

# Code of Academic Freedom and Tenure

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## I. ACADEMIC FREEDOM

Academic freedom means that all officers of instruction, and all officers of administration while giving instruction, are entitled to freedom in the classroom in discussing their subjects, freedom in research and in the publication of its results, and freedom of expression and associations in their private or civic capacities. The College endorses the five principles contained in the Statement of Professional Ethics of the American Association of University Professors.[Policy Documents & Reports, AAUP, 9th Ed, Johns Hopkins Univ Press, Baltimore, 2001] This statement deals with the conduct expected of a member of the faculty as a scholar, a teacher, a colleague, a member of the institution, and a member of the community. The College expects that members of the faculty will conduct themselves in accordance with these standards of professional ethics and professional responsibility.

## II. OFFICERS OF INSTRUCTION

### A. General Description

As used in this document, an "officer of instruction" is a person whose appointment in Barnard College is primarily for teaching (except Research Scientist and Research Scholar, as defined in Section II.B.2), whether full-time or part-time, with or without tenure, and whether or not assigned to membership in the Faculty.

A person rendering full-time service as an officer of instruction engages in a program of teaching and/or scholarly research in each academic year defined as two semesters and, if required, one week before and after each semester, totaling not more than nine months. An officer of instruction with a full-time appointment whose teaching obligation has been reduced as the result of administrative or research duties will still be considered a full-time officer of instruction. A person rendering part-time service as an officer of instruction engages in a program of teaching in each academic year that is less than full-time, as stipulated in the officer's letter of appointment.

All appointments of officers of instruction are made upon recommendation to the President subject to the policies established by the Board of Trustees and the terms of any current written agreement with Columbia University. The qualifications and terms of employment for officers of instruction are set forth in Section II.B. Exceptions to these

provisions in Section II.B may be made in cases of compelling College interest at the discretion of the President, upon consultation with the Advisory Committee on Appointments, Tenure and Promotion, subject to approval by the Board of Trustees.

## **B. Grades of Office**

**1. LADDER RANKS.** The ranks of Professor, Associate Professor and Assistant Professor are designated as "ladder ranks," specifying that holders of these ranks have been, or have the potential to be, appointed with tenure (See Section III). All ladder ranks are full-time appointments, except as noted in the provisions of Section III.B.6.

Professor is the highest academic grade and is held by officers of instruction who have been recognized by the College as distinguished teachers and scholars. Promotion to this rank is made without stated term (i.e., with tenure). Initial appointment to this rank may, in exceptional circumstances, be made without tenure for a term or terms of up to five years if the department has the initial intent to recommend the candidate for tenure. In such a case, the department shall make a decision no later than the fourth year as to whether to nominate the candidate into the tenure process. The tenure deliberation shall take place no later than the fifth year of service. If positive, the candidate's next year of service shall be with tenure. If negative, the candidate shall be offered one final year of service.

Associate Professor is a rank held by officers of instruction who have been recognized by the College as having demonstrated teaching and scholarly abilities and who have given evidence that they will make further significant contributions as teachers and scholars. This is the lowest grade to which an officer of instruction may be appointed or promoted without stated term. In certain circumstances, a term appointment or promotion to this rank is possible: (a) by appointment for a specified term or terms of up to five years without tenure under the terms for a Professor in a ladder rank as set forth in the preceding paragraph, i.e. where the department has the initial intent to recommend the candidate for tenure; or (b) by promotion for a specified term without tenure pursuant to Section III.B.4.a. An officer of instruction promoted to this rank pursuant to Section III.B.4.a. may subsequently be considered for tenure within the eight-year limit.

Assistant Professor is a rank held by officers of instruction who are in the early stages of their careers of teaching and scholarly research and who show potential for achieving distinction as teachers and scholars. Persons appointed to this rank normally possess the Ph.D. degree or its academic equivalent or the highest attainable degree in the discipline. Appointment to this rank is for a stated term of service.

Instructor—Persons appointed to the faculty with the expected rank of Assistant Professor who have not yet completed the requirements for the Ph.D. by the date the initial appointment begins shall hold the temporary ladder rank of Instructor. Appointment in this rank shall not exceed two years of counted service. For faculty on continuing appointments, movement from the rank of Instructor to Assistant Professor shall occur in the semester following the receipt of the Ph.D. or the equivalent professional degree. If an Instructor has not completed the requirements for the Ph.D. by December 15 of the second year of counted service, notice of non-renewal shall be given.

**2. OFF-LADDER RANKS.** Off-ladder ranks are ranks to which officers of instruction are appointed for stated terms of service (i.e., without tenure); no service in any off-ladder rank may make an officer of instruction eligible for a tenure consideration. Except for Visiting or Adjunct officers of instruction, part-time appointments to off-ladder ranks may be combined with administrative appointments.

Visiting Professors, Visiting Associate Professors, and Visiting Assistant Professors are officers of instruction who normally teach at other institutions. They are appointed to give instruction for stated terms of one year or less on a full-time or part-time basis, the grade of the appointment depending upon the qualifications of the individual.

Adjunct Professors, Adjunct Associate Professors, and Adjunct Assistant Professors are officers of instruction who possess the Ph.D. degree or equivalent credentials or experience and normally have careers outside their Barnard position. They are assigned to give part-time instruction (normally less than one-half time), the grade of the assignment depending upon the qualifications and achievements of the individual. Initial assignments are for one year or less; subsequent reassignments may be for up to three years, subject to departmental review.

Term Professors, Term Associate Professors, and Term Assistant Professors are officers of instruction who are appointed for stated terms of one or more years, renewable up to a total of five years, to perform some limited service in their area of expertise; the grade of the appointment is dependent upon the qualifications of the individual. They neither teach at another institution nor do they normally have a career outside of their Barnard position. Appointment to these off-ladder ranks does not constitute service in a tenure-eligible position.

