inappropriate will the OSC begin the more formal disciplinary processes outlined in this Charter.

5. All members of the University community — Trustees, faculty, staff or registered students — are required to cooperate with the Student Disciplinary System. Those individuals who may be interviewed or called as witnesses in a disciplinary matter (including respondents and complainants) are obligated to provide honest and complete statements to the OSC and to the Hearing Panel. While in some circumstances a respondent may choose not to answer questions or provide information because of pending civil claims or criminal charges arising out of the same or other events, the respondent’s decision not to answer questions or provide information will not be a reason to delay or defer an investigation or proceedings under this Charter. A student who fails, without good cause, to appear for a hearing after receiving notice, or to cooperate with the investigation conducted by the OSC, may be charged with a violation of the Code of Student Conduct. Repeated disruption of disciplinary hearings or the disciplinary process by a student or the student’s advisor may result in charges against the student of non-cooperation with the Student Disciplinary System or exclusion of the student or advisor from disciplinary proceedings including disciplinary hearings. Such exclusion is not a bar to the completion of disciplinary proceedings involving that student.

D. Organization of the Disciplinary System

1. Office of Student Conduct

The Office of Student Conduct is the central office responsible for resolving alleged violations of University policies by students. The duties of the OSC include determining whether complaints warrant action by the OSC, referring complaints for mediation or resolution by other University offices, investigating complaints, determining whether to charge a student with violations of University policies, resolving complaints by voluntary agreements to sanctions, bringing charges of violations to a disciplinary hearing, presenting evidence at hearings, monitoring and enforcing the fulfillment of sanctions imposed pursuant to voluntary agreements or after disciplinary hearings, maintaining records of all disciplinary matters, providing administrative support for all aspects of the disciplinary process (including hearings), and preparing reports and compiling statistics.
2. University Mediation Program

The University Mediation Program (UMP) recruits, screens, and trains members of the University community to serve as mediators. The UMP uses the volunteer services of faculty, students, and staff members who have been trained in mediation and dispute resolution and may also use resources available in the University’s Law School, in University resource offices such as the Office of the Ombudsman, or outside the University.

3. University Honor Council

a. The University Honor Council (UHC) educates students, faculty and staff regarding both the standards of academic integrity and of behavioral conduct of the University community. The UHC provides independent advice to the Provost and the Office of Student Conduct (OSC) regarding policies of academic integrity and of conduct, as well as their implementation; the integrity and student conduct; the general handling of academic integrity and of conduct cases; and the effectiveness and implementation of the University’s Code of Academic Integrity and its code of conduct. Members of the UHC also sit on Disciplinary Hearing Panels for cases of alleged violations of the Code of Academic Integrity, the Code of Student Conduct and related policies.

b. The UHC meets regularly with the Director of the Office of Student Conduct and may also meet with appropriate administrators and students, faculty or administrative groups or committees to discuss academic integrity and conduct issues. The UHC also initiates and participates in educational programs in the areas of academic integrity and of student conduct.

c. The UHC consists of a minimum of 20 undergraduate students, RECOMMENDED BY THE NOMINATIONS AND ELECTIONS COMMITTEE (NEC) IN COOPERATION WITH THE CURRENT MEMBERS OF THE UHC, and appointed by the Provost for renewable terms of one year. The NEC AND UHC ARE encouraged to ensure that NOMINEES REPRESENT a broad cross-section of the undergraduate student body. The UHC selects a chair from among its members by a majority vote of the current members. Faculty members and graduate students designated by the Faculty Senate or Graduate and Professional Students Assembly (GAPSA) to sit on Disciplinary Hearing Panels may participate in the work of the UHC at the mutual convenience of the UHC and the faculty member or graduate student.
4. Disciplinary Hearing Officer

The Faculty Senate, will appoint a tenured member of the Standing Faculty of the University of Pennsylvania as Disciplinary Hearing Officer (DHO), preferably from among those faculty who have experience with the Student Disciplinary System. The DHO selects members to serve on Disciplinary Hearing Panels; determines the time, location, etc., of hearings; and presides over all disciplinary hearings held under this Chatter. The DHO is responsible for overseeing the procedural integrity of disciplinary hearings. The DHO will, for example: consider and resolve pre-hearing challenges to the authority or procedures of a Disciplinary Hearing Panel; rule on all disqualification requests and objections to individual panel members; assist parties to adhere to the basic principles of fairness prior to, during, and subsequent to disciplinary proceedings; and may consult at any time with students, faculty members, the University’s General Counsel, or others about procedural issues. The DHO also participates in the training of prospective faculty and student members of Disciplinary Hearing Panels. The DHO serves and may be reappointed at the discretion of the Provost, but his or her removal or reappointment may not occur without prior consultation with UCC, the UHC, and the chairs of the Faculty Senate.

5. Disciplinary Appellate Officer

Every two years, the Provost, after consultation with the UCC, the UHC, and the chairs of the Faculty Senate, will appoint a tenured member of the Standing Faculty of the University of Pennsylvania as a Disciplinary Appellate Officer (DAO), preferably from among those faculty who have experience with the Student Disciplinary System. The DAO decides appeals of findings and recommended sanctions made by Disciplinary Hearing Panels based on the record of such proceedings and written submissions from the relevant parties. The DAO serves and may be reappointed at the discretion of the Provost, but his or her removal or reappointment may not occur without prior consultation with the UCC, the UHC, and the chairs of the Faculty Senate.

6. Disciplinary Hearing Panels

a. Disciplinary matters are heard by Disciplinary Hearing Panels of five members each. The Disciplinary Hearing Officer randomly selects the undergraduate members of Disciplinary Hearing Panels from the membership of the University Conduct Council for conduct violations and from the University Honor Council for academic integrity violations. The Disciplinary Hearing Officer randomly selects the graduate and professional student members of Hearing Panels from lists
of 13 or more graduate and professional students provided annually to
the DHO by GAPSA. The Disciplinary Hearing Officer randomly
selects the faculty members of Hearing Panels from lists of 13 or more
faculty provided annually to the DHO by the Faculty Senate Executive
Committee. GAPSA and the Faculty Senate Executive Committee are
couraged to ensure that nominees represent a broad cross-section of
graduate and professional students and faculty, respectively.

b. In all disciplinary matters except those involving alleged violations of
the Code of Academic Integrity, the Disciplinary Hearing Panel is
composed of two faculty members and three students of the same
category (undergraduate or graduate) as the respondent. If a
disciplinary matter involves both undergraduate and graduate
respondents, the panel will include at least one undergraduate and at
least one graduate student and two faculty members; the fifth panel
member will be an undergraduate or graduate student selected by the
DHO.

c. In disciplinary matters involving alleged violations of the Code of
Academic Integrity, the Disciplinary Hearing Panel is composed of
three faculty members and two students of the same category
(undergraduate or graduate) as the respondent. If a disciplinary matter
involves both undergraduate and graduate respondents, the panel will
consist of one undergraduate student, one graduate student, and three
faculty members.

d. Except for participation on the University Conduct Council or the
University Honor Council, no one designated to serve on Disciplinary
Hearing Panels may serve simultaneously in any other capacity within
the Student Disciplinary System.

e. If any nominating body chooses fewer than 13 members to serve on
Disciplinary Hearing Panels or cannot make additional members
available when needed, the Provost will make the necessary
appointments to fill the complement of the appropriate group. If any
member is unable to serve for any reason, a replacement is selected in
the same manner that the original member was chosen.

f. Student members of Disciplinary Hearing Panels must be in good
academic and disciplinary standing, as defined by their Schools. The
UCC or UHC, as appropriate, by a vote of two-thirds of its members,
may remove a member who fails to perform his or her duties. When a
member ceases to be in good standing or is removed by the UHC or
UCC, a replacement from the same category will be chosen in the same
manner that the original member was chosen.
7. Advisors

a. Advisors help students involved in disciplinary proceedings to understand the disciplinary process, respect and comply with the provisions of this Charter, and deal with all aspects of the process. Any University faculty member, staff member, or student in good academic and disciplinary standing may serve as an advisor. The OSC maintains lists of individuals who are willing to serve as advisors and who have received training in the operation of the Student Disciplinary System.

b. Upon receiving notice of a complaint and the accompanying list of trained advisors, a respondent may select an advisor from this list or choose any other University faculty member, staff member, or student in good academic and disciplinary standing to advise the respondent during the disciplinary process. If criminal charges are pending against a respondent or, in the judgment of the Office of the University’s General Counsel, are reasonably in prospect, the respondent’s advisor may be an attorney who is not a member of the University community. In such instances, the attorney will be expected to observe the procedures of this Charter and comply fully and promptly with decisions of the DHO or other University officials or bodies charged with the administration of this Charter in the same manner expected of members of the University community.

c. An advisor may accompany any complainant, witness, or respondent to, and may participate in, any meeting regarding a disciplinary complaint. Advisors also may accompany complainants, respondents, and witnesses to hearings, but generally may not participate directly in such hearings (except as provided in section IV.H.II.F.4.f below). Advisors to respondents may, however, quietly advise the respondent(s) during the hearing and may also make a brief statement at the conclusion of the hearing, before the panel begins its deliberations.

d. Any advisor who fails to observe the procedures of this Charter or comply fully and promptly with decisions of the DHO may, after appropriate warning, be disqualified by the DHO from continuing to serve. In the event of such disqualification, the hearing may proceed whether or not a replacement advisor is available or it may be rescheduled, at the sole discretion of the DHO. Any person disqualified from serving as an advisor will be ineligible to serve as an advisor for a period of two years. Repeated disruption of disciplinary hearings or the disciplinary process by an advisor may result in charges against the advisee of non-cooperation with the Student Disciplinary System. If the advisor is a member of the student body, faculty, or staff of the University, disciplinary charges may be brought against the advisor in the appropriate forum.
IV.H.2. The Disciplinary Process

A. Bringing a Complaint to the Office of Student Conduct

1. Any student, faculty or staff member who believes that a student has violated University rules, regulations or policies may file a complaint, which must be in writing, with the OSC. A complaint asks the OSC to consider the matter for possible referral or investigation. Students, faculty, or staff members also may consult informally with the OSC staff to determine whether they wish to file a complaint. Complaints made to other University offices or personnel also may be referred to the OSC.

2. The OSC promptly evaluates each complaint it receives to determine whether the University’s Code of Student Conduct, Code of Academic Integrity, or other applicable rules, regulations, or policies may have been violated. When the OSC determines that no such violation may have occurred, it may dismiss the matter without further investigation, or it may refer the parties to the University Mediation Program or elsewhere to resolve their dispute. When the OSC determines that a violation may have occurred, it may refer the matter for mediation or undertake an investigation that may lead to the filing of formal charges against a student or students.

3. A complaint is not a charge that a student has violated University regulations. Charges against a student are only made by the University (not by complainants) following an investigation. Until there is a determination to the contrary by voluntary agreement to sanctions or by a Disciplinary Hearing Panel, there is a presumption that an accused student has not violated University rules, regulations, or policies.

4. When a complaint is filed, the OSC promptly gives written notice of the complaint and its allegations to the student(s) alleged to have violated University rules. A copy of the Charter will be included with the notice, as well as a list of potential advisors who have received training from the OSC.

B. Resolving a Complaint by Mediation

1. The University encourages informal mediation whenever practical and appropriate. If the parties agree, at any time the OSC may refer any disciplinary matter other than an alleged violation of the Code of Academic Integrity to the University Mediation Program (UMP) or other resources for mediation. Members of the University community — Trustees, faculty, staff or registered students — may also contact the University Mediation Program directly.
2. It is within the sole discretion of the OSC to determine whether a disciplinary complaint is suitable for mediation. If mediation fails or new information comes to light about an unresolved matter then in mediation, the OSC may proceed with an investigation and the filing of disciplinary charges. The OSC may also set a date after which it will begin to investigate the original complaint or file charges if a matter has not been successfully mediated.

3. If the OSC refers a complaint for mediation and both parties to the dispute agree to participate, the UMP will assign a trained mediator and advise the complainant(s) and respondent(s) in advance of the date, time and place set for mediation. In order to resolve a disciplinary matter by mediation, both the complainant and the respondent must agree, first, to participate in the mediation and, second, to the proposed resolution.

4. If a student fails to comply with the terms of a mediation agreement, the OSC may take steps to enforce the agreement (including use of a Disciplinary Hold or the filing of new charges under the Code of Student Conduct) or may investigate the original complaint and bring disciplinary charges under this Charter.

C. Investigating a Complaint

1. If, after a preliminary evaluation of a complaint, the OSC determines that a violation of the Code of Student Conduct may have occurred and if the complaint is inappropriate for mediation or mediation fails the OSC then will investigate the complaint and determine whether to bring charges of a violation.

2. In the course of its investigation, the OSC may interview any witnesses, including the respondent(s) or potential respondent(s). The OSC will inform each witness that anything they say in such interviews may be introduced as evidence at a hearing.

D. Filing Charges by the University Against a Student

In light of its investigation of a complaint, the OSC may file charges against a student(s) of a violation(s) of the University’s Code of Student Conduct, Code of Academic Integrity, or other University rules, regulations, or policies. The OSC also may add charges beyond the scope of the original complaint, may add additional students as respondents, or may dismiss the original complaint as unfounded. If the OSC decides to charge a student with a violation of University regulations, the OSC must inform the respondent(s) of the charges in writing, identifying the University rules, regulations, or policies alleged to
have been violated. The OSC will inform both respondent(s) and complainant(s) whether charges have been filed.

E. Resolving Charges by Voluntary Agreement to Sanctions

1. Following the notice that charges have been filed against a student, the OSC may discuss with the respondent and the respondent’s advisor what disciplinary sanction(s) would be appropriate to resolve the matter by voluntary agreement to sanctions. The respondent may accept, reject, or propose an alternative to the proposed sanction(s), and may be accompanied and assisted by an advisor, who may participate in these discussions. Statements made during discussions about whether a respondent will enter into a voluntary agreement to sanctions may not be introduced as evidence at any subsequent hearing, but may provide a basis for further investigation by the OSC.

2. A resolution by voluntary agreement to sanctions may be entered into by written agreement at any time after a complaint has been filed and prior to a disciplinary hearing. All sanctions allowed under this Charter are available to the OSC as part of a resolution by voluntary agreement to sanctions. By agreeing to such a resolution, a respondent waives further proceedings under this Charter.

3. Complainants and complainants’ advisors are not parties to voluntary agreements to sanctions.

4. If, in the judgment of the OSC, a voluntary agreement to sanctions is not reasonably in prospect, or if the respondent(s) reject a proposed sanction, the OSC may bring the disciplinary matter to a hearing.

F. Resolving Charges by Disciplinary Hearing

1. Scheduling Disciplinary Hearings

   a. If disciplinary charges are not resolved by a voluntary agreement to sanctions, the Disciplinary Hearing Officer promptly begins the process of scheduling the Disciplinary Hearing, with due regard for the time required for all parties to prepare for the hearing. The DHO will provide reasonable advance notice in writing to the complainant(s), respondent(s), and witnesses of the date, time, and place of the hearing and of the names of the panel members assigned to hear the disciplinary matter.

   b. Hearings normally take place as soon as possible after the filing of charges. Upon a showing of good cause by the OSC or the
respondent(s), the DHO may grant a reasonable extension of any time limit set forth in the Charter.

c. The DHO may expedite a Disciplinary Hearing in appropriate circumstances, including disciplinary matters involving students who have been placed on mandatory temporary leave of absence or conditional attendance, graduating students, or students who are about to take a leave of absence or to leave campus to study elsewhere.

2. Disqualification of Hearing Panel Members

a. Members of the Hearing Panel selected by the DHO should disqualify themselves from hearing a disciplinary matter if they believe in good faith that their capacity for making an objective judgment in the disciplinary matter is, or may reasonably appear to be, impaired. Members should not disqualify themselves for any other reason.

b. The respondent(s) or the OSC may object for specific cause to any panel member selected by the DHO. The objection must be in writing and must be received by the DHO at least 48 hours in advance of the date and time set for the hearing.

c. The DHO will rule upon all disqualification requests and objections to panel members. If the DHO decides that a challenge is valid, or if there is a voluntary disqualification, the DHO, after notifying the respondent(s) and the OSC, will replace the disqualified member with another panel member randomly selected from the same category.

3. Pre-Hearing Exchanges and Testimony

a. Before the hearing, the OSC and the respondent(s) will exchange among themselves and with the DHO copies of all exhibits to be presented, the names of witnesses to be called, and a brief summary of the substance of testimony expected to be presented to the Hearing Panel.

b. When the DHO believes that it will contribute to the expedition and fairness of a Disciplinary Hearing, he or she may (but need not) ask the OSC to prepare a written statement of its case against the respondent(s) and give the respondent(s) a reasonable opportunity to prepare a written response. The OSC and respondent(s) also may submit statements at their own initiative. The statements and any accompanying exhibits may be considered by the Hearing Panel, in addition to testimony, arguments, or evidence presented at the actual hearing.
c. In exceptional circumstances, when a witness or exhibit does not become known or available until immediately before the hearing, the DHO may, at her or his discretion, permit the evidence to be presented or may reschedule the hearing to a later time.

d. If a respondent or the OSC anticipates that a key witness will be unavailable for a hearing, they may ask the DHO to preserve the testimony of the witness on tape and present it as evidence at the hearing. The OSC and the respondent(s) must be notified in advance of the date, time and place of the taping. All parties who would be permitted to question such a witness at a hearing may question the witness at the taping.

4. Conduct of Hearings

Disciplinary hearings are not trials, and they are not constrained by technical rules of procedure, evidence, or judicial formality. They are designed to encourage open discussion among the participants that promotes the hearing panel’s understanding of the facts, the individuals involved, the circumstances under which the incident occurred, the nature of the conduct, and the attitudes and experience of those involved. The rules of evidence applicable to legal proceedings do not apply to disciplinary hearings. Information, including hearsay evidence, may be considered if it is relevant, not unduly repetitious, and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.

The DHO presides over all hearings and decides all questions about the admissibility of evidence and the conduct of hearings. While the DHO may be present for the Hearing Panel’s discussions to answer procedural questions, the DHO does not deliberate or vote with the Panel regarding its findings or its recommendation of sanctions.

Disciplinary hearings are held in private unless the respondent(s) and the complainant(s) agree in writing to an open hearing. The DHO may limit attendance at a hearing to ensure fair and orderly proceedings. If a hearing is opened in accord with this procedure, the DHO may, when necessary to maintain order or to protect the rights of participants, declare the hearing closed to the public. In a case involving important privacy interests, the DHO may close a hearing or part of a hearing that has been opened upon determining that the privacy rights of a participant may be jeopardized.

Upon a showing that the required notice was provided, the hearing against a respondent(s) may proceed in her or his absence.
At the hearing, the OSC presents the results of the OSC’s investigation of the complaint, calls witnesses to testify and presents the University’s evidence against the student(s). Members of the Hearing Panel may also call witnesses to testify and may question any witness appearing before it. Respondents may also call witnesses to testify and ask questions of all witnesses.

A respondent is responsible for presenting his or her own case before the Hearing Panel. However, at the discretion of the DHO, the respondent’s advisor may be permitted to question witnesses on behalf of a respondent or to address the Hearing Panel. The DHO’s exercise of discretion in this matter will be guided by the principles that govern disciplinary hearings, specifically, fairness, the need for orderly procedures, and the Hearing Panel’s duty to understand the facts and parties in the disciplinary matter.

Complainants may attend the hearing, testify if they wish to do so, and may be accompanied by an advisor. Neither complainants nor their advisors may call witnesses or present evidence or arguments.

At the conclusion of the hearing the OSC and the respondent(s) or their advisor(s) may make brief statements. At the discretion of the Disciplinary Hearing Officer, the complainant(s) or their advisor(s) may be permitted to make a brief statement. The time allowed for such statements will be set by the DHO.

The OSC will arrange for a verbatim transcript or recording to be made of all disciplinary hearings. The transcript or recording is the property of the University of Pennsylvania and becomes part of the record of the disciplinary proceedings.

