



THE FACULTY HANDBOOK

CHAPTER 4

CORE POLICY STATEMENTS

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Four core policy statements are set forth in this chapter:

- Section 4.1 *The Statement on Faculty Appeal Procedures,*
- Section 4.2 *The Statement on Academic Freedom,*
- Section 4.3 *The Statement on Faculty Discipline, and*
- Section 4.4 *The Statement on Appointment and Tenure.*

Section 4.1 STATEMENT ON FACULTY APPEAL PROCEDURES

This *Statement on Faculty Appeal Procedures* was adopted by the Senate of the Academic Council on April 29, 1999, and approved by the Board of Trustees on June 11, 1999. It is applicable to appeals filed on or after June 11, 1999. It replaced the Statement of Faculty Grievance Procedures approved by the Senate of the Academic Council on May 15, 1975 and by the Board of Trustees on June 13, 1975 (and modified by the Senate of the Academic Council on December 4, 1997).

4.1.A Definitions and Standards

- (1) An appeal is a written request for review of a decision made by a person (or group of persons) acting in an official University capacity. The decision must have directly affected the academic activities of the appellant as an individual. Dissatisfaction with a departmental, school, or University policy or practice is not grounds for appeal. These appeal procedures may be used by any member of the Professoriate, as defined in, Section 1.2.E of the Faculty Handbook.
- (2) The purpose of the appeal process is to determine whether appropriate procedures were followed in making certain kinds of academic decisions, rather than to reevaluate the merits of the decisions themselves. The standard for deciding the appeal shall be limited to determining whether there were procedural errors (such as the failure to bring proper facts and criteria to bear on a decision, or the introduction of improper facts and criteria, or the

existence of other procedural defects) that substantially affected the outcome to the detriment of the appellant. In rare cases, the reviewer may also overturn the decision if it was not one which a person (or persons) in the position of the decision-maker might reasonably have made.

- (3) Because these appeal procedures are not those of a court of law, it is important that they be carried out with flexibility and in an atmosphere of collegiality, and that the participants avoid an excessively legalistic approach. Efforts should be made to resolve the dispute informally before beginning the appeal process, and those efforts may continue even after the process is underway.
- (4) The appellant should file his or her appeal within 60 days of being notified of the decision¹. An unreasonable delay in filing an appeal may constitute grounds for rejection of the appeal.

4.1.B Appeals Concerning Reappointment and Promotion Decisions

- (1) A faculty member whose reappointment or promotion has initially been denied by the department or school may file a written appeal with the Provost.
 - a. After making a preliminary review of the matter, which may include consultations with whomever the Provost deems appropriate (including the Advisory Board), the Provost may grant the appeal, or remand the matter to a lower administrative level, or refer the matter directly to the Advisory Board. Before acting on the case, the Provost may appoint a Fact-Finder to investigate the matter and report back to the Provost, who may then grant the appeal, remand the matter to a lower level, or refer it to the Advisory Board. The Provost will inform the appellant of his or her decision.
 - b. When the Advisory Board has received the appeal from the Provost, it will make a preliminary review and can then reject the appeal if it is found to be without merit. In this preliminary review and/or in any further deliberations, the Advisory Board may make any inquiries that it deems appropriate. The Board may also make use of the Fact-Finder appointed by the Provost or, if necessary, appoint its own Fact-Finder.
 - c. If, after its preliminary review, the Board decides to consider the case, it will inform the appellant that he or she has the right to a hearing. If the appellant does not request a hearing, the Advisory Board will consider the matter without a hearing and make a recommendation to the Provost.
 - d. If the appellant requests a hearing, the appellant and the decision-maker (or the decision-maker's representative) each has the right to appear before the Advisory Board and to make an oral and/or written presentation. The Board can set time limits (usually not more than 30

¹ Or, of receiving a file summary, if so requested.

minutes for each side) for these oral presentations. The Board may also decide to call witnesses, who will be questioned only by members of the Board. A record of the hearing will be kept.

- e. Upon completion of its deliberations, the Advisory Board will make a recommendation to the Provost, who will then take one of the following actions: refer the matter to a Fact-Finder for further inquiry, further consult with or remand the matter to the Advisory Board for additional consideration, grant or deny the appeal or take such other action as the Provost deems appropriate. The Provost will inform the appellant of the decision.
 - f. Upon receipt of the Provost's final decision, the appellant may within 30 days request a further review by the President. The President may decline this request. If the President chooses to consider the appeal, he or she may make any inquiries that the President deems appropriate. Following his or her examination of the case, the President may grant or deny the appeal or take any other action that he or she deems appropriate. The President's decision will be conveyed to the appellant and is final.
- (2) A faculty member whose reappointment or promotion has initially been denied by the Provost may file a written appeal with the President, who will perform the functions assigned to the Provost in Section 4.1.B(1). At the end of the process, the President's decision will be conveyed to the appellant and is final.
 - (3) A faculty member whose reappointment or promotion has been denied by the President after a recommendation by the Advisory Board may file a written appeal with the President. The President may remand the matter to a lower administrative level or refer it to an appropriate person to review the case and report back to the President. The President may grant or deny the appeal or take any action that he or she deems appropriate. The President's decision will be conveyed to the appellant and is final.