Professors of Professional Practice, Associate Professors of Professional Practice, and Assistant Professors of Professional Practice are officers of instruction who possess substantial professional experience and expertise to meet the specialized instructional

needs in the creative and performing arts, e.g. architecture, dance, music, theatre, visual arts and writing. Appointments to these ranks are made only when there are compelling departmental interests; where possible, departments should appoint and promote within the ladder ranks. Service in this series does not preclude subsequent appointment to a ladder rank. Service in a tenure-eligible position will preclude transfer of an appointment into this series in all but the most compelling of cases.<sup>1</sup>

While advanced degrees are preferred, they are not required for appointment and promotion within these ranks. The primary criteria for appointment, re-appointment and promotion are a demonstrated record of imaginative and creative work in one of the creative and performing arts, promise of continuing contributions to the area of professional practice, and expertise in the teaching of the specific skills and technique associated with the area of professional practice. Prior to initiation of each search in the Professional Practice series, the department shall propose to the Provost and Dean of the Faculty a discipline-specific set of criteria to guide its and the College's evaluation of the appointee. After ascertaining that the proposed criteria are comparably rigorous to those of other departments and disciplines and are generally parallel, but not necessarily equivalent, to those used for review of ladder faculty, the Provost and Dean of the Faculty shall recommend to the Advisory Committee on Appointments, Tenure and Promotion that the criteria be adopted for use in subsequent promotion(s) and major reviews. Candidates for appointment shall be informed of these discipline-specific criteria before their initial appointment begins. Initial appointment to the ranks of Professor, Associate Professor, and Assistant Professor of Professional Practice may be on a part-time or full-time basis, not to exceed one year. Following the initial year of full-time appointment, full-time Professors, Associate Professors, and Assistant Professors of Professional Practice are eligible for re-appointment of terms of one or more years up to a maximum of five years at which time a major review shall take place in accordance with provisions of Section III.C. Decisions regarding the term of re-appointment up to a maximum of five years are at the discretion of the College and are based on the appointee's prior performance and departmental need. For an Assistant or Associate Professor of Professional Practice, an initial positive major review may result in either a promotion to the next higher rank or a continuing appointment in terms totaling no more than five additional years. Those Assistant or Associate Professors failing to be promoted or approved for re-appointment following the major review shall be offered a final one-year appointment at the appropriate rank as provided in Section III.C. Following the first major review as a Professor of Professional Practice, subsequent major reviews shall take place at five year intervals.

Those Professors failing to be approved for re-appointment shall be offered a final one-year appointment at the rank of Professor as provided in Section III.C.

Associate is an officer of instruction possessing special competence in a given field who does not hold the Ph.D. degree or its academic equivalent. Initial appointment to the rank of Associate may be on a part-time or full-time basis, not to exceed one year. A full-time Associate is eligible for annual re-appointments up to a maximum of eight years and may be considered for promotion to Senior Associate in accordance with provisions of Section III.C.

Senior Associate is a full-time rank to which persons holding the Associate rank may be promoted after a minimum of six years' service as Associates. Prior years of other relevant professional service may, at the discretion of the College, be equated to time served as an Associate at Barnard for the purpose of being considered for appointment or promotion to Senior Associate. This rank is reserved for those whose teaching competence is clearly superior. After being promoted to Senior Associate or after serving an initial one-year appointment in this rank, a Senior Associate becomes eligible for a multi-year appointment of up to five years, the length of term being dependent upon the demonstrated quality of the appointee's performance and the need of the department and College in the appointee's area of instruction and expertise. Decisions on re-appointments to further single- or multi-year terms will be made after a three-step review commencing in the spring term of the fourth year of cumulative service as Senior Associate. First, the department considers whether there is continuing need for the position, and if so, petitions the Faculty Planning Committee to affirm the line allocation. Once the department has been given assurance on the line allocation, the department will begin an extended review of the Senior Associate's performance with particular reference to the quality of teaching, including evidence of continued professional growth as a teacher, and service to the College, the University and the profession. This review is to be complete by the end of the fall term of the fifth year of cumulative service. If the departmental evaluation is positive, a recommendation for re-appointment for a term or terms of up to five years may be made to the Advisory Committee on Appointments, Tenure and Promotion; the Committee's recommendation is subject to the approval of the President. An equivalent extended review will take place beginning in every fourth year of cumulative service thereafter. If there is a negative decision in the fourth year, the fifth year will be a terminal appointment. If there is a negative decision in the fifth year, appointment to a sixth and final year will be offered.

Lecturer is an officer of instruction possessing the Ph.D. degree or having equivalent special preparation. Initial appointment to the rank of Lecturer may be on a part-time or

full-time basis, not to exceed one year. A full-time Lecturer is eligible for annual re-appointments up to a maximum of eight years and may be considered for promotion to Senior Lecturer in accordance with provisions of Section III.C.

Senior Lecturer is a full-time rank to which persons holding the Lecturer rank may be promoted after a minimum of six years' service as Lecturers. Prior years of other relevant professional service may, at the discretion of the College, be equated to time served as a Lecturer at Barnard for the purpose of being considered for appointment or promotion to Senior Lecturer. This rank is reserved for those whose teaching competence is clearly superior. After being promoted to Senior Lecturer or after serving an initial one-year appointment to this rank, a Senior Lecturer becomes eligible for a multi-year appointment of up to five years, the length of term being dependent upon the demonstrated quality of the appointee's performance and the need of the department and College in the appointee's area of instruction and expertise. Decisions on re-appointments to further single- or multi-year terms will be made after a three-step review commencing in the spring term of the fourth year of cumulative service as Senior Lecturer. First, the department considers whether there is continuing need for the position, and if so, petitions the Faculty Planning Committee to affirm the line allocation. Once the department has been given assurance on the line allocation, the department will begin an extended review of the Senior Lecturer's performance with particular reference to the quality of teaching, including evidence of continued professional growth as a teacher, and service to the College, the University and the profession. This review is to be complete by the end of the fall term of the fifth year of cumulative service. If the departmental evaluation is positive, a recommendation for re-appointment for a term or terms of up to five years may be made to the Advisory Committee on Appointments, Tenure and Promotion; the Committee's recommendation is subject to the approval of the President. An equivalent extended review will take place beginning in every fourth year of cumulative service thereafter. If there is a negative decision in the fourth year, the fifth year will be a terminal appointment. If there is a negative decision in the fifth year, appointment to a sixth and final year will be offered.