5. Findings and Recommendations of the Hearing Panel

a. Only evidence presented at the hearing will be considered by the Hearing Panel. The Hearing Panel will presume a respondent innocent unless proven responsible for a violation by clear and convincing evidence. All decisions of the Hearing Panel require a majority vote.

b. Following the hearing, the members of the Hearing Panel meet to discuss in private their findings, which consist of two parts: 1) a determination of whether the respondent is responsible for any violation; and 2) if so, a recommendation of sanction(s).

c. The OSC may recommend to the Hearing Panel a sanction to be imposed if the Hearing Panel finds the respondent(s) responsible for a
violation. The respondent(s) may respond to the OSC’s proposed sanction(s). Before the Panel makes its recommendation on sanctions, it will review any previous disciplinary offenses by and sanctions against the respondent(s).

d. If the Hearing Panel determines that the respondent(s) is not responsible for a violation, no sanction may be recommended against the respondent(s) and the respondent may not be subject to further proceedings under this Charter on the same charge(s).

e. If the Hearing Panel finds that a student is responsible for a violation of University rules or regulations, it will recommend to the Provost appropriate sanctions. Only the Provost (or designee), acting on behalf of the University, may actually impose a sanction on a student. The Provost (or designee) will not impose a sanction until after any appeal of the Hearing Panel’s decision has been decided by the DAO.

6. Notice of Hearing Panel Decision

The Hearing Panel will promptly transmit its decision, including its findings and recommendation regarding sanctions, in writing to the DHO, the OSC, the respondent(s) and the Provost as soon as possible after the end of the hearing.

G. Appealing a Hearing Panel’s Decision

1. The Disciplinary Appellate Officer (DAO) has exclusive jurisdiction to decide appeals. Appeals are based solely on the record of the disciplinary hearing and the written submissions and responses of the respondent(s) and the OSC.

2. Only respondent(s) may appeal the Hearing Panel’s findings of responsibility except where applicable laws or regulations may extend this right to complainants. Both the respondent(s) and the OSC may appeal the Hearing Panel’s recommendation of sanction(s). An appellant must submit any appeal to the DAO in writing within 10 days after the Hearing Panel has rendered its opinion. The appeal must state in detail the specific grounds upon which it is based and must be sent to the OSC or respondent(s), as appropriate.

3. When the appeal is received, the OSC provides the Disciplinary Appellate Officer with a copy of the respondent’s charge letter, a copy of the Hearing Panel’s findings, a verbatim transcript or tape recording of the Disciplinary Hearing, and any exhibits considered by the panel in reaching its recommendations. The respondent and the OSC have 10 days from the date of the appeal to submit to the DAO a written response to the appeal.
4. Appellate review is limited to allegations of material and prejudicial procedural error in the conduct of hearings, error in the interpretation or application of relevant University regulations, consideration of new evidence sufficient to alter the Hearing Panel’s findings or severity of the recommended sanctions. If the DAO finds sufficient basis, he or she may reverse or modify the Hearing Panel’s findings or proposed sanctions, or may remand the disciplinary matter for further investigation by the OSC or a new hearing before a new Hearing Panel. However, the DAO may not recommend a more severe sanction(s) unless the OSC has appealed the sanction(s) recommended by the Hearing Panel.

5. After considering an appeal, the Disciplinary Appellate Officer will promptly issue his or her decision in writing and will provide copies to the OSC, the DHO, the Provost, and the respondent(s).

H. Imposing Sanctions on a Student

Sanctions recommended against a respondent by a Hearing Panel or the DAO are imposed by the Provost, or his designee, and may include any reasonable sanction, including, but not limited to, the following:

Warning

A Warning is a written admonition given by the OSC on behalf of the University in instances of minor misconduct.

Reprimand

A Reprimand is written censure for violation of the University’s rules, regulations, or policies, given by the OSC on behalf of the University, which includes notice to the student that continued or repeated conduct violations will result in the imposition of more serious sanctions.

Fine

A monetary Fine may be levied as a disciplinary sanction and is payable to the Trustees of the University of Pennsylvania. (Not appropriate in cases of academic integrity violations).

Restitution

Restitution is reimbursement for the damage, loss, or misappropriation of University, private, or public property or compensation for injury to individuals. Restitution may take the form of monetary payment, property,
Disciplinary Probation

Disciplinary Probation may be imposed for a specified period or indefinitely (i.e., for as long as and whenever a student is a full- or part-time student at the University of Pennsylvania). Probation may be imposed for a single instance of misconduct or for repeated minor misconduct. Any future misconduct or academic integrity violation by a student on Disciplinary Probation, found to have occurred during the probationary period, may be grounds for suspension or, in especially serious instances, expulsion from the University.

Withdrawal of Privileges

Withdrawal of Privileges is the denial of specified privileges or the ability to participate in specified activities for a designated period of time.

Suspension

Suspension is the termination of student status and separation from the University until a specified date. Suspension means the loss of all rights and privileges normally accompanying student status. While on disciplinary suspension, students may not obtain academic credit at Penn or elsewhere toward completion of a University of Pennsylvania degree. Students are eligible to return to the University after the specified suspension term has elapsed. Suspension is imposed in instances of serious misconduct; it is generally the minimum sanction imposed for a violation of the Code of Academic Integrity.

Indefinite Suspension

An Indefinite Suspension is termination of student status and separation from the University for an unspecified period, without an automatic right of return to the University as a student (though specific conditions for return as a student may be specified). When the conditions of an Indefinite Suspension have been fulfilled, the student must make a formal request, as specified in the conditions, to return to student status. Indefinite Suspension is imposed in instances of extremely serious misconduct or in instances of continued serious misconduct following the imposition of probation or suspension for a specified period.
Expulsion

1. Expulsion is a permanent termination of student status and permanent separation from the University of Pennsylvania. Expulsion is imposed in instances of the most serious misconduct or in instances of continued serious misconduct following the imposition of probation or suspension.

2. In addition to the sanctions defined above, students may be required to perform a designated number of hours of University or other community service or to utilize University or other educational or counseling services related to the nature of the misconduct.

3. Sanctions may be imposed alone or in combination with other sanctions. The Disciplinary Hearing Panel or the DAO may recommend whether the sanctions should appear on the transcript of a respondent, and, if so, for how long.

4. After the imposition of sanctions, a faculty member involved in an academic integrity matter will be informed of the outcome of the disciplinary proceedings. If the student has been found not to be responsible for an academic integrity violation, the instructor should assign a grade (which may differ from the grade originally assigned) based on the student’s academic performance in the course. If the student has been found responsible for an academic integrity violation, the instructor may assign any grade the instructor deems appropriate. In the event that the student believes the final grade is unfair or fails to take account of the outcome of the disciplinary proceeding, the student may appeal the grade through the existing academic grievance procedure for the evaluation of academic work established by each School and academic department.

I. Fulfilling Sanctions Imposed by the University

1. Under the Code of Student Conduct, students are required to comply with all disciplinary sanctions. Failure to do so constitutes a violation of the Code and is itself subject to disciplinary proceedings by the OSC.

2. The OSC monitors the implementation and fulfillment of sanctions. In performing this duty, the OSC will have the cooperation of the Division of University Life, the respondent(s)’s Dean, and other appropriate University offices. No sanction will be enforced while an appeal is pending.
IV. H. 3. Additional Matters

A. Administration of The Disciplinary System

1. The Provost is responsible for implementation of this Charter, administrative oversight of the Student Disciplinary System, including the OSC, and ensuring that the Student Disciplinary System functions fairly and in furtherance of the educational mission of the University. The Provost may instruct the OSC regarding the handling of special cases, but he or she may not so instruct the DHO, the DAO, or the members of Disciplinary Hearing Panels.

2. When circumstances warrant, the OSC may take such administrative steps as may be necessary and feasible to effect the prompt resolution of a disciplinary matter, including, but not limited to, tape recording the testimony of witnesses who may be unavailable at the time of hearing; making special arrangements to ensure the attendance of complainants, respondents, witnesses, or other participants at a hearing; and scheduling hearings outside of the normal academic year.

3. In any disciplinary matter in which a member of the Student Disciplinary System cannot perform her or his duties under this Charter, an alternate may be designated by the Provost using the procedures appropriate to that individual’s position in the system. In addition, when the Provost determines that circumstances warrant, such as (but not limited to) when a conflict of interest or a particularly complex or controversial disciplinary matter arises, the Provost may appoint a special OSC staff member, a special Disciplinary Hearing Officer, or a special Disciplinary Appellate Officer using the procedures appropriate to the position.

B. Reports to the University Community

1. Subject to the limitations imposed by law and the University’s policies on the confidentiality of student records and information, the OSC, in consultation with the Provost, the University Conduct Council, and the University Honor Council, will make periodic reports to inform the University community about the character and extent of the work of the Disciplinary System, including the nature of violations of University rules and regulations and the sanctions imposed. The reports of the OSC will deal both with disciplinary matters that go to hearing and with disciplinary matters that are resolved before hearing, and will include such information as the total number of disciplinary matters handled during the preceding year broken down by type of resolution (e.g., mediation, voluntary agreement to sanctions, hearing, etc.), by type of violation, by type of
sanction(s) imposed, by whether or not the respondent(s) were found responsible for a violation, and so forth.

2. With the approval of the Provost, the OSC may also make extraordinary reports to the University community concerning the outcome of certain exceptional disciplinary matters, subject to the limitations imposed by law and the University’s policies on the confidentiality of student records and information.

C. Disciplinary Holds

At any time after the filing of a complaint, the OSC, after consulting with the student’s academic Dean, may place a “Disciplinary Hold” on the academic and/or financial records of any student for the purpose of preserving the status quo pending the outcome of proceedings, enforcing a disciplinary sanction, or ensuring cooperation with the Student Disciplinary System. A Disciplinary Hold may prevent, among other things, registration, the release of transcripts, and the awarding of a degree.

D. Mandatory Leave of Absence and Conditional Attendance

In extraordinary circumstances, when a student’s presence on campus is deemed by the University to be a threat to order, health, safety, or the conduct of the University’s educational mission, the Provost (or designee), in consultation with the student’s Dean or Associate Dean, may place the student on a mandatory temporary leave of absence or impose conditions upon the student’s continued attendance, pending a hearing of disciplinary charges. When reasonably possible, the student will be provided with an opportunity to be heard before a decision is made by the Provost (or designee) to impose a mandatory temporary leave of absence or conditions on the student’s attendance. At the respondent’s request, and where feasible, the OSC may expedite the investigation of a complaint and the disciplinary hearing against a student placed on a mandatory temporary leave of absence or conditional attendance.

E. Civil or Criminal Proceedings

The University may proceed with disciplinary proceedings against a student under this Charter regardless of possible or pending civil claims or criminal charges arising out of the same or other events. The OSC, with the concurrence of the Provost and after consultation with the University’s General Counsel, will determine whether to proceed with charges against a student who also faces related charges in a civil or criminal tribunal. If the University defers proceeding with disciplinary charges against a student in light of related charges in a civil or criminal tribunal, the University may at any subsequent
time proceed with disciplinary proceedings against that student under this Charter irrespective of the time provisions set forth in this Charter.

F. Disciplinary Records

1. Maintenance of Records

Except as may be otherwise provided by applicable law, records of all complaints, disciplinary proceedings, mediations, and voluntary agreements to sanctions are maintained by the OSC in accordance with the University’s Protocols for the University Archives and Records Center and University policies on the confidentiality and maintenance of student records.

2. Confidentiality

Except as may be otherwise provided by applicable law, all disciplinary proceedings, the identity of individuals involved in particular disciplinary matters, and all disciplinary files, testimony, and findings are confidential, in accordance with University policies and federal law concerning the confidentiality of student records. However, no provision of this Charter or the University’s own confidentiality shall be interpreted as preventing a student from seeking legal advice.

3. Violation of Confidentiality

Failure to observe the requirement of confidentiality of a disciplinary hearing by any member of the University community, other than the respondent, constitutes a violation of University rules and may subject the individual to the appropriate procedures for dealing with such violations. The respondent may disclose confidential information pertaining to him- or herself but may not violate the confidentiality of others. If the respondent discloses, causes to be disclosed, or participates in the disclosure of information that is confidential, any person whose character or integrity might reasonably be questioned as a result of such disclosure shall have the right to respond in an appropriate forum, limited to the subject matter of the initial disclosure.

G. Release of Information on Disciplinary Proceedings

1. To provide students involved in disciplinary matters with appropriate liaison with their School offices in regard to their academic work, the Dean or appropriate Associate Dean of the School(s) of the respondent(s) will be confidentially informed when a complaint is filed, when a sanction is imposed, or when a disciplinary complaint is otherwise resolved by the
Student Disciplinary System. When a sanction is imposed, the Director of Career Planning and Placement may be informed by the OSC if the sanction(s) is reportable outside the University. When a transcript notation is required as part of a sanction, the University Registrar is also informed and required to implement the sanction as directed by the OSC on behalf of the Provost.

2. As required by law, in disciplinary matters involving allegations of sexual offenses, the complainant(s) will be informed of the outcome of disciplinary proceedings, including voluntary agreements to sanctions.

H. Reportability of Sanctions

1. Subject to applicable law and the University’s policies on the confidentiality of student records and information, any disciplinary sanction may be reportable outside the University of Pennsylvania, subject to specific policies governing the reporting of sanctions adopted by the Council of Undergraduate Deans for undergraduate students and the Council of Graduate Deans for graduate and professional students.

2. Resolution of disciplinary charges by voluntary agreement to sanctions is treated like a finding of responsibility and is reportable in the same manner as sanctions imposed following a Disciplinary Hearing.

Amendment of the Charter

Amendments to this Charter may be recommended by the UCC, UHC, OSC, University Council, Faculty Senate Executive Committee, or other appropriate members of the University community and proposed by the Provost. Amendments take effect upon the approval of the Council of Deans, except that the Council of Deans may at its discretion refer proposed amendments to the Deans and faculties of the individual Schools for approval.

Faculty Authority to Assign Grades and Academic Integrity

The Student Disciplinary Charter is based on the assumption that it is the obligation and right of faculty members to assign grades for academic work submitted to them by students under their supervision and that faculty members should grade student work, using their best judgment about the quality and propriety of that work, independently of disciplinary procedures. The present statement makes clear the relationship between grading and disciplinary action in cases in which a faculty member believes that a student did not fulfill an assignment in accord with the Code of Academic Integrity.

The Disciplinary Charter rests on the principle that faculty members have wide authority to judge the academic work of students and have a general responsibility for the
academic progress of students, so much as lies within the power of faculty. Furthermore, the charter assumes that violations of the norms of academic integrity fall along a continuum from minor to major and that not all violations need to be treated as disciplinary cases. The authority and responsibility of faculty members require them to judge the relative severity of a violation. Good individual judgment and institutional practice will help faculty members make the judgment about when to treat a case as requiring disciplinary action.

The distinction between academic evaluation and disciplinary action is also important. Faculty members have the authority to make academic judgments in relation to their students and to make decisions in the interests of furthering their students’ education. Only the institution, acting through its formal processes, may discipline a student. Grades are not sanctions, even if they arise from a judgment that a student has violated a norm of academic integrity. In such cases, the grade may reflect the faculty member’s view that a piece of work was done inappropriately, but it represents a judgment of the quality of the work, not a record of discipline for the behavior. There are many ways to do work inappropriately or badly, resulting in low or failing grades. The policy of the charter is to preserve the faculty member’s right to grade work on the basis of all of its qualities and to make the decision to pursue disciplinary action a separate matter.

Students who believe that they have been graded unfairly have recourse of appeal through the grade appeal procedures established by each school. The charter explicitly recognizes the right of students to appeal grades. The appeal of a grade given because a faculty member believed that the student violated the norms of academic integrity is, for the purposes of the charter, no different from other grade appeals.
V. POLICIES RELATED TO INFORMATION

V.A. Confidentiality of Employee Records


Every person entrusted with University files should keep in mind that the contents of individual personnel files are confidential. Under no circumstances should confidential personnel files be opened to any unauthorized person or group. Personal appraisals of candidates are most sensitive and are received under an expressed or implied pledge of confidence which must be respected. Unless it is known that applicants for a position consent to being identified publicly as having applied, the specific identities of such persons should not be disclosed.

Employees may not review the following records pertaining to themselves:

• material received under a stated or implied assurance of confidentiality. This includes letters and reports of review and recommendation, whether concerning a specific personnel action or without reference to any specific personnel action;

• those parts of evaluations and affirmative action records that contain confidential information about other applicants and employees; and,

• certain other records concerning benefits, security, and medical and hospital information.

With the exception of the above, employees have the right to review and correct all records pertaining to themselves, in accordance with procedures specified in the policy.

Unless specifically excepted (see below), employee records may not be disclosed to third parties without the express written permission of the employee. The exceptions are as follows:

• The University may, at its discretion, disclose directory information (name, employment dates, title, department).

• The University may accede to a lawful subpoena, warrant, court order, or government requirement. Employees shall be notified of all such disclosures.

• Properly authorized University officials may have access to specific employee records in the course of their duties and shall protect the confidentiality of these records.
In emergencies, the Provost or the Vice President for Human Resources may authorize disclosure of pertinent information, in order to protect the health, safety, or property of any person.

They may also authorize disclosure of pertinent information, in order to protect the legal interests of the University.

Collective bargaining agreements may require disclosure of certain information.

All equal opportunity/affirmative action documents shall be given additional protection under procedures developed by the University administration.

All full-time and part-time employees of the University, except for student employees, are covered by this policy. The Provost or designee administers the policy with respect to the records of faculty members, and the Vice President for Human Resources administers it with respect to the records of other employees.

V.B. Guidelines on Open Expression

(Source. Office of the President, Revised, 1993)

The University of Pennsylvania, as a community of scholars, affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly. The freedom to experiment, to present and examine alternative data and theories; the freedom to hear, express, and debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights that must be upheld and practiced by the University in a free society.

Recognizing that the educational processes can include meetings, demonstrations, and other forms of collective expression, the University affirms the right of members of the University community to assemble and demonstrate peaceably in University locations within the limits of a set of Guidelines on Open Expression and undertakes to ensure that such rights shall not be infringed. In keeping with the rights outlined above, the University affirms that the substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or a demonstration. The University also affirms the right of others to pursue their normal activities within the University and to be protected from physical injury or property damage. The University shall attempt to ensure that, at any meeting, event or demonstration likely to be attended by non-University law enforcement authorities, the rights provided by these Guidelines are not infringed.

A full statement of the Guidelines on Open Expression is available at the following:

http://www.vpul.upenn.edu/osl/openexp.html
V.C. **Closed Circuit Television Monitoring and Recording of Public Areas for Safety and Security Purposes**

(Source. Almanac, April 13, 1999)

I. Purpose
The purpose of this policy is to regulate the use of closed circuit television (CCTV) cameras to monitor and record public areas for the purposes of safety and security.

II. Scope
This policy applies to all personnel, schools and centers of the University in the use of CCTV monitoring and recording. Legitimate uses of this technology are covered by university policies governing research with human subjects and are, therefore, excluded from this policy.

III. General Principles
A. The Division of Public Safety is committed to enhancing the quality of life of the campus community by integrating the best practices of public and private policing with state-of-the-art technology. A critical component of a comprehensive security plan using state-of-the-art technology is closed circuit television (CCTV).

B. The purpose of CCTV monitoring of public areas by security personnel is to deter crime and to assist the Penn police in protecting the safety and property of the University community. Any diversion of security technologies and personnel for other purposes (e.g., CCTV monitoring of political or religious activities, or employee and/or student evaluations) would undermine the acceptability of these resources for critical safety goals and is therefore prohibited by this policy.

C. Video monitoring for security purposes will be conducted in a professional, ethical and legal manner. Personnel involved in video monitoring will be appropriately trained and continuously supervised in the responsible use of this technology. Violations of the Code of Procedures for video monitoring referenced in this policy will result in disciplinary action consistent with the rules and regulations governing employees of the University.

D. Information obtained through video monitoring will be used exclusively for security and law enforcement purposes. Information obtained through video monitoring will only be released when authorized by the Vice President of Public Safety according to the procedures established in this policy.