4.1.C Other Appeals

- (1) A faculty member who wishes to appeal an administrative decision (that is, a decision that does not involve denial of his or her reappointment or promotion) made below the provostial level may file a written appeal with the Provost.
 - a. After making a preliminary review of the matter, which may include consultations with whomever the Provost deems appropriate, the Provost may grant or deny the appeal or take any action that the Provost deems appropriate. Alternatively, the Provost may remand the matter to a lower administrative level, and/or appoint a Fact-Finder who will investigate the matter and report back to the Provost. The Provost may then grant or deny the appeal or take any action that the

Provost deems appropriate. The Provost will inform the appellant of his or her decision.

- b. Upon receipt of the Provost's final decision, the appellant may within 30 days request a further review by the President. The President may decline this request. If the President chooses to consider the appeal, he or she may make any inquiries that the President deems appropriate. Following his or her examination of the case, the President may grant or deny the appeal or take any action that he or she deems appropriate. The President's decision will be conveyed to the appellant and is final.
- (2) A faculty member wishing to appeal an administrative decision made by the Provost or President, may file a written appeal with the President, who will perform the functions assigned to the Provost in Section 4.1.C(1). At the end of the process, the President's decision will be conveyed to the appellant and is final.

4.1.D General Provisions

- (1) Time Guidelines

Because it is important for all concerned that appeals be resolved expeditiously, the Provost, President and Advisory Board should attempt to follow these guidelines: within 30 days from the receipt of the appeal, the Provost should inform the appellant about the procedures to be used in his or her case. The Provost should seek to decide the case within 60 days from receipt of the appeal (or, in the case of an appeal of a reappointment or promotion decision, within 30 days from receipt of the Advisory Board's recommendations), the Advisory Board should seek to reach its decision within 60 days of receiving the case from the Provost, and the President should seek to make his or her final determination within 90 days from receipt of the appellant's request for further review. The application of these guidelines to a particular case may be modified by the President, Provost, or Advisory Board at their discretion. If such modifications become necessary, the appellant will be informed of the delay.

- (2) Confidentiality

- a. Any material that has been solicited or received with the understanding that it would be kept in confidence must not be revealed in the appeal process to any person, including the appellant, who was not a party to the confidential material. The material may, however, be examined by individuals who have been consulted by the Provost, President or the Advisory Board as part of the appeal process, and who will in turn maintain its confidentiality.
- b. In order to obtain information in his or her personnel file, the appellant should follow the procedures set forth in the Faculty Handbook.
- c. Because it concerns individual personnel matters, the appeal process is not a public proceeding.

(3) Advisors

The appellant, the persons(s) whose decision is being appealed, and anyone else called to provide information on the appeal, may be accompanied by an advisor to any discussion with the administrative officer or with his or her delegate, as well as to any appearance before the Advisory Board. The advisor's role is to advise the relevant party; he or she, therefore, may not directly address those considering the appeal or question witnesses at a hearing of the Advisory Board. Except in hearings before the Advisory Board, advisors must be members of the professoriate.

(4) Fact-Finders

The Provost should appoint eight to twelve persons (from the faculty, emeritus faculty or senior staff) to a standing panel of Fact-Finders. Fact-Finders serve for staggered three year terms and receive administrative support from the Provost's office. Taking into account the particular circumstances of the case, The Provost and/or the Advisory Board may select an individual from this panel to gather information about the appeal. The Fact-Finder is not an advocate for either the decision-maker or the appellant. The Fact-Finder's role is to answer clearly defined questions and to report on unexpected aspects of the case. The Fact-Finder is not to make formal recommendations about how the case should be resolved.

(5) The Advisory Board

The Advisory Board may act on an appeal through a subcommittee of its members. Members who have participated in the decision under consideration will recuse themselves from participating in the Board's deliberations. The Board may, but need not, replace its recused member or members.

(6) Inquiries

Inquiries about these procedures should be directed to the Provost's office.

Section 4.2 STATEMENT ON ACADEMIC FREEDOM

This *Statement on Academic Freedom* was adopted by the Senate of the Academic Council on April 18, 1974, and approved by the Board of Trustees September 10, 1974 upon the understanding that, as stated by the President of the University in his written recommendation to the Board, “The University’s processes of search and evaluation are designed to produce the best possible persons for membership on the faculty. The *Statement on Academic Freedom* would in no way change that goal or the practices used to reach it.”

