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FACULTY SENATE MINUTES

March 30, 2020

3:00 – 4:30 pm

Merrill-Cazier Library, Room 154

Call to Order - Patrick Belmont

[Approval of Minutes](#) – March 9, 2020

Minutes approved as distributed.

University Business - Noelle Cockett, President | Frank Galey, Provost

Numerous counties in the state are issuing shelter in place orders. Salt Lake County has just gone to a shelter in place directive. President Cockett is working with David Vernon to shut down the Salt Lake City and Taylorsville sites. Neil Abercrombie made a presentation to the Staff and Employee Association where he discussed the legislative salary compensation increase. The legislature is wondering if they should call a special session. They are looking at a \$850M dollar shift of expenses due to COVID19. They are saying, at this point, that it would not be salary compensation. The COVID19 pandemic may create a problem for higher education funding as the money from the state legislature is based on the state's income tax. Moving the income tax deadline from April to July will not allow them to know anything regarding their funds until at least October. This could cause a holdup or slowdown in receiving funds. The easiest thing for them to consider is not authorizing or giving any funds to capital facilities/projects. USU was set to receive \$2M for construction including the Mehdi Haravi Center. The legislature would not cancel these distributions but would instead move them back a year. Another possibility of collecting the \$850M is to use the state's rainy-day funds. They are being very thoughtful and appropriate in how to use this. If the rainy-day funds get depleted, then they hold back money in future years to build it back up. There is a concern regarding USU's enrollment for next fall. The university is promoting online courses for students if they don't feel comfortable coming on to campus this fall. Looking at making some changes to the Legacy Scholarships so that they can be offered for online classes. Currently, the federal government is significantly increasing financial aid.

Pass/Fail. This decision was made to help the students. The pass/fail option would allow the students to work toward the end of the year for a grade but then could use a P/F grade instead. The U of U is offering this across the board. Should USU offer this for spring only? Pass/fail would still count toward their credit for graduation. Some departments may need to opt out for accreditation reasons. Some programs are already looking at this. The Huntsman School of Business and the College of Humanities and Social Sciences are currently working within their colleges with this change. Licensure courses would need to opt out like those for accreditation. The deadline for P/F would be May 19. This incentivizes the student to work through the end of the semester to get the best grade they can get. Currently checking with the Board of Regents to see how this will work with transfer students. The General Education group is already working towards a pass/fail articulation agreement. Concurrent enrollment could be a problem and they are reviewing that at this time. Some faculty are seeing that the COVID19 issue has not hurt students work or grades. The opt out could be based on each unit's need. This is more of a reassurance than anything.

Motion to support Pass/Fail options with exceptions for departments to opt out made by David Feldon. Second by Corey Christiansen. Support approved.

IDEA Evaluations – The COVID19 shutdown is a valid reason for a faculty member to extend their tenure consideration. The university needs to look at what needs/should be done with student feedback during this time. What to do with IDEA? One option would be to collect student feedback and then have faculty members review the feedback and decide whether to opt out or not have it included in the

dossier. The upside would be that faculty could look at and review it. Downside is that it has been collected and posted to the national database. Second option would be to set a limit, i.e., anything under 45% would be dumped. Give faculty the opportunity to dump it so that it never goes forward. Code the submissions so that we can look at all of it together. There will be information in the printout showing that this was during the COVID pandemic. The COVID designation will be included on all submissions regardless of what is decided upon. One concern is that once the data is collected to go to the IDEA national database and cannot be deleted. Deans and department heads would still have access to the IDEAS database. A suggestion was made to add more global questions regarding how we are doing at large so that we know how well or not well we did during these extenuating circumstances. Some professional organizations are recommending that we don't collect feedback. Students do have a right to have their voices heard. It could be a problem if we opt out. Most comments have been in favor of moving forward with faculty evaluations.

Motion to collect data and leave the option to individual faculty members to accept or exclude data and it would not be binding made by Boyd Edwards. Seconded by Becki Lawver.

Boyd Edwards withdraw motion in lieu of survey being sent and completed. Seconded by Becki Lawver. Patrick Belmont will work with Provost Galey to develop a survey that would be sent to the faculty.

Information

[EPC Monthly Report](#) – February 27, 2020 - Paul Barr

Five General Education designations approved.

Academic Standards Subcommittee – no meeting (nothing to report)

268 Course requests approved.

Two R401 abbreviated forms approved.

Reports

[Budget and Faculty Welfare](#) Annual Report - Jennifer Duncan

Met last spring with President Cockett to discuss compensation distribution. Just recently met with the President to discuss the upcoming distribution. The committee made a recommendation for the 2.5% to be allocated with 1% across the board and 1.5% to be given as a merit.

Motion to approve the Budget and Faculty Welfare Annual Report made by Thomas Lachmar. Seconded by Chris Garff. Budget and Faculty Welfare Annual Report approved.

[Parking and Transportation](#) & [GHG](#) Annual Report - James Nye

Fees for parking permit will increase. Construction this upcoming year is going to affect a lot of current parking lots. See Appendix E: Summer 2020 Construction Map. Looking at a very aggressive summer schedule that requires rerouting traffic and parking. Also working on Greenhouse Gas Reduction initiatives. Looking at five initiatives. (See report)

Motion to approve the Parking and Transportation Annual Report made by Thomas Lachmar. Seconded by Chris Garff. Parking and Transportation Annual Report approved.

Old Business

[407](#) – Major Revisions (second reading) - David Farrelly

No concerns or questions.

Motion to move Code 407 to the President's Executive Council made by Thomas Lachmar. Seconded by Corey Christiansen. Moved to President's Executive Council.

[403.3](#) – Professional Responsibility: Standards of Conduct (second reading) - David Farrelly

No concerns or questions.

Motion to move Code 403 to the President's Executive Council made by Thomas Lachmar. Seconded by Becki Lawver. Moved to President's Executive Council.

New Business

[404](#) – Student Involvement in Faculty Searches (first reading) - David Farrelly

This is easy on the Logan campus, but the struggle comes with mandating this. It is difficult to get faculty together and students would add another difficult scheduling component. This could cause some

problems at the statewide campuses and with online teaching. Would like to get some feedback before this moves forward. Could it be highly recommended and not required.

Motion to move Code 404 back to PRPC for second reading made by Joel Ellsworth. Seconded by Dexton Lake. 2 nays. Moved to PRPC.

Call for Nominations – Faculty Senate President Elect - Patrick Belmont

No nominations came forward, but faculty can contact Patrick Belmont during the week and nominate themselves or someone else.

Adjourn: 4:30 pm



FACULTY SENATE MINUTES

March 9, 2020

3:00 – 4:30 pm

Merrill-Cazier Library, Room 154

Call to Order - Patrick Belmont

[Approval of Minutes](#) – February 3, 2020

Minutes approved as distributed.

University Business - Noelle Cockett, President | Frank Galey, Provost

President Cockett talked about the committee that is set up to determine speakers for commencement and that USU will incorporate The Year of the Woman in their decisions. The commencement speaker will be Julie A. Robinson. She is a Chief Scientist of the International Space Division at NASA and she will be focusing young women in STEM. The Honorary Degree will be given to Linda Daines and she will be receiving a Doctorate of the Arts. Another honorary degree will be given to Karen Morse.

Greenhouse Gas Reduction Steering Committee – President Cockett endorsed the recommendations of the Greenhouse Gas Reduction Steering Committee. These include a wide variety of energy efficiency projects, \$60,000 per year to be allocated for purchasing renewable energy from our power providers, development of a fundraising campaign focused on sustainability, and a \$10 per flight carbon fee that will be mandatory for airline flights. The President's Office will cover this estimated fee for the first year, and put funds towards other efforts in carbon emissions reductions. The President's Office will reduce the amount of funding they provide by 10% per year, so academic units will have the option to reduce their flights or pay the portion of the fee that is not covered by the President's Office. The Quinney College of Natural Resources academic programs will increase the awareness of the needs.

Motion to grant Charles Darnell and his team formal accommodation made by Becki Lawver. Patrick Belmont presented Charles Darnell with a certificate of appreciation.

Legislation session – Looking for a balance between income tax (education), sales tax (general fund), rescinded. Almost all money was in public and higher ed. It appears that Utah State cleaned house, but that isn't necessarily the case, that's just where most of the projects are. A press release is forthcoming. Salary compensation will likely come in at 2.5% and President Cockett will be meeting with the Budget and Faculty Welfare committee to talk about across the board vs. performance based raises.

Micah McKinney and Dwight Davis spent some time talking about the Coronavirus (COVID-19). Questions can be answered by looking at the [COVID-19 website](#). Dwight Davis talked about task force responsibilities and the urgency. USHE schools are all looking at options, opportunities and coordinating their efforts. Need to look at business continuity while still striving to protect the campus community. All employees who are sick are being asked to stay home (with or without coronavirus). USU is advertising on the website, social media platforms and printed signs around campus. The faculty has been asked to encourage students exhibiting symptoms of COVID-19 to stay home. Eleven individuals who took the survey have traveled in level 3 countries in the past 14 days. USU is asking these individuals to self-isolate. They can work with the Provost's Office and Academic and Instructional Services to have access to any technology that is needed. Asking all who have traveled anywhere in last 14 days to complete the survey, regardless of where they've traveled. Reassured anyone who is concerned that at this moment in Cache Valley there is a low risk of contracting the virus. There has been one confirmed case in Davis County. Questions about absenteeism and events were asked and the institution is developing FAQ's that will be forthcoming. Some of the questions being asked were: 1) when do we cancel events and 2)

how do we coordinate and communicate with participants? On Wednesday information will be provided to all deans and then will be distributed to department heads. Register all events with the university so that we have a central repository of who, what, when, where, etc.

Question was asked about travel for conferences. Employees must make sure their travel is in the registry. May request that all travel be booked with refundable tickets soon. Our goal is to keep the risk low and to avoid unnecessary travel. At a later date travel may be prohibited to certain areas. Ben George asked about lack of clear language for those traveling (consider coming home). An example that was used was of students in Portugal on Spring Break. No information right now about who to contact, whether to purchase an expensive ticket and rush home or wait it out. Moving forward, Global Engagement will reach out to individuals with all information about assessing risk and determining appropriate action. Risk Management is a great resource for questions about university or personal travel.

Provost Galey reiterated the faculty FAQ sheet, what to do about students, etc. Can work on an individual basis through Risk Management to accommodate students. Will get FAQ's on website and will keep updating on a regular basis. Working on adding some faculty members with expertise to the committee.

Information

[EPC Monthly Report](#) – February 6, 2020 - Paul Barr

Approved one General Education Designation: ANTH 3240 (DSC)

Academic Standards Subcommittee – no December meeting to report.

Curriculum Subcommittee – Approved 63 course requests; requests.

Working with the Registrar regarding approval timelines/deadlines and Michael Torrens about changing program requirements and the R401 process and accreditation.

[Honorary Degrees and Awards](#) - Sydney Peterson

See attached report.

Old Business

[407.4.2 Procedures for Sanctions Other than Reprimands](#) (second reading) - David Farrelly

Currently discussions between an administrative officer and the faculty member are not being documented – we will change it so that now these conversations about potential violations that could lead to sanctions. The purpose of the memoranda is not to establish facts, guilt or evidence, but to begin documentation for continuity and to avoid different recollections by each party. The faculty member then has more time to respond to the memoranda.

Motion to move code 407.4.2 changes to President's Executive Committee made by Vicki Allen.

Seconded by Ben George. Moved to President's Executive Committee.

New Business

[Board of Regents Faculty Representation Resolution](#) - Patrick Belmont

Request faculty representation on Board of Regents.

Motion to approve the Board of Regents Faculty Representation Resolution made by Boyd Edwards.

Seconded by Joel Ellsworth. Resolution approved.

[403.3 Professional Responsibility: Standards of Conduct](#) (first reading) - David Farrelly / Alison Adams Perlac

Sexual harassment – Office of Equity vs. the current model of Academic Freedom and Tenure's responsibility. The Office of Equity will be the initial fact finder. Under the proposal the faculty member would have an opportunity to appeal with a panel consisting two or three members faculty members. It would then move on to sanction if needed. This creates a process for appeal that did not previously exist. The Equity Advisory Council will be expanded. Questions about "subordinate student". Language is based on the statute just because it isn't listed doesn't mean it is allowed. Definitions being limited to 300 code and removed from 400 code so that there are no differences.

Motion to approve 403.3 made by Molly Cannon. Seconded by Becky Blais. Moved back to PRPC for updates and second reading.

[407 Academic Due Process: Sanctions and Hearing Procedures](#) (first reading) - David Farrelly / Alison Adams Perlac

Faculty member can get a support person or help understanding process and can delay meeting in order to obtain that help/support. Question about determining a “serious crime” for Policy 407.4.11. Felony may not cover all issues, such as assault of a student. Change in non-punitive administrative leave being included.

Motion to approve made by Thomas Lachmar. Seconded by Becky Blais. Moved to PRPC for review, comments and second reading.

[2020-2021 Faculty Senate Calendar](#) - Patrick Belmont

Motion to approve the 2020-2021 calendar made by Ben George. Seconded by Becky Blais. Calendar approved.

2020-2021 Faculty Senate President-Elect Nominations - Patrick Belmont

Nominations will be open from now until the next Faculty Senate meeting. Interested faculty must have served at least one year and cannot be in their last year unless they have been appointed for another three year term. Former presidents cannot serve again.

Adjourn: 4:20 pm

Report from the Educational Policies Committee February 27, 2020

The Educational Policies Committee (EPC) met on February 27, 2020. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page (www.usu.edu/epc).

During the February 27, 2020 meeting of the EPC, the following actions were taken:

1. General Education Subcommittee

- Four General Education designation were approved:
 - ENGL 2070 (BHU)
 - ANTH 1090/RELS1090 (BHU)
 - HIST 4566 (DHA)
 - ANTH 3320 (DSS)
 - HONR 3030 (3030 (QI))

2. Academic Standards Subcommittee

- No February meeting to report

3. Curriculum Subcommittee

- Approval of 268 course requests.
- Request from the School of Teacher Education and Leadership in the Emma Eccles Jones College of Education and Human Services **to add Science Education as a specialization to the existing Master of Education in Curriculum and Instruction.**
- Request from the School of Teacher Education and Leadership in the Emma Eccles Jones College of Education and Human Services **to add Science Education as a specialization to the existing Master of Science in Curriculum and Instruction.**

4. Other Business

Work on timelines/deadlines for curriculum changes and link in Curriculog.

Held a substantive vs. non-substantive expanded discussion. Working on language to establish a criteria and definition. Will have things in place before next academic year.

Budget and Faculty Welfare Committee Spring 2020 Summary Report

- *Agriculture and Applied Sciences* – **Ralph Meyer**
- *Arts* – **Lydia Semler**
- *Business* – **Vance Grange**
- *Education and Human Services* – **TBD**
- *Engineering* – **Timothy Taylor**
- *Humanities and Social Sciences* – **Molly Cannon**
- *Natural Resources* – **Patrick Belmont**
- *Science* – **Douglas Harris**
- *Libraries* – **Jennifer Duncan** (Chair)
- *Extension* – **Michael Caron**
- *Statewide Campuses* – **Vonda Jump**
- *USU Eastern* – **Scott Henrie**
- *Senate* – **Timothy Taylor**
- *Senate* – **Scott Henrie**
- *Senate* – **Ralph Meyer**

Responsibilities of the BFW Committee

The duties of the Budget and Faculty Welfare Committee are to (1) participate in the budget preparation process, (2) periodically evaluate and report to the Senate on matters relating to faculty salaries, insurance programs, retirement benefits, sabbatical leaves, consulting policies, and other faculty benefits; (3) review the financial and budgetary implications of proposals for changes in academic degrees and programs, and report to the Senate prior to Senate action relating to such proposals; and (4) report to the Senate significant fiscal and budgetary trends which may affect the academic programs of the University. (Policy 402.12.4)

Meetings & Discussions of the BFW Committee

This report covers the activities of the BFW Committee for Spring and Fall 2019.

Spring 2019

The Committee met with the President and Provost on March 18, 2019 for a legislative update to discuss the proportion of salary increase provided by the legislature that should be used for across-the-board raises versus flex pool (distributed based on merit or to rectify gender inequity of salary compression, etc.) but was not otherwise involved in the budget preparation process.

Fall 2019

The committee convened in Library 208 on October 29, 2019 to identify a representative to participate on the Human Resources RFP evaluation of medical, dental, and pharmacy benefit plans as well as a possible expansion to provide an EAP (employee assistance program). Jennifer Duncan participated in 48 hours of benefit plan review on behalf of the Faculty Senate.

Spring 2020, Coming

The BFW Committee has a meeting scheduled for March 16th (after the due date of this report) to receive an update on the 2020 legislative session. In addition, at the final meeting of the year the committee has been asked to review 10-year salary data, if available and selecting a new chair.