E. Video monitoring of public areas for security purposes will be conducted in a manner consistent with all existing University policies, including the Non-Discrimination Policy, the Sexual Harassment Policy, Open Expression Guidelines and other relevant policies. The code of practice for video monitoring prohibits monitoring based on the characteristics and classifications contained in the Non-Discrimination Policy (e.g., race, gender, sexual orientation, national origin, disability, etc.)
F. Video monitoring of public areas for security purposes at the University is limited to uses that do not violate the reasonable expectation to privacy as defined by law.

G. To maintain an informed University community, the Division of Public Safety will periodically disseminate written materials describing the purpose and location of CCTV monitoring and the guidelines for its use. The location of outdoor CCTV cameras monitored by the Division of Public safety will be published in the Almanac.

H. Information obtained in violation of this policy may not be used in a disciplinary proceeding against a member of the University faculty, staff or student body.

I. All existing uses of video monitoring and recording will be brought into compliance with this policy within 12 months of the approval of this policy.

IV. Responsibilities

A. The Division of Public Safety is the department authorized to oversee and coordinate the use of CCTV monitoring for safety and security purposes at the University. All University areas using CCTV monitoring are responsible for implementing this policy in their respective operations. Public Safety has primary responsibility for disseminating the policy and assisting other units in implementing the policy and procedures.

B. The Vice President of Public Safety has the responsibility to authorize all CCTV monitoring for safety and security purposes at the University. All new installations will follow the Division of Public Safety operating principles. All existing CCTV monitoring systems will be evaluated for compliance with this policy.

C. The Division of Public Safety will monitor new developments in the relevant law and in security industry practices to ensure that CCTV monitoring at the University is consistent with the highest standards and protections.

D. A CCTV monitoring Panel will be established to assure that the Division of Public Safety adheres to established policy and procedure in the use of CCTV and to review camera locations and request for release of tapes.

1. The CCTV monitoring Panel will consist of seven members who will serve for a term of one year.

   - The Chairperson of the Safety and Security Committee or his/her designee will serve as chair.
   - Two faculty members appointed by the Chair of the Faculty Senate
   - One member appointed by the President
   - One student member
   - One staff member
   - The University Compliance Officer

   An individual may appeal an adverse decision by the CCTV monitoring Panel through existing University appeal mechanisms such as the Committee on Open Expression or the University Ombudsman.
2. The CCTV monitoring Panel will review camera locations to ensure the perimeter of view of fixed location cameras conforms to this policy.

The proposed location of permanent CCTV cameras will be provided to the CCTV Monitoring Committee for review and published in the Almanac before installation. A list of all University owned or controlled camera locations will be published semi-annually in the Almanac and made available by the Division of Public Safety to anyone requesting the list.

The locations of temporary cameras to be used for special events will be reviewed by the CCTV Monitoring Committee for approval and published in the Almanac before the event if possible. Note: “Temporary cameras” does not include mobile video equipment or hidden surveillance cameras used for criminal investigations.)

Included with the list of CCTV camera locations will be a general description of the technology employed and the capabilities of the cameras.

Students and staff entering certain sensitive locations on campus may have an increased concern for privacy or confidentiality. In order to prevent a possible chilling effect on the use of service at these locations, concerned persons may petition the CCTV Monitoring Committee to forgo the installation of a proposed camera or for the removal of an existing camera. The CCTV Monitoring Committee will determine the appropriateness of an installation weighing the concerns of the person(s) making the requests and the safety and security of the entire community.

In recognizing students may also have an enhanced expectation of privacy in the hallways and lounges of residence facilities, CCTV monitoring for safety and security purposes will not be used in residential hallways and lounges unless the Vice President of Public Safety determines a specific safety/security risk exists.

The CCTV Monitoring Panel will review complaints regarding camera locations and determine whether the CCTV Monitoring Policy is being followed. The panel should weigh whether the potential increment in community security outweighs any likely infringement of individual privacy.

3. The CCTV Monitoring Panel, with the Vice President of Public Safety, will review all requests received by the Division of Public Safety to release recordings obtained through CCTV monitoring. No releases of CCTV recordings will occur without authorization by the Vice President and the CCTV Monitoring Panel. Excluded from review by the CCTV Monitoring Panel are releases of tapes directly related to a criminal investigation, arrest or subpoena. The CCTV Monitoring Panel may also approve release of tapes only for legitimate purposes, such as to protect the University and its members from lawsuits or harm. Five affirmative votes are necessary to approve the release of tapes. Any release of tapes will be recorded on a written log.
4. Any member of the CCTV Monitoring Panel may audit the Division of Public Safety’s CCTV monitoring operations, including videotape storage, at any time without prior notice.

5. The Chair of the Safety and Security Committee will report to the Safety and Security Committee at least four (4) times per year describing all requests for camera locations and release of tapes and disposition of those requests.

6. The CCTV Monitoring Panel will review this policy annually and recommend revisions if needed.

V. Procedures

A. All operators and supervisors involved in video monitoring of public areas will perform their duties in accordance with the Code of Practice consistent with this policy developed by the Division of Public Safety.

B. Division of Public Safety Management will assure that responsible and proper camera monitoring practices by control operators is continuous.

C. The Division of Public Safety will post signage at appropriate locations. Signage will state,

   THIS AREA IS SUBJECT TO VIDEO MONITORING
   BY THE UNIVERSITY OF PENNSYLVANIA POLICE DEPARTMENT

D. The Division of Public Safety will limit camera positions and views of residential housing. Any view given to the housing will be no greater than what is available with unaided vision. Furthermore the view of a residential housing facility must not violate the standard of “reasonable expectation of privacy.”

E. The Division of Public Safety Central Monitoring Center and other central monitoring centers will be configured to prevent camera operators tampering with or duplicating recorded information.

F. Recorded video tapes will be stored for a period not to exceed 30 days and will then be erased, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Vice President of Public Safety and the CCTV Monitoring Panel.

G. Video tapes will be stored in a secure location with access by authorized personnel only.

H. Camera control operators will conduct video observation of areas only in plain view of others situated in the public area viewable to the public.

I. Camera control operators will be trained in the technical, legal and ethical parameters of appropriate camera use.

J. Camera control operators will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.

K. Camera control operators will receive training in cultural awareness.
L. Camera control operators will not monitor individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or other classifications protected by the University’s Non-Discrimination Policy. Camera control operators will monitor based on suspicious behavior, not individual characteristics.

M. Camera control operators will not spot and continuously view people becoming intimate in public areas.

N. Camera control operators will NOT view private rooms or areas through windows.

O. Mobile video equipment may be used in criminal investigations. Mobile video equipment will only be used in non-criminal investigations in specific instances creating significant risk to public safety, security, and property as authorized in writing by the President to the Division of Public Safety and the Open Expression Committee.

P. Portable hidden cameras with recording equipment will only be used for criminal investigation by the University Police Detective Unit with the approval of the Vice President of Public Safety.

Examples of Video Monitoring and Recording of Public Areas

Legitimate safety and security purposes include, but are not limited to the following;

Protection of buildings and property
- Building perimeter, entrances and exits, lobbies and corridors, receiving docks, special storage areas, laboratories, cashier locations, etc.

Monitoring of Access Control Systems
- Monitor and record restricted access transactions at entrances to buildings and other areas.

Verification of security alarms
- Intrusion alarms, exit door controls, hold-up alarms

Video Patrol of Public Areas
- Transit Stops, Parking Lots, Public Streets (Enclosed and Unenclosed), Shopping Areas and vehicle intersections, etc.

Criminal Investigation
- Robbery, burglary, and theft surveillance

Protection of pedestrians
- Monitoring of Pedestrian and Vehicle Traffic Activity

V.D. Relationships Between Members of the University Community and Intelligence Organizations

(Source. Offices of the President and Provost, January 19, 1979)

1. Introduction

The generation, preservation, and dissemination of information and ideas are primary functions of an academic institution. They are also primary functions of intelligence organizations. From this functional congruence have stemmed relationships
between the academic and intelligence communities which in many instances are both proper and beneficial. There are, however, profound differences between the two communities which invest such relationships with potential for harm to the integrity and/or effectiveness of both. Open and unfettered exchange of information and ideas is the life blood of the academic community. For the intelligence community, on the other hand, secrecy is an inescapable fact of life. Furthermore, reports of questionable activities of intelligence organizations must influence consideration of relationships between such organizations and an academic community. It therefore is appropriate for the University to establish policies regarding issues of concern in relationships between itself and members of the University community and intelligence organizations in order to protect its interests in any such relationships.

In adopting such policies the University recognizes the importance to the nation of effective intelligence organizations. University policies regarding issues of concern in relationships between members of the University community and intelligence organizations must be consistent with the maintenance of individual rights and freedoms. In addition, the University recognizes that some of the issues raised by relationships with intelligence organizations are not specific to such organizations and that, therefore, policies designed to govern these issues should be more broadly based.

These considerations have guided the development of the following policies which shall govern issues of concern in relationships between the University of Pennsylvania and members of the University community, and intelligence organizations.

2. Definition of Terms as Used in This Section

**University**: The corporate entity formally known as the Trustees of the University of Pennsylvania.

**Intelligence Organization**: Any organization or part thereof which has as its primary function the collection, analysis, or dissemination of information in aid of the security objectives of a domestic or foreign government.

**University Community**: The set of individuals who are employed by, or who participate in the educational and other activities of, the University, at times when they are, or may reasonably be thought by others to be, acting in their capacity as employees or participating in such activities.

**Explanatory Note**: The definition of University community is intended to reflect the fact that relationships between members of an academic community and intelligence organizations may pose a threat to the integrity of that community and to the academic community at large, even at times when the individuals in question are, in their own minds, pursuing private interests or conducting personal affairs. In attempting to achieve a balance between this concern and its concern for individual rights and freedoms, the committee who wrote this section concluded that adherence
to policies in this area could legitimately be expected when individuals are conducting University business or participating in University activities and also when they “may reasonably be thought by others to be” doing so.

The committee appreciated the difficulty of applying the definition of University community in some cases but nevertheless believes that it provides necessary and useful guidance. As an example, consider a situation in which a University faculty member and an employee of an intelligence organization find themselves participating as members of a church choir, a patently non-University activity. In terms of our definition, the faculty member could not normally be construed to be a member of the University community in these circumstances. However, if the employee of the intelligence organization were to take advantage of his proximity to question the faculty member about a University student or colleague for intelligence purposes, in the committee’s view the faculty member should reasonably be thought to be responding as a member of the University community because the information in question would normally have been learned at a time when the faculty member was acting in his capacity as an employee of, or was participating in the activities of, the University.

3. Research and Technical Service Agreements

The University may properly enter into an agreement with an intelligence organization for the conduct of a research program or for the provision of technical services, provided that the terms and conditions of such agreement are consistent with the Guidelines for the Conduct of Sponsored Research and with any other University policies and practices governing agreements with extramural organizations.

4. Consultation

Individual members of the University community may properly enter into an agreement with an intelligence organization to act as a technical or professional consultant or practitioner, with or without fee, provided that the general nature of the proposed agreement is reported to the appropriate Dean (for faculty or students) or other administrative officer (for others) prior to the provision of any services thereunder. The Dean or other administrative officer shall consider whether the proposed agreement is consistent with existing University policies, e.g. the Conflict of Interest Policy for Faculty Members (section II.E.9) or the Conflict of Interest Policy for Trustees, Associate Trustees, Officers and other University Employees (adopted by the Trustees, June 19, 1981). The Dean or other administrative officer shall also consider whether the proposed agreement would compromise the individual’s participation in, or the integrity of, University programs or activities. If the proposed agreement appears to be in conflict with existing policies or to be inappropriate on the grounds stated in the preceding sentence, and if the matter cannot be resolved with the member of the University community, the Dean or other administrative officer shall report that fact to the Provost and President and recommend appropriate action.
Explanatory Note: Existing University policies require reporting of extramural consultative and business activities for a fee by full-time members of the faculty, and reporting of such activities, whether compensated or not, by administrative and professional staff. Their purpose is to prevent excessive diversion of effort into extramural activities and to avoid conflicts of interest. Because recent events have raised concerns about the potential effect of agreements with intelligence organizations on an individual's ability to function properly in a free and open academic community, the committee believes that a reporting requirement for such agreements should be extended to all members of the University community and should apply whether or not a fee is involved. Such reports are not intended for public release.

The requirement that the Dean or other administrative officer “consider whether the proposed agreement would compromise the individual’s participation in, or the integrity of, University programs or activities” reflects a standard that is, at least in part, already embodied in the existing University policies mentioned in this section. However, these policies presently apply only to Standing Faculty, Standing Faculty-Clinician-Educators, and full-time members of the Associated Faculty and the Academic Support Staff contemplating an extramural consultative or business activity for fee and to administrative and professional staff. The committee’s intent here is both to extend the standard of existing policies to all members of the University community in the case of a proposed relationship with an intelligence organization and to make it clear that in exceptional cases such a relationship may be objectionable for reasons not reflected in existing policies.

5. Information Concerning Members of the University Community

Members of the University community who provide any factual information or opinion about other members of the University community to extramural organizations or individuals (e.g., in connection with possible employment) must at all times exercise good judgment and discretion and distinguish clearly between factual information and opinion. In addition:

a. Any member of the University community who has an agreement or understanding with an extramural organization or individual to provide any factual information or opinion about other members of the University community on a regular basis, for recruiting purposes, must identify him- or herself to the appropriate Dean or other administrative officer and to the appropriate University placement officer as a recruiter for the specified extramural organization or individual.

b. Members of the University community should require extramural organizations and individuals soliciting any factual information or opinion about another member of the University community to identify themselves fully and accurately and to indicate the expected use of the information or opinion.
c. A member of the University community who is asked by an intelligence organization or representative thereof to identify for recruiting purposes or to provide factual information or opinion about another member of the University community should consider whether the exercise of good judgment and discretion requires obtaining the prior informed consent of the individual in question. If the individual in question is a currently enrolled student, prior informed consent should always be obtained before factual information (including the individual’s name) is provided. The requirement of prior informed consent is not applicable where information is sought by an intelligence organization in connection with the investigation of alleged specific criminal activity. The requirement of prior informed consent shall be deemed to have been satisfied if the person requesting information provides proof that the student has given written consent (which may be a blanket consent) or, in the case of an application for employment, proof of such application.

The committee understands that the identity of “recruiters” is a matter of public record within the University. This record shall include the names of all recruiters for extramural organizations as defined in that subsection.

The University Guidelines on the Confidentiality of Student Records (IV.G.), which reflect and elaborate the requirements of federal law, specify the circumstances in which personally identifiable information may be disclosed from a student’s education records without prior written consent. Even in such circumstances, the guidelines require the exercise of informed discretion by the person disclosing the information. The guidelines do not apply to information that is not part of or derived from a student’s education records and, although individual departments of the University have policies regarding the confidentiality of other (e.g., employment) records, there is no comprehensive University policy with respect to such records.

We believe that the standard set forth in this section provides appropriate guidance for those providing factual information or opinions about any member of the University community to any extramural organization or individual. In light of reported abuses in the use of information provided to intelligence organizations by academic institutions or persons affiliated with them, particularly information about students, we believe that the requirement for the exercise of good judgment and discretion set forth in the section above applies with particular force in this context. The committee notes, for example, that the director of the Central Intelligence Agency has recently confirmed that the agency currently has and intends to maintain secret contacts with University personnel for the purpose of recruitment of students, including foreign students. For this reason, we believe that a requirement of informed consent prior to the release of factual information about currently enrolled students (including students on summer recess or approved leave of absence) is appropriate. Unless students can be assured that activities of this sort will not be abetted by other members of the University community, the atmosphere of trust that is essential to the academic enterprise will suffer.
In cases where there is doubt about the purpose of an investigation, members of the University community who are requested to provide information shall refer the person making the request to the General Counsel, who shall determine whether a response is appropriate under these guidelines.

6. Operational and Other Activities

Members of the University community may not undertake activities on behalf of an intelligence organization that are inconsistent with their normal University activities.

Members of the University community may not knowingly lend their efforts, names or positions to the production or dissemination of information known by them to be false or misleading.

Members of the University community may not cooperate with an intelligence organization in obtaining the unwitting services of any other individual.

7. Interpretation of These Guidelines

In the first instance, the responsibility for interpretation and implementation of these guidelines rests with the appropriate Dean or other administrative officer. If such interpretation is disputed, all parties to the dispute have the right of appeal to the President of the University, who has the ultimate responsibility for interpretation of these guidelines.

It is understood that any member of the University community who is party to a dispute over interpretation and implementation of these guidelines may have recourse to one or another of the existing University mechanisms for resolution of disputes, e.g. a committee on academic freedom and responsibility, a grievance procedure or the office of the University Ombudsman.

V.E. Photocopying for Educational Use

(Source. Office of the General Counsel, August 19, 1983)

The enactment of a federal Copyright Act, effective January 1, 1978, has produced much misunderstanding among teachers regarding the permissible amount of photocopying for educational purposes.

Only copyrighted works are protected by the act. This elemental point is often overlooked. Court opinions, legislative hearings and other government documents are not copyrighted, and may be freely photocopied. The same is true of works for which the copyright has expired, and of works which prior to January 1978 were sold or disseminated without proper notice of copyright.
There is a danger, however, of acting unlawfully when one photocopies without permission works which are covered by the act. The act applies to all “original works of authorship” in written (or other tangible) form, from the moment the work is created, whether it was created before or after January 1, 1978 and whether or not it has been published.

But even copyrighted materials may be photocopied without permission from, or payment to, the copyright owner, if it is a “fair use,” a doctrine recognized by American courts for nearly a century and a half whose principal purpose is to protect the public interest in the dissemination of knowledge. This doctrine is endorsed in the text of the act, which explicitly refers to the allowable reproduction of copyrighted works for purposes such as “criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.”

Congress appreciated the impossibility of announcing in a statute an exact quantitative measure that would distinguish copying which is a fair use from copying which is an infringement. Rather, the act provides factors to be considered:

1. the purpose and character of the use, including whether such is of a commercial nature or is for non-profit educational purposes;

2. the nature of the copyrighted work;

3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

4. the effect of the use upon the potential market for or value of the copyrighted work.

The making of a single copy of copyrighted material for a teacher’s personal use in teaching, scholarship or research will almost always be a fair use. More difficult questions arise when multiple copies are made for distribution to students. Certainly, the risk of infringement increases in proportion to the amount of copyrighted material which is photocopied and the extent that the photocopying replaces what would otherwise be a purchase of copies of the work from trade sources by (or for) the students. Thus, the making of multiple photocopies of an entire or of a substantial part of an article will raise serious question as to whether such a use is “fair,” while the reproduction of five pages of an article of 25 or 30 pages will generally be regarded as privileged. A teacher should try to avoid making multiple photocopies of copyrighted material which is not truly important for that teacher’s pedagogical needs. In any event, students receiving such photocopied material should be charged no more than is necessary to cover the cost of photocopying and processing.

During congressional deliberations on the act, a group of educational associations and commercial publishers developed a set of guidelines which purport to announce the
minimum reach of the fair use doctrine as applied to educational photocopying. The guidelines are set forth below. In the report by the House committee submitting the copyright bill, these guidelines were said to constitute a “reasonable” construction of the fair use doctrine. Several misconceptions about these guidelines have developed and should be dispelled.

Although some have read the guidelines as imposing limits upon educational photocopying, in fact they prohibit nothing. They purport to state only the minimum protection of the fair use doctrine and announce a “safe harbor” within which a teacher is assured of protection against claims of infringement. The guidelines acknowledge that there may be allowable photocopying beyond that which is set forth; they do not purport to state where the fair use privilege ends.

Although some have treated the guidelines as though they have the status of legislation, that is not true, either. The text of the act, strengthened in committee deliberations, explicitly adverts to “teaching (including multiple copies for classroom use)” as a classic situation in which the fair use doctrine applies. This is the statutory text Congress had before it when it voted, and it is the statutory text which the courts will construe. The extent to which the privately developed “guidelines” will preempt other “reasonable” interpretations of fair use is a judicial question.

A teacher should consider the potential consequences of an incorrect decision. If the teacher elects not to photocopy in circumstances constituting fair use, students must find the material in the library or elsewhere. Techniques for increasing student access to limited materials will vary; the question of permissible library photocopying for “reserve” purposes raises issues not addressed here.