Conforming to 1989 and 1990 actions of the Senate of the Academic Council on the recommendations of the Second Committee on the Professoriate, “faculty” refers to titles included in the “Professoriate,” as defined in Section 1.2.E of the Faculty Handbook. The *Statement* was amended by the Senate of the Academic Council on April 16, 1998 and April 29, 1999.

4.2.A Preamble

Stanford University’s central functions of teaching, learning, research, and scholarship depend upon an atmosphere in which freedom of inquiry, thought, expression, publication and peaceable assembly are given the fullest protection. Expression of the widest range of viewpoints should be encouraged, free from institutional orthodoxy and from internal or external coercion. Further, the holding of appointments at Stanford University should in no way affect the faculty members’ rights assured by the Constitution of the United States. In furtherance of these general principles:

4.2.B Decisions concerning

- (1) the search for, and appointment and promotion of, faculty;
- (2) the assignment of teaching and other primarily academic responsibilities;
- (3) the support and sponsorship of scholarly research; and
- (4) any other granting or withholding of benefits or imposition of burdens shall be made without regard to a person’s political, social, or other views not directly related to academic values or to the assumption of academic responsibilities; without regard to the conduct of a person holding an appointment at Stanford unless such conduct is directly related to academic values or to the assumption of academic responsibilities or is determined, in a proceeding pursuant to the *Statement on Faculty Discipline*, to come within the provisions of Section 4.3.A of that Statement; and without regard to an individual’s race, ethnic origin, sex or religion. Nothing in the foregoing shall be deemed to affect the University’s application of affirmative action policies in its faculty search procedures.

4.2.C The appeal procedures outlined in Section 4.2.D are designed to assure that decisions by faculty members and administrators comply with the standards of academic freedom established in Section 4.2.B. These procedures are internal to the University and are aimed at preserving confidentiality and academic integrity while protecting the rights of individual

faculty members. The provisions of Section 4.2.B do not create contractual rights subject to review by agencies outside the University. The procedures outlined in Section 4.2.C, however, constitute the administrative remedies for faculty appeals covered by parallel rights established under applicable federal and state laws (such as Civil Rights Acts).

4.2.D The following procedures shall apply to all appeals (defined as in the *Statement on Faculty Appeal Procedures*) arising under this *Statement on Academic Freedom*:

- (1) The rights herein conferred shall be enforceable only by a person who is directly aggrieved and who holds a faculty (as defined above) position; no other person or persons shall have standing to complain.
- (2) If any faculty member feels aggrieved by a decision that he or she believes to be in violation of this *Statement*, he or she may file an appeal pursuant to the *Statement on Faculty Appeal Procedures*.
- (3) For appeals brought in whole or in part for alleged violation of the *Statement on Academic Freedom*, the rules and procedures of the *Statement on Faculty Appeal Procedures* shall be modified as follows:
 - a. For an appeal not arising out of a negative decision on reappointment or promotion (and therefore for which consideration by the Advisory Board would otherwise be unavailable), the appeal structure shall nonetheless include the Advisory Board as to that portion of the appeal raising an alleged violation of the *Statement on Academic Freedom*.
 - b. To the extent that an appeal does not involve a violation of Section 4.2.B(1) of this *Statement* (that is, relating to the search for, and appointment and promotion of, faculty), the Advisory Board may, at its option, refer the appeal to any faculty member or committee of faculty members as it deems appropriate, which faculty member or committee of faculty members shall consider the matter and make recommendations to the Provost directly.
 - c. For each appeal raising an alleged violation of the *Statement on Academic Freedom*, the Standards for Review under Section 4.1.A(2) of the *Statement on Faculty Appeal Procedures* shall be expanded to include the consideration: “Did the decision give weight to one or more of the factors ruled out of proper consideration by Section 4.2.B of the *Statement on Academic Freedom*?”

Section 4.3 STATEMENT ON FACULTY DISCIPLINE

This Statement on Faculty Discipline was approved by the Senate of the Academic Council on December 2, 1999 and by the Board of Trustees on December 14, 1999. It replaces both the Statement on Faculty Discipline approved by the Senate of the Academic Council on May 18, 1972 and by the Board of Trustees on January 9, 1973, and the Rules for the Conduct of Hearings promulgated by the Advisory Board in 1973.

