

# Regulations Library

## The University of Utah

Policy: 6-300 Rev: 14

Date: February 10, 2003

## Policy 6-300: University Faculty

### Section 1. Membership of the Faculty

The university faculty shall consist of the president, vice presidents, deans, directors of libraries, professors (including distinguished professors, presidential professors and university professors), associate professors, assistant professors, instructors, librarians, associate librarians, assistant librarians, and auxiliary faculty. All shall have the full rights of faculty members except that persons holding auxiliary faculty positions (research, clinical, lecturer, visiting) or emeritus appointments shall not have the right to vote and shall not have tenure or the expectation of tenure.

### Section 2. Regular Faculty - Tenured and Tenure-Eligible Faculty

Appointees to the regular faculty shall commit full time to the scholarly (or creative), educational, and service endeavors carried on under the auspices of the university. In light of the centrality of free inquiry and free expression in the development and dissemination of knowledge, they shall have tenure or be eligible for tenure (except instructors). In light of the interrelationship of the development and dissemination of knowledge, they shall bear the primary responsibility for carrying on the educational research, creative and service missions of the university. The regular faculty shall include professors, associate professors, assistant professors, instructors (who shall not have tenure) and the following categories of honored faculty: Distinguished Professor, Presidential Professor, and University Professor.

- A. Distinguished professor. The rank of distinguished professor is reserved for selected individuals whose achievements exemplify the highest goals of scholarship as demonstrated by recognition accorded to them from peers with national and international stature, and whose record includes evidence of a high dedication to teaching as demonstrated by recognition accorded to them by students and/or colleagues. Distinguished professors will be subject to the same standards and Procedures relative to appointment, retention, and tenure which are applicable to professors. For academic assignments and budgetary support, distinguished professors will be accountable to the academic departments in which they are appointed.

A person should not be recommended to the distinguished professorship until that person is a member of the faculty. Any exception to this policy must be considered by the distinguished professors present on campus before the recommendation is made.

When a recommendation for appointment to the rank of distinguished professor reaches the vice president for academic affairs, the vice president shall (a) request letters of recommendation from at least six outstanding leaders in the candidate's discipline and (b) appoint, with the advice of the incumbent distinguished professors, a special advisory committee to assist the vice president in making a decision on the recommendation. At least one member of this committee shall be knowledgeable in the candidate's academic discipline. All members shall be recognized academicians without administrative assignments. Before completing its review, the committee shall consult with the concerned academic department and the college dean. Except in unusual situations, only one distinguished professor in the university may be appointed in a single academic year.

- B. Presidential Professor. Individuals who are under consideration for appointment to the university faculty may, under exceptional circumstances, be appointed by the president to the

rank of Presidential Professor. This rank is reserved for selected individuals whose achievements exemplify the highest goals of scholarship as demonstrated by recognition accorded to them from peers with national and international stature, and whose record includes evidence of a high dedication to teaching. This will be determined by a special advisory committee of distinguished professors established in accordance with Section 2.1. The duties and obligations of a Presidential Professor will be the same as those of a regular professor. Academic and budgetary support of a Presidential Professor will be provided by the academic department where the appointment is held.

- C. University professor. Appointments to the rank of university professor carry special recognition of extraordinary skill in university teaching which crosses conventional boundaries, emphasizes interdisciplinary relationships, and reflects a strong commitment to liberal education. Individuals considered for appointment to the rank of university professor shall have demonstrated exceptional ability in challenging and stimulating the intellectual curiosity of undergraduate students. Nominations for appointment as university professor may be initiated from the faculty through the appropriate college council and from the students through the ASUU. These nominations will be reviewed by the University Professorships Committee and the vice president for academic affairs. Appointments to the rank of university professor are for one year at a time. For teaching assignments and budgetary support, university professors will be accountable to the vice president for academic affairs. Courses offered by university professors will be identified and listed separately from regular departmental curricula. Individuals with departmental appointments serving as university professors will retain their regular departmental appointments and will be eligible to participate in a normal manner in the faculty retention and tenure activities of their respective departments.
- D. Instructor. Appointments in the instructor rank within the regular faculty shall be for a limited term, not to exceed three years, because they are intended for individuals who have not quite achieved their terminal degree or board certification. An instructor may be promoted to Assistant Professor by action of a letter to the Senior Vice President from the dean and department chair verifying that the faculty member has completed the terms for such a promotion specified in the initial letter of appointment and has received positive annual retention reviews, as per **Policy 6-303.C.1**. An instructor may be terminated without formal review for failing to complete the requirements for promotion to Assistant Professor in the period of time specified in the initial letter of appointment. A department may institute a formal review in any year if it wished to recommend termination of an instructor for failure to meet performance standards for retention.