Parking and Transportation Advisory Committee Faculty Senate Committee Summary Report

Section 1. Introduction:

The role of the Parking and Transportation Advisory Committee is to formulate recommendations regarding parking policies. All recommendations are subject to adoption by the Administration. The committee membership represents faculty, staff and students. Membership consisted of the following individuals for the 2019-2020 academic year:

CONSTITUENCY REPRESENTED

MEMBER

Faculty/Staff Members

Chair	Steve Jenson
Faculty Senate	Benjamin George
Faculty Senate	Open
Faculty at Large/Provosts Office	Paul Barr
Staff Employees Association	Steve Funk
Staff Employees Association	Julie Duersch
Facilities Master Planning Group	Jordy Guth
Housing Master Planning Group	Kirk Bird

Student Members

Executive Vice President	Dexton Lake
Student Advocate	Pauline Rivera-Soto
Agriculture Senator	Sakia Brost
Natural Resources Senator	Rachel Chamberlain
Residence Hall Association	Wendy Johnson

Ex-Officio, Non-Voting Members

Assistant	Allyson Olsen
USU Police	Earl Morris
Parking and Transportation Services	Craig Wright
Parking and Transportation Services	Cassandra Fisher
Parking and Transportation Services	Joe Izatt
Parking and Transportation Services	Dave Compton
Parking and Transportation Services	James Nye

Section 2. Outline of Facts and Discussions:

The Parking and Transportation Advisory Committee approved the following resolutions. This action was agreed upon by the Chair of the Committee and Vice President Dave Cowley.

- Appendix A: 20-01 Increase in Parking Permit Rates
- Appendix B: Future Permit Pricing Projections
- Appendix C: Financial Report – 2019-2020 Projected Operations
- Appendix D: Faculty/Staff Parking Designation Changes - Summer 2020
- Appendix E: Summer 2020 Construction Map
- Appendix F: Peer Institution Parking Permit Comparison
- Appendix G: Green House Gas Reduction and Sustainability Efforts 2019-20
- Appendix H: Parking and Transportation Performance Dashboard

Section 3. Important Parking Related Issues:

- James Nye, Director of Parking and Transportation, presented a department report. Projects that had a direct impact on patrons of Parking and Transportation
- Closure of 700 North for a redesign project– impacting Big Blue Terrace permit holders, the Welcome Center, University Inn and visitors to the TSC – complete August 2019
- Traffic/Pedestrian Lights on 700 N to reduce pedestrian/bus conflicts was successful
- Resurface North Stadium lot – complete August 2019
- New Parking Structure – 154 stalls impacting Orange permit holders – completion August 2020
- BNR Remodel – Orange NR Construction Site – 75 stalls – completion October 2020

Upcoming Plans for Committee

The Parking and Transportation Advisory Committee is scheduled to discuss the following issues during the 2020-21 academic year. Other pertinent issues may come forth as necessary.

- BNR Remodel – Orange NR construction site – materials ongoing through October 2020
- Design and construction of the new Parking Structure in Orange North – loss of 154 stalls –completion August 2020
- Construction of a new IT building in the Blue/Green Parking lot north of NFS – loss of 128 stalls- begins May 4th,2020
- Planning and Design of a new Housing complex in the Gray 2 parking lot, loss of 212 stalls – begins May 4th,2020
- New residential parking lot west of Central Suites – 178 stalls – begins May 4th, 2020 – completion date of September 4th, 2020.
- New Soccer fields in the Old Trailer Park- loss of overflow parking for Aggie Village and game day parking- begins May 4th,2020
- Underground water storage tanks – Terraced lots – begins May 4th, 2020 – hopeful completion by August 2020

Appendix A: 20-01 Increase in Parking Permit Rates

1st Reading: _____

Action: _____

RESOLUTION 20-01
Utah State University
Parking and Transportation Advisory Committee

Proposed by: Parking and Transportation Department

A RESOLUTION PROPOSING INCREASE IN PARKING PERMIT RATES

WHEREAS, The Parking and Transportation Department is an Auxiliary Enterprise, defined by the Board of Regents Policy R550.3.1. The department must be self-supporting, which means receiving revenues (fees for service, sales, dedicated general fee, contributions, and investment income) must cover all or most of the direct and indirect operating expenses, assignable indirect costs, debt services, and capital expenditures (Board of Regents Policy R550.3.2); and

WHEREAS, University capital maintenance funding is not sufficient to meet the needs of all parking lot maintenance; and


WHEREAS, Since 2012, parking permit rates have adjusted for certain permits ranging from \$0 to \$20 per year (\$2.22 per month); and

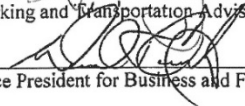
WHEREAS, Several projects have been identified with start dates within the next year; resurfacing of parking lots on campus and the construction of a new parking structure; and

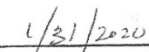
WHEREAS, In order to render adequate services, auxiliary enterprises must have funds sufficient to meet current and future capital maintenance needs (Board of Regents Policy R550.6.2); and

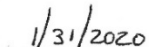
WHEREAS, To plan for future parking structures and ongoing maintenance of surface lots currently used, the Parking and Transportation Department proposes to increase parking permit rates as shown on the attached table;

NOW THEREFORE BE IT RESOLVED BY THE PARKING AND TRANSPORTATION ADVISORY COMMITTEE, That the parking permit rate increase recommendations be established in order to cover the cost of maintenance, future growth, and development of parking lots or structures.

Signed: 
Parking and Transportation Advisory Committee Chair


Vice President for Business and Finance


Date 1/21/2020


Date 1/31/2020

Faculty/Staff Lots - effective March 1, 2020

	Current Price	New Price	Annual Increase	Monthly Increase
Aggie Terrace	\$295	\$310	\$15	\$1.25
Big Blue Terrace	\$295	\$310	\$15	\$1.25
East Terrace	\$310	\$310	\$0	\$0.00
Purple	\$210	\$225	\$15	\$1.25
Red	\$210	\$225	\$15	\$1.25
Orange	\$195	\$215	\$20	\$1.67
Brown & Gold	\$210	\$225	\$15	\$1.25
Teal	\$195	\$215	\$20	\$1.67
Black	\$195	\$215	\$20	\$1.67
Green	\$166	\$180	\$14	\$1.17
Electric Vehicle (EV)	\$235	\$240	\$5	\$0.42

Student Lots - effective July 1, 2020

	Current Price	New Price	Annual or Academic Increase	Monthly Increase
Blue	\$165	\$185	\$20	\$1.67
Yellow	\$78	\$94	\$16	\$1.78
BBT/Aggie Terrace Com.	\$283	\$300	\$17	\$1.42

Resident Lots - effective July 1, 2020

	Current Price	New Price	Annual or Academic Increase	Monthly Increase
Aggie Terrace Resident	\$240	\$255	\$15	\$1.67
Gray 1 Central Suites/VVT	\$164	\$180	\$16	\$1.78
Gray 2 Richards/Bullen	\$164	\$180	\$16	\$1.78
Gray 3 Merrill	\$164	\$180	\$16	\$1.78
Gray 4 Highway	\$149	\$165	\$16	\$1.78
Gray 5 SLC	\$90	\$100	\$10	\$1.11
Gray 6 - 10 Aggie Village	\$90	\$100	\$10	\$0.83
Gray 11 Darwin Ave	\$164	\$180	\$16	\$1.33
Gray 12 Blue Square	\$150	\$165	\$15	\$1.25
Blue Square Reserved	\$220	\$220	\$0	\$0.00

Based on the current number of permits sold, the price increase will generate approximately \$200,000 annually.

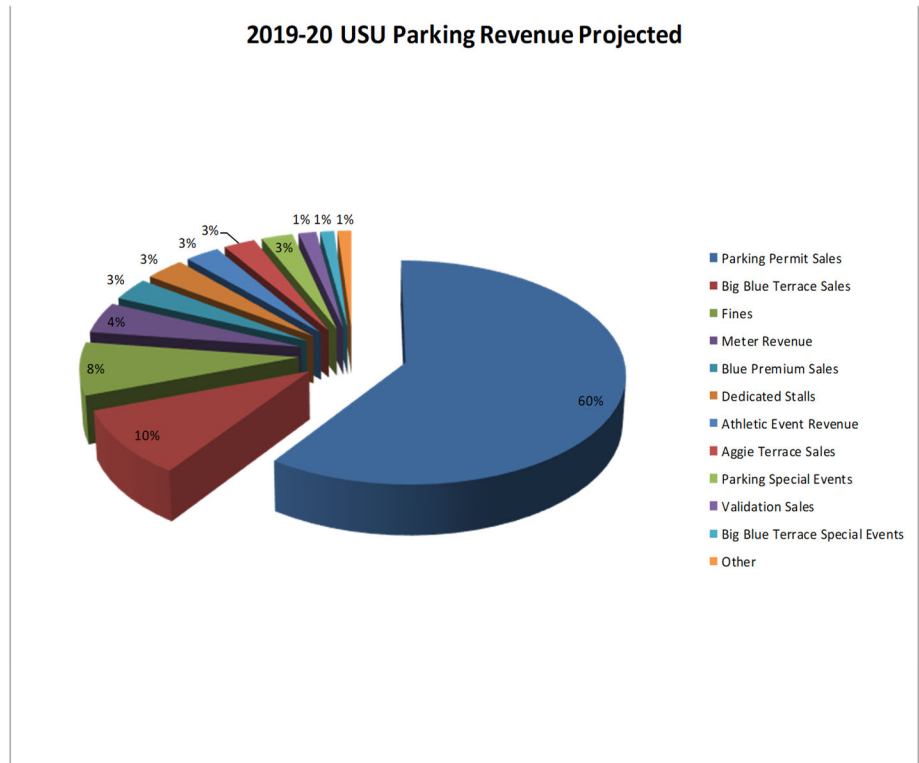
Appendix B: Future Permit Pricing Projections

Future Permit Pricing Projections Faculty/Staff lots													
Faculty/Staff Lots	2015	2016	2017	2018	2019	New Pricing 2020	2021	2016	2017	2018	2019	% Increase 2020	2021
Aggie Terrace	\$250	\$260	\$273	\$285	\$295	\$310	\$325	4.00%	5.00%	4.40%	3.51%	5.08%	4.84%
Big Blue Terrace	\$250	\$260	\$273	\$285	\$295	\$310	\$325	4.00%	5.00%	4.40%	3.51%	5.08%	4.84%
East Terrace						\$310	\$325						4.84%
Brown/Gold	\$173	\$180	\$190	\$200	\$210	\$225	\$235	4.05%	5.56%	5.26%	5.00%	7.14%	4.44%
Purple	\$173	\$180	\$190	\$200	\$210	\$225	\$235	4.05%	5.56%	5.26%	5.00%	7.14%	4.44%
Red	\$194	\$198	\$200	\$200	\$210	\$225	\$235	2.06%	1.01%	0.00%	5.00%	7.14%	4.44%
Orange	\$143	\$155	\$166	\$180	\$195	\$210	\$230	8.39%	7.10%	8.43%	8.33%	7.69%	9.52%
Teal	\$143	\$155	\$166	\$180	\$195	\$210	\$230	8.39%	7.10%	8.43%	8.33%	7.69%	9.52%
Black	\$143	\$155	\$166	\$180	\$195	\$210	\$230	8.39%	7.10%	8.43%	8.33%	7.69%	9.52%
Green	\$123	\$138	\$140	\$154	\$166	\$180	\$195	12.20%	1.45%	10.00%	7.79%	8.43%	8.33%
Electric Vehicle (EV)		\$215	\$220	\$220	\$235	\$240	\$250		2.33%	0.00%	6.82%	2.13%	4.17%
Average % increase								6.17%	4.72%	5.46%	6.16%	6.52%	6.89%

Future Permit Pricing Projections Student Commuter and Resident lots													
Student Lots	2015	2016	2017	2018	2019	New Pricing 2020	2021	2016	2017	2018	2019	% Increase 2020	2021
Blue	\$110	\$122	\$135	\$150	\$165	\$185	\$200	10.91%	10.66%	11.11%	10.00%	12.12%	8.11%
Yellow	\$39	\$44	\$55	\$66	\$78	\$90	\$100	12.82%	25.00%	20.00%	18.18%	15.38%	11.11%
AT/BBT Commuter	\$215	\$230	\$248	\$265	\$283	\$300	\$315	6.98%	7.83%	6.85%	6.79%	6.01%	5.00%
Resident Lots -	2015	2016	2017	2018	2019	New Pricing 2020	2021	2016	2017	2018	2019	% Increase 2020	2021
AT Resident	\$193	\$205	\$216	\$228	\$240	\$255	\$270	6.22%	5.37%	5.56%	5.26%	6.25%	5.88%
Gray 1 Central Suites	\$101	\$113	\$130	\$148	\$164	\$180	\$195	11.88%	15.04%	13.85%	10.81%	9.76%	8.33%
Gray 2 Rich/Bullen	\$96	\$108	\$130	\$148	\$164	\$180	\$195	12.50%	20.37%	13.85%	10.81%	9.76%	8.33%
Gray 3 Merrill	\$101	\$113	\$130	\$148	\$164	\$180	\$195	11.88%	15.04%	13.85%	10.81%	9.76%	8.33%
Gray 4 Highway	\$86	\$98	\$118	\$135	\$149	\$165	\$180	13.95%	20.41%	14.41%	10.37%	10.74%	9.09%
Gray 5	\$52	\$62	\$71	\$81	\$90	\$100	\$110	19.23%	14.52%	14.08%	11.11%	11.11%	10.00%
Gray 6 - 10	\$52	\$62	\$71	\$81	\$90	\$100	\$110	19.23%	14.52%	14.08%	11.11%	11.11%	10.00%
Gray 11 Darwin	\$101	\$113	\$130	\$148	\$164	\$180	\$195	11.88%	15.04%	13.85%	10.81%	9.76%	8.33%
Gray 12 Blue Square	\$105	\$113	\$130	\$140	\$150	\$165	\$180	7.62%	15.04%	7.69%	7.14%	10.00%	9.09%
Blue Square Res		\$215	\$220	\$220	\$220	\$220	\$235		2.33%	0.00%	0.00%	0.00%	6.82%
Net Increase	\$58,000	\$76,000	\$110,000	\$150,000	\$187,000	\$200,000	\$200,000	31.03%	44.74%	36.36%	24.67%	6.95%	0.00%
Total	\$1,035,000	\$1,111,000	\$1,221,000	\$1,371,000	\$1,558,000	\$1,758,000	\$1,958,000	7.34%	9.90%	12.29%	13.64%	12.84%	11.38%
Accumulative Increase		\$76,000	\$186,000	\$336,000	\$523,000	\$723,000	\$923,000						
North Parking Lot Overage structure Short						\$900,000 \$316,400 (\$493,400)							

Appendix C: Financial Report – 2019-2020 Projected Operations

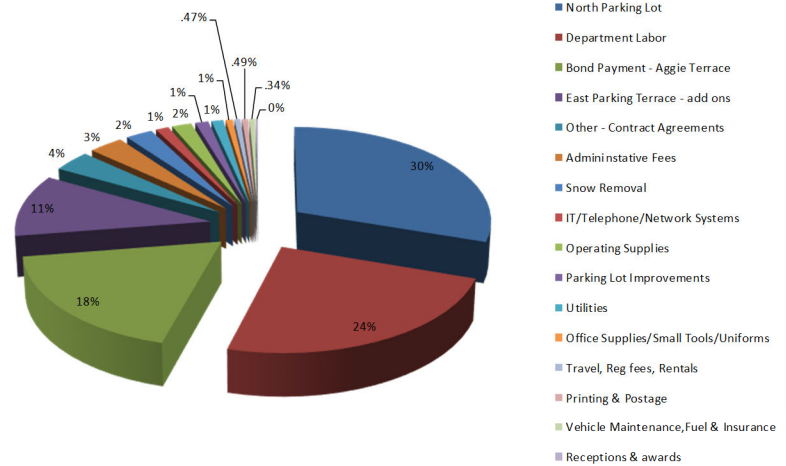
Parking Permit Sales	1,528,083
Big Blue Terrace Sales	250,335
Fines	197,104
Meter Revenue	115,836
Blue Premium Sales	83,838
Dedicated Stalls	83,756
Athletic Event Revenue	72,189
Aggie Terrace Sales	66,763
Parking Special Events	65,965
Validation Sales	37,176
Big Blue Terrace Special Events	29,125
Other	28,649
Total	2,558,819



North Parking Lot	900,000
Department Labor	718,450
Bond Payment - Aggie Terrace	547,358
East Parking Terrace - add ons	316,400
Other - Contract Agreements	105,411
Administrative Fees	95,060
Snow Removal	73,727
IT/Telephone/Network Systems	35,506
Operating Supplies	53,424
Parking Lot Improvements	35,864
Utilities	32,274
Office Supplies/Small Tools/Uniforms	18,907
Travel, Reg fees, Rentals	16,725
Printing & Postage	15,877
Vehicle Maintenance,Fuel & Insurance	15,258
Receptions & awards	5,038
Total	2,985,279