4.3.A Definitions and Standards

- (1) In order to maintain the integrity of its teaching and research and to preserve academic freedom, Stanford University demands high standards of professional conduct from its faculty. In the case of a serious violation of these standards, a faculty member may face disciplinary charges under the following procedures.
- (2) These disciplinary procedures are invoked when the Provost formally charges a faculty member with professional misconduct that is serious enough to warrant a sanction ranging from censure to dismissal from the University. This procedure applies to members of the Professoriate, as defined in Section 1.2.E of the Faculty Handbook. The Statement on Academic Freedom applies.
- (3) The Provost may charge a faculty member with professional misconduct only for actions taken in association with the faculty member's academic duties and responsibilities. Such misconduct includes but is not limited to the following: dishonest or unethical behavior in the faculty member's own teaching or research; preventing or obstructing teaching or research or any other lawful function of the University; sexual harassment; and the neglect of University-related duties and responsibilities.
- (4) A faculty member charged under these procedures may be subject to sanctions including but not limited to the following: censure; a fine and/or a temporary reduction in pay; suspension from the University without pay for a specified period; indefinite reduction in pay; dismissal from the University.

4.3.B Initiating the Process

- (1) Charges will be brought on behalf of the University by the Provost, following whatever factual investigation he or she deems appropriate. If a conflict of interest prevents the Provost from being involved, the President will act in the Provost's place. When charges are to be brought against a faculty member, he or she must be notified of the charges in confidence, and given an opportunity to reply. If the matter cannot be settled by agreement (which would require the President's approval), and if the faculty member charged wishes to contest the charges, the Provost shall prepare a written statement of the charges and of the proposed sanction, which will be given to the faculty member and the Advisory Board. Even after the written statement has been forwarded to the Board—and at any time in the proceedings—the Provost and the faculty

member (with the approval of the President) may seek to resolve the matter by agreement. Throughout the proceedings, all those involved should keep in mind that the procedures here are those of a University and not a court of law, and therefore should seek to avoid an excessively legalistic approach.

(2) The Advisory Board

If a member of the Advisory Board recuses himself or herself, the Board may, but need not, replace such member(s) with an alternate. Once the Board membership is set for purposes of considering a case, the members should continue with the case until its conclusion even if their terms have ended; if a member must withdraw during the process, he or she need not be replaced. For purposes of this Statement, "Advisory Board" shall refer to this group: that is, the Board sitting at the time the charges are filed, less any recusals and withdrawals, plus any alternates assigned.

(3) Framing the Issues

- a. Promptly, within such time as the Advisory Board determines, the faculty member must file with the Board a statement setting forth the defenses proposed, any factual allegations that are specifically disputed, and any additional factual matters to which the faculty member will draw attention. The University ordinarily has ten days to reply to this statement.
- b. The statements of both parties should be specific enough to enable the Advisory Board to make a determination about what issues of historical fact (if any) are relevant to the charges and are in dispute. Either party may include in its statement an argument that certain facts under discussion are irrelevant to the disposition of the case or are not properly classified as issues of historical fact.
- c. If the Advisory Board determines that there is a dispute about material issues of historical fact, the Board will notify the parties of such issues(s) and will select a qualified Hearing Officer from outside the University to hold an Evidentiary Hearing at a date to be set by the Board. If the Board determines that there is no dispute about material issues of historical fact, the Board will proceed to schedule the Final Hearing.

4.3.C The Evidentiary Hearing

- (1) At least five weeks prior to the commencement of the Evidentiary Hearing, each party must provide the Hearing Officer and the other party with copies of the exhibits it intends to introduce as evidence and with a list of the witnesses it expects to call, along with a detailed summary of the testimony expected from each witness.
- (2) Immediately following these submissions, the Hearing Officer will entertain any motions (including motions to exclude any such testimony or exhibits as outside the scope of the issues, unduly prejudicial, etc.). At least four weeks

prior to the date of the Evidentiary Hearing, the Hearing Officer will rule on any such motions and will prepare a Pre-Hearing Order composed of the Advisory Board's determination of issues, the Hearing Officer's ruling on the motions, and the parties' lists of exhibits and witnesses and summaries of testimony (revised to reflect any rulings by the Hearing Officer).

- (3) Either party may add to its list of exhibits and witnesses for the purpose of giving rebuttal evidence. The Hearing Officer will set the time for submission of copies of rebuttal exhibits and of the list of rebuttal witnesses. In the event that a party later proposes to use a witness or exhibit that was not disclosed by the specified time, the Hearing Officer will rule on whether and/or under what circumstances the evidence may be introduced.
- (4) The purpose of the Evidentiary Hearing is to reach conclusions on the material issues of historical fact identified by the Advisory Board. At the Evidentiary Hearing, the Hearing Officer will hear evidence and will then make detailed findings of historical fact, which are submitted to the Board.
- (5) Any witness shall be guaranteed the right in the Evidentiary Hearing to invoke the privilege (a) not to incriminate himself or herself in answer to any question, and (b) not to divulge a confidential communication from a University employee or student made with the understanding of all parties to the communication that it would be kept confidential.