If a teacher decides to photocopy for classroom use, the possible legal sanctions for an incorrect decision must be appreciated. Book publishers have declared and demonstrated their intention to sue faculty members, universities, and copy centers for copyright infringement. As a general rule, a copyright infringer is liable for damages, measured by the loss of profits to the copyright owner and any additional profits acquired by the infringer. Since in the academic setting there will not generally be profits to the teacher or school, damages will be measured by the likely loss in sales of the copyrighted work, normally an uncertain figure. For this reason, the act permits the copyright owner to sue for “statutory damages” in lieu of actual damages, and the court is given discretion to enter an award between $250 and $10,000 (which may be increased to $50,000 for willful violations). If, however, a teacher had reasonable grounds to believe that the photocopying was a fair use, he or she is not liable for statutory damages (although he or she may be liable for actual damages). In all cases, the court may issue an order against the teacher or the educational institution barring future infringements.

Without regard to legal implications, a teacher should be sensitive to the dictates of good practice and courtesy in the use of copyrighted material. Authors and copyright owners appreciate notification that uses are being made of their work. It is common for the
copyright owner to permit substantial photocopying for educational purposes, provided that the author and copyright owner are identified and proper copyright notice is affixed.

Questions regarding the application of the Copyright Act in specific situations should be addressed to the Office of the General Counsel.

Guidelines

1. Single Copying for Teachers. A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:
   a. A chapter from a book;
   b. An article from a periodical or newspaper;
   c. A short story, short essay or short poem whether or not from a collective work;
   d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple Copies for Classroom Use. Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:
   a. The copying meets the tests of brevity and spontaneity as defined below; and,
   b. Meets the cumulative effect test as defined below; and,
   c. Each copy includes a notice of copyright.

Definitions

Brevity

a. Poetry: (1) A complete poem if less than 250 words and if printed on not more than two pages, or, (2) from a longer poem, an excerpt of not more than 250 words.

b. Prose: (1) Either a complete article, story or essay of less than 2,500 words, or (2) an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in “a” and “b” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]
c. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

d. “Special” works: Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “b” above notwithstanding, such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

a. The copying is at the instance and inspiration of the individual teacher, and

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.

Cumulative Effect

a. The copying of the material is for only one course in the school in which the copies are made.

b. 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 one class term.

c. There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in “b” and “c” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

3. Prohibitions as to the above. Notwithstanding any of the above, the following shall be prohibited:

a. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or are reproduced and used separately.

b. There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
c. Copying shall not:

(1) substitute for the purpose of books, publisher’s reprints or periodicals;

(2) be directed by higher authority;

(3) be repeated with respect to the same item by the same teacher from term to term.

d. No charge shall be made to the student beyond the actual cost of the photocopying.

V.F. **Protocols for the University Archives and Records Center**


I: Mission

The University of Pennsylvania, acting through its University Archives and Records Center, recognizes its responsibility to the academic community and to the public for the orderly retention and disposition of all University records, both active and inactive, and for the timeless preservation of historically significant documents and other materials which reflect the University’s origins and development and the activities and achievements of its officers, faculty, students, alumni, and benefactors.

In order to meet this obligation the University Archives and Records Center has been designated the official repository of all inactive and historical records of the University’s administrative offices, academic departments, committees, and student groups. Documentation is sought for all aspects of University life. The Director of the Archives and Records Center organizes and supervises the deposit and servicing of inactive records in the Records Center and the eventual permanent conveyance of historical materials to the Archives. The purpose of the records management program is to provide records retention and retrieval services which assist the faculty and administrative staff in the ongoing operation of the University. The purpose of the archives program is to collect, preserve and make accessible materials of historical value. Thus it serves scholars interested in the history of the University, institutions of higher learning in the United States, American intellectual life, and the Philadelphia community in which the University lives. In addition to the University’s administrative records, the Archives and Records Center shall also collect the personal and professional papers of University officers, faculty, students, alumni, and benefactors and the papers of individuals and organizations where the subject matter of the collection is particularly relevant to University history.

The Archives and Records Center shall provide appropriate facilities for the retention, preservation and servicing of its holdings. Inactive records remain the property of the office of their origin and are made accessible only to authorized representatives of that office. Historical materials are the property of the Archives and Records Center and are
made accessible to scholars and the community at large in accordance with University access policy. By making its historical collections accessible, by encouraging their use for historical research and scholarship and by entering into cooperative relationships with other archival and records management agencies and institutions, the Archives and Records Center shall serve as an educational resource center within the University of Pennsylvania, a place to stimulate and nourish creative teaching and learning.

II: Administrative Mandate

The Trustees of the University of Pennsylvania, recognizing the need for formal archival and records management policy, hereby adopt the following policy and procedures for the collection, retention, preservation, and servicing of University records:

1) Responsibility for assuring that historically significant materials shall be preserved and permanently retained at the University of Pennsylvania lies with a single administrative unit, the University Archives and Records Center. The successful collection of all such records requires that one office, with University-wide purview, manage their progression through the several stages — active, inactive and archival — of their life cycle. In general, active records are those in use in the office in which they were created; inactive records are those placed under finite-term retention at a records center facility, and archival records are those of historical significance retained permanently in a repository open to research.

2) Any papers or other records generated or received by the administrative and academic offices of the University in the conduct of their business — including all official printed material, reports, record books, minutes, committee files, financial records, correspondence, and associated papers — are the property of the University and may become archival material. The definition of University records shall also extend to forms other than paper, such as prints, photographs, microfilm, motion picture film, audio and video tape, and machine-readable records.

3) All administrative officers of the University, including those members of the Faculty who, by virtue of administrative responsibilities either of a continuing or occasional nature, possess University records relating to their official duties, are to observe the following policy and procedures:

   a) Provision shall be made for efficient and economic records control by all University administrative offices and the University Archives and Records Center. Records shall be regularly surveyed, inventoried and appraised to determine retention value. Active records shall be retained by the office of origin; inactive records will be transferred to the Records Center and placed on finite-term retention schedules. The officer in charge of each administrative or academic office, in consultation with the Director of the University Archives and Records Center, shall be responsible for deciding how long both active and inactive papers shall be retained in and under the direct control of the office of origin. Inactive records transferred to the Records Center shall remain the property of the office of origin and shall be accessible only to authorized representatives of that office.
b) University records may not be destroyed or placed in inactive storage at a site other than the Records Center without the joint approval of the senior officer in the office of origin and the Director of the University Archives and Records Center. Should these individuals be unable to agree on retention value, disposition shall be stayed pending review and final determination by the Advisory Committee on the University Archives and Records Center, as defined in paragraph seven below.

4) The Director of the University Archives and Records Center, in accordance with prevailing collections and access policies, shall be responsible for the appraisal of inactive University records for their historical significance. The Director shall determine which such materials shall be permanently retained by the Archives, shall grant and limit access to the collections and shall establish and administer other public service policies and procedures as necessary. Historically significant records transferred to the University Archives for permanent retention shall become the property of the University Archives and Records Center.

5) In order to facilitate archives and records management service to the entire University community and allow for effective coordination with other University offices, the University Archives and Records Center shall be an administrative department within the Office of the President and the Director shall be an officer of the University reporting directly to the President. Acting upon the advice of an appropriately representative search committee, the President shall appoint the Director. The President shall delegate to the Director sufficient authority to enable the department to fulfill its responsibilities. The Director is responsible for long-range planning, the preparation and administration of departmental budgets, and hiring, training and supervising of departmental staff. The Director is accountable for the successful performance of all departmental services: records management, development of archival collections, cataloguing and other technical services, access, and other public services. He or she shall review and have decision making power over University records which may be offered to or found in any of the multiple archival repositories at the University. He or she shall establish intellectual access to all such repositories through the maintenance of shared collection catalogues and finding aids.

6) The University Archives and Records Center, as the official repository for all University records, including confidential records, shall provide appropriate facilities for their retention and preservation. The University Archives and Records Center shall be provided financial and personnel resources sufficient to maintain services at the level of comparable university archives and records management operations.

7) In order to facilitate these protocols an independent Advisory Committee on the University Archives and Records Center shall be established and shall have the following responsibilities:

   a) to advise the President on institutional support and initiatives required to fulfill archival and records management policy;
   b) to advise the Director on the implementation of this policy; and
   c) in particular, to resolve substantive issues which may arise regarding access and
collections policy and when necessary, to advise the President on the modification of these policies.

The Committee shall be composed of ten members: one representative each from the offices of the President, the Secretary of the University, the Provost, and the General Counsel; three members of the standing faculty appointed by the Senate Executive Committee to serve overlapping three-year terms; and three members of the standing faculty appointed by the President, also to serve overlapping three-year terms. The President shall appoint the Committee Chair.

The Committee shall meet at the call of the President, the Director or the Chair. It shall meet a minimum of once per semester.

III: Collections Policy

The Director and staff of the University Archives and Records Center shall actively seek, identify and acquire historically significant materials in the following categories:

1) University administrative records, including, but not limited to: correspondence, memoranda, minutes, summary financial records, academic research, curriculum, contracts, reports, subject files, published materials, photographs, and any other material generated or received by the administrative and academic offices of the University in the conduct of their business. These records shall be collected in accordance with the University-wide archives and records management program, in which all records pass through active and inactive phases prior to appraisal for historical significance.

2) Materials which document the life of the University community, including student activities, alumni organizations, organizations of faculty and administrators, and other University related groups. Such materials are essential complements to official University records. They may take a variety of forms, including books, news clippings, manuscripts, maps and posters, motion picture films, audio and video tape, and artifacts and objects.

3) The personal and professional papers of prominent people associated with the University, including University officers, faculty, students, alumni, and benefactors. These manuscript collections may include materials relating to issues of historical significance outside higher education as well as professional academic activities, research and teaching, and educational theories and practices during the lifetime of the University. This collecting mandate shall also extend to the papers of individuals and organizations where the subject matter of the collection is particularly relevant to the history of the University, institutions of higher learning in the United States, American intellectual life, and the Philadelphia community in which the University lives.

The deposit, transfer or donation of records and other materials to the Archives and Records Center shall follow specific procedures established by the Director. In the case of deposit of University records at the Records Center, the office or individual of origin does not relinquish control of the materials. In the case of transfer of University records for
permanent retention at the Archives, the office or individual of origin relinquishes all rights to the materials. In cases where the materials are donated to the University, the donor usually relinquishes all rights, including copyright and literary rights. Donor restrictions are acceptable in special cases.

IV: Access Policy

The historical collections of the University Archives and Records Center are open for research to all members of the University community, to visiting scholars and to the scholarly public. The University encourages the use of these collections through the dissemination of descriptive catalogues and the provision of public services at the Archives.

Access to certain classes of records, however, is restricted. Access to restricted records may be requested by written appeal to the Director of the University Archives and Records Center.

The following types of records generally will be closed:

1) all administrative records of the University for twenty-five years from the date of their creation, with certain exceptions, such as those which must be open in conformance with law;

2) records of a sitting administration;

3) records the disclosure of which might expose the University to legal liability.

The following types of records will be absolutely closed:

1) individual education records of living students or living former students, as defined by the Family Educational Rights and Privacy Act of 1974, as amended, unless the student or former student grants access in writing (in accordance with the University “Guidelines on the Confidentiality of Student Records” as published in the undergraduate and graduate Academic Bulletin);

2) individual employment records of living current or former faculty members, administrators or other staff members, including records which concern hiring, appointment, promotion, tenure, salary, performance, termination or other circumstances of employment, unless the faculty member, administrator, or staff member grants access in writing (in accordance with University Personnel Policy Manual Policy No. 101);

3) other records where usage might constitute an invasion of privacy;

4) records the use of which has been restricted by Deed of Gift.

Requests to photocopy or otherwise reproduce restricted records generally will be denied.
Appeals to gain access to restricted records shall be conducted in the following manner:

1) a researcher seeking access to restricted records shall complete a “Restricted Records Access Request” form;

2) the Director shall review each request with the Advisory Committee on the University Archives and Records Center; the Advisory Committee is composed of ten members: one representative each from the offices of the President, the Secretary of the University, the Provost and the General Counsel; and six members of the standing faculty;

3) the Advisory Committee shall base its decisions on the merits of each case, weighing the needs of scholarship against the privacy rights of individuals and the legal interests of the University; the Committee must be satisfied that a researcher seeking access to restricted records has demonstrated that the records are required to carry out a legitimate scholarly research project or for other appropriate use; in all cases, the decision of the Committee shall be fair and reasonable, permitting the greatest possible access, given the limitations imposed by legal and ethical considerations;

4) in order to come to such a decision, the Advisory Committee shall meet, review the research proposal of the scholar petitioning for access, examine the materials to which he or she is requesting access and discuss the case; in cases where the materials are voluminous, the Director shall review them and summarize their nature and content for the Committee, presenting individual documents of particular concern; in cases of requests for innocuous materials, a less formal review process may be invoked, consisting of a telephone poll by the Director;

5) the Advisory Committee may act as a whole in its review and decision making or may delegate to a sub-committee of its own members the power to implement this policy; the decisions of the Advisory Committee shall be final.

V.G. Policy on Acceptable Use of Electronic Resources

(Source. Office of the Provost, Almanac, September 2, 1997)

Summary

This policy defines the boundaries of “acceptable use” of limited University electronic resources, including computers, networks, electronic mail services and electronic information sources, as detailed below. It includes by reference a self-contained compilation of specific rules that can be modified as the electronic information environment evolves.

The policy is based on the principle that the electronic information environment is provided to support University business and its mission of education, research and service. Other uses are secondary. Uses that threaten the integrity of the system; the function of
non-University equipment that can be accessed through the system; the privacy or actual
or perceived safety of others; or that are otherwise illegal are forbidden.

By using University electronic information systems you assume personal
responsibility for their appropriate use and agree to comply with this policy and other
applicable University policies, as well as City, State and Federal laws and regulations, as
detailed below.

The policy defines penalties for infractions, up to and including loss of system
access, employment termination or expulsion. In addition some activities may lead to risk
of legal liability, both civil and criminal.

Users of electronic information systems are urged in their own interest to review
and understand the contents of this policy.

Purposes

The University of Pennsylvania makes computing resources (including, but not
limited to, computer facilities and services, computers, networks, electronic mail,
electronic information and data, and video and voice services) available to faculty,
students, staff, registered guests, and the general public to support the educational,
research and service missions of the University.

When demand for computing resources may exceed available capacity, priorities
for their use will be established and enforced. Authorized faculty and staff may set and
alter priorities for exclusively local computing/networking resources. The priorities for use
of University-wide computing resources are:

*Highest*: Uses that directly support the educational, research and service missions of the
University.

*Medium*: Other uses that indirectly benefit the education, research and service missions of
the University, as well as and including reasonable and limited personal communications.

*Lowest*: Recreation, including game playing.

*Forbidden*: All activities in violation of the General Standards or prohibited in the *Specific
Rules* interpreting this policy.

The University may enforce these priorities by restricting or limiting usages of
lower priority in circumstances where their demand and limitations of capacity impact or
threaten to impact usages of higher priority.

Implied consent

Each person with access to the University’s computing resources is responsible for
their appropriate use and by their use agrees to comply with all applicable University,
School, and departmental policies and regulations, and with applicable City, State and
Federal laws and regulations, as well as with the acceptable use policies of affiliated
networks and systems (See Appendices to *Specific Rules*).
Open Expression in the Electronic Information Environment: The rights to freedom of thought, inquiry and expression, as defined in the University’s Guidelines on Open Expression, are paramount values of the University community. The University’s commitment to the principles of open expression extends to and includes the electronic information environment, and interference in the exercise of those rights is a violation of this policy and of the Guidelines on Open Expression. As provided in the Guidelines, in case of conflict between the principles of the Guidelines on Open Expression and this or other University policies, the principles of the Guidelines take precedence.

General Standards for the Acceptable Use of Computer Resources: Failure to uphold the following General Standards for the Acceptable Use of Computer Resources constitutes a violation of this policy and may be subject to disciplinary action.

The General Standards for the Acceptable Use of Computer Resources require:

- Responsible behavior with respect to the electronic information environment at all times;
- Behavior consistent with the mission of the University and with authorized activities of the University or members of the University community;
- Respect for the principles of open expression;
- Compliance with all applicable laws, regulations, and University policies;
- Truthfulness and honesty in personal and computer identification;
- Respect for the rights and property of others, including intellectual property rights;
- Behavior consistent with the privacy and integrity of electronic networks, electronic data and information, and electronic infrastructure and systems; and
- Respect for the value and intended use of human and electronic resources.

Enforcement and Penalties for Violation: Any person who violates any provision of this policy, of the Specific Rules interpreting this policy, of other relevant University policies, or of applicable City, State, or Federal laws or regulations may face sanctions up to and including termination or expulsion. Depending on the nature and severity of the offense, violations can be subject to disciplinary action through the Student Disciplinary System or disciplinary procedures applicable to faculty and staff.

It may at times be necessary for authorized systems administrators to suspend someone’s access to University computing resources immediately for violations of this policy, pending interim resolution of the situation (for example by securing a possibly compromised account and/or making the owner of an account aware in person that an activity constitutes a violation). In the case of egregious and continuing violations suspension of access may be extended until final resolution by the appropriate disciplinary body.
System owners, administrators or managers may be required to investigate violations of this policy and to ensure compliance.

Amendment

Formal amendment of the General Standards of Acceptable Use of Computing Resources or other aspects of this policy may be promulgated by the Provost following consultation with the University Council Committee on Communications, publication “For Comment” in Almanac, a reasonable waiting period, and publication “Of Record” in Almanac.

Interpreting this policy

As technology evolves, questions will arise about how to interpret the general standards expressed in this policy. The Vice President for Information Systems and Computing shall, after consultation with the University Council Committee on Communications, and subject to the same waiting period and publication provisions as above, publish specific rules interpreting this policy.

Waiver

When restrictions in this policy interfere with the research, educational or service missions of the University, members of the University community may request a written waiver from the Vice President for Information Systems and Computing (or designee).

Further information

For further information about University computing regulations or Commonwealth of Pennsylvania and Federal computing laws, contact the University Information Security Officer at (215) 898-2172, or send e-mail to: security@isc.upenn.edu

Specific Rules Interpreting the Policy on Acceptable Use of Electronic Resources

The following specific rules apply to all uses of University computing resources. These rules are not an exhaustive list of proscribed behaviors, but are intended to implement and illustrate the General Standards for the Acceptable Use of Computer Resources, other relevant University policies, and applicable laws and regulations. Additional specific rules may be promulgated for the acceptable use of individual computer systems or networks by individual Schools, departments, or system administrators.

Content of communications

- Except as provided by applicable City, State, or Federal laws, regulations or other University policies, the content of electronic communications is not by itself a basis for disciplinary action.
• Unlawful communications, including threats of violence, obscenity, child pornography, and harassing communications (as defined by law), are prohibited.

• The use of University computer resources for private business or commercial activities (except where such activities are otherwise permitted or authorized under applicable University policies), fundraising or advertising on behalf of non-University organizations, or the reselling of University computer resources to non-University individuals or organizations, and the unauthorized use of the University’s name, are prohibited. The Vice President for Information Systems (or designee) may specify rules and specific forums where limited use of University resources for non-recurring exchange and sale of personal items is permitted.

Identification of users

Anonymous and pseudonymous communications are permitted except when expressly prohibited by the operating guidelines or stated purposes of the electronic services to, from, or through which the communications are sent. However, when investigating alleged violations of the Guidelines on Open Expression, the Committee on Open Expression may direct the University’s Information Security Officer, or an authorized system administrator, to attempt to identify the originator of anonymous/pseudonymous messages, and may refer such matters to appropriate disciplinary bodies to prevent further distribution of messages from the same source.

The following activities and behaviors are prohibited:

• Misrepresentation (including forgery) of the identity of the sender or source of an electronic communication;

• Acquiring or attempting to acquire passwords of others;

• Using or attempting to use the computer accounts of others;

• Alteration of the content of a message originating from another person or computer with intent to deceive; and

• The unauthorized deletion of another person’s news group postings.