Senior Scholar is a retired Barnard College officer of instruction who, because of special competence, is appointed on a part-time basis to give instruction for a stated term of one year or less.

Research Professor is a tenured professor who has retired and has been awarded the rank of Professor Emeritus/Emerita, and who wishes to have conferred an additional title signaling sustained scholarly work and professional activity which benefits both the individual and the College. Eligible faculty may request and be granted use of this title

for an initial period of up to three years. They may request that the appointment to the title be renewed for successive periods not to exceed two years each.

Research Scientist and Research Scholar are persons appointed upon recommendation of an academic department and the President's Advisory Committee on Appointments, Tenure and Promotion for a term of one year or less, to a non-salaried position which carries neither teaching responsibilities nor other privileges associated with faculty appointment and which provides the person with institutional identity for the purpose of conducting scholarly research. After an initial year's appointment, the sponsoring department may request renewal for terms of up to three years based on the department's continuing need for and benefit from further association of the Research Scientist or Research Scholar.

Teaching Assistant is an officer of instruction who is appointed during the academic year for limited periods of service to assist in courses given by an officer of instruction of higher rank.

1 - The provision concerning transfer from a tenure-eligible appointment to the Professor of Professional Practice series will be waived at the time these Code changes go into effect to permit the appropriate re-assignment of those lines held by current faculty who lacked the opportunity to be appointed to this series initially.

### **III. TENURE AND TIME LIMITS**

#### **A. Provisions and Definitions**

Officers of instruction are granted term appointments (i.e., for a specified length of time), during the currency of which they cannot be dismissed without cause; or appointments with tenure (i.e., without stated term), in which case they cannot be dismissed without cause except as provided in Section VII.

No officer of instruction shall be appointed and reappointed for full-time service or part-time equivalent for a period longer than eight consecutive years unless granted tenure, except for (1) Associates, Senior Associates, Lecturers, or Senior Lecturers (see Section III.C.); (2) officers reappointed for a ninth and final year (pursuant to Section III.B.3); or (3) as a result of (i) research leaves, (ii) leaves of absence for reasons of pregnancy, childbirth or infant care, and (iii) circumstances of serious illness, disability or personal catastrophe, as set forth in the following paragraphs.

The eight-consecutive-year rule may be waived for one year if an officer of instruction takes a leave for research purposes, whether the research leave is for one-half year or more and whether the research leave is funded or unfunded, upon approval of the

President of a request for such a waiver. In no case may research leave result in waiver of the eight-consecutive-year rule for more than one year.

The eight-consecutive-year rule may be waived for officers of instruction who elect to take leaves of absence for pregnancy or infant care, and may also be waived for officers who give birth whether or not they take leave, with the following proviso: one year will be waived for each occurrence of pregnancy and infant care leave or of childbirth, up to two, unless specifically rejected by the officer, regardless of the length of any leave taken.

The eight-consecutive-year rule may be waived for officers of instruction who are preparing for a tenure review and who request a part-time career appointment for parents. To be eligible, officers must be the primary care givers of a child under the age of nine; officers will perform half their normal responsibilities and will be paid half their normal salary but remain eligible for all non-salary based fringe benefits. When the child is under one, a full year is waived; when a child is between one and nine, each year on a part-time career appointment is treated as a half-year of counted service in determining limits on non-tenured service.

The eight-consecutive-year rule may be waived on recommendation of the President's Advisory Committee on Appointments, Tenure and Promotion and approval of the President, for officers of instruction who experience serious illness, disability or personal/family catastrophe. The waiver does not require that a leave is taken.

No more than three years will be waived, regardless of the reasons, whether for research, for maternity/child care, or for serious illness, disability or personal catastrophe. Those on part-time career appointments may waive no more than two years for research or for serious illness, disability or personal catastrophe, in addition to semesters or years waived under the part-time career appointment provisions for care of children under the age of nine.

A break of a year or less in the continuing service of an officer of instruction resulting from resignation and subsequent reappointment will be treated as a leave without salary for the purposes of calculating years of service prior to a tenure decision (see Section IV.). In the case of longer breaks in the continuing service of a non-tenured officer of instruction the College may choose, at its discretion, either of two options in the event of reappointment: (1) to begin a new eight-year pre-tenure period, in which case earlier employment would not be calculated as years of service toward a tenure decision; or (2) to consider earlier service as part of the pre-tenure service.



All full-time officers of instruction without tenure, with the exception of Professors, Associate Professors, Senior Associates, and Senior Lecturers, are appointed to initial terms of one year or less. Subsequent re-appointments may be made for terms of one or more years at the discretion of the College based on the appointee's prior performance and programmatic need. The service of an officer of instruction may be terminated at the end of the contract period subject only to the procedures governing termination of appointment even though such appointment will not complete eight years of service (see Section V.D.). Renewal of any one-year contract term or other term appointment at the expiration of the initial appointment period, or a series of renewals of one-year terms or other term appointments over a period of years, shall not entitle the officer of instruction to any tenure whatsoever within the College or University and shall not constitute a promise of continued employment, with or without tenure, beyond the contract term.