2021 Bond Payment East Parking Terr: \$585,358.00

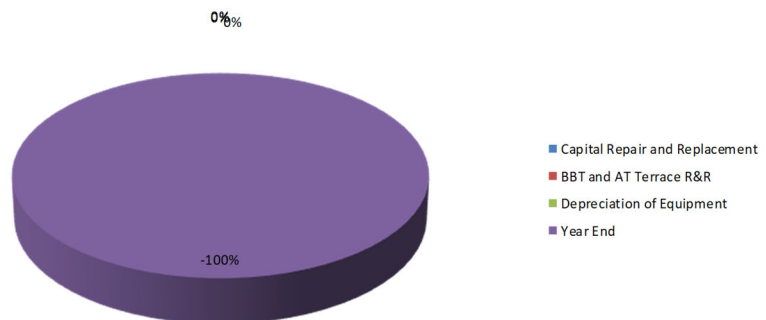
2019-20 USU Parking Operating Expenses Projected



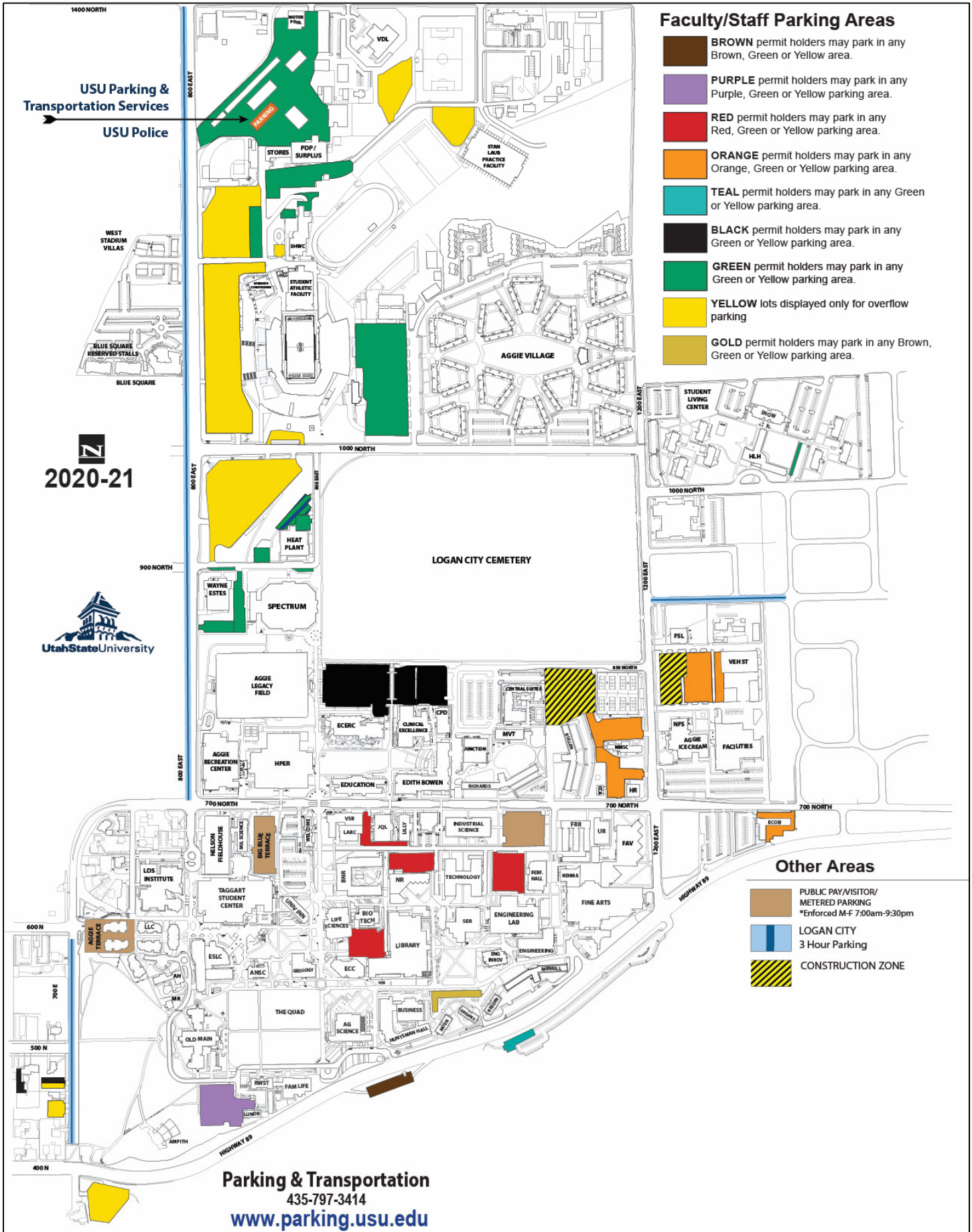
Capital Repair and Replacement	0
BBT and AT Terrace R&R	0
Depreciation of Equipment	0
Year End	-426,460
Total	-426,460

Total -\$426,460

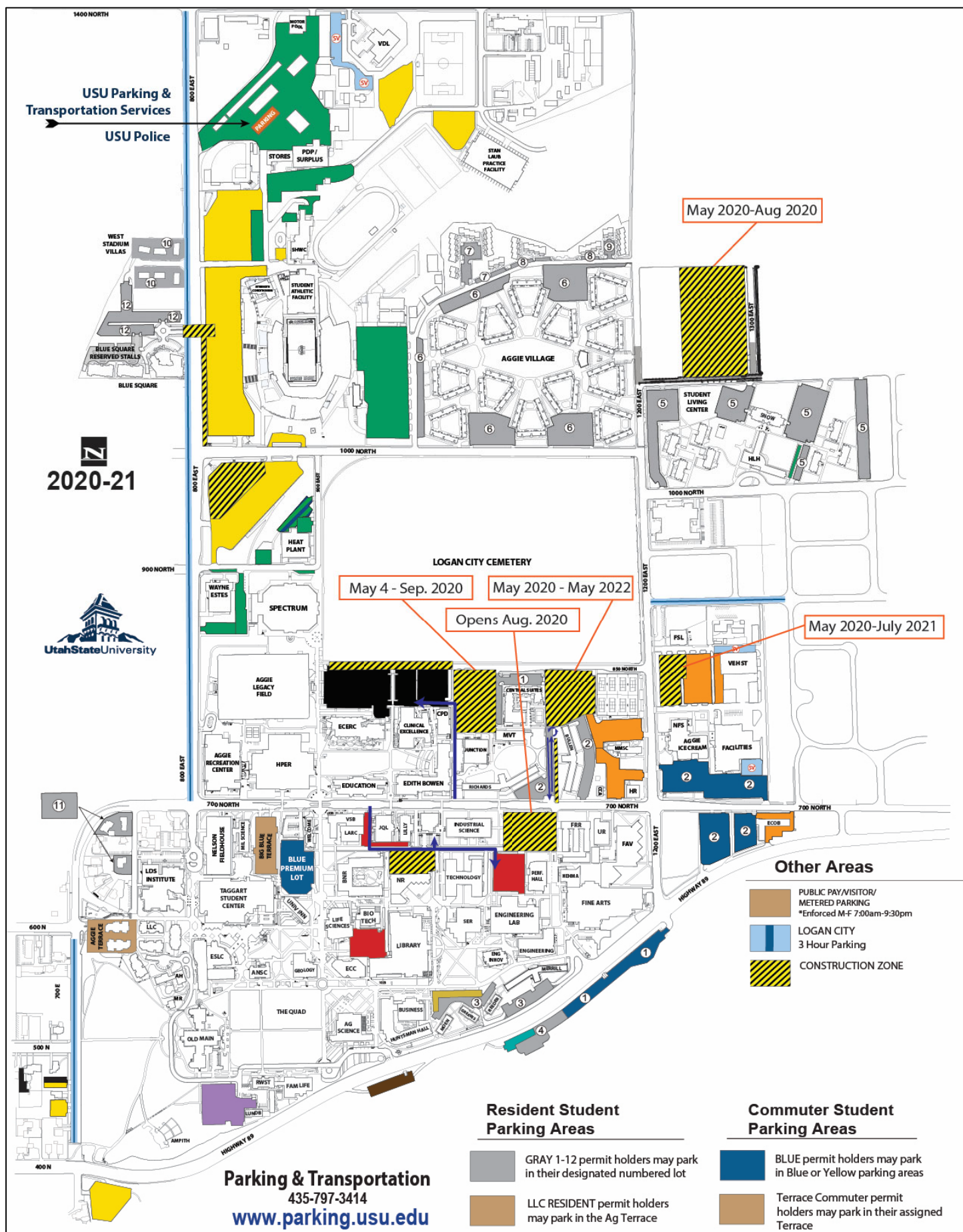
2019-20 USU Parking Net Projected



Appendix D: Faculty/Staff Parking Designation Changes - Summer 2020

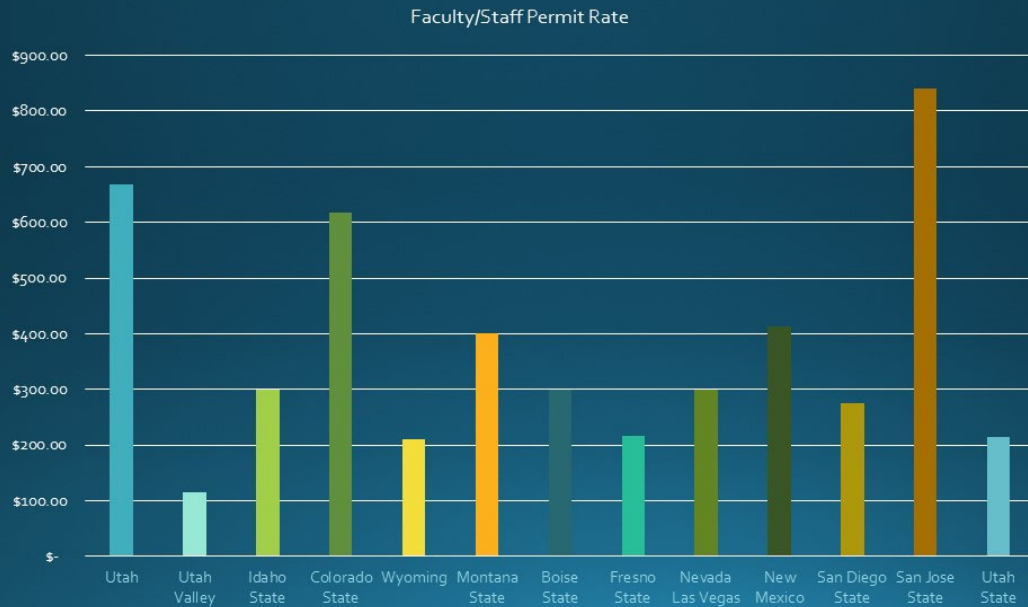


Appendix E: Summer 2020 Construction Map

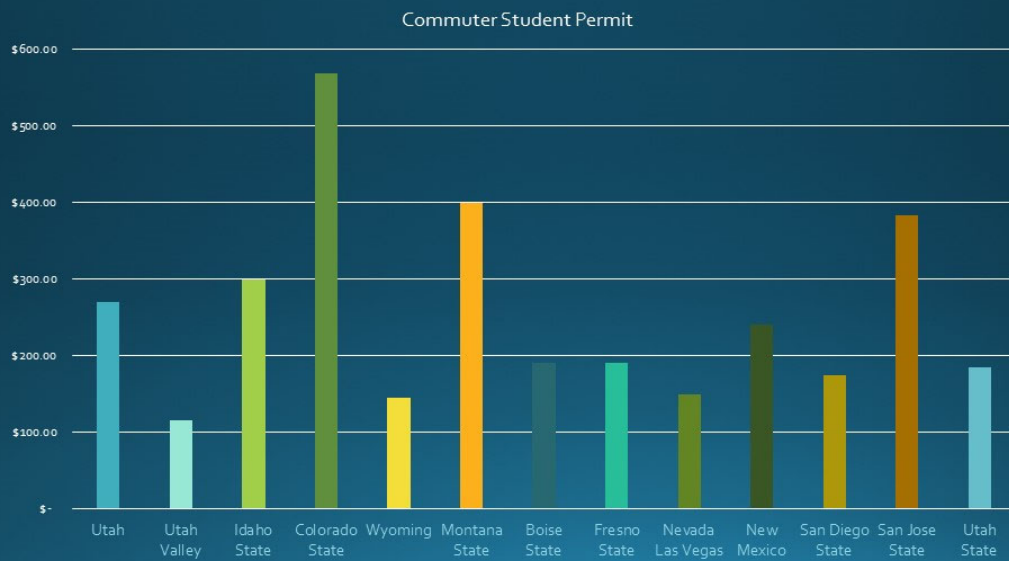


Appendix F: Peer Institution Parking Permit Comparison

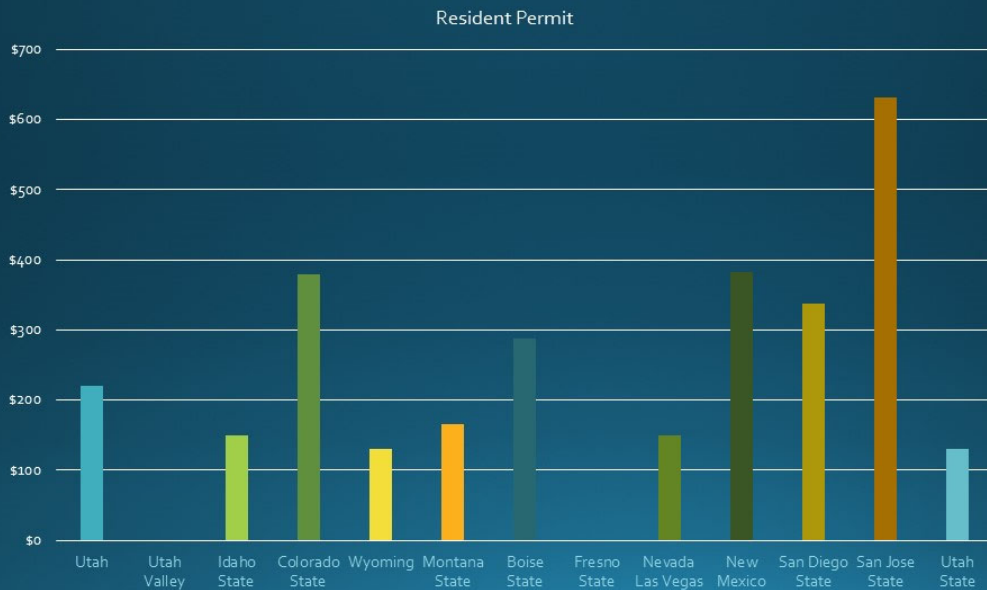
Peer Institutions Faculty-Staff Parking Rate



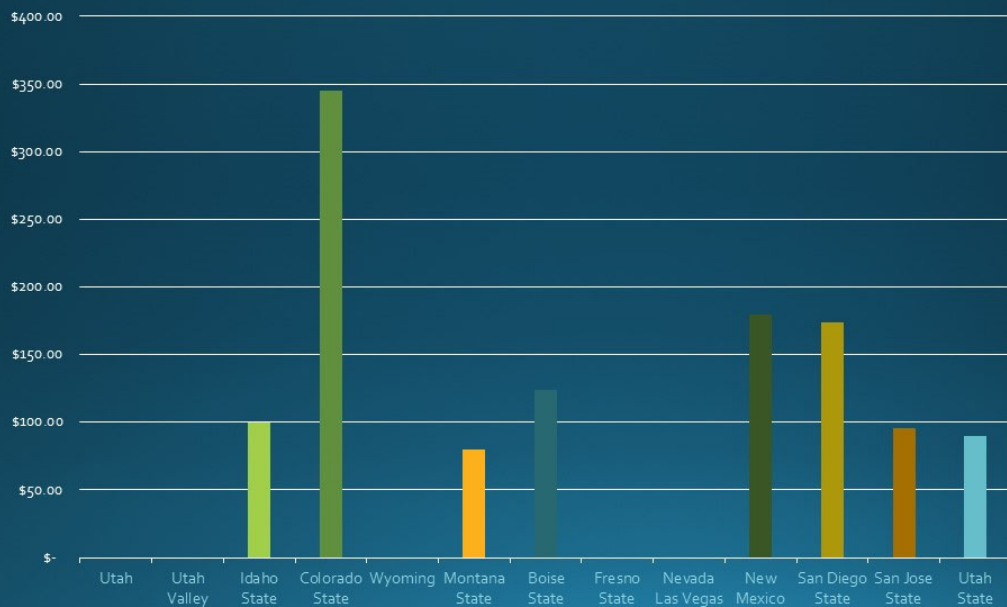
Peer Institutions Commuter Parking Rate



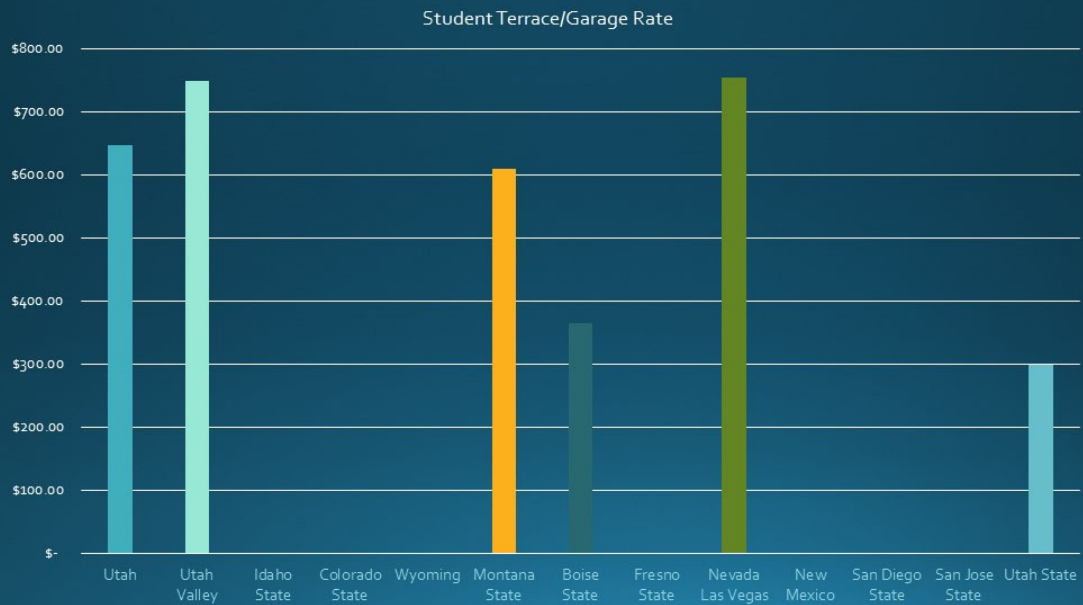
Peer Institutions Residential Parking Rate