If an instructor is promoted to Assistant Professor the period served in the instructor term appointment may, at the option of the faculty member, be excluded from the pre-tenure probationary period. The letter to the Senior Vice President shall indicate if the appointee is exercising the option to count or not count the limited term appointment as part of his/her pre-tenure probationary period.

If an individual is formally admitted to a degree program in the same college in which that person holds a regular faculty appointment, the individual must resign from that regular faculty appointment immediately, unless an exception to this requirement is granted in writing by the president of the University.

### Section 3. Library Faculty

Appointees to the library faculty shall commit full time to support of the university's teaching and research program, professional growth and scholarly or creative activity, and service to the university and community. They shall have continuing appointment or be eligible for continuing appointment. Library faculty shall include academic librarians with the rank of librarian, associate librarian, and assistant librarian.

### Section 4. Auxiliary Faculty

Appointees to the auxiliary faculty shall be individuals who participate in the university's academic program and make a substantial contribution to the academic activities of the various colleges, but whose continuing professional activities do not span the full range of responsibilities of regular

faculty members in the appointing department or college. In light of the University's need to retain the flexibility to adjust its programs to meet changing needs and to employ faculty with more specialized foci to that end, auxiliary faculty may be appointed as research, clinical, lecturer (or lecturing), adjunct or visiting faculty members, as further defined in the sections below. Auxiliary faculty may hold the ranks of professor, associate professor, assistant professor, or instructor.

#### A. Responsibilities and Rights

Appointment to an auxiliary faculty position is without significance for the achieving or holding of tenure. Auxiliary faculty shall not have the right to vote on policies regarding appointment, retention, tenure or promotion or on individual personnel decisions relating to appointment, retention, tenure or promotion, except as provided below. However, long-term instructional auxiliary faculty should be accorded more substantial rights related to curricular matters and appointments within their areas of professorial responsibility. Colleges and departments may permit such auxiliary faculty to vote on appointment and promotion decisions with respect to other auxiliary faculty in their respective categories, and to advise on other appointments. Colleges and departments may accord long-term instructional auxiliary faculty authority to vote on curricular and other policy matters within their unique area(s) of professional responsibility, and accord long-term auxiliary instructional faculty benefits or funding to enhance their professional development. Subject to applicable University policies and to a determination by the individual colleges and departments, auxiliary faculty (or any category and/or rank of auxiliary faculty) may be permitted to participate in the processes of setting department or college policy, or to engage in other activities of faculty members outside their area of basis, auxiliary faculty may supervise or serve on graduate student committees if departmental and graduate school policies permit.) Appointees to these positions shall not be counted among the number of faculty members of a representation area for purposes of apportioning membership in the Academic Senate, shall not be eligible for election to the Academic Senate, and shall not be eligible to vote for members of the Academic Senate. However, appointees to these positions may serve as members of appointed faculty committees. In these respects, auxiliary faculty members shall have the privileges and responsibilities of faculty members.

#### B. Terms

Appointments to the auxiliary faculty are for limited terms only. All annual auxiliary faculty appointments end automatically each June 30. Individuals in such positions may be reappointed after departmental review, with no limitation on reappointment, except that visiting faculty may only serve in that capacity for a total of three years. Appointments or reappointments may also be made by means of a written contract for a fixed term of up to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term appointment ends automatically on June 30 in the final year of the specified term. Individuals in such positions may be reappointed at the conclusion of that fixed term for another fixed term of up to five years after departmental review and with reasonable assurance of specific funding. Review of all categories of auxiliary faculty (including annual review, review before reappointment, and review in consideration of reappointment to a higher rank) should be appropriate in light of the category, rank, and role of the faculty members.

After three years of continuous full-time service, an auxiliary instructional faculty member should be given at least 3 months notice of non-renewal of appointment, unless particular contractual provisions otherwise govern.