## **B. Ladder Ranks**

1. An Assistant Professor may be recommended for promotion to a higher rank, with or without tenure, at any time up to and including his or her seventh year of service in rank.
2. A recommendation for tenure and promotion may, however, be deferred until the eighth year in the Assistant Professor rank if the department requesting deferral states in writing that it expects to recommend the candidate for tenure and can demonstrate (a) specific academic reason for the request to defer (e.g., forthcoming scholarly accomplishment or publication), and (b) substantial evidence of the candidate's excellence. Alternatively, the President's Advisory Committee on Appointments, Promotion and Tenure may also recommend a one-year deferral of consideration for promotion to tenure if the conditions of academic reason and candidate excellence set forth above are met. Should tenure not be granted in the eighth year, the officer of instruction shall be reappointed to a ninth and final year which shall not entitle the officer to any tenure whatsoever within the College or University.
3. An officer of instruction who is appointed at Barnard College without tenure at the rank of Associate Professor or Professor is appointed for terms of one or more years up to a total of five years, and may be recommended for tenure to a University ad hoc committee at any time up to but not later than the expiration of his or her fifth year of service.
4. The process by which a promotion or appointment to a ladder rank, with or without tenure, takes place normally begins with a recommendation from the department. Recommendations for promotion without tenure or for early tenure consideration will be

considered by the Advisory Committee on Appointments, Tenure, and Promotion only if the departmental recommendation is affirmative. Considerations of promotion with tenure in the seventh or eighth year (in the case of a deferred decision) will be undertaken by the Advisory Committee only in cases where the departmental recommendation is affirmative. Where the departmental recommendation is negative, the candidate may appeal to the Advisory Committee on Appointments, Tenure, and Promotion to be considered for tenure review. There must be clear and pressing College interests for the Advisory Committee on Appointments, Tenure and Promotion to agree to a tenure review over a negative recommendation by the department. The Advisory Committee may recommend for or against promotion and/or tenure.

a. If the Advisory Committee recommends for promotion only (see Section III.B.2), the President may offer the officer of instruction an appointment as Associate Professor without tenure subject to the eight-year limit. Candidates offered an additional term subject to the eight-year limit will be considered as cases deferred and will be taken up again if the department so recommends within the stipulated time limit.

b. If the Advisory Committee recommends for promotion to or appointment to tenure, the President may request that a University ad hoc committee be convened to evaluate the officer of instruction.

c. If the University ad hoc committee so recommends and the President and Board of Trustees approve, the officer of instruction shall be appointed with tenure, subject to the terms of any current written agreement with the University.

d. If tenure is not granted, the officer of instruction may serve no more than eight years, except as provided in Section III.B.2 or III.A.

5. No service beyond the eight-year limit, whether consecutive or discontinuous, shall constitute a basis for a claim to de facto tenure or permanence within the College or the University.

6. Special Part-Time Appointments. A limited number of part-time appointments in any of the four ladder ranks may be made under the following conditions:

a. Except for the reduced amount of teaching and of compensation, which is to be pro-rated, part-time officers of instruction in ladder ranks shall enjoy the same status as the full-time faculty of equivalent rank.

b. Part-time Assistant Professors shall be considered for promotion and tenure according to the same criteria as full-time Assistant Professors and after the equivalent pro-rated amount of teaching service. Early consideration for tenure is not excluded.

c. Part-time officers of instruction shall be entitled to sabbatical leaves according to the same provisions as full-time officers of instruction after six-years of part-time teaching service, but with compensation pro-rated according to the proportion of full-time service rendered during the six-year period.

d. Each request for a part-time appointment shall be evaluated in light of the candidate's own situation and of the department's. Any proposal to shift on a regular basis from full-time to part-time or from part-time to full-time status shall be examined in the same light. In the latter case, the continuance of tenure shall be granted only by special action of the Board of Trustees if the officer had not previously held tenure in a full-time appointment. No person holding a full-time tenured appointment shall be required to accept less than full-time employment unless he or she so desires.

### **C. Off-Ladder Ranks**

No amount of service accumulated in these ranks shall entitle an officer of instruction to a claim for promotion, de facto tenure, or permanence in the College or the University, nor shall such service make the officer of instruction eligible for a tenure consideration.

1. Full-time Associates and Lecturers will be reviewed for promotion by their departments no later than the seventh year of full-time service in that rank. If this review is favorable, the Advisory Committee on Appointments, Tenure and Promotion shall conduct a further review and if the Advisory Committee so recommends and the President approves, the Associate or Lecturer shall be promoted to senior status and offered a multi-year appointment as specified in Section II.B. An Associate or Lecturer not favorably recommended by the Advisory Committee and approved by the President shall be offered a final one-year appointment at the appropriate rank.

2. Provisions regarding the re-appointment of and the extended review of Senior Associates and Senior Lecturers are specified in Section II.B.2.

3. A Senior Associate or Senior Lecturer who is not recommended for an additional contract shall be offered one terminal year of service following expiration of his or her contract.

4. No later than the fifth year of cumulative service on annual or multi-year contracts, officers of instruction in the Professional Practice series shall undergo a major review as set forth in Section II.B.2. The department and the Advisory Committee on

Appointments, Tenure and Promotion shall conduct the major review for promotion or re-appointment so that its structure and rigor are comparable to the elements established by the Advisory Committee for consideration of the promotion of tenured Associate Professors to the rank of Professor. The review shall consider evidence of continuing imaginative and original practice of the profession, teaching performance, standing in the profession, and service to the College and University. Officers of instruction in the Professor of Professional Practice series shall be deemed to have passed a promotion or major review only if the President concludes that they rank among the most distinguished figures in their profession for their level of achievement and are performing a vital role in their departments and the College. Those who are not recommended for promotion to a higher rank or for continued service following a major review will be offered a final one-year appointment.