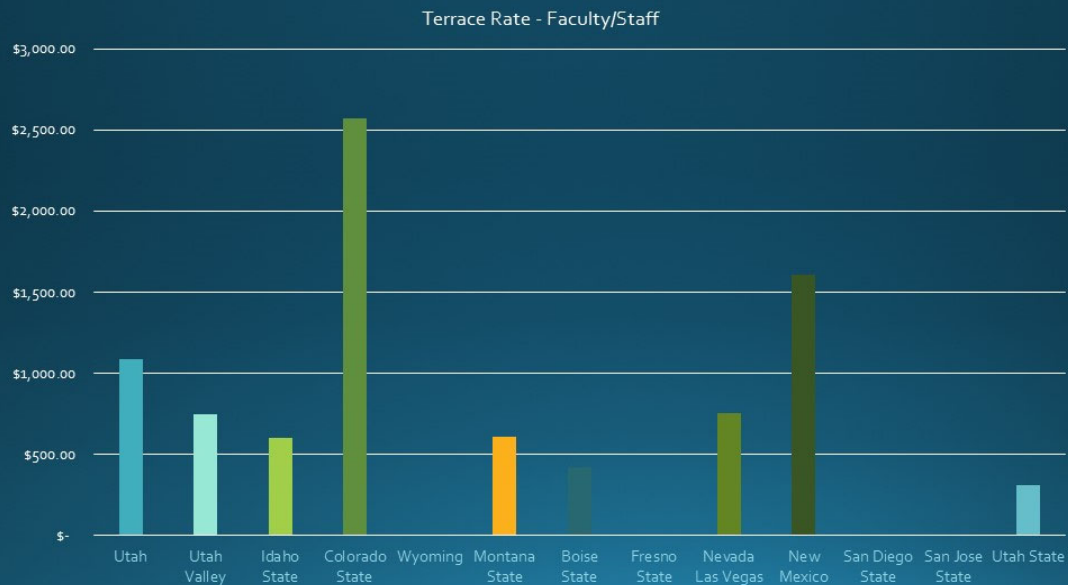
Peer Institutions Economy Parking Rate



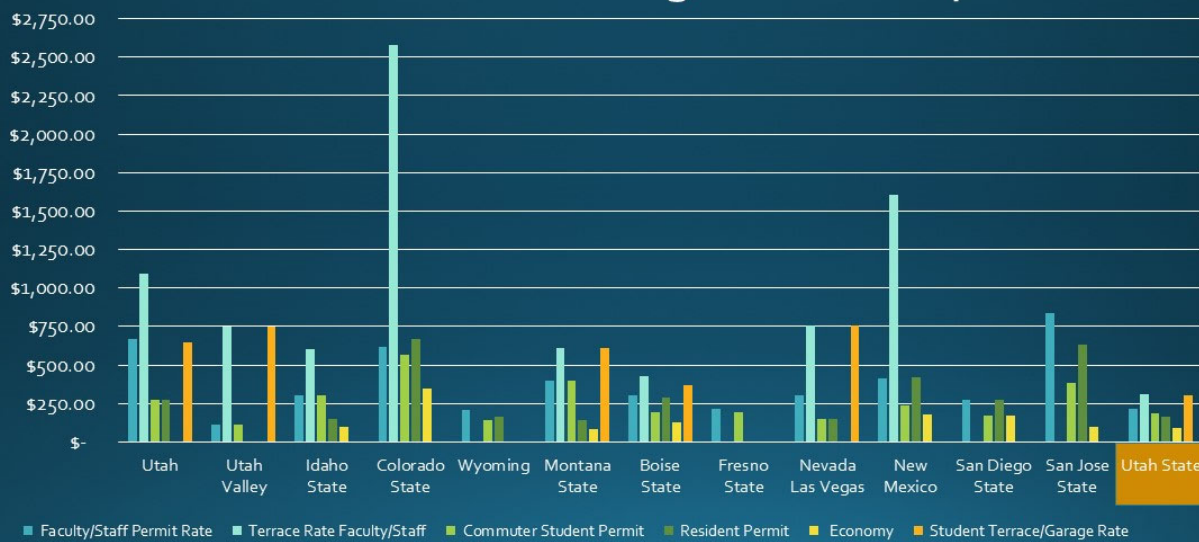
Peer Institutions Terrace Permit Rate



Peer Institutions Faculty Terrace Permit Rate



Peer Institutions Parking Rate Comparison



USU rates are from 2020-21. All other rates from 2019.

Appendix G: Green House Gas Reduction and Sustainability Efforts 2019-20

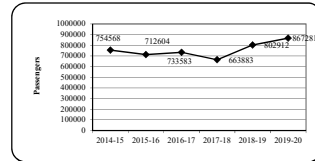
- LED lighting installations – Big Blue Terrace and Aggie Terrace – completed 2019
- LED lighting installation – Motor Pool shop, vehicle rental garage and Outside light – complete – 2019
- Installation of Electric Vehicle Charging stations throughout campus – 8 total
- CNG fuel Aggie Shuttle system since 2017 we have owned our own system.
- Increased transit ridership through Aggie Shuttle & CVTD
- Permit sales
- 11 Hybrid sedans in the USU rental fleet (65 vehicles total). All future sedan purchases will be hybrids.

Investment – Approximately \$400,000

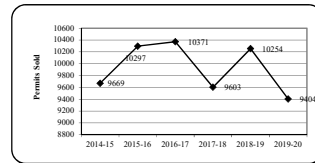
Appendix H: Parking and Transportation Performance Dashboard

Parking and Transportation Performance Dashboard Academic Year 2019-20

Aggie Shuttle Ridership



Permits Sold



2019-2020

Ridership

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
2014-15	754,568	48,441	172,865	169,910	141,497	67,748	150,280	148,107	125,732	135,854	1,817	6,111
2015-16	712,604	3,506	14,901	177,731	163,944	98,438	124,033	158,440	133,685	140,077	18,011	6,376
2016-17	733,583	5,148	31,893	161,220	150,706	85,105	145,482	161,929	132,516	142,067	19,363	6,114
2017-18	663,883	3,076	34,441	143,467	138,302	132,313	69,633	142,651	143,448	123,439	137,009	14,457
2018-19	802,912	3,898	54,422	157,965	184,809	159,340	69,058	173,420	164,752	126,264	143,793	8,782
2019-20	867,281	4,632	57,709	183,964	197,523	164,927	73,840	184,686	0	0	0	0

Permits Sold

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
2014-15	9,669	521	6,316	894	298	187	305	1,148	211	628	2,029	619
2015-16	10,297	592	5,787	1,724	307	232	340	1,315	259	1,033	2,247	702
2016-17	10,371	966	6,385	1,092	308	209	368	1,043	266	817	2,266	623
2017-18	9,603	1,093	6,008	714	282	259	355	892	197	677	2,282	779
2018-19	10,254	1,751	5,888	610	463	229	361	952	159	731	2,425	776
2019-20	9,404	1,683	5,223	510	376	262	488	862	0	0	0	0

The background of the slide is a dark, blue-tinted photograph of the Utah State Capitol building, featuring its prominent clock tower. A flag is visible on a pole to the right. The text is overlaid in white.

UtahStateUniversity®

Parking & Transportation
Greenhouse Gas Reduction
Initiatives

Introduction

- Parking and Transportation continues to be committed to making cost effective purchases to decrease our carbon footprint at USU.
 - Recent Examples:
 - Install LED lighting in both parking terraces
 - Replace non-functional lighting in parking lots with LED lights
 - Purchase hybrid vehicles for Motor Pool
 - Install additional vehicle charging stations
 - 12 CNG buses and CNG filling station

Initiative 1: Increase Fleet Fuel Efficiency

- Motor Pool has 65 vehicles or 9.6% of the USU fleet. Parking and Transportation will continue to purchase hybrid vehicles that are cost effective.
 - Plans to increase the number of hybrids in Motor Pool by year:
 - 2020 2 2021 2 2022 2 2023 2 2024 2
- Departments purchase remaining share of USU vehicles.

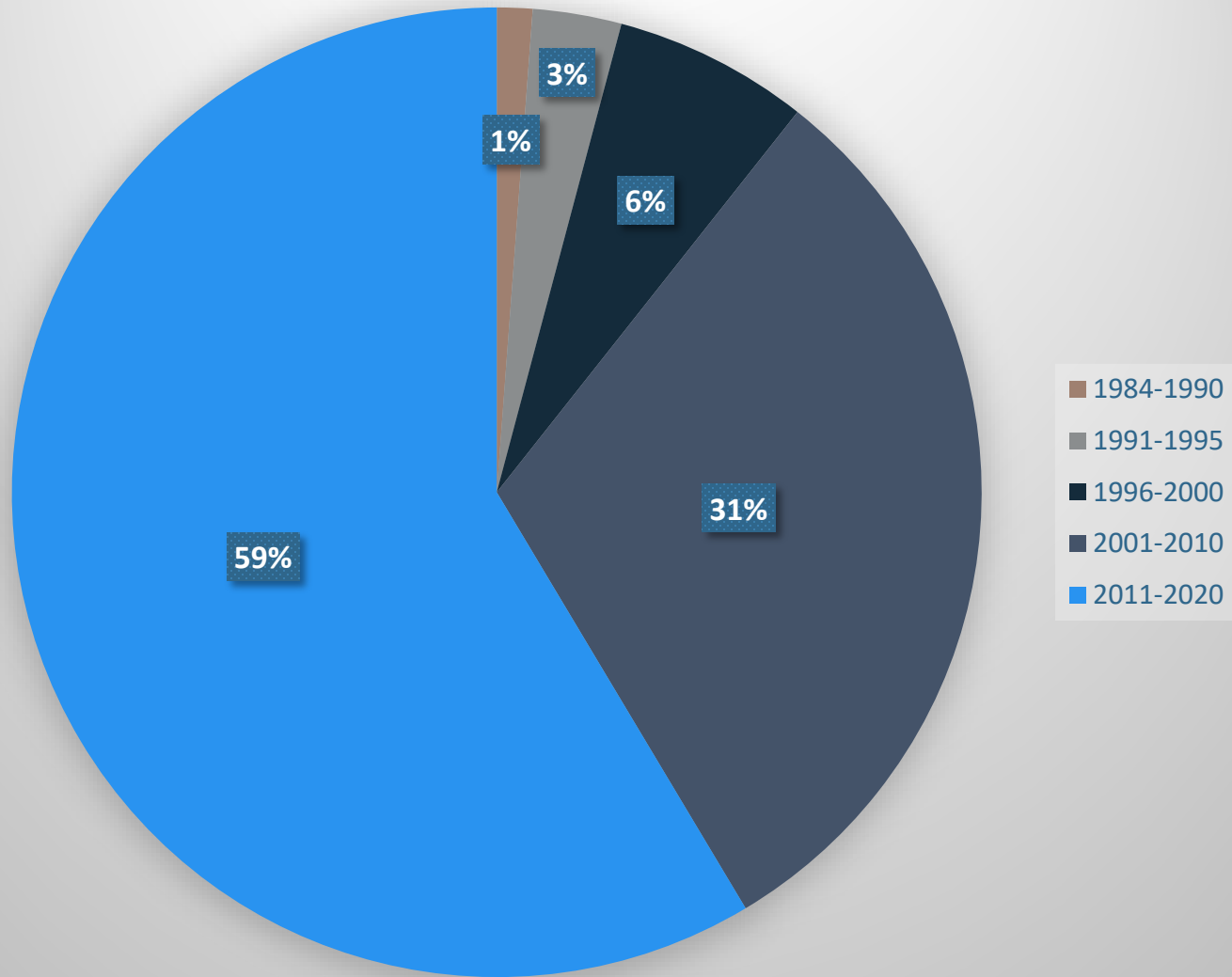
Initiative 1: Increase Fleet Fuel Efficiency

- USU fleet has 675 vehicles purchased by all departments. Ten users own 72% of the fleet.
- Many of the vehicles are light trucks and other specialty vehicles that may be more expensive for departments to upgrade. 73% of the fleet are light-duty trucks or buses.

Initiative 1: Increase Fleet Fuel Efficiency

- The age of the fleet presents opportunities to improve emissions. Just over 40% of the fleet is 2010 or older.
- All university vehicles serviced by Motor Pool are emission tested.
- All parking permit purchases require proof of emissions testing.

Fleet Vehicles by Model Year



Initiative 1 Recommendations

- Strengthen current vehicle use policy
 - Right-sizing
 - Fuel efficiency
 - Establish policy compliance guidelines based on budget and work requirements
- Move all Motor Pool sedans to hybrid vehicles as they are replaced

Motor Pool Upgrade Costs & Considerations

- Motor Pool sedan hybrid upgrades will add \$23,000 over 5 years
- Consideration of hybrid vans and trucks (\$8,000-\$15,000 increase per vehicle)

Initiative 2: Electric Vehicle Pilot Project

- Calls for three to five electric vehicles to be added to the Motor Pool rental fleet.

Electric Vehicle vs. Hybrid Vehicle Costs

Total cost for 3 Electric Vehicles:

- Vehicle Cost: \$99,000
- Insurance: \$900/year
- Charging Stations: \$6,000
- Vehicle Maintenance: \$4,800/year
- Total Cost: \$110,700

Total cost for 3 Hybrid Vehicles:

- Vehicle Cost: \$72,000
- Insurance: \$900/year
- Charging Stations: \$0
- Vehicle Maintenance: \$4,800/year
- Total Cost: \$77,700

Initiative 2 Recommendations

- Pilot program to add electric vehicles to Motor Pool rental fleet and department.
- Advertise electric vehicles.
- Seek a funding source.
- Evaluate pilot program annually.
- Provide charging station location information.
- Present budget request to fund electric vehicles.

Initiative 3: Improve Opportunities for Carpooling

- USU's current carpool program offers staff the opportunity to share the cost of a permit.
- We have 2 employees that are currently taking advantage of this program.
- Most carpooling happens by those interested in ride sharing.

Initiative 3 Recommendations

- Partner with other campus departments to educate the campus community regarding the current USU carpool program.
- Promote program during new employee orientation and Connections.
- Add dedicated carpool stalls as needed.

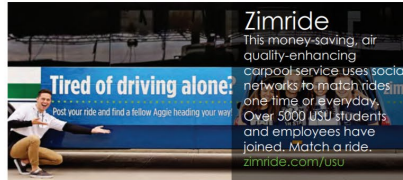
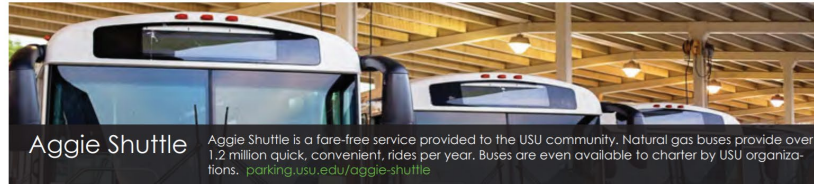
Initiative 4: Promote Alternate Transportation

- Aggie Shuttle provides rides for over 1.2 million passengers per year.
- CVTD provides fare free transportation to campus.
- Parking & Transportation's current campaign encouraging alternate transportation.