4.3.D The Final Hearing Before the Advisory Board

- (1) After the Hearing Officer has submitted the findings of fact to the Advisory Board, the Board will schedule a Final Hearing.
- (2) Each party has the opportunity to file a written brief, not later than one week before the scheduled start of the Final Hearing. This brief may include any or all of the following matters:
 - a. Challenges to rulings of the Hearing Officer or the Advisory Board, except that a ruling of the Hearing Officer during the Evidentiary Hearing can be challenged only if an objection was recorded at the time;
 - b. Whether the Hearing Officer's findings of fact are supported by substantial evidence;
 - c. Whether the faculty member has committed professional misconduct as charged; and
 - d. Whether the sanction proposed by the Provost is appropriate.
- (3) At the Final Hearing before the Advisory Board, the parties will be given an opportunity for oral argument, within time guidelines set by the Board.

- (4) As a result of the Final Hearing, the Advisory Board may ask the Hearing Officer to clarify the findings of fact or make additional findings on the basis of the evidence. The Board will give both parties an opportunity to comment on these clarifications or additional findings. The Board may also order the Hearing Officer to reopen the Evidentiary Hearing to hear evidence on specified issues. If necessary, the Board may reopen the Final Hearing.
- (5) Within one week after the Final Hearing before the Advisory Board, either party may file a written reply, which is limited to the issues raised by the opposing brief and the opposing party's oral argument.

4.3.E The Decision of the Advisory Board

- (1) The Advisory Board will affirm those of the Hearing Officer's findings of historical fact that it concludes are supported by substantial evidence, and such findings will thereafter be final and binding upon the President and Board of Trustees.
- (2) A finding of professional misconduct requires that a majority of the members of the Advisory Board concludes that the faculty member has committed professional misconduct in the respect or respects charged.
- (3) If a majority of the Advisory Board concludes that the faculty member has committed professional misconduct, the Board will decide upon the appropriate sanction and will notify the President of its decision.
- (4) If there is no majority of the Advisory Board concluding that the faculty member has committed professional misconduct in the respect or respects charged, the Board will so notify the President.

4.3.F The Decision of the President

- (1) If the President does not accept the decision of the Advisory Board, he or she will resubmit the case to the Board for reconsideration with a statement of questions or objections. The Board will then reconsider the case in the light of such questions or objections, hold (if necessary) further hearings and receive new evidence, and either render a new decision or state the reasons for its decision to reaffirm its original decision. After study of the Board's reconsidered decision, the President may make a final decision different from that of the Board only if the President determines: that the faculty member or the University was denied a fair hearing; or that the Board's decision (as to whether there has been professional misconduct and/or as to the sanction) was not one which a decision-making body in the position of the Board might reasonably have made.
- (2) If the President makes a final decision different from that of the Advisory Board, the reasons for that different decision shall be given to the Board and the faculty member.

- (3) If the President's decision requires dismissal, such decision is not effective until it has been approved by the Board of Trustees.

4.3.G Rules of General Application

- (1) The Advisory Board may delegate to a subcommittee of its members any of its functions except deciding if there should be an Evidentiary Hearing, what material issues of historical fact are in dispute, whether the Hearing Officer's findings of historical fact are supported by substantial evidence, whether professional misconduct has occurred, and, if so, what sanctions are appropriate.
- (2) The burden of proof by clear and convincing evidence is upon the University in hearings before the Hearing Officer to prove the factual elements of the charge. The faculty member has the burden of proof by a preponderance of the evidence on any affirmative defenses raised by the faculty member.
- (3) The faculty member has the right to have an advisor of his or her choice accompany him or her during the hearings, the rights of confrontation and cross-examination, and the right to refuse to testify in the hearings.
- (4) The faculty member may choose either private or public hearings. Both the Advisory Board and the Hearing Officer, however, may entertain motions (from either party) that all or part of the hearings be held in private.
- (5) Formal rules of evidence do not apply.
- (6) The faculty member may request from the University, in writing, information regarding any matter, not privileged, which is relevant to the material issues of historical fact, or which appears reasonably calculated to help the faculty member learn of admissible evidence. The University will provide this information or will inform the Hearing Officer as to its reasons for not providing the information. After consideration of those reasons, the Hearing Officer may order the University to provide such information. The University shall not be required to disclose information prepared for the purpose of litigating the case. Even in the absence of a request by the faculty member, the University must disclose any information it believes to be exculpatory of the faculty member.
- (7) The University may request disclosure of any non-privileged tangible evidence from the faculty member. Upon application by the University describing such evidence, the Hearing Officer may order the faculty member to produce it.
- (8) The proceedings of the Hearing Officer and the Advisory Board will be as expeditious as possible.
- (9) A record will be maintained of all hearings under this Statement.