Access to computer resources

The following activities and behaviors are prohibited:

• The use of restricted-access University computer resources or electronic information without or beyond one’s level of authorization;

• The interception or attempted interception of communications by parties not explicitly intended to receive them;

• Making University computing resources available to individuals not affiliated with the University of Pennsylvania without approval of an authorized University official;

• Making available any materials the possession or distribution of which is illegal;
• The unauthorized copying or use of licensed computer software;
• Unauthorized access, possession, or distribution, by electronic or any other means, of electronic information or data that is confidential under the University’s policies regarding privacy or the confidentiality of student, administrative, personnel, archival, or other records, or as defined by the cognizant Data Steward;
• Intentionally compromising the privacy or security of electronic information; and
• Intentionally infringing upon the intellectual property rights of others in computer programs or electronic information (including plagiarism and unauthorized use or reproduction).

Operational integrity

The following activities and behaviors are prohibited:
• Interference with or disruption of the computer or network accounts, services, or equipment of others, including, but not limited to, the propagation of computer "worms" and "viruses", the sending of electronic chain mail, and the inappropriate sending of "broadcast" messages to large numbers of individuals or hosts;
• Failure to comply with requests from appropriate University officials to discontinue activities that threaten the operation or integrity of computers, systems or networks, or otherwise violate this policy;
• Revealing passwords or otherwise permitting the use by others (by intent or negligence) of personal accounts for computer and network access;
• Altering or attempting to alter files or systems without authorization;
• Unauthorized scanning of networks for security vulnerabilities;
• Attempting to alter any University computing or networking components (including, but not limited to, bridges, routers, and hubs) without authorization or beyond one’s level of authorization;
• Unauthorized wiring, including attempts to create unauthorized network connections, or any unauthorized extension or re-transmission of any computer or network services;
• Intentionally damaging or destroying the integrity of electronic information;
• Intentionally disrupting the use of electronic networks or information systems;
• Intentionally wasting human or electronic resources; and
• Negligence leading to the damage of University electronic information, computing/networking equipment and resources.
Appendices

Relevant University policies

This Acceptable Use Policy incorporates and supersedes the earlier Policy on Ethical Behavior with Respect to the Electronic Information Environment. The use of computing resources is also required to conform to the following University policies:

• Code of Student Conduct
• Guidelines on Open Expression

In addition, specific policies of the University’s Schools, departments, computer systems and networks, and other general University policies and regulations are also applicable to the use of computer resources. These policies include, but are not limited to, the following:

• Patent Policy
• Copyright Policy
• Computer Software Policy
• Policy on the Uses of University Resources
• Policy on Confidentiality of Student Records and Information
• Policy Regarding Faculty Misconduct in Research
• Policy on Privacy in the Electronic Environment
• Code of Academic Integrity
• Protocols for human subjects research: any research involving human subjects must be approved by the Committee on Studies Involving Human Beings
• Acceptable Use Policies of individual Schools, departments, computer systems, and networks
• Guidelines for Administrators of Penn E-mail Systems.

Applicable laws

Computer and network use is also subject to Pennsylvania and Federal laws and regulations. Suspected violations of applicable law are subject to investigation by University and law enforcement officials. Among the applicable laws are:

• Federal Copyright Law: U.S. copyright law grants authors certain exclusive rights of reproduction, adaptation, distribution, performance, display, attribution and integrity to their creations, including works of literature, photographs, music, software, film and video. Violations of copyright laws include, but are not limited to, the making of unauthorized copies of any copyrighted material (such as commercial software, text, graphic images, audio and video recordings) and distributing copyrighted materials over computer networks or through other means.

• Federal Wire Fraud Law: Federal law prohibits the use of interstate communications systems (phone, wire, radio, or television transmissions) to further an illegal scheme or to defraud.
• **Federal Computer Fraud and Abuse Law:** Federal law prohibits unauthorized access to, or modification of information in computers containing national defense, banking, or financial information.

• **Federal and Pennsylvania Child Pornography Laws:** Federal and Pennsylvania laws prohibit the creation, possession, or distribution of graphic depictions of minors engaged in sexual activity, including computer graphics. Computers storing such information can be seized as evidence.

• **Pennsylvania Computer Crime Law:** Pennsylvania law prohibits access to any computer system or network with the intent to interrupt an organization, or to perpetrate a fraud including the intentional and unauthorized publication of computer passwords.

• **Pyramid schemes/Chain Letters:** It is a violation of the Federal Postal Lottery Statute to send chain letters which request sending money or something of value through the US mail. Solicitations through electronic messaging are also illegal, if they require use of US mail for sending money/something of value.

• **Defamation:** Someone may seek civil remedies if they can show that they were clearly identified as the subject of defamatory messages and suffered damages as a consequence. Truth is a defense against charges of defamation.

• **Common law actions for invasion of privacy:** Someone may seek civil remedies for invasion of privacy on several grounds.

• **Public disclosure of private facts:** the widespread disclosure of facts about a person, even when true, may be deemed harmful enough to justify a lawsuit.

• **False light:** a person wrongfully attributes views or characteristics to another person in ways that damage that person’s reputation.

• **Wrongful intrusion:** the law often protects those areas of a person’s life in which they can reasonably expect they will not be intruded upon.
V.H. **Policy on Privacy In the Electronic Environment**

(Source. Office of the Provost, Almanac, September 15, 2000)

I. Preliminary Observations

The University affirms that the mutual trust and freedom of thought and expression essential to the academic mission of a university rest on an expectation of privacy, and that the privacy of those who work, study, teach, and conduct research in a university setting will be respected. The University recognizes that as faculty, staff and students create, use and store more information in electronic form, there is growing concern that information the user or creator considers private may be more vulnerable to invasion than information stored in more traditional media. This policy is intended to highlight some general principles that should help to define the expectations of privacy of those in the University community. While no document addressing the fluid issue of technology can be exhaustive or inflexibly dictate outcomes in all circumstances, this policy attempts to articulate current practices and provide guidance, so that individuals may make informed and appropriate decisions concerning their various interactions in the electronic environment.

Before addressing these issues, it should also be noted that in carrying out their operations, various departments of the University accumulate information about members of its community, e.g., for purposes of payroll, employment or enrollment. Data are also created, though not necessarily compiled or retained on a personally identifiable basis, as an incident to the use of technology, e.g., the charging of purchases on PennCard or the borrowing of library books. The University does not condone disclosure or release of such personal information stored or transmitted through University systems, except for legitimate University purposes as outlined in this policy.

Those responsible for maintaining the University’s computers and electronic networks have an important and special responsibility to recognize when they may be dealing with sensitive or private information. They may access such information without the user’s consent and without obtaining higher level approval, but only when necessary to fulfill their official responsibilities, and they are expected to carry out their duties in ways that are not unreasonably intrusive. They will be subject to disciplinary action if they misuse their access to personally identifiable data or to individuals’ personal files, e-mail and voice mail or otherwise knowingly act in ways counter to University policies and applicable laws.

Finally, this policy should be understood in light of the many other University policies and laws that bear on individuals’ rights to privacy and the institution’s responsibilities with respect to information in its possession about individuals. Examples of applicable laws include the Family Educational Rights and Privacy Act of 1974 (the “Buckley Amendment”), the Electronic Communications Privacy Act of 1986, and medical records regulations promulgated under the Health Insurance

II. Policy on Information Created, Stored or Transmitted Through University Electronic Media

A. In General:

The University provides computers, computer and e-mail accounts, networks and telephone systems to faculty members, staff and students for the purpose of furthering the University’s academic mission and conducting University business. While incidental and occasional personal use of such systems, including e-mail and voice mail, is permissible, personal communications and files transmitted over or stored on University systems are not treated differently from business communications; there can be no guarantee that such personal communications will remain private or confidential (see Appendix).

As is the case for information in non-electronic form stored in University facilities, the University’s need for information will be met in most situations by simply asking the author or custodian for it. The University reserves the right, consistent with this policy, to access, review and release electronic information that is transmitted over or stored in University systems or facilities. When questions arise about such access, review or release of information, the University commits to treat electronic information no differently from non-electronic information. As with paper information, it is often the case by custom or rule that electronic files are shared and properly accessible by multiple parties in office settings. Where that is the case, the special provisions for access and notification outlined here need not be followed. In other cases, properly authorized University officials including the Vice President for Audit and Compliance and the Information Security Officer may access e-mail, voice mail or computer accounts without the consent of the assigned user when there is a reasonable basis to believe that such action

1. Is necessary to comply with legal requirements or process, or
2. May yield information necessary for the investigation of a suspected violation of law or regulations, or of a suspected serious infraction of University policy (for example alleged research misconduct, plagiarism or harassment), or
3. Is needed to maintain the integrity of University computing systems, or
4. May yield information needed to deal with an emergency, or
5. In the case of staff, will yield information that is needed for the ordinary business of the University to proceed.

Except as may otherwise be dictated by legal requirements, individuals will be notified of access to, or disclosure of, the contents of their e-mail, voice mail or their
computer accounts as soon as practicable. In cases where such notification might jeopardize an ongoing investigation of suspected wrongdoing it may be delayed until the conclusion of the investigation. The Office of General Counsel is responsible for maintaining an official record of e-mail searches performed by authorized parties.

**B. Faculty:**

The University has the utmost respect for the freedom of thought and expression that are at the core of Penn’s academic mission. Whenever possible, therefore, the University will resolve any doubts about the need to access a University computer or other systems in favor of a faculty member’s privacy interest. Computer files, e-mail and voice mail created, stored, transmitted or received by faculty will be afforded the same level of privacy as the contents of their offices. The Policy on Safeguarding University Assets governs access to faculty records in connection with investigations carried out by the University’s Office of Audit and Compliance, and provides for prior consultation with the Provost and Faculty Senate and for notifying the subject of a search of any files or materials taken during an investigation. Except as may otherwise be dictated by legal requirements, the procedures outlined in that policy will be followed with respect to a faculty member’s computer files, e-mail or voice mail in connection with other investigations or proceedings.

**C. Staff:**

It is generally not University policy to access staff members’ electronically stored information. As noted above, the University’s need for information will normally be met by asking an employee for it. Properly authorized University officials, including supervisors acting with the consent of their management, may, however, access, review and release the contents of staff computer files, e-mail or voice mail transmitted over or stored on University systems when, for example, an employee is absent or has left the University and the information is not available elsewhere, or in other situations in which it is necessary if the ordinary business of the University is to proceed. In more complicated situations—where, for example, a supervisor believes University resources are being misused—he or she should consult with senior administrators, the Division of Human Resources, or the Office of General Counsel.

**D. Students:**

Students are provided e-mail and computer accounts for use primarily in connection with their academic activities. While the University does not generally monitor or access the contents of a student’s e-mail or computer accounts, it reserves the right to do so. However, access to and disclosure of a student’s e-mail messages and the contents of his or her computer accounts may only be authorized by any one of the Dean of the student’s School or his/her designate, the Vice Provost for University Life, or the Office of Audit and Compliance, in consultation with the Office of General Counsel.
E. Multiple Affiliations:

Some individuals have multiple University affiliations (e.g. students employed by the University). When the need for access to information arises from a particular status, the provisions above for that status will be applied. In other cases, the provisions for the individual’s primary status will be applied.

III. Violations of this Policy

Members of the University community who believe that this policy has been violated with respect to their privacy should attempt initially to resolve the issue within their unit or department, if necessary with the mediation of the leadership of their representative assembly or the University Ombudsman. Others who become aware of violations of this policy should report them to the University Information Security Officer, Office of General Counsel, Division of Human Resources or the Office of Audit and Compliance. All University offices that substantiate such violations should report them to the University Information Security Officer, who will monitor them for repeat instances and patterns. Those who violate this policy may be subject to disciplinary procedures up to and including dismissal.

Appendix: Special Note on E-mail Privacy

Despite the best intentions of users and the University or other system operators, it is difficult, if not impossible, to assure the privacy of e-mail. E-mail is not a good medium to use for sensitive matters that you would not want disclosed. There are numerous ways that plain text e-mail may be disclosed to persons other than the addressee, including:

- Recipient’s address is mistyped; message is sent to someone else.
- Recipient forwards e-mail to someone else.
- Intruders break into e-mail system and read/disclose messages.
- Despite owner’s belief that s/he deleted it, e-mail continues to exist on computer hard drive or a copy is archived on tape backup; disclosure of such copies may be required in connection with judicial or administrative proceedings or government investigations.
- E-mail is observed as it travels over public networks like PennNet and the Internet.
- In addition, e-mail users may want to consider routinely or periodically deleting old messages, and encrypting personal messages. Systems administrators should consider shorter retention of backup tapes, consistent with data integrity requirements.
V.I. **Policy on Unauthorized Copying of Copyrighted Media**

*Source. Vice President for Information Systems and Computing*

The University of Pennsylvania does not condone or tolerate the unauthorized copying of copyrighted media by staff, faculty, or students. The University shall adhere to its contractual responsibilities and shall comply with all copyright laws, and expects all members of the University community to do so as well. Members of the University community who violate this policy may be subject to discipline through standard University procedures. An individual or University department engaged in the unauthorized copying or use of copyrighted materials may also face civil suit, criminal charges, and/or penalties and fines. Subject to the facts and circumstances of each case, such individuals or departments shall be solely responsible for their defense and any resulting liability.

V.J. **Confiscation of Publications on Campus**

*Source. Office of the President, September 9, 1987*

The confiscation of publications on campus is inconsistent with the University’s policies and procedures, and with the ideals of the University. It is inconsistent with the University’s Guidelines on Open Expression, and could violate contractual arrangements between the University and other parties.

Members of the University community who are responsible for confiscating publications should expect to be held accountable.

V.K. **Policy on Computer Disconnection from PennNet**

*Source. Office of the Vice President for Systems and Computing*

Background: A well functioning network is critical to the research, academic and service missions of the University. Information Security has documented an increasing frequency of computer intrusions which threaten the integrity of PennNet. The capacity of entire departments to teach and conduct research has been limited as a result, and sensitive data have been at risk of unauthorized disclosure. At times, rapid response is required to protect the integrity of systems, data and those that rely on them. Inefficiency sometimes results because the owners of the penetrated machines can not be located. Disagreements arise over the magnitude and immediacy of the problems without a formal mechanism for resolving conflicts.

Certain types of misconfiguration of Penn systems, intentional or otherwise, can have serious and detrimental consequences. Examples include using another host’s Internet Protocol address (“IP Spoofing”) or misconfigured networking protocols. Normal
operation of Penn computers, and even computers elsewhere on the worldwide Internet, can be compromised. Networks can become so congested that network traffic can not get through.

Purpose: The goal of this policy is to protect the academic missions served by Penn’s computers and networks from disruption.

Policy: Information Systems and Computing (ISC) will disconnect from PennNet any computers that have actually damaged or pose an imminent threat of harming the integrity of PennNet.

Scope: This policy only applies to computers and devices attached directly or indirectly to PennNet, including improper or defective “daisy-chain” connections and private Local Area Networks with active networking components connected to PennNet wallplates and hosts.

This policy does not address removing computers from PennNet for reasons related solely to their content.

Implementation: Systems administrators must report serious computer security incidents to the University Information Security Officer. Serious computer security incidents will be defined as those that jeopardize the integrity, privacy and/or availability of other computers and networks. Examples of serious computer security incidents include break-ins where privileged accounts (e.g. UNIX “root” account, or NT “Administrator” account) are used without authorization, incidents where network traffic is monitored without authorization, and incidents where Penn computers or networks are either the source or the target of “denial of service” attacks. The Information Security Officer will coordinate the response to computer security incidents, including notifying campus systems administrators, law enforcement officers, external sites, incident response teams and University offices as appropriate.

Authorized actions: If, in the judgment of the Vice Provost for ISC (VPISC) or his/her designate, criteria are met which suggest that a system poses a significant and immediate threat either to:

- The security of other Penn computers and networks, or
- The continued operation of Penn networks and computers,
- and the problem cannot be resolved expeditiously through collaboration between the computer owners and ISC, then ISC will notify senior management of the department or unit and will require the owners to remove the computer from the network until the problem is solved.
Absent/Unidentified Owners: If ISC is unable, using the Assignments database, to identify a system owner or Local Support Provider (LSP), ISC will move unilaterally to protect the network by disconnecting the threatening system.

Disputes: In cases where there is persistent disagreement between ISC and the owner of the perceived threat, ISC must notify the owner and the LSP of the following information in writing:

- The reason for the disconnection
- What steps must be taken for the network connection to be restored
- How to arrange for the system to be reconnected
- The process of appealing a decision to disconnect

When the owner of the system has taken the steps necessary to correct the problem, ISC will restore the PennNet connection as soon as possible.

Appealing a Decision to Disconnect: The Council Committee on Communications shall appoint a subcommittee to review appeals of decisions to disconnect computers. The subcommittee will consist of:

- At least four members of the faculty appointed by the Committee on Communications, one of whom to serve as chair.
- VPISC or her/his designate
- University Information Security Officer or her/his designate

The Committee on Communications may designate alternates to serve on the hearings of an appeal when its appointees are unavailable.

The owner of a disconnected system who believes that the threat that the system posed is outweighed by the impact of its disconnection on their academic mission may appeal the decision by documenting this belief in writing to the chair of the subcommittee. The chair or her/his designate may resolve the dispute amicably; failing this it will be heard formally by the subcommittee. The subcommittee will resolve conflicts as rapidly as possible within the constraints of fairness. It will establish and follow its own operating procedures.

If the subcommittee does not begin the proceedings within 5 working days in cases where the issue is a threat and not actual harm, or 30 working days in cases where ISC can document actual harm, the subject system must be reconnected. Once the subcommittee has begun the process, time limits will not be imposed.
In considering appeals, the subcommittee will balance the value of leaving machines connected against the associated risks. Its decision will be final. The only recourse for faculty whose appeals are denied will be to the Senate Committee on Academic Freedom and Responsibility. ISC may not appeal. However, it may re-disconnect the computer and restart the entire process whenever another trigger event is detected.

System owners who believe that their freedom of expression has been unduly infringed may, under the Guidelines for Open Expression, request that the Committee on Open Expression determine if the Guidelines were properly interpreted and applied to the disconnection of their system.

Interpreting this policy: As technology evolves, questions may arise about how to interpret this policy. The VPIISC may as needed, after consultation with the Council Committee on Communications, publish specific rules interpreting this policy.

Advice: To minimize the likelihood of a serious computer security compromise, campus systems administrators are encouraged to configure their systems in accordance with the following standards:
http://www.upenn.edu/computing/security/views/sysadmin.html

Glossary
Assignments Database: A computer database provided by ISC Networking where Local Support Providers maintain information about PennNet connected computers, including the network address, operating system, and contact information. For more information about how to maintain records in the Assignments Database, contact: security@isc.upenn.edu.

Denial of Service Attack: An attack where someone takes up so much of a shared resource that insufficient is left for others. Denial of service attacks threaten the availability of resources, including computer processes, disk space, or network capacity among other things. The result is a degradation or loss of service.

Local Support Provider: Departments/Units at Penn appoint Local Support Providers to provide information technology support locally.

V. L. Confidentiality of Health Information under HIPAA

All faculty members at the University of Pennsylvania should respect the privacy and security of personal health information. Personal health information may be used for appropriate patient care, teaching, and research purposes, consistent with applicable University policy. Further, faculty should take reasonable steps to safeguard personal health information from unauthorized access, use, and disclosure.

Under the Health Insurance Portability and Accountability Act (HIPAA), certain schools and centers within the University must comply with a number of regulatory
requirements that have been incorporated into specific policies addressing the privacy and security of health information. Faculty members within the School of Medicine, the School of Dental Medicine, and faculty practicing at the Student Health Service and Living Independently for Elders (“HIPAA-covered faculty”) should refer to and follow HIPAA privacy and security policies and procedures established for their schools and centers.