Promote Alternate Transportation

Utah State Transportation Options



Distance Travel

If you are heading out of Cache Valley, these options can help.

- USU motor pool has hybrids, minivans, and mini buses in their fleet for rent.
- Aggie Shuttles are available to charter.
- Zimride rideshare is available to carpool on one-time trips.
- Private shuttles run routes from Logan to the Salt Lake Airport and Wasatch Front

Offset your trip or commute locally

Your contribution to the USU offset fund supports transportation options & clean air.



Motorpool Hybrids, Minivans and Trucks

USU Parking & Transportation offers a variety of rental vehicles to meet your traveling needs. You can request hybrid vehicles for your small group or a minivan, mini bus or truck to accommodate a larger group or task. Contact Motorpool at (435) 797-3145 for more information.

Initiative 4 Recommendations

- Increase funding for Aggie Shuttle to include faculty and staff.
- Encourage on-campus living by providing residents reduced parking rate.
- Continue partnership with CVTD to encourage ridership.
 - Identify funding sources for advertising, van pooling, and additional resources
 - University-wide campaign to encourage CVTD ridership
- Advertising campaign to encourage alternate transportation.
- Encourage Aggie Blue Bikes with purchasing new bikes to eliminate maintenance costs and provide greater availability.
- Working group to develop incentives to use alternate transportation.

Initiative 5: Increase Electric Vehicle Charging Stations

- Twelve electric vehicle stalls in various locations on campus.
 - Seven electric vehicle permits have been purchased
- Four electric vehicle stalls provided in new parking garage.
- Infrastructure for additional stalls in new parking garage.

Initiative 5 Recommendations

- All new terraces and new surface lots will include infrastructure for electric vehicle charging stations.
- Encourage home charging for faculty and staff.
- Publish electric vehicle charging station locations on campus.
- Establish charging station protocols and etiquette.

UtahStateUniversity.

EV Charging Station Costs

- New parking structure will have four EV stalls and optional expansion infrastructure for more stalls
 - Infrastructure and four initial stalls: \$13.5K
 - Additional stations average \$2K per install depending on location

Vehicle Use Policy

- Policy 514: Vehicle Use Policy authorizes Deans and VP's to purchase vehicles
- Current policy instructs Deans and VPs to purchase “more fuel efficient vehicles”
- Efficiency goals are clear in policy

Policy 407: Academic Due Process: Sanctions and Hearing Procedures

Section: Faculty Policies

Policy Number: 407

Subject: Academic Due Process: Sanctions and Hearing Procedures

Origin Date: July 1, 1997

Revision Date(s): October 12, 2001; January 30, 2004; August 31, 2006; March 2, 2008; May 23, 2008; March 6, 2009; August 21, 2009; July 8, 2011; May 3, 2013, May 2, 2014, May 1, 2015

Effective Date: May 1, 2015

[Download PDF File](#)

407.1 INTRODUCTION

This section of the policy manual describes allowable sanctions that may be imposed on a faculty member and specifies procedures for the imposition of a sanction and for conducting a grievance hearing.

Where administrators have faculty assignments, they are subject to the provisions of this policy, such provisions to be carried out by their immediate supervisors.

In the absence of the president, or where a potential or actual conflict of interest exists, the president may designate a tenured faculty member to act on his/her behalf. If the provost is not a tenured faculty member or where a potential or actual conflict of interest exists, the provost may designate a tenured faculty member to act on his/her behalf.

In all proceedings in this policy, the rights of access to records are maintained (see Policy 405.6.4).

Notwithstanding any provisions of this policy or related policies, the University reserves the right to take any action as it may be required by law, including without limitation, actions necessary to discharge the University's federal, state, or local legal obligations as applied to the University through legislative action, regulation, or administrative rule and/or guidance.

1.1 Non-punitive Measures

Minor departures from professional behavior can often be corrected simply by calling the matter to the attention of the faculty member involved. Such minor lapses are handled within the faculty member's academic unit. However, any conversations between the faculty member and

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~~the department head, supervisor, academic dean, Vice President for Extension, regional campus dean, or other administrative officer about the grounds for believing that the faculty member has failed to comply with the standards of conduct defined in Policy 403 shall be memorialized in writing by the administrative officer or officers concerned within five business days of such conversations in the form of a letter. This letter shall be provided to the faculty member upon its completion. The faculty member may provide a response to this letter within three days of receipt.~~

Non-punitive measures such as guidance, leave of absence, voluntary resignation, or early retirement should be considered and taken in lieu of a sanction when: (1) it is available; (2) it will provide reasonable assurance that the faculty member will not repeat his/her violation of professional responsibility; (3) substantial institutional interests are not undermined; and (4) the faculty member consents thereto. The faculty member should consult with the Americans with Disabilities Act (ADA) Coordinator within the Office of Human Resources (HR) if performance issues are medically related.

1.2 Definitions of Days

In all proceedings under Policy 407, a day is defined as a calendar day (Sunday through Saturday, excluding official university holidays).

407.2 SANCTIONS

Misconduct contrary to the standards of conduct set forth in Policy 403 may lead to sanction. Minor departures from responsible professional behavior are likely to be minor lapses, which can be corrected simply by calling the matter to the attention of the faculty member involved. Such minor lapses are handled within the faculty member's academic unit.

Apparent failures to comply with the standards of conduct are approached by positive attempts to improve faculty performance such as sustained attempts to inform, persuade, and improve. If appropriate, positive efforts to improve faculty performance shall precede or accompany all sanctions.

2.1 Authorized Sanctions

(1) Reprimand.

A reprimand is a written statement detailing a violation of the standards of conduct in Policy 403.

(2) Probation.

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Probation is a period of time, not to exceed one year, during which faculty members who have violated the standards of conduct in Policy 403 are afforded the opportunity to demonstrate their ability to comply with their professional responsibilities. Failure to fulfill the terms of probation may result in the imposition of another sanction.

(3) Suspension.

Suspension is the barring of a faculty member from the exercise of all or part of his/her duties for a period of time, not to exceed one year. Suspension may be imposed with full pay, partial pay, or without pay.

(4) Reduction in rank.

Reduction in rank is a one-step reduction in faculty rank as defined in Policies 401.4 and 401.5. Reduction in rank is different from reduction in status (see Policy 406.2.3 (2)).

(5) Dismissal.

Dismissal is the ending of employment.

Termination and non-renewal are defined here to differentiate them from dismissal. Termination and non-renewal are not sanctions. Termination means the ending of employment of a tenured faculty member or a faculty member with term appointment for program discontinuance, financial crisis, or bona fide financial exigency. Non-renewal means the ending of employment of a faculty member without tenure or a faculty member with term appointment by non-renewal of his/her contract (see Policy 405).

2.2 Purpose

The imposition of a sanction should serve one or more of the following purposes: (1) to induce self-improvement and reform by a faculty member whose conduct demonstrates the need for self-improvement and reform; (2) to indicate to the faculty member the seriousness of his/her violation and thereby deter him/her from future violations; (3) to reassure the institutional community that violations of the standards of conduct will not be tolerated, thereby helping to maintain respect for and commitment to the standards by other members of the institutional community; or (4) to remove from institutional employment faculty members whose violation of the standards of conduct makes them unsuitable to continue in beneficial service to the institution.

2.3 Imposing a Sanction

The decision to impose a sanction should be guided by fairness, professionalism, and should be designed to allow for an escalating set of consequences where appropriate.~~guided by mercy and restraint.~~ A sanction shall be imposed when: (1) the purpose set forth in Policy 407.2.2 cannot be

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adequately served by non-punitive measures; (2) the sanction is not disproportionately severe in relation to the violation of the standards of conduct for which it is imposed; and (3) the imposition of such sanction is fair and just to the faculty member involved, giving due consideration to the situation and to any relevant matters tending to mitigate the seriousness of the violation.

Sanctions are mutually exclusive and are imposed by the authority of the president. However, probation and another sanction consequent on the failure to fulfill the terms of probation cannot be imposed simultaneously. Sanctions are not cumulative; the sanctions are progressive in severity, but do not have to be imposed progressively.

2.4 Restitution

When a sanction less than dismissal is imposed, the terms of imposition may include the requirement that the faculty member take reasonable action to make restitution or to remedy a situation created by a violation of the standards of conduct.

2.5 Double Jeopardy

No faculty member shall be twice subject to proceedings under this policy for the same instance of a violation of a standard of conduct.

Where a faculty member has been subject to proceedings in a court of law, a sanction shall not be imposed on the faculty member for the same acts unless the acts constitute violations of the standards of conduct in Policy 403.

407.3 PROCEDURES FOR REPRIMANDS

3.1 Notification of Intent to Issue a Reprimand

If a faculty member's department head or supervisor and academic dean or the vice president for extension, or, where appropriate, chancellor or regional campus dean believe that a faculty member has violated the standards of conduct in Policy 403 and such violation warrants a reprimand, they shall notify the faculty member of the basis of the proposed reprimand. The faculty member shall be afforded an opportunity to meet and persuade them that the proposed reprimand should not be imposed. If a reprimand is imposed, it must be issued within 5 days of the meeting.

3.2 Review of Reprimand

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If a faculty member believes that the reprimand has been unjustly imposed, he or she may request a review of the reprimand by the Academic Freedom and Tenure Committee. Such request must be made in writing to the chair of the committee within 20 days after the faculty member receives the reprimand. Within 20 days of receipt of a written request for review, the chair of the Academic Freedom and Tenure Committee shall select by lot and convene a special panel of three members of the Academic Freedom and Tenure Committee (see Policy 402.12.3(2)). The panel shall provide the faculty member with the opportunity to submit a detailed written statement if he or she desires. The panel shall decide whether the facts merit a reprimand hearing. Submission of a request for review does not automatically result in a reprimand hearing.

The panel may seek to bring about a settlement of the matter with the consent of all parties involved. If settlement is not possible or appropriate within 20 days after the panel is convened, the panel will decide whether or not to hold a hearing on the matter.

3.3 Reprimand Hearing

The reprimand hearing will occur within 10 days after the review of the reprimand by the panel. The hearing will be informal but will provide the faculty member and those imposing the reprimand with the rights to be present, to be heard, and to present evidence.

Within 10 days after the hearing, the panel will report its findings and recommendations in writing to the faculty member and to those imposing the reprimand. If the panel determines that the written reprimand is unjust or otherwise inappropriate, such sanction shall be rescinded by those who imposed it and removed from the faculty member's file.

407.4 PROCEDURES FOR SANCTIONS OTHER THAN REPRIMANDS

Probation, suspension with other than full pay, reduction in rank, and dismissal may be imposed on a faculty member ~~only~~ after it has been determined, by the proceedings in this policy or in Policy 305 (Discrimination Complaints), that he or she has violated the standards of conduct in Policy 403. The president may ~~suspend a~~ place a faculty member on administrative leave with full pay pending completion of the procedures described below or in Policy 305. Administrative leave is intended to be a non-punitive measure and is to be distinguished from suspension imposed as a sanction. In all proceedings to impose a sanction other than a reprimand, the following procedures shall govern, except for procedures which govern allegations of research fraud (see Policy 407.8) ~~and sexual harassment (Policy 407.9)~~. The sanction process will be transparent and expedient for the accused, the accuser(s), and all other cognizant parties. Faculty may choose to be accompanied by an advocate or observer during any sanction-related meeting with USU personnel or their representative(s). may request a reasonable delay of an ad hoc

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meeting to obtain such assistance, and must be informed of all relevant progress or decisions made in their absence.

4.1 Initiation

Whenever there are grounds to believe that a faculty member has failed to comply with the standards of conduct in Policy 403, the president, upon his/her own initiative, upon a recommendation from a department head, supervisor, academic dean, the vice president for extension, chancellor, regional campus dean, or other administrative office, upon request of the Board of Trustees, or upon the receipt of complaints from any person, may initiate proceedings for probation, suspension, reduction in rank, or dismissal of a faculty member.

4.2 Notice of Intent to Impose a Sanction

At the direction of the president, the provost shall cause written notice to be delivered personally or by certified mail, return receipt requested, to the faculty member under investigation. A copy of this notice shall be sent to the chair of the Academic Freedom and Tenure Committee, along with a statement confirming the date the faculty member received it. Copies will also be sent to the faculty member's department head or supervisor and academic dean, vice president for extension, or, where appropriate, chancellor or regional campus dean.

Such notice shall contain the following:

(1) A concise and clear statement of the facts, conduct, or circumstances reported to constitute failure to comply with the standards of conduct in Policy 403, including a statement of the standard or standards the faculty member is alleged to have violated.

(2) A statement of the sanction proposed.

A statement that (a) the faculty member has the right to be heard in a conference with the provost (see Policy 407.4.5) either in person or by electronic conferencing; (b) the faculty member may have an advisor of his/her own choosing present at such conference; (c) this conference must be requested in writing within 5 days after receipt of the notice by the faculty member; and (d) this conference must be held within 10 days after receipt of notice by the faculty member.

(4) A statement of the schedule of events that lead to a formal hearing, and that a faculty member may be accompanied at such hearing by an advisor of his/her own choosing.

(5) A statement that within 20 days of the receipt of this notice, the faculty member, if he or she wishes to contest the alleged violation, must file in writing with the chair of the Academic Freedom and Tenure Committee a statement of intent to contest the alleged violation through formal hearing; and that failure to do so will result in the imposition of the proposed sanction.

(6) A statement that within 20 days of the filing of the written statement of intent to contest the alleged violation through formal hearing, the faculty member must file, with the chair of the

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hearing panel, a written response which answers the alleged violation contained in the original notice; and that failure to do so will result in the imposition of the proposed sanction.

4.3 Schedule of Events

The proceedings shall commence with the receipt by the faculty member of the written notice as described in Policy 407.4.2. A copy of the notice must be delivered by the provost to the chair of the Academic Freedom and Tenure Committee within 10 days of receipt of notice by the faculty member.

If the faculty member desires a conference with the provost, he or she must request it within 5 days of receipt of notice. The conference must be held within 10 days of receipt of notice.

The faculty member must present to the chair of the Academic Freedom and Tenure Committee a written statement of intent to contest the alleged violation through formal hearing within 20 days of receipt of notice. The chair of the Academic Freedom and Tenure Committee must notify the provost of the faculty member's intent to contest the alleged violation through formal hearing within 10 days of receiving such statement of intent.

The chair of the Academic Freedom and Tenure Committee must appoint four members of a hearing panel (Policy 402.12.3(7)), including a hearing panel chair, within 10 days of the filing of the written statement of intent to contest the alleged violation through formal hearing. The president must appoint an administrative member of the hearing panel within the same time.

The faculty member must file, with the chair of the hearing panel, a written response which answers the alleged violation contained in the original notice, within 20 days of the filing of the written statement of intent to contest the alleged violation through formal hearing. The chair of the hearing panel must provide the president with a copy of the faculty member's written response which answers the alleged violation contained in the original notice within 5 days of receiving such response.

A prehearing conference will be held within 10 days prior to the formal hearing. The formal hearing will be held within 40 days of receipt of the faculty member's statement of intent to contest the alleged violation through formal hearing. The chair of the hearing panel will schedule the hearing date. The hearing panel must provide a written report of its recommendation to the president, provost, and to the faculty member within 20 days of the hearing.

The schedule of events for sanctions may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of the schedule of events for sanctions is warranted.

4.4 Emergencies

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Emergencies may be grounds for a reasonable extension of the time limits for filing a notice of intent to contest the alleged violation, or for responding to the alleged violation, or for conducting the hearing. Such emergencies must be of a serious and compelling nature, and any such extension shall be by mutual agreement. Failing agreement, an extension for filing a notice of intent to contest the alleged violation is granted only by a majority vote of the Academic Freedom and Tenure Committee; an extension for filing a written response or for conducting the formal hearing is granted only by a majority vote of the hearing panel.

4.5 Conference with Provost

A faculty member notified of an intent to impose a sanction has the right to be heard in conference with the provost either in person or by electronic conferencing. The schedule for requesting and holding a conference is specified in 4.3 above. Both the faculty member and the provost may each have an advisor of their own choosing present at the conference. The purpose of the conference is to attempt to reach an agreement or settlement. In the event that the alleged violations are disposed of by mutual agreement or negotiation at the conference, no hearing need be held. A copy of such settlement shall be sent to the chair of the Academic Freedom and Tenure Committee.

The right to a conference with the provost is discretionary with the faculty member; requesting or rejecting such a conference does not abrogate the faculty member's right to a formal hearing.

4.6 Notice of Intent to Contest the Alleged Violation

A faculty member notified of action leading to sanction must file a notice of intent to contest the alleged violation if the faculty member desires a formal hearing. The notice of intent to contest the alleged violation must be filed with the chair of the Academic Freedom and Tenure Committee within 20 days of receipt of notice. Failure to do so will result in entry of the faculty member's default in the premises, and the imposition of the proposed sanction.

4.7 Response to the Alleged Violation

The faculty member must file a written response which answers the alleged violation contained in the original notice with the chair of the hearing panel within 20 days of the filing of the written statement of intent to contest the alleged violation. Appropriate, substantiating documentation shall be submitted with the response. Failure to do so will result in entry of the faculty member's default in the premises, and the imposition of the proposed sanction.