- (10) Once charges are forwarded to the Advisory Board, both the Provost and the faculty member are to provide copies to each other of all written communications to the Board or the Hearing Officer.
- (11) At the request of the faculty member, and if he or she can demonstrate that his or her own financial resources have been exhausted, the Advisory Board may recommend to the Provost that the University provide funds to pay for what the Board regards as essential for an adequate defense.
- (12) The time guidelines contained in these procedures may be modified by the Hearing Officer or the Advisory Board if warranted by the circumstances.

Section 4.4 STATEMENT ON APPOINTMENT AND TENURE

The following *Statement of Policy on Appointment and Tenure* was approved by the Board of Trustees, following approval by the Senate of the Academic Council, on September 21, 1967. It was amended by the Board of Trustees, following approval by the Senate of the Academic Council, on the following dates:: September 14, 1971; January 9, 1973; October 8, 1974; April 8, 1975; September 9, 1975; April 13, 1976; September 14, 1982; June 12, 1992; April 9, 1996; and December 4, 2001. This policy statement applies to members of the Academic Council (Professoriate as defined in Section 1.2.F of this Handbook).

4.4.A Terms of Academic Appointment

- (1) The precise terms and conditions of every academic appointment shall be stated in writing and be in the possession of both the University and the appointee before the appointment is consummated. The Statement of Policy, or any modification thereof, will be made available to all administrative and teaching personnel.
- (2) Except as provided in this paragraph, all academic appointments shall be made either (a) for a stipulated number of years, (b) for a continuing term of appointment, or (c) without limit of time. An academic appointment without limit of time shall be considered as a permanent appointment i.e. the term shall be understood to extend from the effective date of the appointment to the date of academic retirement of the appointee. Conditions of an academic appointment made for a continuing term are specified in Section 4.4.B(3) of this Statement. Exception: An academic appointment made for the duration of either (a) an administrative appointment or (b) a specific project, which appointment or project is indefinite as to time, shall, unless otherwise expressly stipulated, be construed as terminating on the expiration of the appointment or the project. Academic appointees terminated under this provision are entitled to the benefits conveyed in Section 4.4.E of this Statement.

4.4.B Security of Appointment and Tenure

- (1) Security of appointment is defined as the right not to be dismissed, involuntarily retired early, or subjected to discriminatory reduction of salary before the expiration of the term of an academic appointment except on the basis of:
 - a. a finding, as provided in Section 4.4.F(1), of substantial and manifest incompetence; or
 - b. a determination pursuant to the Statement on Faculty Discipline; or
 - c. a determination, as provided in Section 4.4.F(3), of serious and protracted disability or protracted absence without leave; or
 - d. a determination, as provided in Section 4.4.F(3), of the University's extraordinary financial emergency.

In the event of severance for the reasons given in Sections 4.4.B(1)c and d, the

individual concerned shall be entitled to at least twelve months' notice.

- (2) Tenure is security of appointment which continues to the date of academic retirement. Any appointment without limit of time carries tenure automatically. Tenure may also be acquired by length of service as provided in Article IV, Section 4.4.D(1), in which case tenure shall imply the right of continual reappointment until the date of academic retirement.
- (3) Every academic appointment carries security of appointment, as defined in Article II, Section 4.4.B(1), for its duration, except that a continuing term of appointment may be terminated, with notice as provided in Section 4.4.E(1), when satisfactory performance or programmatic need ceases. Tenure, however, accrues only (a) by virtue of an appointment without limit of time or (b) by virtue of length of service as provided in Article IV, Section 4.4.D(1).

4.4.C Appointments

- (1) Professors shall be appointed without limit of time, unless otherwise expressly specified.
- (2) Associate Professors shall customarily be appointed for a term of six years, but may be appointed for a shorter term of years or without limit of time. Appointments for a term of years are renewable.
- (3) Assistant Professors shall customarily be appointed for a term of three years, but may be appointed for any term not exceeding five years. Such appointments are renewable, but not normally beyond a total of seven years at this rank.
- (4) Appointment at the rank of Professor (Teaching), (Performance), or (Research) or Associate Professor (Teaching), (Performance), or (Research) shall be for a term of up to six years' duration. Reappointment at the rank of Associate Professor (Teaching) or (Performance) may be for renewable terms of up to six years' duration or for a continuing term of appointment. Promotion to or reappointment at the rank of Professor (Teaching) or (Performance) shall be for a continuing term of appointment. Promotion to or reappointment at the rank of Professor (Research) or Associate Professor (Research) may be for renewable terms of up to six years' duration or for a continuing term of appointment.
- (5) Reappointment at the rank of Professor (Applied Research) may be for renewable terms of up to six years' duration or for a continuing term of appointment.
- (6) Reappointment at the rank of Associate Professor (Clinical) may be for a term of years not to extend beyond August 31, 1995. Reappointment at the rank of Professor (Clinical) shall be for a continuing term of appointment.