#### C. Early Termination

Auxiliary faculty members' appointments may be terminated before the conclusion of the limited term for the following reasons:

1. for financial exigency, medical reasons or program discontinuation, as provided for in **Policy 6-313**.
2. for violation of the Faculty Code, as provided for in **Policy 6-316**.

3. for the auxiliary faculty member's failure to meet a term of the contract; or
  4. if any condition specified in the contract is not fulfilled.
- D. Auxiliary Faculty--Categories. All auxiliary faculty provided for above must be appointed as research, clinical, lecturer, adjunct or visiting faculty.
1. Research Faculty are individuals who participate in the university's academic program, but whose primary professional efforts are devoted to one or more research projects, or nonacademic training projects may be appointed to the ranks of professor, associate professor, assistant professor, or instructor, provided the additional title of "research" accompanies the designated rank. Appointments to "research" positions are without significance for the achieving or holding of tenure. Any proposed appointment to a research faculty rank shall be considered by the department committee under the same rules which would apply to an appointment to the corresponding regular faculty rank. Advancement within the research faculty ranks shall be considered by the department committee under the same rules which would apply to promotions in the corresponding regular faculty ranks, except that advancement within the "research" ranks is to be based primarily on excellence in performance in research. Appointees to these positions may serve as members of appointed faculty committees and shall have the privileges and responsibilities of faculty members, subject to a determination by the individual colleges and departments of the degree to which they may participate in the processes of setting department or college policy. However, they shall not have the right to vote on matters relating to appointment, retention, tenure or promotion. Appointees to these positions shall not be counted among the number of faculty members of a representation area for purposes of apportioning membership in the Academic Senate, shall not be eligible for election to the Academic Senate, and shall not be eligible to vote for members of the Academic Senate. All annual research appointments end automatically each June 30. Individuals in such positions may be reappointed after appropriate review. Annual reappointment reviews will not be required after a faculty member in a research rank has completed a probationary period of seven years if initially appointed as a research assistant professor or five years if initially appointed as a research associate professor or research professor. After appointees to research positions have completed their probationary periods, their annual reappointment may be handled at the department level by the department chairpersons if the specified funding on which the positions are dependent is available. Research appointments may also be made by means of a written contract for a fixed term of two to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term research appointment ends automatically on June 30 in the final year of the specified term. Individuals in such positions may be reappointed after appropriate review.
  2. Clinical Faculty are instructional faculty whose primary professional expertise is in the practice context or whose primary professional responsibility is conducted in a clinical, professional or practicum setting.
  3. Lecturer or Lecturing Faculty are instructional faculty whose primary professional efforts are devoted to teaching.
  4. Adjunct Faculty are instructional, advisory or research faculty whose professional activities do not span the full range of responsibilities of regular faculty members in the appointing department or college because of their primary professional efforts in another department or college or outside the University. Accordingly, adjunct faculty ordinarily should not serve on a full-time basis.
  5. Visiting Faculty participate in the university's academic program on an interim basis and make a substantial contribution to the appointing department or college during that period in either the instructional and/or research realm. Individuals in such positions may be reappointed up to a cumulative total of three years in residence, but should not hold long-term appointments and are not entitled to notice of non-reappointment. Appointments to "visiting" positions are without significance for the achieving or holding

of tenure, unless the individual is appointed to a regular faculty rank immediately upon completion of service in the visiting rank. Then the period served in the visiting rank may be counted as part of the pretenure probationary period. Whether the period in the visiting rank will be so counted must be agreed upon in writing at the time of the appointment to the regular faculty rank.

### Section 5. Uniform use of Categories and Reports of Instructional Activities

- A. It is crucial to the permanent well-being of the University that tenured and tenure-track faculty continue to shoulder the primary responsibility for design of the curriculum and for instruction at all levels of university education.
  1. The administration shall report annually to the Academic Senate on the faculty make-up by category.
  2. An assessment will be made annually by the Academic Senate of the effects of faculty composition on this central principle.
- B. Accordingly, each department, college and program must appoint faculty to the categories specified above as current contracts expire. Each department or college may elect between the two instructional categories of "clinical" and "lecturer" faculty or may use both instructional categories in light of its particular mission(s) and instructional approach(es).