5. Part-time officers of instruction serving in the Visiting and Adjunct ranks, and as Lecturers and Associates, may be reappointed and/or promoted within these rank categories (e.g., an Adjunct Associate Professor may be promoted to Adjunct Professor).

6. Officers of instruction serving in the Visiting ranks are normally retained for one year or less, but in no case for more than three consecutive years.

7. If a person who has served in any off-ladder rank later desires to be considered as a candidate for appointment to a ladder rank, previous service in the off-ladder rank will not be counted in determining time-limits for the ladder rank.

#### **IV. LEAVES OF ABSENCE**

All on-ladder faculty and those full-time off-ladder faculty on multi-year appointments are eligible for leaves of absence. All leaves of absence must be approved by the department chairman, and the Provost and Dean of the Faculty. Officers of instruction are normally expected to render full-time service or part-time equivalent service for at least two academic years between all except short-term leaves of absence. Leaves of absence do not constitute a break in continuous service.

##### **A. Sabbatical Leaves**

Professors and Associate Professors are entitled to sabbatical leaves of one year at half-salary or a half-year at full salary to provide them with uninterrupted opportunities for research. Sabbaticals are due to tenured Professors or Associate Professors after they have completed twelve semesters of service in the ladder professorial ranks. When an Assistant Professor with at least six years of counted service is promoted to tenure,

the first sabbatical is due in the year following the first year of tenure. Sabbatical leaves are granted only if the officer of instruction plans to return to the College for at least one academic year of full-time service or equivalent part-time service after the leave. Sabbatical leaves may not be postponed for more than three years after the original semester of eligibility without loss of credit toward the next sabbatical, unless the deferral is approved by the Provost and Dean of the Faculty as in the interests of the College. Faculty returning from sabbatical leave shall submit to the Provost and Dean of the Faculty a brief summary of their activities with regard to their research while on leave either by October 1st (for spring term leaves) or March 1st (for fall term leaves).

## **B. Special Assistant Professor Leave**

During each academic year, Barnard College supports one or more Special Assistant Professor Leaves to enable one or more Assistant Professors who have been assigned to a tenure line or who are eligible for assignment to a tenure line, and who have successfully passed a third-year review to engage in research for one semester at full salary. Applications for such leaves are submitted to the Advisory Committee on Appointments, Tenure, and Promotion. Such leave time may be excluded from the maximum number of years of service allowed before tenure consideration, in accordance with the provisions of Section III.A. Special Assistant Professor Leaves are granted only if the officer of instruction plans to return to the College for at least one academic year of full-time service or equivalent part-time service after the leave.

## **C. Leaves without Salary**

Upon written request, and with the approval of the department chairman and the Provost and Dean of the Faculty, full-time on-ladder faculty, and those full-time off-ladder faculty on multi-year appointments may be granted a leave of absence without salary for a period of up to and including one academic year. Approved leaves without salary do not constitute semesters of service for the purpose of computing eligibility for future Barnard-paid leaves, e.g. sabbaticals and Special Assistant Professor Leaves, unless the leaves without salary are taken to extend a one semester paid leave into a full year at half pay. Officers of instruction holding other ranks and wishing to take such leave who are not granted permission to do so must resign if they wish to take leave of their professional duties. An officer of instruction granted a leave without salary may request that the first such leave not count as part of the maximum number of years of service allowed for term appointments. Subsequent leaves of absence shall normally count as part of the maximum years allowed for term appointments (see Section III.A.).

## **D. Pregnancy, Childbirth and Infant Care Leaves**

Eligible officers of instruction may take leaves in accordance with the Barnard College "Policy on Leaves of Absence for Reasons of Pregnancy, Childbirth and Infant Care for Officers of Instruction," as it may be amended from time to time. Such leave time may be excluded from the maximum number of years of service allowed before tenure consideration, in accordance with the provisions of Section III.A.

## **E. Short-term Leaves**

Leaves of absence of a month or less during an academic term for pressing personal or professional needs may be granted to any officer of instruction upon approval of the department chairman and the Provost and Dean of the Faculty. Short-term leaves for professional purposes cannot be granted unless adequate provision is made for covering the officer's instructional responsibilities.

## **F. Military Leaves**

Any officer of instruction, except an officer of instruction holding a temporary position, who is inducted into the Armed Forces of the United States, will be granted military leave of absence if such leave is required by law.

## **V. APPOINTMENT, REAPPOINTMENT, NON-RENEWAL, RESIGNATION AND RETIREMENT**

### **A. Responsibilities for Staffing**

Recommendations for appointment, reappointment, promotion, and tenure of all officers of instruction normally originate within the department or program. Staffing must be discussed at meetings of tenured members, non-tenured Associate Professors, Senior Associates, Assistant Professors, and Senior Lecturers of departments.

Recommendations on appointments, reappointments, promotions, and tenure must be made by a majority vote of the department's Professors and Associate Professors holding rank higher than that of the person being considered, except that Assistant Professors, Senior Associates, and Senior Lecturers may (where department by-laws so state) vote on non-tenure appointments to equal or lower rank. An unresolved tie vote shall be referred to the Advisory Committee on Appointments, Tenure, and Promotion for decision. Recommendations about temporary appointments for one year or less which have to be made when the College is not in session are made by the department chairman in consultation with the Provost and Dean of the Faculty. All

aspects of staffing decisions must conform to any current written agreement with the University.

Department chairmen must notify in writing and by formal interview Assistant Professors, Instructors, and full-time Associates and Lecturers appointed to these ranks on July 1, 1975, and thereafter no later than three years from their initial appointment and annually thereafter about the department's assessment of performance and intention with respect to future recommendations for renewal, promotion, and tenure. In departments with fewer than two tenured members, the responsibility for such notification lies with the Advisory Committee on Appointments, Tenure, and Promotion in conjunction with the Provost and Dean of the Faculty and any tenured member of the department or program.