HIPAA-covered faculty must abide by the following HIPAA requirements:

1. HIPAA-covered faculty must receive training on compliance with HIPAA and school / center policies and procedures implementing HIPAA and abide by such policies and procedures;

2. In general, HIPAA-covered faculty may not use and/or disclose personal health information without the patient’s signed HIPAA-compliant authorization, except that:
   a. HIPAA-covered faculty may, without patient authorization, use and/or disclose personal health information for purposes of treatment, payment, and for the healthcare operations of the faculty member’s school / center, including but not limited to management, quality assurance, training programs, and compliance programs;
   b. HIPAA-covered faculty may, without patient authorization, share personal health information with a patient’s family members and other relatives or friends involved in the patient’s care or payment for care, consistent with professional judgment and consistent with patient’s expressed wishes, if any;
   c. HIPAA-covered faculty may, without patient authorization, use or disclose personal health information for research purposes if Penn’s Institutional Review Board (IRB) or a similar committee has waived the requirement for authorization under HIPAA. However, the faculty member must provide to the designated institutional official an accounting for all disclosures of that information in a manner described in the IRB procedures.
   d. HIPAA-covered faculty may, without patient authorization, use and disclose personal health information for designated priority purposes, including but not limited to reporting to certain governmental agencies, in emergency circumstances, for judicial and administrative proceedings, and where disclosure is required by law, provided that the HIPAA-covered faculty does so in accordance with specific conditions set out in school / center policies and procedures. However, the faculty member must provide to the designated institutional official an accounting for all disclosures of that information in a manner described in school / center policies and procedures.

3. HIPAA-covered faculty must limit uses, disclosures, and requests for personal information to the amount reasonably necessary to accomplish the purpose;

4. HIPAA-covered faculty must permit patients the right to access, inspect, and copy, their personal health information, except in specified cases, such as in the course of a clinical trial subject to the terms of the authorization to use the patient’s health information in that trial;
(5) HIPAA-covered faculty must permit patients the right to request amendment of their health information;

(6) HIPAA-covered faculty must enter into HIPAA business associate agreements with vendors that create or receive personal health information on our behalf as described in school/center policies and procedures; and

(7) HIPAA-covered faculty must ensure that they provide appropriate administrative, technical, and physical safeguards to protect the confidentiality, integrity, and availability of personal health information.
VI. OTHER POLICIES

VI.A. Use of the University’s Name

(Source. Offices of the Provost and Secretary, 1983, revised Almanac, May 16, 2000)

On September 30, 1791, an act confirmed an agreement which united the University of the State of Pennsylvania with the College, Academy, and Charitable School and provided that the name of the institution would be “The Trustees of the University of Pennsylvania.” (1) To facilitate communication both internally and externally, the institution’s name is commonly simplified as the “University of Pennsylvania.”

The University regulates use of its name, including University of Pennsylvania, Penn, the names of its schools and programs, its shield and related insignia, trademarks and logos (“insignia”) to ensure that such use is related to the University’s educational, service and research missions and promotes its objectives. Responsibility for overseeing use of the University’s names and insignia lies with the Secretary of the University.

Official Use

When representing the University in an official capacity, all units of the University and members of the faculty and administration must use “University of Pennsylvania” in their publications and documents. Approved University stationery must be used for official correspondence.

University names and insignia may be used in connection with any academic University program provided that the program has been approved in advance by the responsible department chair and dean or director, and Provost, as appropriate. University units, faculty, staff and student organizations that wish to use University names or insignia in connection with any non-academic University program, activity, service or product must obtain the approval of the Secretary of the University before proceeding. Requests to use University names or insignia must first be presented to the appropriate department chair and dean, director, or, in the case of student organizations, to the Vice Provost for University Life, for review. If approved by the Dean, director, or Vice Provost, a request with supporting information must be submitted to the Secretary for review. The Secretary will review the proposed use and determine whether it is properly related to the University’s missions and, in consultation with the Provost, Executive Vice President and others as appropriate, whether the benefits of the proposed use outweigh any risks associated with the use. The Secretary may approve the proposed use, with or without conditions, or disapprove the proposed use.

Licensed Uses by Outside Entities

University names or insignia may be used on products or in connection with services offered by outside entities only under license from the University. Requests for
such licenses are processed jointly through the Office of the Vice President for Business Services ("Business Services") and the Center for Technology Transfer ("the Center"). If Business Services and the Center determine that a proposed licensed use may be beneficial to the University, they may submit a proposal to the Secretary for review. The Secretary will review the proposal and make a determination under the criteria stated above and may take particular note of the nature of the product, the proposed marketing plan, and the capabilities and reputation of the proposed licensee. If the Secretary approves the proposal, the Center is authorized to negotiate a license that is consistent with the terms of approval.

Outside sponsors of University programs or activities often seek to use University names or insignia in promotional or advertising materials. While the University is pleased to recognize the contributions of sponsors, such recognition must not suggest University endorsement of the sponsor’s activities. Therefore, University names or insignia may not be used in connection with any outside entity’s name or logo without prior approval of the Secretary of the University. In general, the Secretary will approve uses which recognize or acknowledge the sponsor’s contribution to the University program or activity. Uses which, in the Secretary’s judgment, may suggest University endorsement or approval of the sponsor’s goods or services will not be permitted.

Private Use

University faculty, staff and students may refer to their affiliation or status with the University in connection with personal activities, including consulting, provided that the affiliation or status is accurately represented and any title or position is accurately identified, and provided that such use does not imply University endorsement of the activity. In some cases, a disclaimer of University endorsement may be required. (See, for example, section II.E.10 of this Handbook.). Use of University insignia in connection with personal activities is prohibited. The University’s name must not be used in any announcement, advertising matter, publication, correspondence, or report in connection with personal or non-University activities if such use in any way could be construed as implying University endorsement of or responsibility for any project, product, or service.

Related Policies

All faculty, staff and students are reminded that University equipment, stationery, campus mail service, and electronic media are to be used solely for University business by authorized University personnel and by officially recognized campus organizations. See Human Resources Policy No. 3. Additional information on faculty and staff involvement in extramural activities and organizations can be found in the Conflict of Interest Policy for Faculty Members, and Human Resources Policy Nos. 5 and 6.

(1) Statutes of the Trustees of the University of Pennsylvania, p. 1.
VI.B. Acceptance of Gifts, Grants and Contracts

(Source. Offices of the President and Provost, February 2, 1978)

The University of Pennsylvania enjoys financial support for its programs of instruction and research from many sources, public and private; faculty and staff are encouraged to pursue such support with vigor. Programs undertaken with the aid of external funding must, however, be fully consonant with the standards, character and responsibilities of the University. Conditions for the acceptance of gifts, grants and contracts include:

1. That the purposes to be served are academically worthy, are in accord with the needs and priorities of the University, and are not impediments to the achievement of other academically worthy aims or programs;

2. That there are no conditions attached to the gift, grant or contract that would in any way jeopardize the University’s commitment to the principles of academic freedom and nondiscrimination;

3. That any academic appointment supported by such gifts, grants and contracts be made only in accord with established University procedures;

4. That all established University policies fostering the free dissemination of research results (and otherwise restricting secret research) are respected; and,

5. That acceptance of the gift, grant or contract entails no University financial obligations in the present or at any time in the future except those known and judged to be worth the expenditure or financial risk.

VI.C. Acceptance of Conditional Gifts

(Source. Office of the President, Almanac September 22, 1981)

1. All proposals for gifts to the University, including endowments and similar agreements, will be processed by the Development Office.

2. In the event a proposed gift to the University is conditional, the conditions must be in writing. The Vice President for Development and Alumni Relations will notify the President of all substantial conditional gifts and all other gifts containing conditions that might be construed to violate University policies. The President will then determine, as a requirement for University acceptance, that the conditions would not violate University policy, including recognized principles of academic freedom. If the President has doubts in that regard, he or she will seek the advice of the chair of the Senate Committee on Academic Freedom and Responsibility, who will consult with the Chair of the Senate.
3. The Chairs of the Senate and the Senate Committee on Academic Freedom and Responsibility may inspect the terms of any final agreement. Other members of the University community may, as needed, make requests in writing to the Vice President for Development and Alumni Relations to see the conditions of such final agreements.

VI.D. Sexual Harassment Policy

(Source. Office of the Provost, Almanac, March 15, 2005)

Our community depends on trust and civility. A willingness to recognize the dignity and worth of each person at the University is essential to our mission.

It is the responsibility of each person on campus to respect the personal dignity of others. We expect members of our University community to demonstrate a basic generosity of spirit that precludes expressions of bigotry.

Penn properly celebrates the diversity of its community. We come to Penn from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding also are needed. We should delight in our differences, and should seek to appreciate the richness and personal growth which our diversity provides to us as members of this community.

The University is committed to freedom of thought, discourse and speech, and the attainment of the highest quality of academic and educational pursuits and daily work. Policies and regulations implementing this commitment include the Statement on Academic Freedom and Responsibility, the Guidelines on Open Expression, and the Code of Academic Integrity.

The University also has established policies on behaviors that interfere with these freedoms. Foremost among these policies is the University’s Statement on Non-Discrimination, which prohibits discrimination on the basis of race, color, sex, sexual preference, religion, national or ethnic origin, handicap or disability.

The University also has adopted a policy concerning sexual harassment. The terms “harassment” and “sexual harassment” as used throughout are defined as a matter of University policy, and are not necessarily identical or limited to the uses of that term in external sources, including governmental guidelines or regulations. A statement of the full policy is available at the following:

http://www.upenn.edu/almanac/volumes/v51/n24/OR-shp.html
VI.E. Consensual Sexual Relations Between Faculty and Students

(Source. Offices of the President and Provost, Almanac, November 7, 1995)

The relationship between teacher and student is central to the academic mission of the University. No non-academic or personal ties should be allowed to interfere with the integrity of the teacher-student relationship. Consensual sexual relations between teacher and student can adversely affect the academic enterprise, distorting judgments or appearing to do so in the minds of others, and providing incentives or disincentives for student-faculty contact that are equally inappropriate.

For these reasons, any sexual relations between a teacher and a student during the period of the teacher/student relationship are prohibited. The prohibition extends to sexual relations between a graduate or professional student and an undergraduate when the graduate or professional student has some supervisory academic responsibility for the undergraduate, to sexual relations between department chairs and students in that department, and to sexual relations between graduate group chairs and students in that graduate group. In addition, it includes sexual relations between academic advisors, program directors, and all others who have supervisory academic responsibility for a student, and that student. Teachers and academic supervisors who are sexually involved with students must decline to participate in any evaluative or supervisory academic activity with respect to those students.

The Provost, Deans, Department Chairs and other administrators should respond to reports of prohibited sexual relations that are brought to them by inquiring further and, if such reports appear to be accurate, initiating appropriate disciplinary action or remedial measures against the teacher or supervisor involved.

This policy supplements the University’s policy on Sexual Harassment. In addition, although this policy prohibits consensual sexual relations only between a teacher/supervisor and that individual’s student, the University strongly discourages any sexual relations between members of the faculty (or administration) and undergraduates.

VI.F. The University Alcohol and Drug Policy

(Source. Office of the President, Almanac, September 7, 1999; revised, Office of the Vice Provost of University Life, Almanac, March 1, 2005)

The University Alcohol and Drug Policy, like other standards of conduct applicable to the University community, is intended to further the educational mission of the University of Pennsylvania. The University is committed to fostering an environment that promotes the acquisition of knowledge and nurtures the growth of the individual. Each member of our intellectual community is responsible for his or her own actions and is expected to contribute to the Penn community and to respect the rights of others to participate in the academic and social life of the University. The following alcohol and drug policy, with its emphasis on individual and shared responsibility, healthy and
informed decision-making, maintaining a caring environment, and the promotion of genuine dialogue, is adopted in this spirit.

This 1999 University Alcohol and Drug Policy supersedes and replaces both the previous Alcohol and Drug policy and the Greek Alcohol Management policy.

Students, staff and faculty may be subject to additional requirements and procedures set forth by their respective schools or departments, and which may be stated in handbooks generated by those entities.

A full statement of the policy is available at the following:

http://www.vpul.upenn.edu/alcohol/policy2.html

VI.G. Drug-Free Workplace Policy

(Source. Office of the President, March 1, 1989)

1. Prohibited Drug Activity

The University of Pennsylvania prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by its employees in its workplace. Each University employee agrees as a condition of employment to abide by this policy, and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute for a violation that occurred in the workplace.

2. Sanctions

Any University employee who violates the University’s policy or who is convicted under a criminal drug statute for a violation occurring in the workplace will be subject to the University’s disciplinary procedures up to and including dismissal and may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.

3. Drug-Free Workplace Program
   a. The University of Pennsylvania has established a drug-free awareness program to inform employees about:
      (1) The dangers of drug abuse in the workplace through such activities as “Drug Awareness Week” and training programs for supervisors;
      (2) The University’s policy of maintaining a drug-free workplace through distribution of the policy to all employees;
      (3) Available drug counseling, rehabilitation and employee assistance programs such as those provided through the Penn Employee Assistance Program; and
VI. OTHER POLICIES

(4) The penalties that may be imposed upon employees for drug abuse violations in the workplace.

b. Each University employee will be given a copy of the University’s Drug-Free Workplace Policy.

c. Each employee, as a condition of employment must agree to abide by the University’s Drug-Free Workplace Policy and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute for a violation that occurred in the workplace. When a supervisor is notified by an employee of such a conviction, he or she shall immediately notify the Vice President for Human Resources (or designee) and, if the employee is paid in whole or part from a federal grant, contract or cooperative agreement, the Executive Director for Sponsored Programs. The Executive Director for Sponsored Programs will notify the appropriate federal agency within ten (10) days of receiving notice of such conviction.

d. The University will make a good faith effort to continue to maintain a drug-free workplace through implementation of the above program.

VI.H. Procedures for the Evaluation and Certification of the English Fluency of Undergraduate Instructional Personnel

(Source. Office of the Provost, March 1997; revisions April 1998)

In 1990, the Commonwealth of Pennsylvania enacted legislation requiring that every member of an institution of high learning who teaches undergraduates be certified as fluent in the English language, if it is not his or her first language. In order to comply with this legislation, Penn instituted a set of requirements that are enforced through training and testing performed by the Office of English Language Programs. A complete description of the requirements is available at the following sites:

http://www.upenn.edu/almanac/v43/n26/engfluen.html

http://www.upenn.edu/almanac/v44/n30/orfluent.html

VI.I. Policy Prohibiting Workplace Violence

Workplace violence is of concern to employers and employees, in both the public and private sectors, nationwide. At Penn, we work hard to ensure that we maintain a safe and secure environment in which to live, work, and study. The University is committed to continuing this effort by adopting the University of Pennsylvania Policy Prohibiting Workplace Violence. This policy applies to all University employees, including faculty,
staff, temporary, occasional employees, and student workers, as well as consultants and sub-contractors. The policy should serve to educate the community as to the meaning of workplace violence, provide information about where and how to report any such acts, and to explain how to access assistance and support. The policy also outlines the sanctions that may be imposed upon persons who disrupt the safety and security of their co-workers and other members of the University community.

All members of the community are encouraged to treat colleagues and co-workers with civility and respect. By promulgating this policy, we hope to increase our community’s understanding of this issue and to provide information on how to handle any incidents that may arise.

A full statement of the policy is available at the following:

http://www.upenn.edu/almanac/v50/n32/OR-vio.html
Policy on Consultation where the Administration has Primary Decision-making Responsibility

(Source. Office of the President, Almanac, April 20, 1999)

President’s Message on Consultation Policy

Dear Colleagues:

I am pleased to inform you of my acceptance of the Policy on Consultation as reviewed and approved by the Senate Executive Committee and University Council. It is a document that will help guide the consultative process at Penn in constructive and meaningful ways.

Importantly, the policy distinguishes operational from strategic, developmental decisions, and it distinguishes the different levels of consultation required for these different kinds of decisions. Just as importantly, the policy articulates the responsibility of persons who are consulted to respond and accurately reflect the views of their constituents. It recognizes that “consultation” does not mean “agreement,” and that final decision-making authority in areas where the administration has ultimate or primary responsibility rests with the Trustees, the President, the Provost and the Executive Vice President. Further, the policy appropriately leaves to the administration the determination of which groups or individuals should be consulted in particular cases, while recognizing the wealth of existing mechanisms for such consultation.

It would be difficult for any policy to enumerate all of the consultative bodies that exist at Penn, and I note that a number of important groups are not explicitly mentioned in the policy. These include the Academic Planning and Budget Committee, the President’s Advisory Group, the Council of Deans, the Graduate Council of the Faculties, and many other committees, working groups, and advisory groups such as the WXPN Policy Board and the Archives Advisory Committee. The Provost, Executive Vice President, and I will, of course, continue to seek the guidance of these and other existing consultative bodies when appropriate.

The policy thoughtfully articulates procedures for confidential consultation and recognizes the responsibilities of those so consulted. As you know, it will be necessary, on occasion, for administrative officials, as fiduciaries of the University, to conduct confidential discussions with internal and/or external parties in carrying out University business. As one obvious example, early negotiations on the University’s acquisition of strategic real estate would clearly require such confidentiality. If such negotiations were disclosed, the University’s negotiating position could be seriously undermined. In any future case of this sort, a decision by the administration to conduct University business on a confidential basis will be made only for compelling reasons, and, as stipulated in the policy, I will inform the Chairs of such a situation.
In closing, I will make sure that the senior officers of the University and their staffs are informed of this policy and its requirements. I look forward to working with you on the implementation of the Policy on Consultation.

—Judith Rodin, President

This statement sets forth the policy of the University on consultation between officers of the University and their representatives (“the administration”) and persons or bodies who are members of constituent groups having an interest in the adoption, modification or implementation of various programs, actions and policies of the University in those areas of decision-making where the administration has final or primary responsibility and the faculty does not have a distinctive role.

Thus, this policy on consultation—which includes the Standing Faculty as one among several relevant constituency groups—does not pertain to those areas of decision-making where the Standing Faculty holds primary responsibility or where responsibility is held jointly by the administration and the Standing Faculty, under the University’s system of coordinate powers and shared governance. Nor does it apply to those areas of primary administrative responsibility in which the Standing Faculty’s distinctive role in the University would justify differential access to consultation as compared with the other constituency groups referred to in this policy.

1. Norms governing consultation policy

This policy shall be interpreted and applied in light of certain underlying premises and norms:

a. The University is a non-profit organization committed to the structuring of its work and educational activities so as to provide opportunities for all who live, teach, carry on research, work, or study here to be participants in the campus community.

b. Except where strategic concerns actually and reasonably counsel little or no public knowledge or awareness of emergent policies or actions, it is the administration’s duty to allow for full and open discussion that is consistent with the democratic aspirations of the University.

c. Faculty, students, and staff, both as individuals and as constituency groups, have a stake in the welfare of the community as a whole, typically make a major commitment of time and devotion to the common enterprise, and often possess skills, resources and perspectives critical to the making of decisions that improve the quality of life at the University and in the surrounding community.

d. As the largest private employer in Philadelphia, making its home in West Philadelphia, the University is an integral part of both the West Philadelphia community and the city as a whole, and has an important responsibility to take account of the effect of its decisions on those larger communities.
e. Consultation by the University administration should be understood as conferring on those who are consulted an invitation and a responsibility to respond, to respect confidentiality when it is promised, to report and represent accurately the views of constituents and superiors, and to report in a timely manner to their constituents.

f. In the decision-making areas to which this policy on consultation applies, ultimate decisional authority rests with the Trustees and (pursuant to authority delegated by the Trustees) the President, in order that they may fulfill their responsibility to ensure the institutional and financial health of the University, as distinguished from its academic and scholarly mission, where the faculty holds primary responsibility under the Trustees or, in some cases, shares such responsibility with the administration. The consultative process itself may be considered separate from the outcomes of that process, and a democratic, substantive, interactive process of consultation is not a mechanism for ensuring specific outcomes or for suppressing disagreement on substantive issues.

2. Definition

Consultation includes, but goes beyond, the disclosure of information about emergent decisions and policies. It is a process that embodies the spirit of give-and-take, whereby information of all types—specific questions, concerns and methods, but also broader strategies, principles and frameworks—is exchanged and incorporated into the process throughout its duration.