### Section 6. Authority of the Faculty

The authority of the faculty and of the Academic Senate is based on state law, the regulations of the State Board of Regents, and regulations promulgated by the university president and approved by the Board of Trustees. Whatever in this document is in conflict with these is of no effect. Utah Code Ann. 53B-1-101 et seq. (1994).

The university faculty shall have power subject to the authority of the State Board of Regents, and the university president and Board of Trustees to legislate on matters of educational policy, to enact such rules and regulations as it may deem desirable to promote or enforce such policies, and to decide upon curricula and new courses of study involving relations between schools and colleges. The faculty will normally exercise this power through its representative, the Academic Senate. The faculty shall, however, have the appellate power to review all actions affecting educational policy, including legislation enacted by the Academic Senate, whenever an appeal is made from the Senate to the faculty as hereinafter provided.

The faculty has a right to a meaningful role in the governance of the university, including primary responsibility for course content and materials, degree requirements and curriculum; it has a right to participate in decisions relating to the general academic operations of the university, including budget decisions and administrative appointments.

In all matters, except those granted to the Academic Senate, the faculty shall have original jurisdiction. Whenever the faculty is acting within its province as here designated, its actions shall be effective without approval unless they involve an increase in the expense of instruction or administration. Whenever such an increase is involved, whether by action of the university faculty, the Academic Senate, or a school or college faculty, the university president shall report the action to the Board of Trustees with the university president's recommendations. (See **Policy 6-001**, University Regulations, Section 1.)

### Section 7. Officers of the Faculty

The president of the university is the chairperson of the faculty. In the university president's absence, the vice president for academic affairs shall preside. The faculty shall have a secretary, who need not be a member of the faculty, appointed by the president at the beginning of each autumn semester for the academic year. The secretary shall be an ex officio member of the Academic Senate. The secretary shall record all action of the faculty and the Academic Senate and preserve all records in a form convenient for reference.

### Section 8. Meetings

Regular quarterly meetings may be held at a time decided upon by the faculty. Special meetings of

the faculty may be held at any time and may be called by the university president or the Academic Senate. Special meetings for the consideration of specified agenda shall also be called by the university president on the written petition of at least five percent of the voting faculty. The vice president for academic affairs shall announce the number of total voting faculty at the beginning of each academic year. To insure a wide distribution of faculty sentiment, not more than one-half of the signatures presented on such a petition shall be counted from any college or school. No action pertaining to any department shall be considered at a special meeting unless the chairperson of the department has been duly notified.

Any number over ten percent of the voting faculty shall constitute a forum for discussion, but no vote shall be binding with less than fifty percent of the voting faculty in attendance.

Nonfaculty members of the Academic Senate shall have the right to attend all meetings of the faculty. On the invitation of the university president, persons holding teaching and research positions not defined in Section 2 of this policy as members of the faculty may attend meetings of the faculty and may participate in the discussion of any or all questions. Nonmembers of the voting faculty, as this is described in Section 1 of the chapter, may neither vote nor introduce formal motions in faculty meetings.

Every member of the faculty shall have free and equal voice in its deliberations. Should the faculty be equally divided on any question, the university president shall have one vote in addition to one vote as a member of the faculty.

The agenda for special as well as general faculty meetings shall be announced to faculty members and all others authorized to attend or invited to the meeting at least one week in advance of the meeting. In case of emergency the university president may waive this time restriction.

## Section 9. Order of Business

Roll call, when requested by the university president

Announcements and communications

Reports from the officers of administration, school and college councils, and committees

Unfinished business

New business

Adjournment

## Section 10. Committees of the Faculty

### A. Institutional Animal Care and Use Committee

1. The Institutional Animal Care and Use Committee (IACUC) is federally mandated to monitor the care, treatment, housing, and use of animals in University laboratory and research programs to assure that animals are treated humanely and in accordance with the Animal Welfare Act of 1966, as amended (7 USC 2131 et. seq.), Department of Agriculture Animal Welfare Regulations, 9 CFR 2, and all other applicable Federal, State, and local laws and regulations.
2. The IACUC consists of at least six faculty and one citizen member. At least one faculty member shall be a Doctor of Veterinary Medicine, with experience or training in laboratory animal science and medicine, who has direct or delegated program responsibility for activities involving animals at the University. The citizen member shall not be affiliated in any way with the University, other than as a member of the IACUC, and shall not be a member of the immediate family of a person who is affiliated with the University. It is intended that the citizen member will represent general community interests in the proper care and treatment of animals. Not more than three members shall be from the same administrative unit of the University. Members shall be appointed for three-year terms by the University President, upon nomination by the Personnel and Elections Committee, with one-third of the membership changing each year. The chair of the IACUC shall be designated by the University President, upon recommendation by the Personnel and Elections Committee. The IACUC reports to the Vice President for

Research.