- (7) Appointment at the rank of Assistant Professor (Research) shall be for an initial term of up to six years. Such appointments are renewable, but not normally beyond a total of six years in this rank.

4.4.D Tenure by Length of Service

- (1) Any appointment, promotion or reappointment for a term of years which extends the individual's total length of full-time service at Stanford University at the rank of Assistant Professor, Associate Professor, or Professor or at more than one of such ranks beyond seven years shall confer tenure. This holds unless the period beyond seven years occurs after a review for tenure has been initiated, in which case the time beyond seven years shall not confer tenure. In the calculation of years of service toward tenure, any part-time appointment shall be prorated on the basis of the fraction of a full-time appointment represented, but any such appointment which extends total service at these ranks beyond ten years shall confer tenure. Such periods of service need not be continuous. Periods of leave without University service shall be deducted in computing length of service under this provision, unless it is expressly agreed in writing by the President's Office before the leave begins that the period of leave may be counted toward the acquisition of tenure. Exceptions:
 - a. Service under an academic appointment made for the duration of either an administrative appointment or a specific project shall not count toward the acquisition of tenure by length of service.
 - b. A faculty member who becomes a parent, by birth or adoption, while serving under an appointment which accrues time toward tenure by length of service may, subject to any necessary reappointment, request that the time after which tenure would be conferred by length of service be extended by one year. Faculty who request this extension are expected to have substantial and sustained childcare responsibilities. Requests should be received by the Provost within one year of the arrival of the child. In addition, requests should be received prior to the beginning of the faculty member's final year of tenure accruing service. For adoptive parents to be eligible for this extension, it is expected that the child will be no older than five years of age at the time of the adoption.
- (2) Only service at the ranks of Assistant Professor, Associate Professor, and Professor shall count toward acquisition of tenure by length of service. Persons holding acting appointments do not accrue time toward tenure by length of service.
- (3) For appointments beginning after August 31, 1996, the total length of untenured full-time service without tenure at Stanford University at the tenure line ranks of Assistant Professor, Associate Professor, or Professor (or at more than one of such ranks) may not exceed ten years, regardless of the number of leaves without salary, extensions for new parenthood, or time spent in either an administrative appointment or on a specific project.

- (4) Academic service at other institutions shall not be counted toward acquisition of tenure at Stanford under Section 1(a) of the Statement of Policy on Appointment and Tenure.

4.4.E Prior Notice of Nonrenewal

- (1) A faculty member (tenure line or non-tenure line) holding a renewable appointment for one year shall be notified by March 15 if the appointment is not to be renewed. Failure to give timely notice of non-renewal shall entitle the individual to a special reappointment for an additional terminal year, but such additional appointment for a terminal year, if granted, shall not count toward acquisition of tenure by length of service under Section 4.4.D(1). When, to a faculty member holding a continuing appointment or a renewable appointment for more than one year, notice of termination or of non-renewal is not given before July 1 of the penultimate year of the contract, the appointee shall be entitled to a special reappointment for an additional terminal year, but such additional appointment for a terminal year, if granted, shall not count toward acquisition of tenure by length of service under Section 4.4.D(1).

4.4.F Dismissal

- (1) a. Where the University proposes to dismiss an academic appointee or to penalize the faculty member by a discriminatory reduction of salary for reasons of substantial and manifest incompetence, as specified in Section 4.4.B(1)a, the individual shall first be notified (confidentially, if possible) of the charges and given an opportunity to reply. If the matter cannot be settled by agreement and if the individual wishes to contest the charges, the individual may demand a formal hearing before the Advisory Board. If such a demand is made, the President shall submit a formal statement of the charges in writing to the chair of the Advisory Board, with a copy to the individual. The chair of the Advisory Board shall set a time and place for a hearing of the charges, giving notice to the individual and allowing him or her sufficient time to submit a written reply to the charges and to prepare a defense. The hearing shall be private unless either the individual faculty member demands a public hearing or the Advisory Board, by majority of the whole Board, after consultation with the parties, decides upon a public hearing. If facts are in dispute, the Advisory Board shall take the testimony and receive evidence. Both parties may have the assistance of counsel and shall have the right of confrontation of witnesses and cross examination. However, technical rules of legal evidence need not be strictly applied. A stenographic record of the hearing shall be kept and copies made available to both parties. Oral arguments may be made by both sides after the evidence has been submitted and, if the Advisory Board desires, supplementary written briefs may also be submitted. The Advisory Board shall make a written decision including express findings upon all disputed matters of fact and should make an explicit ruling in the light of the evidence as to the sufficiency

or insufficiency of each of the alleged grounds for dismissal. If the decision is not unanimous, that fact should be stated and the grounds of dissent indicated. Copies of the decision should be forwarded promptly to both parties, but the Advisory Board should not make its decision public until the case has been considered by the President.