## **B. Appointments**

Appointments, other than temporary and part-time appointments and other than appointments to the ranks of Research Scientist, and Research Scholar, are made only after public announcement of vacancies and the screening of applicants in accordance with the equal employment opportunities policies and Affirmative Action program of the College and after appropriate consultation with the University according to the terms of any current written agreement between the College and the University. No appointments may be recommended, nor may searches be undertaken, without prior approval of the Provost and Dean of the Faculty. Equal opportunity and Affirmative Action principles apply to the employment of part-time officers of instruction (except for temporary replacements). Appointments are made on the recommendation of the President and require the approval of the Board of Trustees, and must conform to any current written agreement with the University. The written acceptance of an appointment creates a contract binding both parties for the period specified. The terms of the contract may not be altered except by mutual consent.

## **C. Notice of Renewal**

Reappointments proposed by each department are submitted, as part of the annual budget proposal of the department, to the Provost and Dean of the Faculty for recommendation to the President; the President may make a recommendation to the Board of Trustees for its action at the regular Board meeting in April. Letters of appointment giving the appointee's salary for the next academic year and any other pertinent information, such as approved leave, will normally be mailed from the Office of the President after that meeting. Acceptance of the conditions of employment by all

faculty and staff members is made by returning a signed copy of the appointment letter to the President.

#### **D. Notice of Non-Renewal**

Written notice to a full-time officer of instruction or part-time officer of instruction who holds a term appointment, informing him or her that his or her appointment is not to be renewed, will be given in advance of expiration of his or her appointment as follows: not later than March 1 of the first academic year; not later than December 15 of the second academic year of full-time service if the appointment expires at the end of that academic year; at least twelve months before the expiration of an appointment after two or more years of full-time service at the College. If an appointment is not to be renewed for the following academic year, a part-time officer of instruction not holding professorial rank will be so notified within ten days of the Trustees' approval of the College budget.

#### **E. Resignations**

A full-time officer of instruction who intends to resign at the end of an academic year is expected to give notice in writing no later than April 1. Deviation from this procedure requires mutual consent of the officer and the College. Should the relationship between the College and the officer of instruction terminate prior to the end of a contract period, or should the offer of reappointment not be accepted, salary payments will be adjusted as follows: any resignation after June 30 and before the beginning of classes in the autumn will be considered to be effective as of July 1 of that year, and any salary payments which have been made after July 1 must be returned to the College; any resignation during the academic year will entail adjustment of salary payments according to the period of class-time teaching involved.

#### **F. Retirement**

Pursuant to the Federal Age Discrimination in Employment Act, as amended, there is no mandatory retirement age in the College for non-tenured faculty. The mandatory retirement age in the College is 70 for those tenured faculty who reach their 70th birthday on or before December 31, 1993. Effective January 1, 1994, there is no mandatory retirement age for tenured faculty. It is customary for an officer of instruction to complete the academic year in which his or her mandatory retirement birthday occurs. In exceptional cases, retired officers of instruction may be appointed to the rank of Special Lecturer (see Section II.B.2). No retired officer of instruction may continue as head of a department or subsequently be appointed to such a position. The honorary title of Professor Emeritus may be conferred upon a senior officer of instruction at the time of retirement in recognition of length of service and eminence in the discipline, in



accordance with the provisions of any current agreement between the College and the University. Appointment as Professor Emeritus is made by the Board of Trustees of the College.

## **G. Disability**

Full-time officers of instruction and part-time professorial officers of instruction are covered for long-term disability through the Teachers Insurance and Annuity Association. For those employed after July 1, 1975, there is a one-year waiting period before becoming eligible, unless the employee has been covered by this insurance plan at another institution. The total disability of an officer of instruction is his or her inability by reason of sickness, pregnancy, or bodily injury to perform his or her academic duties.

1. Benefits begin under the TIAA Plan in the first month following six consecutive months of total disability until the age of sixty-five.
2. The College shall pay the salary and benefits of any eligible full-time officer of instruction through the first six months of total disability.
3. The College shall pay the salary and benefits of any eligible part-time professorial officer of instruction through the first six months of total disability.
4. The salary of other part-time officers of instruction who become totally disabled shall be continued for six months or until the expiration of the term appointment, whichever is the shorter period.

## **VI. COMMITTEE ON GRIEVANCE**

The Committee on Grievance is a faculty Committee created to provide faculty members with an internal process in which colleagues can hear and attempt to resolve matters pertaining to an individual faculty member's employment. The Committee's membership, jurisdiction, and procedures are discussed in this policy. Procedural issues may be further elaborated by the Committee through the adoption of operating procedures consistent with this policy.

### **A. Membership**

1. The Committee on Faculty Governance and Procedures (FGP) will, upon the filing of a grievance, appoint five of its eight members who are elected by the Barnard faculty to a Committee on Grievance to hear charges brought by a member of the faculty.

2. At the beginning of each case, the question of whether a conflict of interest exists for a member of the Committee on Grievance shall be decided, and an alternate member of the FGP shall be appointed, the member(s) in question abstaining.

3. A member of the Committee on Grievance has a conflict of interest if:

a. The member is a member of the department or program of the petitioner;

b. The member has herself or himself previously voted in any capacity in the case being brought to the Committee; or

c. The member is a current or former family member of the petitioner.

**4. The members of the Committee on Grievance shall elect a Chair.**

#### **B. Jurisdiction, Content of Petitions, and Mandate**

1. The Committee on Grievance shall review petitions of grievance presented by a faculty member pertaining to the individual's employment. Matters that do not pertain to the individual's employment may be referred to other boards or offices at the College.