3. The framework of consultation

a. Selection of consultation partners

It is for the most part in the administration’s discretion to determine the identity of those bodies or individuals with whom to consult on specific matters. (Consultative procedures for use in the appointment, reappointment, or removal of academic administrators are specified elsewhere in this Handbook, and are not addressed here.) The University Council and Faculty Senate, and their appropriate committees, as well as the independent committees provided for in the bylaws of the Council, are the means of carrying on the process. They are readily available.

b. Structures facilitating consultation

The long-standing practice of the President and Provost to meet regularly with several groups provides a flexible established mechanism for raising matters on which consultation is appropriate, including the further specification of consultation partners. Specifically (but not exclusively), the Chair, Past Chair, and Chair-Elect of the Faculty Senate (“the three chairs”) meet frequently, and the Senate Executive Committee meets periodically, with the President and the Provost and, as needed with other senior administrators. Similar practices exist with respect to the chairs or other officers of the Undergraduate Assembly, the Graduate and Professional Students Assembly, the Penn Professional Staff Assembly, and the Weekly Paid Staff Assembly Executive Board.
c. Range and timing of consultation

(1) Range of decisions subject to consultation

The policies and decisions facing the University as an institution range along a continuum, from major developmental decisions, on one end, to narrower operational decisions, on the other. Broad consultation is needed most in the case of developmental decisions, and to a lesser extent with respect to operational decisions.

(2) Timing of consultation

A decision-making process contains a number of steps: (1) gathering of data; (2) formulation of goals; (3) development of major alternatives; (4) provisional evaluation of each alternative; (5) provisional selection of the most desirable alternative or set of alternatives; (6) implementation of the decision made; and (7) monitoring and adjustment of the action to be taken. The process is often sequential, but may be cyclical or overlapping rather than linear, with decision makers often revisiting some or all of the steps as they move toward a decision, refining and understanding it better with each cycle. The following norms shall guide the administration in applying the “steps” model to the question of the appropriate timing of consultation:

(a) Consultation is presumptively obligatory no later than the conclusion of Step 3, and should be considered earlier, and carried out, where the decision maker in fact believes it feasible or perceives its utility.

(b) Earlier consultation is presumptively obligatory in a particular case if, in the considered judgment of a reasonable person in the position of the decision maker, the momentum inherent in moving through steps 1-3 would be recognized as sufficient to significantly inhibit (even though not preventing entirely) genuine consultation at the conclusion of Step 3.

(c) Consultation may be deferred, notwithstanding it being presumptively obligatory under sections 3.c.(2) (a) or (b), where and only to the extent that, for concrete and specific reasons, the need for confidentiality is reasonably believed clearly and strongly to counsel against it; provided, that in such event it shall be the administration’s responsibility to consult the three chairs, under a promise of confidentiality, to advise them of the matter in question, and to seek and take seriously their counsel whether, how and when any consultation, going beyond them, should take place. It shall be the responsibility of the three chairs to consider whether to suggest to the President that, in light of the specific issue at hand, it would be appropriate, still on a confidential basis, to bring the UA and GAPSA chairs, the Penn Professional Staff Assembly and Weekly Paid Staff Assembly chairs, or
both groups, into the discussion of a matter, or in any other manner to
broaden the sharing of information. Where there has been such a deferral
of a more open consultation with the constituencies themselves, the
administration should be especially attentive to the need for consultation
more broadly at the later stages.

4. Safeguards

a. When a constituency representative has been consulted in confidence about a
matter thought by the administration not to be ripe for broader disclosure, the
representative shall, at an appropriate later date, report the fact of confidential
consultation to his or her constituency.

b. When those consulted by an administration representative believe that the
issues involved are such that it is important that more senior administrators hear
their views directly, it shall be their responsibility to bring that belief to the
attention of the President or Provost, utilizing the mechanisms described in
section 3.b.

c. It shall be the responsibility of the three chairs to advise the President or
Provost of any serious concerns that they have, or have come to their attention,
regarding a matter that has not been disclosed to them by the administration,
and to request the President to consider the timing and manner of consultation.

d. It shall be the responsibility of the leadership of student constituencies to take
the necessary steps to orient the relevant student committees to the background
and origin of a question, and to monitor the work of student committees to
assure that their membership is active and increasingly informed and
sophisticated about important matters.

e. It shall be the responsibility of a person, group of people, or committee or other
body consulted by the administration on a matter, to consider whether that act
suffices as consultation with the constituency itself, or whether it should share
the information, propose that the administration itself share it, or (where the
information has been given in confidence) seek administration approval to
share it, with a broader range of membership within the relevant constituencies.

Where there is a need for consultation with a committee of Council or the Senate, or with
officers of constituency bodies, the need is ordinarily not satisfied by consultation with an
administrative committee that contains faculty, staff or student members among it.
APPENDIX 2

Standing Faculty-Clinician-Educator Track

The following apply to all Clinician-Educators.

Conditions of Employment

As is the case with other faculty categories, all Clinician-Educators receive a clear statement of their conditions of employment, including use of facilities and access to patients; the responsibilities of the school or other budgetary unit for payment of salary and specified benefits; the right of persons to due process by mechanisms available to all University faculty in the event of grievances or alleged failure to protect the individual rights accorded a faculty member; and the circumstances under which the appointment may be terminated. This statement will be part of the document governing the appointment. All patient care activities of Clinician-Educators will be located in facilities under the auspices of, or approved by, the school in question.

Salary and Benefits

Clinician-Educator salaries shall conform to school policies. All Clinician-Educators will be entitled to the same faculty benefits from the University as other members of the Standing Faculty. Leaves of absence are not an unconditional benefit, whether for scholarly or other purposes. They will be granted only when conforming to the University’s general policy on leaves and when determined on an individual basis to be in the interest of both the faculty member and the school.

Rights and Privileges

Except for the untenured and non-tenure probationary nature of the appointment, the restriction on extramural employment noted above and the stipulation that they do not normally vote on matters of tenure or participate in discussion concerning the compensation of tenured faculty, Clinician-Educators share in all the rights and privileges of the Standing Faculty of the University. Should grievances arise which are not adjusted administratively, appointees may seek adjudication through the established mechanisms of the school and the University.

Timing of Appointments and Shifts of Faculty Category

In the health schools, there are three Standing Faculty categories at the rank of Assistant Professor: a seven-year tenure probationary category, a ten-year tenure probationary category, and the ten-year Clinician-Educator category, which is not tenure probationary. Currently, all Assistant Professors in the Schools of Dental Medicine, Medicine and Veterinary Medicine have initial three-year appointments, but in the School of Nursing the initial appointment is either for three or four years. In all
Schools, new Assistant Professors enter one of the three categories at the time of their initial appointment.

Clinically oriented Assistant Professors in the seven-year probationary category must make a decision before the end of the third year of the initial appointment to remain in the category to which they were initially appointed or to transfer to one of the other two categories if such a position is available. Clinically oriented Assistant Professors in the ten-year probationary or Clinician-Educator categories may also change categories at this time if a position is available. Those electing the seven-year tenure probationary category will be reviewed for promotion to the rank of Associate Professor with tenure not later than the sixth year. The decision can only result in either promotion to the rank of Associate Professor with tenure or termination of appointment and separation from the University subject to the terms of the then existing appointment. No shift from the seven-year category to one of the other two is allowed after the end of the initial appointment. However, clinically oriented Assistant Professors in either the ten-year tenure probationary category or the Clinician-Educator category may make one further shift. During the first reappointment, but not later than the end of the sixth year, such an Assistant Professor may move from the ten-year tenure probationary category to the Clinician-Educator category or vice versa. No Assistant Professor may make a change of categories after the end of the sixth year. Assistant Professors in either of these latter two categories will be reviewed for promotion to the rank of Associate Professor during the ninth year. In each case, the decision can only result in either promotion to the rank of Associate Professor or termination of the appointment and separation from the University subject to the terms of the then existing appointment. A grant of tenure must accompany promotion in the ten-year tenure probationary category; tenure cannot be attained in the Clinician-Educator category.

Having achieved the rank of Associate Professor, transfer between tenure status and Clinician-Educator status may be made rarely and only if, upon review by the faculty committee responsible for quality and qualifications of faculty and by the Provost’s Staff Conference, the individual is found to have met all criteria appropriate to the receiving category at the proposed rank. Transfer from the Clinician-Educator category to a tenured position requires a full national search. Persons from outside the school’s faculty with appropriate experience and credentials for initial appointment as Associate Professor or Professor in the Clinician-Educator category will ordinarily be appointed directly to that category after an appropriate search.

Scope

Nothing in this document is intended to change the status of or to increase or decrease the rights and obligations of other persons presently on the full-time faculty of the schools involved.
The following apply to Clinician-Educators in the schools indicated.

**Nursing School**

**Professional Activity**

A Clinician-Educator will be required to devote his/her full professional time to activities on behalf of the educational and patient care functions of the school. The faculty member will be subject to University policy on conflict of interest. The one-in-seven day rule will apply except that the Clinician-Educator will not be permitted to devote any time to employment in extramural patient care. All patient-derived income of Clinician-Educators must be returned to and managed by the school.

In the School of Nursing, the one-in-seven day rule will apply, except that the Clinician-Educator will not be permitted to devote any time to employment in extramural professional practice activities as defined in the individual’s contract.

**Limitations on the Size of the Clinician-Educator Faculty**

At no time shall the voting strength of faculty members in the Clinician-Educator category exceed forty percent of the voting strength of the Standing Faculty of the School of Nursing as a whole, and no section shall have more than half its Standing Faculty membership composed of Clinician-Educators.

**Termination**

Termination of employment of persons who have chosen and entered the Clinician-Educator faculty will be made only because of (1) failure to secure promotion to Associate Professor by the end of the probationary period, which shall not exceed ten years, (see above); (2) retirement (3) failure to provide appropriate practice income commensurate with responsibilities assigned by the appropriate department or section chief; or (4) for “just cause” as customarily determined within the University. The term “practice income” means income derived from professional practice or related professional activities of Clinician-Educators that is collected and disbursed within the University. The four schools have amplified point (3) in several respects as follows:

Clinician-Educators must generate a level of practice income appropriate to the level of patient-related activity assigned to them within their departments or sections. Levels of patient-related activity are assigned to Clinician-Educators by department or section chairs after consideration of the individual’s academic activities, administrative activities, and other obligations. The practice income generated must be sufficient to cover an appropriate portion of the academic base salary, benefits, and overhead. In cases where patient care is the predominant activity of Clinician-Educators, the appropriate portion may be the entire amount. In other cases, the appropriate portion
may be less than the entire amount because of the type of patient being seen, the time and effort necessary to develop clientele, or other academic duties assigned within the department or section. Clinician-Educators must be informed annually in writing of their clinical responsibilities and the amount of practice income they will be expected to generate each year.

In order to establish that a Clinician-Educator has not generated the appropriate level of practice income, a period of observation of a year’s duration is required. Written notice of the initiation of a twelve-month period of observation and of potential termination at the end of that twelve-month period must be provided by the department or section chair to the Clinician-Educator. The Dean and the program director participate with the section chair in notifying the Clinician-Educator, and the notice is provided by April 1 based on the activities of the preceding twelve months. This notice must include a statement of the amount of practice income that the Clinician-Educator will be obliged to generate during the subsequent year of observation. If, at the end of the year of observation, the department or section chair finds that this income has not been generated, the section chair in collaboration with the Dean must give written notice to the Clinician-Educator if termination of the appointment is planned. This notice shall include the reasons for termination, a description of the appropriate appeal process, and a statement that termination shall occur at the end of the next twelve-month period.

A one-year extension of the observation period is possible. Extension for a second twelve-month period may be given by the department or section chair not later than three months prior to the termination of the first twelve-month period of observation if, in the judgment of the chair, there has been sufficient improvement in the amount of practice income generated. If an extension for a second twelve months of observation is given, by the end of the sixth month of the second twelve-month period of observation the department or section chair, with the concurrence of the Dean, must notify the Clinician-Educator in writing either of termination at the end of the second twelve months of observation or of cancellation of the notice of termination.

The following appeal mechanism will apply: should the Clinician-Educator either contest the level of practice income set by the section chair and the Dean or assert that she or he has generated the appropriate level of practice income, the Clinician-Educator may, not later than one month after the last day of the period of observation and possible termination notice, file a written appeal with the Dean and the chair of the Personnel Committee. Within one month of receipt of such written appeal, the Personnel Committee shall appoint from its membership an ad hoc committee of three which shall elect its own chair. The ad hoc committee shall investigate and report in writing to the Clinician-Educator, the section chair, the program director, the chair of the personnel committee, and the Dean within one month of its appointment whether termination is or would be in accordance with the standards and procedures set forth in the initial letter of appointment and in this document.
School of Dental Medicine

Professional Activity

A Clinician-Educator will be required to devote his/her full professional time to activities on behalf of the educational and patient care functions of the school. The faculty member will be subject to University policy on conflict of interest. The one-in-seven day rule will apply except that the Clinician-Educator will not be permitted to devote any time to employment in extramural patient care. All patient-derived income of Clinician-Educators must be returned to and managed by the school.

Limitations on the Size of the Clinician-Educator Faculty

At no time shall the voting strength of the faculty members in the Clinician-Educator category exceed thirty percent of the voting strength of the Standing Faculty of the School of Dental Medicine as a whole.

Termination

Termination of employment of persons who have chosen and entered the Clinician-Educator faculty will be made only because of (1) failure to secure promotion to Associate Professor by the end of the probationary period, which shall not exceed ten years, (see above); (2) retirement (3) failure to provide appropriate practice income commensurate with responsibilities assigned by the appropriate department or section chief; or (4) for “just cause” as customarily determined within the University. The term “practice income” means income derived from professional practice or related professional activities of Clinician-Educators that is collected and disbursed within the University. The four schools have amplified point (3) in several respects as follows:

Clinician-Educators must generate a level of practice income appropriate to the level of patient-related activity assigned to them within their departments or sections. Levels of patient-related activity are assigned to Clinician-Educators by department or section chairs after consideration of the individual’s academic activities, administrative activities, and other obligations. The practice income generated must be sufficient to cover an appropriate portion of the academic base salary, benefits, and overhead. In cases where patient care is the predominant activity of Clinician-Educators, the appropriate portion may be the entire amount. In other cases, the appropriate portion may be less than the entire amount because of the type of patient being seen, the time and effort necessary to develop clientele, or other academic duties assigned within the department or section. Clinician-Educators must be informed annually in writing of their clinical responsibilities and the amount of practice income they will be expected to generate each year.
In order to establish that a Clinician-Educator has not generated the appropriate level of practice income, a period of observation of a year’s duration is required. Written notice of the initiation of a twelve-month period of observation and of potential termination at the end of that twelve-month period must be provided by the department or section chair to the Clinician-Educator. The department chair also notifies the Dean of the initiation of such a period. This notice must include a statement of the amount of practice income that the Clinician-Educator will be obliged to generate during the subsequent year of observation. If, at the end of the year of observation, the department or section chair finds that this income has not been generated, the chair must give written notice to the Clinician-Educator if termination of the appointment is planned. This notice shall include the reasons for termination, a description of the appropriate appeal process, and a statement that termination shall occur at the end of the next twelve-month period.

A one-year extension of the observation period is possible. Extension for a second twelve-month period may be given by the department or section chair not later than three months prior to the termination of the first twelve-month period of observation if, in the judgment of the chair, there has been sufficient improvement in the amount of practice income generated. If an extension for a second twelve months of observation is given, by the end of the sixth month of the second twelve-month period of observation the department or section chair, with the concurrence of the Dean, must notify the Clinician-Educator in writing either of termination at the end of the second twelve months of observation or of cancellation of the notice of termination.

If a Clinician-Educator believes that a determination by the department chair that he or she had not generated the appropriate level of practice income is incorrect, that the amount of income required to be generated is excessive, or that he or she has been or may be prevented from earning the appropriate level of income by discriminatory patient-care assignments, he or she may, at any time after the commencement of the observation period, but not later than one month after the termination notice, file a written appeal with the Dean and the chair of the Committee of Professors. Within one month of receipt of such a written appeal, this committee shall appoint from its membership an ad hoc committee of five which shall elect its own chair. The ad hoc committee shall investigate and report to the Clinician-Educator, the chair of the department and the chair of the appropriate faculty committee within one month of its appointment whether termination is or would be in accordance with the standards and procedures set forth above. Either the department chair or the Clinician-Educator can request review of the ad hoc committee’s conclusion by the appropriate faculty committee, which shall conduct such a review within one month. The decision of the ad hoc committee or the appropriate faculty committee (where this committee has reviewed the ad hoc committee’s decision) shall be transmitted in writing to the Dean.
School of Medicine

Professional Activity

A Clinician-Educator will be required to devote his/her full professional time to activities on behalf of the educational and patient care functions of the school. The faculty member will be subject to University policy on conflict of interest. The one-in-seven day rule will apply except that the Clinician-Educator will not be permitted to devote any time to employment in extramural patient care. All patient-derived income of Clinician-Educators must be returned to and managed by the school.

Limitations on the Size of the Clinician-Educator Faculty

The percentage of Clinician-Educators in the faculty of the School of Medicine may not exceed forty percent of the number of Standing Faculty in that school.

Termination

Termination of employment of persons who have chosen and entered the Clinician-Educator faculty will be made only because of (1) failure to secure promotion to Associate Professor by the end of the probationary period, which shall not exceed ten years, (see above); (2) retirement (3) failure to provide appropriate practice income commensurate with responsibilities assigned by the appropriate department or section chief; or (4) for “just cause” as customarily determined within the University. The term “practice income” means income derived from professional practice or related professional activities of Clinician-Educators that is collected and disbursed within the University. The four schools have amplified point (3) in several respects as follows:

Clinician-Educators must generate a level of practice income appropriate to the level of patient-related activity assigned to them within their departments or sections. Levels of patient-related activity are assigned to Clinician-Educators by department or section chairs after consideration of the individual’s academic activities, administrative activities, and other obligations. The practice income generated must be sufficient to cover an appropriate portion of the academic base salary, benefits, and overhead. In cases where patient care is the predominant activity of Clinician-Educators, the appropriate portion may be the entire amount. In other cases, the appropriate portion may be less than the entire amount because of the type of patient being seen, the time and effort necessary to develop clientele, or other academic duties assigned within the department or section. Clinician-Educators must be informed annually in writing of their clinical responsibilities and the amount of practice income they will be expected to generate each year.

In order to establish that a Clinician-Educator has not generated the appropriate level of practice income, a period of observation of a year’s duration is required.
Written notice of the initiation of a twelve-month period of observation and of potential termination at the end of that twelve-month period must be provided by the department or section chair to the Clinician-Educator. The department chair also notifies the Dean of the initiation of such a period. This notice must include a statement of the amount of practice income that the Clinician-Educator will be obliged to generate during the subsequent year of observation. If, at the end of the year of observation, the department or section chair finds that this income has not been generated, the chair must give written notice to the Clinician-Educator if termination of the appointment is planned. This notice shall include the reasons for termination, a description of the appropriate appeal process, and a statement that termination shall occur at the end of the next twelve-month period.

A one-year extension of the observation period is possible. Extension for a second twelve-month period may be given by the department or section chair not later than three months prior to the termination of the first twelve-month period of observation if, in the judgment of the chair, there has been sufficient improvement in the amount of practice income generated. If an extension for a second twelve months of observation is given, by the end of the sixth month of the second twelve-month period of observation the department or section chair, with the concurrence of the Dean, must notify the Clinician-Educator in writing either of termination at the end of the second twelve months of observation or of cancellation of the notice of termination.

If a Clinician-Educator believes that a determination by the department chair that he or she had not generated the appropriate level of practice income is incorrect, that the amount of income required to be generated is excessive, or that he or she has been or may be prevented from earning the appropriate level of income by discriminatory patient-care assignments, he or she may, at any time after the commencement of the observation period, but not later than one month after the termination notice, file a written appeal with the Dean and the chair of the Steering Committee of the Medical Faculty Senate. Within one month of receipt of such a written appeal, this committee shall appoint from its membership an ad hoc committee of five which shall elect its own chair. The ad hoc committee shall investigate and report to the Clinician-Educator, the chair of the department and the chair of the appropriate faculty committee within one month of its appointment whether termination is or would be in accordance with the standards and procedures set forth above. Either the department chair or the Clinician-Educator can request review of the ad hoc committee’s conclusion by the appropriate faculty committee, which shall conduct such a review within one month. The decision of the ad hoc committee or the appropriate faculty committee (where this committee has reviewed the ad hoc committee’s decision) shall be transmitted in writing to the Dean.
School of Veterinary Medicine

Professional Activity

A Clinician-Educator will be required to devote his/her full professional time to activities on behalf of the educational and patient care functions of the school. The faculty member will be subject to University policy on conflict of interest. The one-in-seven day rule will apply except that the Clinician-Educator will not be permitted to devote any time to employment in extramural patient care. All patient-derived income of Clinician-Educators must be returned to and managed by the school.