4.8 Pre-hearing Conference

Within 10 days prior to the date set for the hearing, a pre-hearing conference will be held before the chair of the Academic Freedom and Tenure Committee, who shall preside, and the chair of the hearing panel. At this pre-hearing conference the provost or administrative representative and the faculty member shall make available to each other lists of their proposed witnesses and

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the documentary evidence to be introduced at the hearing. The prehearing conference shall delineate the issues to be examined at the hearing, stipulate the facts to be agreed upon, and achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

Before the formal hearing begins, upon request, either party shall allow the other to examine all documentary evidence and any written or recorded statements that were made by witnesses listed by either party.

4.9 Hearing to Consider Imposition of a Sanction

(1) Date.

The formal hearing will be held within 40 days of receipt of the faculty member’s statement of intent to contest the alleged violation through formal hearing. The chair of the hearing panel will schedule the hearing date. The formal hearing may be continued upon good cause shown by either party. The panel will grant adjournment to enable either party to investigate evidence to which a valid claim of surprise is made.

(2) Records; witnesses; counsel.

Upon request by either the provost or administrative representative, the faculty member, or any member of the hearing panel, the chair of the hearing panel shall request the production of university records and the presence of witnesses to appear and testify. Compliance with such requests is an obligation of employment of any university official or employee except that the privilege against self-incrimination and access to university records as provided in Policy 405.6.4 shall be honored by the panel.

The faculty member and the provost or administrative representative each have the right to have present any one person as an advisor of their choice at all stages of the hearing. The faculty member and the provost or administrative representative shall also each have the right to confront and cross-examine witnesses, to present evidence and call witnesses in their own behalf, to testify, and to be present with their advisor and/or counsel at all meetings and proceedings of the panel except sessions which are closed for deliberation and vote. The faculty member’s advisor and the provost or administrative representative’s advisor are permitted to advise and counsel their respective parties but are not permitted to argue the case or interrogate witnesses. Members of the hearing panel may question witnesses and parties to the hearing.

(3) Opening the hearing to the public.

Hearings shall be closed to the public unless the faculty member requests that they be open and the panel determines, following such request, that an open hearing will not prejudice the interests of the university, the faculty member, or the witnesses. When an open hearing is requested by the faculty member but such request is denied, the specific reasons for denial shall

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be stated in the record. In any closed hearing the faculty member and the provost or administrative representative shall each have the right to the presence of not more than three persons each designated by them as observers.

(4) Hearing record.

A verbatim record of the hearing or hearings shall be made by the president's office and, upon request, a written copy shall be made available to the faculty member without cost.

(5) Burden of proof.

The burden of proof that adequate cause exists to impose a sanction rests with the provost or administrative representative and shall be satisfied only by a preponderance of the evidence in the record considered as a whole.

The panel will not be bound by rules of evidence, and will admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

The findings of fact and the recommendation will be based solely on the hearing record.

(6) Publicity.

Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by all parties and persons involved or present will be avoided as far as possible until the proceedings have been completed.

(7) Deliberations; standards for review.

Hearing panel deliberations and voting shall be conducted in closed sessions from which all other persons are excluded. Upon request of any member of the panel, votes shall be taken by secret written ballot. A simple majority of members shall be required for recommendations by the hearing panel. The panel chair shall be entitled to vote on all questions. The hearing panel may recommend the sanction proposed by the provost or a less severe sanction, including no sanction.

The standard of review by the hearing panel shall be whether the imposition of the proposed sanction (a) is an arbitrary or capricious action, (b) fails to accord the faculty member the academic due process statutory, or constitutional, established by these policies, (c) violates the academic freedom of the faculty member, or (d) violates the legal, statutory, or constitutional rights of the faculty member. If the faculty member asserts a violation of statutory or constitutional civil rights in any of the protected categories of race, color, religion, sex, national origin, age, disability, marital or parental status, or veteran's status, in the faculty member's written response to the alleged violation or at any time during the course of the proceeding, such claims shall be immediately referred in writing to the Affirmative Action/Equal Opportunity

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(AA/EO) Office by the chair of the hearing panel. All such statutory and constitutional civil rights claims shall be handled as outlined in Policy 305.

The hearing panel must report its recommendation to the president, the provost, and to the faculty member within 20 days of the hearing.

4.10 Decision by the President

The president shall review the report and recommendation of the hearing panel and notify the faculty member, the provost, and the chair of the Academic and Freedom Committee of his/her decision within 10 days.

Prior to making his/her decision, the president may remand the matter to the hearing panel for review and further hearing, if necessary. The president shall state in writing to the chair of the hearing panel the specific purposes or reasons for the remand. The further review and hearing shall be limited to those purposes or reasons. The hearing panel shall complete its review and report its conclusions to the president within 20 days after receipt of the remand by the chair of the hearing panel. The president shall review the report and notify the faculty member, the provost, and the chair of the Academic Freedom and Tenure Committee within 10 days of his/her decision.

The decision of the president is final.

4.11 ~~Temporary Suspension~~ Administrative Leave with Full Pay Pending Legal Action

In the event that a faculty member is charged with a felony or other serious crime that affects an institutional interest, or in the event of an investigation of the faculty member pursuant to University Policy Number 305, the ~~president-provost~~ may ~~temporarily suspend~~ place the the faculty member on administrative leave with full pay without following the procedures above upon written notice to the faculty member. This ~~suspension-leave~~ shall remain in effect until such time as the faculty member has resigned, been acquitted of the ~~felony-criminal~~ charges, or been sanctioned according to procedures above.

407.5 GRIEVANCES

Faculty members may grieve actions taken against them, including actions initiated by the university against the faculty member. Grievances are allegations of arbitrary or capricious conduct; violations of legal, constitutional, or statutory rights; or violations of this code or other adopted policies and procedures. A faculty member may not grieve a decision reached under Policies 407.3, and .4.

5.1 Initiation

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A faculty member who has grounds to file a grievance may file written notice of intent to grieve with the chair of the Academic Freedom and Tenure Committee in a timely fashion, but in no instance later than 120 days after the grievant knew or should have known the facts and circumstances giving rise to the grievance.

However, if the subject of the grievance is termination, non-renewal (including the denial of tenure), or reduction in status a faculty member must file written notice of intent to grieve with the chair of the Academic Freedom and Tenure Committee within 20 days of receipt of notice of termination, non-renewal, or reduction in status.

Once notice of intent to grieve has been filed with the chair of the Academic Freedom and Tenure Committee, the actual grievance statement must be filed in writing with the chair of the Academic Freedom and Tenure Committee within 20 days. Failure to file the grievance statement during this time dismisses the intent to grieve with prejudice against the faculty member refiling.

Proceedings for grievances may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of grievance proceedings is warranted.

5.2 Grievance Statement

The grievance statement must include a specific identification of the grievance, a concise summary of the evidence with supporting documentation, and a list of individuals (i.e., respondents) who are asked to respond to the grievance statement. Five copies plus an additional copy for each respondent must be filed with the chair of the Academic Freedom and Tenure Committee.

If a faculty member asserts a violation of statutory or constitutional civil rights in any of the protected categories of race, color, religion, sex, national origin, age, disability, marital or parental status, or veteran's status in his/her grievance statement (or at any time during the course of the proceeding), such claims shall be immediately referred in writing to the AA/EO Office by the chair of the Academic Freedom and Tenure Committee. All such statutory and constitutional civil rights claims shall be handled as outlined in Policy 407.8. The chair of the Academic Freedom and Tenure Committee shall inform the faculty member in writing.

5.3 Grievance Hearing Panel

Once the grievance statement has been filed, the chair of the Academic Freedom and Tenure Committee must, within 15 days, appoint a grievance hearing panel in accord with Policy 402.12.3. The president will appoint the fifth member of the grievance hearing panel within 15 days of the filing of the grievance statement.

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5.4 Distribution of Grievance Statement and Responses

Within 5 days after the filing of the grievance statement, the chair of the Academic Freedom and Tenure Committee must distribute copies of the grievance statement to each of the respondents named in the grievance.

Within 20 days after the filing of the grievance statement, these respondents must file six copies of their written responses with the chair of the grievance hearing panel. Within 25 days after the filing of the grievance statement, the chair of the grievance hearing panel must distribute the respondents' responses to the grievant.

Within 25 days after the filing of the grievance statement, the chair of the grievance hearing panel must distribute copies of the grievance statement and the respondents' responses to the remaining members of the grievance hearing panel.

5.5 Pre-hearing Conference

Within 40 days after the filing of the grievance statement, a pre-hearing conference shall be held before the chair of the Academic Freedom and Tenure Committee, who shall preside, and the chair of the grievance hearing panel. At this pre-hearing conference the parties shall make available to each other lists of their witnesses and the documentary evidence to be introduced at the hearing. The pre-hearing conference shall delineate the issues to be examined at the hearing, stipulate the facts to be agreed upon, and achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. Before the formal hearing begins, upon request, either party shall allow the other to examine all documentary evidence and any written or recorded statements that were made by witnesses listed by either party.

5.6 Grievance Hearing

(1) Date.

The grievance hearing will be held within 20 days of the pre-hearing conference. The grievance hearing panel will schedule the hearing. The grievance hearing may be continued upon good cause shown by any of the parties and mutual agreement thereto. The grievance hearing panel will grant adjournment to enable either party to investigate evidence to which a valid claim of surprise is made.

(2) Records; witnesses; counsel.

Upon request by either of the parties to the grievance, the hearing panel shall request the production of university records and the presence of witnesses to appear and to testify. Compliance with such requests is an obligation of employment of any university official or employee except that the privilege against self-incrimination and access to university records as provided in Policy 405.6.4 shall be honored by the hearing panel.

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Each party to the grievance has the right to have present any one person as an advisor of his/her choice at all stages of the hearing. Each party shall also have the right to confront and cross-examine witnesses, to present evidence and call witnesses in his/her own behalf, to testify, and to be present with his/her advisor at all meetings and proceedings of the hearing panel except sessions which are closed for deliberation and vote. The advisors and counsels are permitted to advise and counsel their respective parties but are not permitted to argue the case or interrogate witnesses. Members of the hearing panel may question witnesses and parties to the hearing.

(3) Opening the hearing to the public.

Grievance hearings shall be closed to the public unless a party requests that they be open, the other party agrees, and the hearing panel determines that an open hearing will not prejudice the interests of any of the parties to the grievance. Where an open hearing is requested on the mutual consent of the parties but such request is denied, the specific reasons for denial shall be stated in the record. In any closed grievance hearing the parties shall have the right to choose and to have present not more than three persons each designated by them as observers.

(4) Record.

The chair of the hearing panel will be responsible for seeing that a taped record of the hearing is taken. If a written record is desired by either party to the grievance, the parties will share equally in the cost of the transcription.

(5) Burden of proof.

The burden of proof that adequate cause for grievance exists rests with the faculty member and shall be satisfied only by a preponderance of the evidence in the record considered as a whole.

The grievance hearing panel will not be bound by strict rules of evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

The findings of fact and the recommendation will be based solely on the hearing record.

(6) Publicity.

Except for such simple pronouncements as may be required covering the time of the hearing and similar matters, public statements and publicity about the grievance by either party will be avoided as far as possible until the proceedings have been completed.

(7) Deliberations.

Hearing panel deliberations and voting shall be conducted in closed sessions from which all other persons are excluded. Upon request of any member of the hearing panel, votes shall be taken by

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secret ballot. A simple majority of members shall be required for recommendations. The chair shall be entitled to vote on all questions.

(8) Recommendation of the hearing panel.

In its finding, the hearing panel will determine only whether the grievance is valid or not valid; that is, whether or not there has been arbitrary or capricious conduct, violations of legal, constitutional, or statutory rights, or violations of these policies or other adopted policies and procedures. The determination of the hearing panel shall be binding on the Academic Freedom and Tenure Committee as a whole. A hearing panel shall submit a written report and recommendation to the president within 20 days of the hearing. A copy of the hearing panel’s report shall be forwarded to both parties to the grievance.

(9) Presidential review and recommendation.

The president shall review the report and recommendation of the hearing panel and notify the parties to the grievance of his/her decision within 10 days. The decision of the president is final.

407.6 NON-RENEWAL

6.1 Definition of Non-Renewal

Non-renewal is the ending of employment of tenure-eligible or term appointment faculty, other than by dismissal (Policy 407.2.1(5)) or by termination (Policy 406.2.3(2)). When non-renewal occurs at the end of the pre-tenure probationary period for tenure-eligible faculty (Policy 405.1.4), it is a denial of tenure.

6.2 Reasons for Non-Renewal

There are only three reasons for non-renewal: unsatisfactory performance of the faculty member’s assigned role (Policies 405.6.1 and 11.1); failure to satisfy the criteria for the award of tenure; or cessation of extramural funding that is required for a substantial portion of the salary support of the faculty member. Non-renewal prior to the end of the pre-tenure probationary period for tenure-eligible faculty is an administrative decision of the department head or supervisor, academic dean or vice president for extension, and, where appropriate, the chancellor or regional campus dean, and must be approved by the provost and president. In making a decision regarding non-renewal, the department head or supervisor, academic dean or vice president for extension, and, where appropriate, the chancellor or regional campus dean is to take into consideration the most current and all previous reports from the Tenure Advisory Committee when making a decision regarding non-renewal (Policy 405.6.2(1)). Tenure-eligible and term appointment faculty members may not have their appointments nonrenewed for reasons that violate their academic freedom or legal rights.

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6.3 Notice of Non-Renewal

(1) Delivery of notice.

The president or the president’s designee shall prepare written notice of non-renewal and shall deliver the notice personally to the faculty member, or shall have the notice delivered by certified mail, return receipt requested. If the notice is thus mailed, it is deemed effective for all purposes.

(2) Notification schedule.

For tenure-eligible faculty appointments, non-renewal must first be preceded by the following minimum notice (a) not later than March 1 for first-year and second-year appointees; (b) not later than December 10 for third-year appointees; (c) no later than January 29 prior to the issuance of a terminal year appointment for fourth-year and fifth-year appointees, except in the case of denial of tenure (see Policy 407.6.1), where minimum notice shall be not later than April 15.

For term appointments commencing at times other than the beginning of the academic year, notice of non-renewal must be no later than: (a) 60 days prior to the end of the first year of service; (b) 130 days prior to the end of the second year of service; or (c) 30 days prior to the issuance of a terminal year appointment after two or more years of service.

6.4 Procedures

(1) Statement of reasons for non-renewal.

Reasons for non-renewal may be stated in the notice of non-renewal, at the president’s discretion.

(2) Conference.

Within 5 days of the receipt of the notice of non-renewal, at the faculty member’s request, a conference to discuss the non-renewal shall occur between the department head and the faculty member who received notice of nonrenewal.

(3) Review by higher administrative level.

Within 15 days of the notice of non-renewal, at the faculty member’s request, the non-renewal and relevant documentation shall be reviewed in a conference including the faculty member and the academic dean or vice president for extension, and, where appropriate, the chancellor or regional campus dean. Unless specifically requested by the faculty member, this conference shall not include the department head or supervisor.

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407.7 INQUIRY INTO ALLEGATIONS OF SCIENTIFIC MISCONDUCT IN RESEARCH AND IMPOSING SANCTIONS FOR RESEARCH FRAUD

In order to distinguish misconduct from honest error and ambiguities of interpretation that are inherent in scientific research, and to provide an environment that promotes integrity, the university has adopted procedures for assessing allegations and conducting inquiries and investigations related to possible scientific misconduct in research. These procedures are contained in the most recent version of “UTAH STATE UNIVERSITY Scientific Misconduct Procedures” (USU-SMP). The USU-SMP procedures were recommended by the Office of Research Integrity of the U. S. Department of Health and Human Services and modified by USU. The USU-SMP are maintained and made available by the vice president for research and dean of the school of graduate studies. They shall also be included in the Faculty Handbook.

7.1 Applicability

The Scientific Misconduct Procedures apply to all faculty, professional employees, graduate and undergraduate researchers, trainees, technicians, staff members, fellows, guest researchers or collaborators conducting funded research at USU.

If the imposition of a sanction is recommended for a member of the faculty as a result of such inquiry and investigation, these sanctions shall apply for research fraud as defined in Policy 407.7.2(2) and shall be governed by the procedures in described in Policy 407.4.

7.2 Definitions

(1) Definitions of Scientific Misconduct in Research

Scientific misconduct or misconduct in science means fabrication, falsification, plagiarism, using data generated by someone else without permission, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

(2) Definition of Research Fraud for the Imposition of a Sanction

Research fraud is an act of deception which that is different from unintentional error. For the purposes of imposing a sanction under Policy 407.4, research fraud is considered to be a violation of the standards of conduct set forth in Policy 403 which occurs within a research setting and involves one or more of the following deceptive practices: plagiarism (Policy 403.3.2(1)); falsification of data (Policy 403.3.2(2)); misappropriation of other’s ideas (Policy 403.3.2(3)); failure to exercise “reasonable care” where appropriate in research (Policy 403.3.2(7) and 403.5)); and misuse of confidential or privileged information (Policy 403.3.2(4)).