b. The Advisory Board shall submit to the President its decision and the transcript of the hearings. If the President does not accept the decision of the Advisory Board, the President shall resubmit the case to the Advisory Board for reconsideration with a statement of questions or objections. The Advisory Board shall then reconsider the case in the light of such questions or objections, holding further hearings and receiving new evidence, if necessary, and rendering a new decision in the same manner as before. Only after study of the reconsidered decision of the Advisory Board may the President make a final decision overruling the Advisory Board. In such case, the President will give the reasons to the Advisory Board and to the faculty member concerned. In case the decision of the President is to terminate employment, such decision shall not become effective until it has been reported to and concurred in by the Board of Trustees.

c. The transcript of the hearing shall not be made public by the University except upon decision of the Advisory Board, made by majority vote of the whole Board, and concurred in by the President.

- (2) Disciplining of faculty members pursuant to the *Statement on Faculty Discipline* shall be governed by the procedures provided therein.
- (3) Dismissals by reason of disability, or protracted absence without leave, or extraordinary financial emergencies under Section 4.4.B(1) c or d, shall be made by the President only after consultation with the Advisory Board and after appropriate advance notice to the faculty member concerned, but no formal hearings shall be required.
- (4) Suspension of a faculty member during proceedings under Sections 4.4.F(1), (2), or (3) of this article is justified only if immediate harm to the faculty member or others is threatened by continuance in his or her regular duties. Any such suspension shall be with pay.
- (5) This Statement governs the terms and conditions of individual academic appointments. It shall not be construed to limit the power of the Board of Trustees, upon recommendation by the President after consultation with the Advisory Board, to determine what academic activities may from time to time be initiated, modified, or discontinued. This power is a necessary corollary of the Board of Trustees' duty to oversee the academic programs of the University. This power shall not be invoked as a substitute for the dismissal provisions of Section 4.4.B(1) and Sections 4.4.F(1),(2),(3) hereof. In the event of modification or discontinuance of an academic activity in circumstances other than those of extraordinary financial emergency, the

University will make every effort to reassign tenured members of the faculty. If reassignment is impossible, the University will provide every possible assistance in obtaining new positions and will give the individuals concerned at least twelve months' notice before severance.

4.4.G Applicability Provision

- (1) Any person already holding an academic appointment in the University whose non-tenure status could be extended by this Statement must be seriously considered for tenure at the time the person would have been considered had this Statement not been adopted. If the person is not at that time granted tenure but his or her employment is continued, he or she is entitled to be considered again at the conclusion of the longer period permitted by this Statement.
- (2) Periods of instructorship served prior to September 1, 1967, shall not count toward the acquisition of tenure.
- (3) Each Dean will be notified when this Statement has become effective and must inform each member of the school of his or her tenure and appointment status as of September 1, 1967, giving continuing recognition to any prior agreements. Any person who disagrees with this status report must raise the matter with the Dean in writing two months after being so informed.
- (4) The Provisions of Section 4.4.C(4), notwithstanding, persons holding the positions of Associate Professor of Clinical (Subject), Senior Lecturer, Senior Research Associate, Senior Scientist, and the like, terminating on or after September 1, 1974, and who are members of the Academic Council, shall continue their membership for the duration of their current appointment and shall be Adjunct Professors of (Subject), or, in the case of Associate Professors of Clinical (Subject), Professors of Clinical (Subject), for the duration.
- (5) The provision of Section 4.4.D(1), regarding calculation of years of service toward tenure by part-time appointment shall apply at the appointee's option to persons holding part-time appointments as Assistant Professor or Associate Professor either (a) only for time accrued commencing September 1, 1974, or (b) for all previous part-time service at these ranks not exceeding nine years.
- (6) The provision of Section 4.4.E(1), shall apply to notification of members of the faculty holding appointments terminating on or after August 31, 1976. Members of the faculty whose appointments expire prior to August 31, 1976, shall be given notice of non-renewal by March 15, where the appointment is a renewable appointment for one year and by December 1 of the final academic year of the term where the appointment is a renewable appointment for more than one year. Failure to give timely notice of non-renewal shall entitle the individual to a special reappointment for an additional terminal year, but such additional appointment for a terminal year, if granted, shall not count toward acquisition of tenure by length of service under Section 4.4.D(1).