2. While a petition may describe a violation of state or federal law as well as a violation of College policy, the Committee on Grievance does not make determinations with respect to violations of laws including those of the State of New York or the federal government. The Committee limits its consideration to whether or not the described violation is a violation of College policy.

3. Petitions of grievance must be in writing and shall include the basis for the grievance in terms of:

a. the claimed violation of College policy or procedures

b. irregularities in the application of procedures, policies, or administrative decisions; or

c. the application of inappropriate considerations or criteria in the execution of procedures or policies of the College.

4. Petitions of grievance shall also include:

a. the nature of the grievance specifically stating the decision or action giving rise to the petition;

b. a chronology of events leading to the decision if applicable; and

c. the names of other persons involved in making the decision if possible.

5. The Committee on Grievance may require reconsideration of the application of procedures or of a decision by the person or body involved in the petition of grievance.

6. The Committee on Grievance shall limit its decision to matters of procedure and shall not make judgments on the substantive merits of the case.

### **C. Procedures**

**1. Filing a Petition** - If any faculty member thinks that he or she has cause for grievance in any matter over which the Committee on Grievance has jurisdiction, that faculty member may present a petition to the Committee on Grievance for consideration. The petition shall be in writing and shall set forth in detail the nature of the grievance as described above. Petitions shall be filed within thirty (30) days of the petitioner's being notified of the decision or action giving rise to the petition. The Committee may extend this period of time for an additional thirty (30) days at its discretion.

**2. Pre-Hearing** - The Committee shall have the right to decide whether or not the allegations are sufficient to merit consideration by the Committee. Submission of a petition does not automatically result in consideration of the petition by the Committee.

The Committee shall determine whether the petition is within its jurisdiction based on the jurisdictional statement in this policy. If it is not, the petitioner may seek the Committee's help in deciding where the petition may be brought. If the Committee has jurisdiction and the petition has sufficient merit to be considered, the Committee shall initiate a review as soon as practicable and with all reasonable speed. If subsequent consideration by a College body is contingent upon the outcome of the review, the Committee shall notify the Provost and Dean of the Faculty that the petition is being considered and she or he will suspend all subsequent considerations until the conclusion of the review.

The Committee will meet within fifteen (15) academic days to review the grievance and to determine whether it is appropriate for consideration under this grievance procedure. In the event that a more appropriate committee is available to hear the grievance, it shall be referred to that committee.

If the panel determines that the grievance should be heard, it will schedule a hearing within fifteen (15) academic days of that determination. Notice to all parties shall be sent prior to any scheduled hearing. That notice shall include a description of the charges and shall also include a copy of this Grievance Procedure.

**3. Hearing** - The Committee shall, upon written request, have access to all documents which it deems pertinent to the case (subject to any legal privilege or confidentiality) and may invite individuals or groups to appear before it. The Committee shall be empowered to indicate to each department, program, committee, and administrative body or office a reasonable date by which information must be received. If requested information is not forthcoming in the time allotted and if the Committee finds no compelling reason for the delay, the Committee shall proceed using its best judgment.

The party bringing the charge and the accused shall be allowed to present witnesses and other relevant evidence (such relevancy to be determined by the Committee) to the committee. The Committee may also seek out testimony and evidence. Committee members will question witnesses, although the parties will be allowed to submit questions to the panel for consideration. The questioning may be done with both parties present or with each party individually, at the discretion of the Committee.

The Committee shall not be bound by strict rules of legal evidence and may seek and admit evidence it deems relevant.

An advisor who is a member of the Barnard College faculty may accompany parties to a grievance. The advisor may not participate directly in the proceedings.

Any party to the grievance may submit a written statement to the panel at any time prior to the rendering of a final decision.

**4. Committee Report** - The panel shall render its report within fifteen (15) academic days of the completion of hearings. The written decision of the Committee is provided to the petitioner, to the body or person whose action or decision gave rise to the petition and to the Provost and Dean of the Faculty and generally includes at least the following:

- a. whether or not a violation of College policy occurred;
- b. whether or not a procedural irregularity occurred in the application of a procedure, policy or administrative decision;
- c. whether or not an inappropriate consideration or criterion was applied in or affected an administrative decision or action regarding the petitioner's employment, and
- d. whether a procedural irregularity, an inappropriate consideration, or a violation of policy requires that the decision be reconsidered by the original decision maker or body.
- e. If the Committee recommends reconsideration, it may, at its discretion, provide a statement to the petitioner, the body or person involved in the reconsideration, and the Provost and Dean of the Faculty explaining any issues it determines the reconsideration

body should consider. Presidential Decision - The Committee's report and recommendation shall be submitted to the President of the College, with copies to all parties. The report and recommendation of a majority shall be the report and recommendation of the Committee, but any member may submit a minority report and recommendation to the President. In the event that a majority cannot agree on a single report and recommendation, each member shall submit an individual report and recommendation.

**5. Presidential Decision** - The Committee's report and recommendation shall be submitted to the President of the College, with copies to all parties. The report and recommendation of a majority shall be the report and recommendation of the Committee, but any member may submit a minority report and recommendation to the President. In the event that a majority cannot agree on a single report and recommendation, each member shall submit an individual report and recommendation.

a. Should the President disagree with the Committee's findings or recommendation(s), the President shall meet with the Committee to discuss such differences, and may request reconsideration by the Committee before a final decision.

b. The President shall report in writing the recommendation(s) of the Committee and the President's decision(s) or action(s) as a result of the recommendation(s) within fifteen (15) academic days after the President receives the report and recommendation(s) of the Committee. The President's decision shall be reported to the Chair of the Committee, the grievant, and each party against whom the grievance is lodged, as well as to the Committee on Faculty Governance and Procedures.

c. Disposition of a grievance informally or by the President's formal determination shall not constitute a precedent for other related grievances unless specifically agreed to in writing by the President.