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(3) Definition of the Accuser in Scientific Misconduct

The accuser is a person who makes an allegation of scientific misconduct.

(4) Definition of the Respondent in Scientific Misconduct

The respondent is the person against whom an allegation of scientific misconduct is directed or the person who is subject of the inquiry or investigation.

7.3 Research Integrity Officer

The Research Integrity Officer is responsible for assessing allegations of scientific misconduct and determining when such allegations warrant inquiries and for overseeing any inquiries and investigations. This officer will be the vice president for research and dean of the school of graduate studies.

7.4 Inquiry into Allegations of Scientific Misconduct

The procedures detailed in the USU-SMP will be followed when an allegation of possible misconduct in science is received by an academic or administrative officer. Special circumstances in an individual case may dictate a variation from the normal procedure when doing so is deemed to be in the best interest of the university. Any change from the normal procedure must ensure fair treatment to the subject of the inquiry or investigation. Any significant variation must be approved in advance by the vice president for research and dean of the school of graduate studies.

7.5 Protection of the Good Faith Accuser and the Respondent

University employees who receive or learn of an allegation of scientific misconduct will treat the accuser with fairness and respect and, when the allegation has been made in good faith, will take reasonable steps to protect the position, confidentiality, and reputation of the accuser and other individuals who cooperate with the university against retaliation. Likewise, university employees who receive or learn of an allegation of scientific misconduct will treat the respondent with fairness and respect. In both instances, university employees will protect, to the maximum extent possible, the confidentiality of information regarding the accuser, the respondent, and other affected individuals.

407.8 DISCRIMINATION, SEXUAL HARASSMENT, AND DISALLOWED CONSENSUAL RELATIONSHIPS

8.1 Grievance and Sanction Protocols

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(1) Initiation.

Pursuant to University Policy 305, any Utah State University employee, job applicant, or student who feels he or she may have been the victim of discrimination in employment and/or academic-related practices and decisions, unfair employment practice, or sexual harassment may file a Complaint with the Office of Equity.

(2) Procedures.

All such Complaints, including Complaints alleging that a faculty member violated any relevant provision(s) of Policy 403 or Policy 339 under the purview of the Office of Equity shall be processed and investigated pursuant to the protocols set forth in University Policy 305 and/or pursuant to the applicable Office of Equity processes and procedures. Any sanction sought following such an investigation must follow the procedures set forth in section 407.3. and/or 407.4 of this policy, as applicable. Faculty may appeal the final decision of the Equity Office investigation to a panel composed of members of the Equity Office ~~Advisory~~ Advisory Council as described in Policy 305. A faculty member will serve as the Chair and at least two-thirds of the membership of the appeal hearing panel will be consist of faculty members having tenure or term faculty at the penultimate rank or above, consisting of at least two faculty members, one of whom will serve as the chair. This panel will be composed of members of the Equity Office ~~Advisory Council~~.

(3) Temporary suspension Administrative leave with full pay pending final disposition.

In extraordinary circumstances, where the provost concludes that serious and immediate harm will ensue if the faculty member continues to work, and after consulting the chair of the Academic Freedom and Tenure Committee, the provost may at any time during or after an inquiry or investigation into a sexual harassment complaint recommend to the president the suspension with pay of that any faculty member accused of sexual harassment may be placed on administrative leave with full pay.

(4) Report to the Academic Freedom and Tenure Committee.

Whenever a referral has been made by an Academic Freedom and Tenure grievance committee to the Office of Equity, the Director of the Office of Equity shall meet periodically with the Academic Freedom and Tenure grievance committee and the chair of the Academic Freedom and Tenure Committee to discuss any inquiry or investigation.

(5) Exclusive action.

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A faculty member may not file a grievance under Policy 407.6 to challenge the proceedings under this policy or Policy 305. that

(6.5) Protection of the Parties.

The Office of Equity Policy 305 generally describes a grievance process that is extended to the members of the University community listed in Policy 305. This process is designed to faithfully balance the rights of individuals to make Complaints and the rights of individuals to respond to Complaints. To help ensure the integrity of this process, a party found to have been intentionally dishonest in making allegations or responding to allegations may be subject to sanction or other university discipline.

8.2 Other Investigatory Methods

Neither the terms of this section 407.8 nor the terms of Policy 305 preclude other investigatory methods, such as an official internal investigation approved by the Office of the Provost so long as the procedures set forth in section 407.3 and/or 407.4, as applicable, govern the implementation of any sanction(s) stemming from such an investigation.

8.3 Disallowed Consensual Relationships

A disallowed consensual relationship (see Policy 403.1) may be grieved pursuant to section 407.8 of this policy and Policy 305. However, neither the terms of this section 407.8 nor the terms of Policy 305 preclude other investigatory methods relating to disallowed consensual relationships, such as internal investigation, so long as the procedures set forth in section 407.3 and/or 407.4, as applicable, govern the implementation of any sanction(s).

407.8 SEXUAL HARASSMENT

8.1 Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity, including a student's academic success;

(2) Submission to or rejection of such conduct is used as a basis for an employment decision affecting an individual; or

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~~(3) Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment.~~

8.2 Policy Statement

~~No faculty member shall engage in sexual harassment. Sexual harassment will not be tolerated by the faculty or administration of the university. Any statement in Policies 407.8 and 407.9 that refers to faculty also applies to students with teaching or research responsibilities and other instructional personnel of the university.~~

Sexual harassment may involve a misuse of power and threaten relationships between teacher and student or supervisor and subordinate and may exist among peers.

8.3 Examples of Sexual Harassment

Sexual harassment encompasses the verbal or physical conduct prohibited by Policy 407.8.1 above and also includes, but is not limited to:

- (1) Sexual assault and physical molestation;
- (2) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- (3) Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring or touching of a sexual nature or unwelcome "sexual talk;"
- (4) Sexual conduct (not legitimately related to the subject matter of a course in which one is involved) that produces discomfort or humiliation, or both, and that includes one or more of the following: (a) comments of a sexual nature; or (b) sexually explicit statements, questions, jokes, pictorials, or anecdotes;
- (5) Sexual conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (a) unnecessary touching, patting, hugging, or brushing against a person's body; (b) remarks of a sexual nature about a person's clothing or body; or (c) remarks about sexual activity or speculations about previous sexual experience.

8.4 Isolated Acts

For sexual harassment to be committed in some instances, a pattern of prohibitive conduct is required. Members of the university community who, without establishing a pattern of doing so, engage in isolated conduct of the kind described in Policy 407.8.3 demonstrate insensitivity that necessitates remedial measures. When university administrators become aware that such activities are occurring in their areas, they should direct that those engaged in such conduct undertake an educational program designed to help them understand the harm they are doing and must advise the AA/EO Office of such activities.

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8.5 Procedures for Inquiry into Allegations of Sexual Harassment and Other Violations of Statutory and Constitutional Civil Rights

(1) Initiation.

A complaint that the provisions of this policy have been violated may be brought by any member of the university community to any academic or administrative office. The complaint shall be filed with the AA/EO Office. The complaint must be filed within 120 calendar days of the last alleged occurrence. Alleged incidences outside the timeline should nonetheless be brought to the attention of the AA/EO Office for review.

(2) Procedures.

An inquiry or investigation shall be conducted in accordance with the policies and practices of the AA/EO Office. Since damage could result to the career and reputation of any person accused of a violation of this policy, or other constitutional or statutory civil rights laws, all information regarding such matters should be held as confidential, to the maximum extent possible.

In the event the allegations in the complaint are not substantiated, all reasonable steps will be taken to restore the reputation of the accused faculty member.

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to sanction or other university discipline. Any appeal of the findings and recommendation of the inquiry or investigation shall also be conducted in accordance with the policies and practices of the AA/EO Office.

(3) Temporary suspension with full pay pending final disposition.

In extraordinary circumstances, where the provost finds that it is reasonably certain that the alleged sexual harassment has occurred and serious and immediate harm will ensue if the faculty member continues to work, and after consulting the chair of the Academic Freedom and Tenure Committee, the provost may at any time during or after an inquiry or investigation into a sexual harassment complaint recommend to the president the suspension with pay of any faculty member or teaching assistant accused of sexual harassment.

(4) Report to the Academic Freedom and Tenure Committee.

Whenever a referral has been made by an Academic Freedom and Tenure grievance committee to the AA/EO, the Director of the AA/EO shall meet periodically with the Academic Freedom and Tenure grievance committee and the chair of the Academic Freedom and Tenure Committee to discuss any inquiry or investigation.

(5) Exclusive action.

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A faculty member may not file a grievance under Policy 407.6 to challenge the proceedings under this policy.

407.9 CONSENSUAL RELATIONSHIPS

9.1 Rationale

The university's educational mission is promoted by professionalism in faculty-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions that harm this atmosphere undermine professionalism and hinder fulfillment of the university's educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse or appear to abuse their power in such a context violate their duty to the university community.

Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. Amorous relationships between faculty members and students are not acceptable to the university when the faculty member has professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his/her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and faculty may be affected by such unprofessional behavior because it places the faculty member in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the university will view it as unprofessional conduct if faculty members engage in amorous relations with students in certain situations, even when both parties appear to have consented to the relationship.

9.2 Consensual Relationships in the Instructional Context

No faculty member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member, whose academic work (including work as a teaching assistant) is being supervised by the faculty member, or whose present or future academic or professional success is controlled or influenced by the faculty member. A violation of this policy is considered to be violation of the standards of conduct set forth in Policy 403.

9.3 Consensual Relationships Outside the Instructional Context

Amorous relationships between faculty members and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitive. Further, in such situations (and

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others that cannot be anticipated), the faculty member may face serious conflicts of interest and should be careful to distance himself/herself from any decisions that may reward or penalize the student involved. A faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the faculty member has or had an amorous relationship is considered to be in violation of the standards of conduct set forth in Policy 403.

407.10 COMPLAINTS

A complaint alleging violations of Policies 407.8 or 407.9 may be informally or formally registered by any person, or the formal process (Policy 407.11) may be initiated by the provost.

40.1 Informal Complaint

At the complainant's option, a complaint that one or more provisions in Policies 407.8 or 407.9 have been violated may be brought to any appropriate member of the university community, including any academic or administrative officer of the university such as the provost, the AA/EO Director, the vice president for student services, any academic dean, vice president of extension, chancellor, regional campus dean, supervisor, department head, ombudsperson, or advisor.

The person to whom the complaint is brought will counsel the complainant about the options available under this policy and, at the complainant's request, may help the complainant resolve the complaint informally and/or help the complainant draft a formal complaint if the complainant decides to follow that route.

The person to whom the informal complaint is brought will not inform the accused of the complainant's action without the consent of the complainant.

40.2 Formal Complaint

A complainant who wishes to make a formal complaint should file it with the AA/EO Office.

407.11 PROCEDURES FOR INQUIRY INTO ALLEGATIONS OF VIOLATIONS OF POLICY ON SEXUAL HARASSMENT AND CONSENSUAL RELATIONSHIPS (Policy 407.8 and 407.9)

In all proceedings to impose a sanction for violations of Policies 407.8 and/or 407.9, the following rules and procedures shall govern:

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11.1 Initiation of a Preliminary Inquiry into Alleged Violations of Policies 407.8 and/or 407.9

Whenever there are grounds to believe that a faculty member has violated Policies 407.8 and/or 407.9, the Director of the AA/EO, upon the filing of a complaint, will initiate a preliminary inquiry. In conducting the preliminary inquiry, the Director of the AA/EO may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. At all times, the Director of the AA/EO will conduct the preliminary inquiry in a manner to ensure confidentiality.

The Director of the AA/EO must decide whether or not an inquiry is appropriate, and must inform those filing the complaint of this decision within 10 days of receiving the complaint of alleged violation of Policies 407.8 and/or 407.9. If an inquiry is warranted, the Director of the AA/EO will inform the provost who shall cause an inquiry panel to be established.

11.2 Inquiry into Allegations of Violation of Policies 407.8 and/or 407.9

(1) Purpose.

An inquiry into allegations of violation of Policies 407.8 and/or 407.9 shall determine from review of factual evidence whether the initiation of actions described in Policies 407.1 through 407.4 is warranted. The purpose of the inquiry is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred.

(2) Notification of faculty member.

Within 10 days of the decision to hold an inquiry, the provost shall notify the faculty member in writing, return receipt requested, of the specific allegations filed against him/her and the procedures described in this policy regarding the inquiry.

(3) Membership of the inquiry panel.

The inquiry will be conducted by a panel of three faculty members, including two chosen by the chair of the Academic Freedom and Tenure Committee from the membership of that committee or from the Faculty Senate at large, and one to be chosen by the provost. Each member of the inquiry panel shall be impartial and shall be removed and replaced if there are any real or apparent conflicts of interest. Not all members of the inquiry panel shall be of the same sex.

(4) Inquiry panel deliberations.

In conducting the inquiry, the inquiry panel may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. At all times, the inquiry panel will take steps to ensure confidentiality. The inquiry will afford the accused a full opportunity to respond to the allegations.

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The inquiry panel must review the allegations and provide a written report of its findings within 20 days after the provost's notification to the accused. The inquiry panel will review the evidence relating to the allegations and determine whether or not actions as described in Policies 407.1 through 407.4 are warranted.

(5) Inquiry panel report.

The written report of the inquiry panel shall be submitted to the provost. If the report recommends proceedings to take actions described in Policies 407.1 through 407.4, the provost shall forward a recommendation to the president to initiate such proceedings, and will so notify the complainant and the accused. If the inquiry panel report indicates that the allegations are unsupported, the provost shall so notify the complainant and the accused. The outcomes of the inquiry are either a judgment that the allegations are not warranted or the recommendation of actions described in Policies 407.1 through 407.4.

11.3 Protection of Complainant and Others

(1) Consent of complainant.

Inquiries will be initiated only with the complainant's consent. The complainant will be informed fully of steps taken during the inquiry.

(2) Protection of witnesses.

All reasonable measures will be taken to assure that the complainant and all others testifying before the hearing panel will suffer no retaliation as the result of their activities in regard to the process. Steps to avoid retaliation might include: (a) lateral transfers of one or more of the parties in an employment setting and a comparable move if a classroom setting is involved, and (b) arrangements that academic and/or employment evaluations concerning the complainant or others be made by an appropriate individual other than the accused, and/or (c) temporary suspension with full pay pending final disposition.

In extraordinary circumstances, after consulting the chair of the Academic Freedom and Tenure Committee, the provost may, at any time during or after an inquiry into a sexual harassment complaint, recommend to the president the suspension with pay of any faculty member or teaching assistant accused of sexual harassment if, after reviewing the allegations and interviewing the accused, the complainant, and, if it seems appropriate, others, the provost finds that it is reasonably certain that the alleged sexual harassment has occurred and serious and immediate harm will ensue if the person continues to work.

11.4 Protection of the Accused

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~~At the time the inquiry commences, the accused will be informed of the allegations, the identity of the complainant, and the findings of the preliminary inquiry. In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the accused.~~

~~A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to sanction or other university discipline.~~

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Policy 403: Academic Freedom and Professional Responsibility

Section: Faculty Policies

Policy Number: 403

Subject: Academic Freedom and Professional Responsibility

Origin Date: July 1, 1997

Revision Date(s): October 20, 2006, March 6, 2009, July 8, 2011, January 6, 2012

Effective Date: January 6, 2012

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403.1 INTRODUCTION

The university is operated for the common good which depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to teaching, research, and service. (See policy 401.8.1 (1) regarding provisions which are the same or similar to certain statements of the American Association of University Professors).

The university is a community dedicated, through promulgation of thought, truth, and understanding, to teaching, research, and service. It must therefore, be a place where innovative ideas, original experiments, creative activities, and independence of thought are not merely tolerated but actively encouraged. Thought and understanding flourish only in a climate of academic freedom and integrity, expressed collectively by colleges and departments as well as individually through research and teaching and as they exist within the wider context of advanced study as commonly understood by all universities. The community also values diversity and respect, without which there can be no collegiality among faculty and students. In addition, the university community values individual rights and freedoms, including the right of each community member to adhere to individual systems of conscience, religion, and ethics. Finally, the university recognizes that with all rights come responsibilities.

Because the pursuit of truth is fundamentally a personal enterprise, a statement of faculty responsibility must be strongly anchored to principles of intellectual freedom and personal autonomy. While faculty must abide by standards of professional responsibility, the university must provide and safeguard a climate of intellectual freedom. Relationships within the university should consist of shared confidence, mutual loyalty, and trust. Dealings should be conducted with courtesy, civility, decency, and a concern for personal dignity. Such an atmosphere can be achieved only when all concerned behave responsibly. While the right of academic freedom is respected, the exercise of the right cannot be through disruptive actions or physical force. The university works to uphold its collective values by fostering free speech, broadening fields of inquiry, and encouraging the generation of new knowledge that challenges, shapes, and enriches our collective and individual understandings.