Limitations on the Size of the Clinician-Educator Faculty

At no time shall the voting strength of faculty members in the Clinician-Educator category exceed twenty-five percent of the voting strength of the Standing Faculty of the School of Veterinary Medicine as a whole. At no time shall more than thirty percent of the Standing Faculty of any clinical department be in the Clinician-Educator category.

Termination

Termination of employment of persons who have chosen and entered the Clinician-Educator faculty will be made only because of (1) failure to secure promotion to Associate Professor by the end of the probationary period, which shall not exceed ten years, (see above); (2) retirement (3) failure to provide appropriate practice income commensurate with responsibilities assigned by the appropriate department or section chief; or (4) for “just cause” as customarily determined within the University. The term “practice income” means income derived from professional practice or related professional activities of Clinician-Educators that is collected and disbursed within the University. The four schools have amplified point (3) in several respects as follows:

Clinician-Educators must generate a level of practice income appropriate to the level of patient-related activity assigned to them within their departments or sections. Levels of patient-related activity are assigned to Clinician-Educators by department or section chairs after consideration of the individual’s academic activities, administrative activities, and other obligations. The practice income generated must be sufficient to cover an appropriate portion of the academic base salary, benefits, and overhead. In cases where patient care is the predominant activity of Clinician-Educators, the appropriate portion may be the entire amount. In other cases, the appropriate portion may be less than the entire amount because of the type of patient being seen, the time and effort necessary to develop clientele, or other academic duties assigned within the department or section. Clinician-Educators must be informed annually in writing of their clinical responsibilities and the amount of practice income they will be expected to generate each year.
In order to establish that a Clinician-Educator has not generated the appropriate level of practice income, a period of observation of a year’s duration is required. Written notice of the initiation of a twelve-month period of observation and of potential termination at the end of that twelve-month period must be provided by the department or section chair to the Clinician-Educator. The department chair also notifies the Dean of the initiation of such a period. This notice must include a statement of the amount of practice income that the Clinician-Educator will be obliged to generate during the subsequent year of observation. If, at the end of the year of observation, the department or section chair finds that this income has not been generated, the chair must give written notice to the Clinician-Educator if termination of the appointment is planned. This notice shall include the reasons for termination, a description of the appropriate appeal process, and a statement that termination shall occur at the end of the next twelve-month period.

A one-year extension of the observation period is possible. Extension for a second twelve-month period may be given by the department or section chair not later than three months prior to the termination of the first twelve-month period of observation if, in the judgment of the chair, there has been sufficient improvement in the amount of practice income generated. If an extension for a second twelve months of observation is given, by the end of the sixth month of the second twelve-month period of observation the department or section chair, with the concurrence of the Dean, must notify the Clinician-Educator in writing either of termination at the end of the second twelve months of observation or of cancellation of the notice of termination.

If a Clinician-Educator believes that a determination by the department chair that he or she had not generated the appropriate level of practice income is incorrect, that the amount of income required to be generated is excessive, or that he or she has been or may be prevented from earning the appropriate level of income by discriminatory patient-care assignments, he or she may, at any time after the commencement of the observation period, but not later than one month after the termination notice, file a written appeal with the Dean and the chair of the School Committee on Academic Freedom and Responsibility. Within one month of receipt of such a written appeal, this committee shall appoint from its membership an ad hoc committee of five which shall elect its own chair. The ad hoc committee shall investigate and report to the Clinician-Educator, the chair of the department and the chair of the appropriate faculty committee within one month of its appointment whether termination is or would be in accordance with the standards and procedures set forth above. Either the department chair or the Clinician-Educator can request review of the ad hoc committee’s conclusion by the appropriate faculty committee, which shall conduct such a review within one month. The decision of the ad hoc committee or the appropriate faculty committee (where this committee has reviewed the ad hoc committee’s decision) shall be transmitted in writing to the Dean.
**School of Social Policy and Practice**

*(Source. Standing Resolution of the Trustees, June 19, 1987)*

Standing Faculty-Clinician-Educators also include full-time faculty members in the School of Social Policy and Practice engaged in activities at health care institutions. These appointments are governed by the following document: *School of Social Policy and Practice: Clinician-Educator Proposal* as approved by the Trustees on June 19, 1987.

**Introduction**

As a graduate professional school with a major commitment to education and research in the health care sector, the School of Social Work seeks to establish a Clinical Educator series in order to expand opportunities for research and education in health care settings. It is proposed that no more than 20% of Social Work standing faculty of 17 be designated as Clinical Educator (up to 3). Clinical Educators would add specialized knowledge and skill to the School’s curriculum through elective courses and as chemical dependencies, psychopathology, family therapy, companionship therapies, and related health and mental health topics. It is clear that the School’s masters and doctoral program would also be enriched by the research competencies of Clinical Educators linked to clinical settings with research populations. Consistent with the Handbook for Faculty and Administrators, Clinical Educators would be expected to generate sufficient income through service provision and teaching to support full-time appointments. Initially, salaries will appear in the department budgets of one or more units in the health care facility. It is expected that new research and program funds will be generated by Clinical Educators over time to complement the service component and thereby “buy off” service funding with research grant funding. It is also expected that a small portion of their support (10%-20%) will come from teaching courses in the School of Social Work. The primary location for Social Work Clinical Educators will be health care settings affiliated with the University of Pennsylvania. The policies governing these new faculty positions would follow the “Guidelines for Appointments and Promotions of Clinical Educators in the Health Schools of the University of Pennsylvania” (January 8, 1985) with respect to the title, conditions of employment, salaries and benefits, professional activity, rights and privileges, limitations on size of the clinician educator faculty, timing of appointments and shifts of faculty category, terminations, review and scope.

**Proposed Clinician Educator Track**

The Faculty of the School of Social Work proposes the establishment of a Clinician Educator track:

a. There shall be established a category of full-time Clinician Educators, who are members of the Standing faculty of the University on a non tenured Clinician Educator track, to take effect September, 1987 or as soon thereafter as is administratively practical.
b. These persons will be members of the Standing Faculty of the University.
c. Their appointment will be made on recommendations of the members of the Standing Faculty of the School of Social Work. To take effect an appointment or promotion must be approved and reviewed by the Personnel Committee of the School of Social Work utilizing general criteria defined and agreed to by the voting faculty of the School (e.g., practice experience with doctoral level research and teaching capacities). It must be reviewed and approved in normal course by the Dean and Provost’s Staff Conference.
d. Termination of employment for persons who have chosen and entered into work on the non tenure track will be made only because of (1) failure to secure promotion to Associate Professor by the end of the probationary period which shall not exceed ten years, (2) attainment of any required retirement age; (3) insufficient funds from clinical income to pay the agreed upon portion of his/her salary; or (4) for “just cause” as customarily determined within the University. (See “j” below.) See Appendix A for Termination Procedure and Internal Appeal Mechanism.
e. To assure conformity with nomenclature approved for University appointees in the Clinician Educator track with a professional rank, the appointee will hold the modified title of Assistant Professor/Clinician Educator, Associate Professor/Clinician Educator at the School of Social Work. That is, a clear and correct modifier must be attached to the professorial title. Whatever title is chosen is to be written in full whenever used in documents, in listings of University personnel and in correspondence.
f. There will be an initial three-year appointment for all full-time social work faculty who are first appointed to the no tenured Clinician Educator track. A faculty member initially appointed to the Clinician Educator track may change to the seven-year traditional tenure track at the completion of the third year of his/her appointment as a Clinician Educator if they emerge successfully from national competition for an available tenure track position in the School. Persons from outside the School faculty with appropriate experience and credential for the initial appointment to senior ranks in the Clinician Educator series will ordinarily become part of the Standing Faculty Clinician Educator group (without tenure).
g. All Clinician Educators will have a written contract with the School of Social Work that contains a clear statement of:

- The conditions of employment; including use of facilities and access to patients.
- The circumstances under which the contract can be terminated.
- The responsibility of the School of Social Work or other budgetary unit for payment of income and all specified benefits; and the rights of persons to due process by mechanisms available to all University faculties in the event of grievances of alleged failure to protect the individual rights accorded a faculty member.
- The restrictions that all client services will be in facilities under the auspices of or approved by the School of Social Work.
Clinician Educators will be reviewed yearly regarding the generation of an agreed upon level of service and research funds. If by April 1st of the first academic year of employment a Clinician Educator has not generated the agreed upon level of funds, a period of observation of one year is required. Written notice of the initiation of a period of observation and potential termination at the end of that year must be provided by the Department Director in collaboration with the Dean to the Clinician Educator by April 1st. This notice must include a statement of the amount of funds that the Clinician Educator will be obliged to generate during the subsequent observation year. If by April 1st of the first year of observation the Department Director and the Dean find that the Clinician Educator has not generated the appropriate level of funds, the Department Director and the Dean must give written notice to the Clinician Educator if termination of her or his appointment is desired at the end of the academic year.

h. Inasmuch as benefits are not restricted to tenured employees of the University, appointees will be entitled to full University faculty benefits. Leaves are not an unconditional benefit, whether for scholarly or other purposes and will be granted only when determined on an individual basis to be in the interest of both the individual and of the School of Social Work.

i. A faculty member on this track will be required to devote his/her full professional time to the activities on behalf of the health care organization’s service and research mission, as well as the education mission of the School of Social Work. All practice earnings will be returned to and managed by the health care organization and the School of Social Work. Salaries will conform to the School of Social Work policies in collaboration with recommendations from the health care organization. The faculty member will be subject to University policy on conflict of interest except that he/she will not be permitted to devote any time to employment in extramural professional practice.

j. Except for restriction on outside employment (section “I”), persons in this category will share all rights and privileges of other School of Social Work faculty except voting on matters of tenure and on compensation of tenured faculty. Should grievance arise which are not resolved administratively, appointees may adjudication through the established mechanisms of the Grievance Commission and the School Committee on Academic Freedom and responsibility as appropriate to the circumstances.

k. At no time shall the voting strength of faculty members on the new Clinician Educator track exceed 20% of the voting strength of the Standing Faculty of the School of Social Work as a whole. In the event that all standing tenured and tenure-track faculty are not present for voting purposes (including vacancies), the total Clinician Educator vote will only be allowed to constitute up to 20% of the votes cast.

l. If approved, these recommendations will apply to all persons appointed beginning with the 1987-88 academic year and to full-time no tenured members of the Standing Faculty of the School of Social Work who voluntarily
choose to be placed on the new track within six months of their notification of its availability. Written notification of this option shall be given at an early date following its approval to all eligible faculty members and is to include a statement limiting the period of any individual’s probationary service to a maximum of ten years form the date of appointment at the assistant professor level.

m. In order to initiate a clinician educator position in the School of Social Work, a plan must be developed for the transfer of salary funds to the School which results in one payroll check. The incumbent must also comply with the relevant personnel policies of the health care organization.

n. The School of Social Work is committed to a full review of this Clinician Educator track within five years after implementation but in any case not later than 1/1/92.

Nothing in these recommendations is intended to change the status of or to increase or decrease the rights and obligations of other persons presently on the standing faculty of the School of Social Work.
APPENDIX 3

Artists-in-Residence

Artists-in-Residence appointments may be made on a full- or part-time basis for a term of at least one semester and up to five years. Reappointments are permitted, provided that performance meets expectations, that the individual maintains the level of his or her creative work, and that the academic need for services exists. The total number of Artists-in-Residence in SAS may not exceed three percent of the total number of Standing Faculty at any one time.

Artist-in-Residence appointments may be proposed by and affiliated with either a department or a program. In the case of programs, proposals for appointment or reappointment must be made by a permanent advisory or governing committee composed of standing faculty members. All Artist-in-Residence appointments require the approval of the SAS Personnel Committee and the Provost’s Staff Conference. The individual is expected to have ongoing contact with students; formal responsibilities (e.g., teaching, performance) will be specified by the department or program.

The dossier for appointment or reappointment to the Artist-in-Residence position shall require the following items:

a. Chair’s or Program Director’s Letter

The Chair’s or Program Director’s letter should summarize the discussions within the department or program and state how the appointment will contribute to the academic activities of the department or program. The letter should indicate what fraction of the time the candidate is expected to participate in the department’s or program’s activities. Include the formal vote of the standing faculty including the manner in which the vote was taken.

b. Curriculum Vitae of the Candidate

The curriculum vitae should contain an up-to-date summary of the candidate’s educational and employment record, a full listing of creative works, and a complete bibliography where appropriate. The material should clearly indicate evidence of the level of the candidate’s creative accomplishments, including descriptions of where works have been published, exhibited, or performed; the level of peer review (e.g., by a publisher or jury); and prizes and awards received.

c. Supporting Letters

For an initial appointment or promotion, at least three external letters
should be included. For reappointments, at least two letters, either internal or external, should be included.

d. Evaluation of Teaching

As Artists-in-Residence serve primarily as teachers, it is essential that the quality of the performance of these duties be documented. The dossier should contain complete course evaluations and other forms of evaluation when available.

In addition to the above listed items for the dossier, the department must also submit one copy of the Certification of English Language Fluency in the Classroom.
APPENDIX 4

Procedures in Cases of Interdisciplinary Appointments

In cases of interdisciplinary appointments, a faculty member may hold a tenured appointment, or a secondary appointment of longer than three years, in two or more schools in accordance with the policies of those schools. The responsibility for faculty holding joint appointments will be shared. The deans of the schools in which the faculty member will hold tenure must reach agreement on how the responsibilities are to be shared. The deans should set down in writing the agreements that have been reached with regard to salary, research funding and research space, teaching obligations, committee service, and leave entitlements. One school should also be designated the administering school, indicating that it has primary responsibility for ensuring that administrative actions are taken. At the time of the initial appointment of a faculty member with tenure in more than one school, the formal appointment process should for the most part mirror the appointment process in each of the schools. The faculty of each school is expected to follow its own processes and to vote on whether the candidate should be offered an appointment in their school.

1. Pre-Appointment Period

In considering a person for a possible joint appointment, the two deans should agree and discuss the appropriateness of the appointment with the Provost. If the deans are interested in nominating a full professor candidate for a University Professor chair, they should discuss the likelihood of this with the Provost and the President. In both cases, the joint appointment will continue until retirement or the ending of the joint appointment between the two schools.

2. Formal Appointment Process

Since the faculty of each school is expected to follow its own processes and to vote on whether the candidate should be offered an appointment in their school, the formal appointment process should for the most part mirror the appointment process in each of the two schools.

The deans of the two schools proposing the joint appointment will jointly develop a pool of external reviewers and, after approval from the Provost’s Office, will send a joint letter to them. The two deans will consult with the chairs of their school personnel committee to determine what will be required for the candidate’s dossier and how it will proceed. The dean of the administering school will be responsible for developing the candidate’s dossier.

The two schools will share the responsibility for faculty holding joint appointments. Because there is no formula for allocating these responsibilities, the schools in which the faculty member will hold tenure must reach agreement on how they
are to be shared. To provide a sound basis for a successful long term relationship, the deans of these schools should set down in writing the agreements that have been reached; such an agreement should also provide some basis for responding to changes in the stated arrangement. The dean of the administering school should send this statement to the Provost’s office to be filed in the candidate’s personnel file prior to the candidate’s dossier going to the Provost’s Staff Conference. The statement should cover the points listed below.

Part A: Salary and Funding

1. Base salary

   Whether the salary is paid on a nine- or twelve-month basis, it will be shared 50-50 by the two schools unless some other basis is expressly agreed upon; in most instances, variation in salary support will likely reflect the allocation of teaching.

   In the case of a University Professor, the university will contribute 50% of the annual salary for the duration of the appointment as University Professor, with the remaining salary shared 50-50 by the two schools, unless otherwise stated.

   In the case of the other PIK professorships, the university will contribute 50% of the annual salary for the first five years of the joint appointment, with the remaining salary shared 50-50 by the two schools, unless otherwise stated.

   In all instances, the duration of the funding of the salary arrangement between the two schools is assumed to be co-terminus with the joint appointments.

2. Additional salary

   The cost of any commitment to additional salary above the nine- or twelve-month base will be shared by the two schools in the same proportion as the base salary unless otherwise stated. The duration of such a commitment also should be clearly delineated.

3. Description of how the merit increase will be determined each year

   Unless otherwise stated, the dean of the administering school, after consulting with the other dean, will set the merit increase, and the other school will contribute its agreed upon share. The Provost must approve merit pay increases that are outside of the parameters of the stipulated merit increase for the year.

4. Expense budget for travel, journals, research assistance, IT, etc.

   Unless otherwise stated, the dean of the administering school, after consulting with the other dean, will set the expense budget for the year; this will be shared by the two schools in the same proportion as the academic base salary.
Part B: Research

For fields in which research costs are substantial and where sponsored research is the norm, the provision of start-up costs, the type and amount of research space to be provided, and the division of indirect costs should be agreed upon by the two deans prior to the time of appointment. Unless otherwise stated, the cost of any commitments to supply space, equipment, or staff for the purposes of research will be shared 50-50 by the two schools.

In the case of the University and other PIK Professorships, the University will contribute 50% of the approved start-up costs with the remaining shared by the two schools 50-50 unless otherwise stated.

The funding source for each commitment and the expectations regarding the candidate’s responsibility for bringing in funding should be delineated.

Part C: Teaching

The two deans, in consultation with the faculty member, should agree on how many courses per year will be taught, what courses (large/small/seminar, basic/advanced) and in which school. Unless otherwise stated, it will be assumed that the agreement on teaching is of unlimited duration and is based on a 50-50 arrangement.

If the cross-listing of courses is anticipated, the financial agreement should be stated.

If the allocation of teaching in a given year affects the relative contribution of the two schools to picking up the candidate’s salary, this also must be stated.

Part D: Leaves

The policies in the Faculty Handbook will govern the granting of a leave to the candidate once appointed, including scholarly leave. If the agreement is to give the candidate more leave or relief from teaching/reduced duties than that to which he or she normally would be entitled, the two schools must agree when such leave will be granted and how it will be supported. Unless otherwise stated, the default in both instances should be 50-50, proportionally distributed.

Part E: Other Issues

1. Space

The administering school will provide an office, unless otherwise stated.

2. Voting rights

By definition, a joint appointment has tenure and voting rights in both schools.
3. Committee Service

Unless expressly stated, the faculty member holding a joint appointment will be expected to devote the same time to committee service as other faculty members within each school, with the expected obligation being one-half load in each school.

4. Administration of faculty member’s records

The administering school will be responsible for maintaining the faculty member’s records for personnel and pay purposes, unless otherwise stated.

5. Retirement

For faculty members electing FIAP, the incentive payment is based on the average base salary of a full professor, or the professor’s own salary if higher than the average, in the given schools. The default is 50-50; that is, use the average salary figure for both schools, take 50% of each and add the amount together. Then determine whether the individual’s salary is higher than this figure.

3. Post-Appointment

1. Change in Balance of Interest to Schools

Should a faculty member holding a joint appointment switch his or her interest mostly or fully into one school, the school in which the faculty member is devoting more time will be required to pay a greater percentage of the salary than originally agreed upon.

2. Relinquishing one appointment

A faculty member who holds a joint appointment in two schools who formally relinquishes his/her appointment in one school is no longer considered a joint appointment and must relinquish his/her title. The faculty member’s sole school will be responsible for 100% of the salary, but the sole school must agree.

3. Promotion for Associate Professors

Any expectations regarding when an associate professor holding a joint appointment will be brought forward for a full professorship should be discussed by both deans. The candidate for appointment should be informed of the promotion process at Penn, and, in particular, that a joint appointment at the full professor rank can only occur if the faculty of both schools approve and that the regular promotion process in each school will be followed.
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