**6. Appeal** - The President's decision is final, except that in the event that the grievance is against the President based on conduct of the President, and the President disagrees with the findings or recommendation(s) of the Hearing Committee, the following procedures shall apply:

(i) The President shall submit the case to the Chairman of the Board of Trustees within five (5) academic days after the date of the President's decision. (ii) The Board of Trustees shall have available to it for review the full record of the hearing and may, in its discretion, either on its own initiative or at the request of any party, provide opportunity to the parties for oral or written argument, or both. (iii) The Board of Trustees shall render a written decision. The decision shall be reported to the President, the

Committee on Faculty Governance and Procedures, and the grievant within sixty (60) days after the date when the case is referred to the Chairman.

(iv) The Board of Trustees may act on any or all of the foregoing matters through a committee of Trustees.

(v) The decision of the Board of Trustees shall be final.

(vi) Disposition of a grievance against the President based on conduct of the President by decision of the Board of Trustees shall not constitute a precedent unless the decision so states

#### **D. Special Additional Procedures in Grievances Concerning Dismissal for Cause**

Dismissal is for cause when the faculty member's unfitness is demonstrated by habitual and intentional neglect of duty, incompetence, or serious misconduct in the performance of, or incompatible with, the officer's duties. Dismissals for reasons of financial exigency or of the discontinuance of a department, program, or other instructional unit are not dismissals under this provision.

In matters involving the dismissal for cause, all of the provisions of the Committee on Grievance cited above shall apply, except as set forth below.

**1. Pre-Hearing** - Grievance Petitions that have been filed that relate to a Dismissal for Cause shall first go to the Committee on Faculty Governance and Procedures (FGP).tc  
¶11 "D. Rules of Procedure in Dismissal Proceedings The FGP is encouraged to mediate the matter giving rise to the request for hearing. If the matter is not resolved by mediation within fifteen (15) academic days after receipt by the FGP, the matter will be referred to the Committee on Grievance.

The Committee may hold pre-hearing meetings with all parties in attendance to (i) define the issues, (ii) stipulate facts, (iii) provide for an exchange of documents or other information, and (iv) achieve other appropriate pre-hearing objectives.

**2. Hearing** - The burden of proof to support a dismissal shall rest with the College and shall be satisfied only by clear and convincing evidence.

The parties shall have the right to submit questions to the Committee, and to be present while those questions are asked, unless the Committee determines that there is a compelling reason to question witnesses individually.

**3. Appeal** - The faculty member has the right, within fifteen (15) academic days of the Presidential Decision, to appeal any adverse decision to the Board of Trustees. The

President shall then submit the case to the Chairman of the Board of Trustees within five (5) academic days of the request for an appeal.

- a. The Board of Trustees shall have available to it for review the full record of the hearing and may, in its discretion, either on its own initiative or at the request of any party, provide opportunity to the parties for oral or written argument, or both.
- b. The Board of Trustees shall render a written decision. The decision shall be reported to the President, the Committee on Faculty Governance and Procedures, and the grievant within sixty days after the date when the case is referred to the Chair.
- c. The Board of Trustees may act on any or all of the foregoing matters through a committee of Trustees.
- d. The decision of the Board of Trustees is final.

#### **E. Other Matters Related to the Committee and Petitions**

1. Should the original petition concern non-reappointment, and reconsideration results again in non-reappointment, the original date of notification of non-reappointment shall stand.
2. If at any time during the process described by this policy a petitioner enters his or her seventh year of full-time employment at Barnard College without an affirmative vote granting tenure, the fact that the petitioner has entered the seventh year shall not automatically result in his or her appointment to the permanent faculty.
3. At any time the Committee on Grievance may consult with the College's General Counsel for legal advice. If the Committee or the General Counsel determines it to be advisable for the Committee to have independent outside legal advice, the General Counsel will provide at least two recommendations to the Committee. The expense of independent outside legal advice shall be borne by the General Counsel's Office. 4. The Committee shall report to the faculty on the general nature of grievances heard each year (number, nature of petition). It may provide information on the outcome of its deliberations as appropriate while maintaining the confidentiality of the process and the identities of those involved.

Sections I. through V.

Approved by the Board of Trustees 2/15/78

Section VI.

Approved by the Board of Trustees 2/21/79

Section II.B.2.(Research Associate, Research Scientist, and Research Scholar), with amendments to Sections II.A. and V.B.

Approved by the Board of Trustees 5/28/80

Sections III.A. and IV. amendments

Approved by the Board of Trustees 2/11/87

Sections II.B.2. and III.C.1. amendments

Expected Approval by the Board of Trustees 10/21/92, effective as of July 1, 1987

Amendments relating to mandatory retirement age

Pursuant to the Federal Age Discrimination in Employment Act, as amended from time to time

Sections II.B.1.,2. and III.C.1.-7 amendments

Approved by the Board of Trustees 6/19/96

Section III.B.4 term of appointment, ladder ranks

Approved by the Board of Trustees, 6/18/97

Sections II.B.2, IV.A and IV.B. amendments

Approved by the Board of Trustees on 4/29/98

Section III.A paragraph 6 amendment

Approved by the Board of Trustees on 2/12/03

Section II B.2 amendments- Research Prof.

Approved by the Board of Trustees on 6/8/04

Section IV. Leaves of Absence sections A. Sabbatical Leaves and C. Leaves without Salary

>Approved by the Board of Trustees on 2/7/05



**Office of the Provost, Barnard College**

Faculty Resources: Guidelines & Information for Faculty | [barnard.edu/provost/faculty-resources](http://barnard.edu/provost/faculty-resources)

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Section I. Academic Freedom and Section VI. Committee on Grievance

Approved by the Board of Trustees on 12/6/06