403.2 ACADEMIC FREEDOM

Academic freedom is the right to teach, study, discuss, investigate, discover, create, and publish freely. Academic freedom protects the rights of faculty members in teaching and of students in learning. Freedom

in research is fundamental to the advancement of truth. The faculty member is entitled to full freedom in teaching, research, and creative activities, subject to the limitations imposed by professional responsibility.

2.1 Freedom and Responsibilities of the University

Subject to the power and authority of the Board of Regents to control, manage, and supervise the Utah System of Higher Education, and Utah State University as a member institution, the university has the freedom to pursue its ends without interference from government. Included therein are the four essential freedoms of the university to determine for itself on academic grounds: (1) who may teach; (2) what may be taught; (3) how it shall be taught; and (4) who may be admitted to study. Consistent with principles of academic freedom, the faculty, individually and collectively, has the responsibility for determining the content of the curriculum.

The university consists of many components all of which support the interactive, collegial enterprise that exists in the quest for knowledge and its transmittal. The university has the general responsibility to protect the academic freedom of every faculty member and the freedom of every student to learn. The university itself shall not violate the academic freedom of any faculty member or the freedom of any student to learn and shall use its powers and resources to defend its faculty and students from unjustified attempts to compromise or restrict those freedoms, even should the exercise of those freedoms generate hostility.

2.2 Freedom and Course Requirements

Students are expected to take courses that will challenge them intellectually and personally. Students must understand and be able to articulate the ideas and theories that are important to the discourse within and among academic disciplines. Personal disagreement with these ideas and theories or their implications is not sufficient grounds for requesting an alternative course requirement. Alternative requirements requested on such grounds will not necessarily be granted. The university recognizes that students' sincerely held core beliefs may make it difficult for students to fulfill some requirements of some courses or majors (see policy 403.4). The university assumes no obligation to ensure that all students will be able to complete any course or major.

2.3 Violations of Academic Freedom or Standards and Regulations

Persons having a formal association with the university shall not be involved in acts which violate the academic freedom or constitutional rights of others, or the standards and regulations of the university or the State Board of Regents.

403.3 PROFESSIONAL RESPONSIBILITY; STANDARDS OF CONDUCT

The concept of academic freedom is accompanied by an equally demanding concept of professional responsibility. The standards for professional responsibility listed in the following subsections are standards to which faculty members are expected to adhere. University faculty members are citizens, members of learned professions, and officers of an educational institution. When speaking or writing as citizens, faculty members are free from institutional censorship or discipline, but their special position in the community imposes special obligations. As individuals of learning and as educational officers, they should understand that the public may judge their profession and their institution by their individual utterances. Hence, they should at all times strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking for the institution.

3.1 Standards of Conduct - Faculty Responsibilities to Student

- (1) Faculty members engage in reasonable and substantial preparation for the teaching of their courses, appropriate to the educational objectives to be achieved and consistent with the standards of the discipline.
- (2) Faculty members meet scheduled classes. Schedules are altered or classes canceled only for valid reasons and only after adequate notice is given to students and the faculty member's direct academic supervisor. Failure to meet a class without prior notice to students is excusable only for reasons beyond the control of the faculty member.
- (3) Faculty members shall select course requirements based on the legitimate pedagogical goals of the course and discipline, and inform students of the general content and evaluation criteria in the syllabus or comparable documentation at the beginning of any course they teach. Faculty members evaluate student course work promptly, conscientiously, without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course in the course documentation and related to the legitimate pedagogical goals of the course. The documentation for the course should identify, to the extent possible, the writings, lectures, films, presentations, performances, or other course requirements in sufficient detail to allow the student to identify requirements that may conflict with the student's sincerely held core beliefs. Faculty will not always be able to predict in advance requirements that may conflict with the sincerely held core beliefs of a given student or group of students. If conflicts arise, Procedures for Alternative Course Requirements due to Conflicts with Sincerely Held Core Beliefs (403.4) provides guidance to students and faculty for the resolution of conflicts.
- (4) Faculty members with teaching responsibilities maintain regular office hours for consultation with students, or they otherwise assure accessibility to students.
- (5) Faculty members do not plagiarize the work of students. When faculty members and students work together, appropriate credit is given to the students. Faculty members do not limit or curtail the right of any student to publish or otherwise communicate the result of the student's own independent scholarly activities.
- (6) Faculty members do not use their positions and authority to obtain uncompensated labor or to solicit gifts or favors from students. Faculty members do not ask students to perform services unrelated to legitimate requirements of a course unless the student is adequately compensated for such services.
- (7) Faculty members do not reveal matters told to them in confidence by students except as required by law, and then only to persons entitled to such information by law or institutional regulation. Faculty members may, however, report their assessment of a student's performance and ability to persons logically and legitimately entitled to receive such reports.
- (8) Faculty members create and maintain environments in which students are provided the opportunity to do original thinking, research, and writing.
- (9) Faculty members avoid the misuse of the classroom by preempting substantial portions of class time for the presentation of views on topics unrelated to the subject matter of the course. Faculty members do not reward agreement or penalize disagreement with his or her views on controversial topics.
- (10) Faculty members do not engage in the sexual harassment of students (policy 407.9). Faculty do not engage in sexual conduct—including without limitation sharing any sexually explicit or lewd communication, image, or photograph—with any subordinate student, as defined by Utah Code Ann. § 63G-7-301(4)(v).

3.2 Standards of Conduct - Professional Obligations

- (1) Faculty members do not plagiarize nor do they permit the appearance that they are the author of work done by others.
- (2) Faculty members do not falsify data either by deliberate fabrication or selective reporting with the intent to deceive.
- (3) Faculty members do not misappropriate other's ideas.
- (4) Faculty members do not misuse privileged or otherwise confidential information.
- (5) Faculty members exercise "reasonable care" (policy 403.3.5) in meeting their obligations to their associates when they are engaged in joint research or other professional effort.
- (6) Faculty members do not exploit their positions for personal or pecuniary gain when supervising the professional work of others. Research for pecuniary return should be conditional upon disclosure to and consent of the vice president for research and dean of the school of graduate studies.
- (7) Faculty members exercise "reasonable care" (policy 403.3.5) in meeting their commitments to the institution and to funding agencies where appropriate in research, publication, or other professional endeavors.
- (8) Faculty members keep informed and knowledgeable about developments in their fields.

~~(9) Faculty members do not engage in the sexual harassment of other faculty members or any employee of the university (policy 407-9).~~

3.3 Standards of Conduct - Responsibilities to the Institution

- (1) Faculty members conduct themselves in an open, fair, civil, and humane manner both in general and when making decisions or recommendations concerning admissions, employment, promotion, retention, tenure, and other professional matters.

~~(2) Faculty members do not engage in discrimination in violation of the policies of the university, including without limitation—(policies 303 (Affirmative Action/Equal Opportunity), 305 (Discrimination Complaints), and 339 (Sexual Harassment)). do not harass or discriminate against anyone on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, veteran status, or marital or parental status, the presence of any sensory, physical or mental disability or handicap, or for any other reason impermissible under applicable constitutional or statutory provisions.~~

- ~~(3)~~ Faculty members may engage in outside professional activities that improve their academic skills and have a legitimate relationship to their academic service; however, faculty members must comply with policies 376 and 377, restricting the amount of time spent on noninstitutional commitments, including outside consulting and other non-institutional employment. They also must comply with state law and institutional regulations relating to conflicts of interest.

- ~~(4)~~ Faculty members do not exploit the institution's name or their relationship to the institution for personal reasons unrelated to their legitimate academic or professional activities. They avoid creating the impression that they are representing the institution in public appearances or statements, unless in fact they are.

- ~~(5)~~ Faculty members do not purposely destroy institutional property, purposely disrupt institutional programs, purposely inflict physical injury or threaten such injury to other persons on campus, or purposely interfere with the legitimate activities of other persons on the institution's campus, nor do they purposely

and unlawfully incite others to engage in such destruction, disruption, injury, or interference. Provided however:

(a) Non-violent reaction from members of an audience at a meeting or program open to the public shall not be considered disruption or interference of legitimate activities, unless such reaction occurs for the purpose of preventing the continuation of the program and has a reasonable likelihood of succeeding.

(b) Mere advocacy or expression shall not be considered incitement, unless the advocacy or expression poses a clear and present danger of the imminent occurrence of destruction, disruption, injury, or interference.

(56) Faculty members do not misappropriate institutional property or knowingly use it in violation of state or federal law.

(76) Faculty members do not knowingly mislead the institution by falsely asserting facts relevant to their qualifications as faculty members or their eligibility for institutional benefits.

(87) Faculty members adhere to the drug- and alcohol-free workplace policy (policy 313).

3.4 Standards of Conduct - Responsibilities of Citizenship

Faculty members share the general legal duties of citizenship. Faculty members who violate state or federal law may expect no immunity or special protection by reason of faculty status. As with other citizens, breaches of legal duty by faculty members are matters for disposition by the legal system. The university will not commence disciplinary proceedings for violations of law unless such violations directly relate to the university or adversely impact on the university's purposes and mission. The university reserves the right to bring disciplinary proceedings against faculty members who are charged with unlawful conduct which also constitutes a violation of a standard of conduct of this policy.

3.5 Definition of Reasonable Care

This term, which is familiar to the law, means that the level of performance required of a faculty member is that which is recognized in the profession as reasonable in the light of the obligations which he or she has assumed, competing demands upon his or her energy and time, nature and quality of his or her work, and all other circumstances which the academic community would properly take into account in determining whether he or she was discharging his or her responsibilities at an acceptable level.

403.4 PROCEDURES FOR ALTERNATIVE COURSE REQUIREMENTS DUE TO CONFLICTS WITH SINCERELY HELD CORE BELIEFS

It is the student's obligation to determine, before the last day to submit a petition for late course drop without penalty, when course requirements conflict with the student's sincerely held core beliefs. The class should be dropped if a conflict exists. A student who finds this solution impractical may request an alternative requirement from the instructor. Though the university provides, through this policy, a process by which a student may make such a request, the policy does not oblige the instructor to grant the request, except in those cases when a denial would be arbitrary and capricious or illegal. A request for an alternative requirement must be made to the instructor in writing or email, and the student must deliver a copy of the request to the office of the department head. The request must articulate the burden the requirement would place on the student's sincerely held core beliefs.

The instructor must respond to any request for an alternative requirement within two school days of receiving it. The response must be made in writing and a copy must be delivered to the office of the department head. In the event that the class does not meet on the day by which the instructor must respond, the student must make arrangements to receive the response in a timely manner. Instructors are not required to provide an alternative requirement, as long as the original course requirement has a reasonable relationship to a legitimate pedagogical goal. They may do so only if a reasonable alternative means of satisfying the course requirement is available and only if that alternative is fully appropriate for meeting the academic objectives of the course, after considering (1) the fundamental importance of the particular requirement to the legitimate pedagogical requirements of the course; (2) the burden on the student's sincerely held core beliefs; and (3) the difficulty of administering the alternative requirement.

In considering whether or not to provide an alternative requirement, the instructor may evaluate the sincerity but not the validity of the student's beliefs. If an instructor in a course provides an alternative requirement, the instructor must similarly consider all other requests made during the same semester for the same course for alternative requirements to address all students' sincerely held core beliefs. Requests will be individually evaluated in relation to the same considerations; however, the granting of one such request will not guarantee that all requests will be granted. Because the criteria and requirements for granting requests will apply differently to each instructor and to each section of each course, decisions made by an instructor in one course will not affect decisions by the same instructor in other courses or by other instructors in the same or other courses.

If an instructor does not grant a request for an alternative requirement, the student may appeal that denial in writing to the department head. If the department head is the instructor of the course, the student may appeal the denial to the academic dean of the college. The department head will, in consultation with the faculty member, act within two school days. The department head will uphold the denial unless she or he finds that the denial was arbitrary and capricious or illegal. The student may appeal the department head's decision to the academic dean of the college. The academic dean's determination shall be final as it pertains to the specific request for an alternative requirement. Faculty challenges to the appropriateness of this decision should follow established grievance procedures. The student may but is not required to participate in these further reviews.

If the faculty instructor disagrees with the dean's decision that the instructor's denial of the student's request was arbitrary and capricious or illegal, the faculty instructor may not be compelled against his/her professional judgment to administer the requested alternative requirement for the student. If the faculty instructor declines to administer the alternative requirement, it will be the responsibility of the dean in consultation with the department head to design and administer the alternative requirement for the student in order to satisfy the student's request. The dean (or dean's appropriate designee) will determine the student's grade on that specific alternative requirement and will report that grade to the course instructor, who will incorporate that grade for the requirement into the total grade for the course. The final grade in the course will be determined by the faculty instructor and will be calculated in the same way as the final grade is determined for all other students in the course.

A student in good standing may determine, after the last day to submit a petition for late course drop without penalty, that a course requirement conflicts with the student's sincerely held core beliefs. If the instructor has denied the student's written request for an alternative requirement, the student may seek permission in writing from the dean to withdraw without receiving a W on his/her transcript and to receive a refund of tuition for that class. It is the student's responsibility to determine any effect withdrawing from the course may have on the student's financial aid. In making this request the student must demonstrate that he or she could not have made this determination prior to the last day to drop courses without penalty, or that the request was made prior to the last day to drop a course and a decision was made after the drop date. The dean's determination shall be final.

Decisions on requests for alternative requirements shall not be considered adversely to a faculty member in retention, promotion and tenure, or other proceedings as long as those decisions are made in good faith. Faculty shall not take adverse academic action against students requesting alternative requirements. The academic college dean, campus dean, vice chancellor for academic affairs or department head shall not take any adverse action against an instructor based on his/her decision to provide or not to provide an alternative requirement for a student.

404.3 APPOINTMENT PROCEDURES, TENURED OR TENURE-ELIGIBLE FACULTY AND FACULTY WITH TERM APPOINTMENTS

The department head or supervisor and the search and screening committee are responsible to ensure that all university regulations pertaining to affirmative action and equal opportunity are adhered to throughout the appointment process.

3.1

The faculty of departments and other academic units, in conjunction with the department head or supervisor, shall determine the need for and general parameters of faculty appointments congruent with its mission and role.

3.2

The department head or supervisor, shall obtain authorization from the provost, through the appropriate academic dean, chancellor, vice president for extension and agriculture, or regional campus dean to establish or fill any appointment on the academic unit's faculty.

3.3

The department head or supervisor shall appoint a search and screening committee of not less than five members. A majority, and, where possible five members, must be appointed from among the faculty of the department or the Library if the search occurs there. In searches for faculty who will reside at campuses other than Logan, the search and screening committee must include faculty representation from the campus where the new faculty member will reside. See policies 401.4.3(4) and 5.3(2) for limitations on appointments of faculty to serve on search and screening committees.

The department head or supervisor will establish a mechanism to involve and obtain feedback from students regarding any faculty candidates brought to campus to interview for a position that includes teaching as part of the role statement. Student participation in the search and screening procedures could involve including a student as a non-voting member of the search and screening committee, establishing a student screening committee that acts independently from the faculty screening committee and has dedicated time to interview the candidate, or inviting students to participate in research or teaching seminars or group question and answer sessions with the candidates. Instructions for how students should provide feedback will be provided to students when the position is initially advertised and students will be given advance notice when candidates are invited to campus to interview.

3.4

In consultation with the department head or supervisor, and the faculty of the academic unit and, where appropriate, the academic dean, chancellor, vice president for extension and agriculture, or the regional campus dean, the search and screening committee shall prepare the job description and advertising in accord with university regulations.

3.5

The search and screening committee shall screen applicants according to the job description and identify a suitable pool of candidates to be further considered by the faculty and pertinent administrators. Where feasible, at least three candidates shall be identified.

3.6

Candidates shall be invited to come to the Logan campus and, when appropriate, to the campus location where they will reside, at university expense to be interviewed by the academic unit's faculty and pertinent administrators, to give lectures, and/or to participate in departmental seminars and other appropriate campus activities in order that the candidates shall become better known and evaluated, and to assure that they become acquainted with the institution and the locality of their prospective work and domicile.

3.7

When the investigation of candidates has been completed, the search and screening committee shall solicit recommendations from faculty and pertinent administrators. Utilizing these recommendations and their own knowledge of the candidates, the search and screening committee members shall present its list of acceptable candidates and all supporting information to the department head or supervisor, ranked in order of preference.

3.8

The department head or supervisor shall forward a recommendation from the list of acceptable candidates recommended by the search and screening committee, including all supporting information, to the academic dean and, where appropriate, the chancellor, or vice president for extension and agriculture.

3.9

The academic dean and, where appropriate, the chancellor, or vice president for extension and agriculture, shall forward to the provost the academic unit's recommendation together with all pertinent and supportive data from the faculty and the department head or supervisor. If the provost is in agreement, the provost, as the president's designee, shall approve the appointment of the candidate.

3.10

Tentative offers can be made to a prospective appointee only with the approval of the provost.