3. The IACUC shall:

- a. Review and approve, require modifications in (to secure approval), or withhold approval of proposed research and teaching activities involving the care and use of animals to insure that the proposed activities are conducted in accordance with applicable laws and regulations;
  - b. Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes involving the care and use of animals in ongoing activities to insure that the proposed changes are in accordance with applicable laws and regulations;
  - c. At least once every six months, review the University's program(s) for humane care and use of animals;
  - d. At least every six months, inspect all University animal facilities;
  - e. (Submit reports of its evaluations of the University's programs and animal facilities to the Vice President for Research;
  - f. Participate in the University's submission of an annual Animal Welfare Assurance to the Office for Protection from Research Risks, National Institutes of Health;
  - g. Review and, if warranted, investigate concerns involving the care and use of animals at the University resulting from public complaints or from reports of noncompliance received from laboratory or other University personnel;
  - h. Make recommendations to the Vice President for Research regarding any aspect of the University's animal programs, facilities, or personnel training;
  - i. Suspend or terminate approval of activities that are not being conducted in accordance with the IACUC's requirements or that has been associated with unexpected pain or discomfort to the animals.
4. No IACUC member may participate in the IACUC's initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IACUC.

B. Institutional Review Board for Research with Human Subjects (General University)

1. (The Institutional Review Board for Research with Human Subjects (IRB) (General University) is federally mandated to monitor research involving humans as subjects in accordance with the Department of Health and Human Services, Protection of Human Subjects Regulations, 45 CFR 46, and other applicable Federal, State, and local laws and regulations.
2. The IRB (General University) consists of at least six faculty and two citizen members who are sufficiently qualified to execute the IRB's charge based on experience, expertise, and diversity. The IRB shall consist of members from more than one profession. The IRB shall include at least one member who is a nonscientist and at least one citizen member who is not affiliated with the University, other than as a member of the IRB, and who is not a member of the immediate family of a person who is affiliated with the University. Members shall be appointed for three-year terms by the University President, upon nomination by the Personnel and Elections Committee, with one-third of the membership changing each year. The chair of the IRB shall be designated by the University President, upon recommendation by the Personnel and Elections Committee. The IRB reports to the Vice President for Research.
3. The IRB (General University) shall:
  - a. Review and approve, require modifications in (to secure approval), or withhold approval of proposed research activities involving the use of human subjects in projects outside the health sciences to insure that the proposed activities are conducted in accordance with applicable laws and regulations, that the rights of

the subjects are protected, that adequate and informed consent is obtained, that confidentiality is maintained, and that potential benefits of the research are commensurate with the possible physical, psychological, social, and/or legal risks involved;

- b. Conduct continuing review of research involving human subjects at least once every year, and shall have authority to observe or have a third party observe the consent process and the research;
  - c. Suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to subjects;
  - d. Review and, if warranted, investigate concerns involving the use of human subjects at the University resulting from public complaints or from reports of noncompliance received from laboratory or other University personnel;
  - e. Consult with the University administration as necessary regarding the Multiple Project Assurance of Compliance, required by the Office for Protection from Research Risks, National Institutes of Health.
4. No IRB member may participate in the IRB's initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IRB.

#### C. Institutional Review Board for Research with Human Subjects (Health Sciences)

1. The Institutional Review Board for Research with Human Subjects (IRB) (Health Sciences) is federally mandated to monitor research involving humans as subjects in accordance with the Department of Health and Human Services, Protection of Human Subjects Regulations, 45 CFR 46, and other applicable Federal, State, and local laws and regulations.
2. The IRB (Health Sciences) consists of at least six faculty and two citizen members who are sufficiently qualified to execute the IRB's charge based on experience, expertise, and diversity. The IRB shall consist of members from more than one profession. The IRB shall include at least one member who is a non-scientist and at least one citizen member who is not affiliated with the University, other than as a member of the IRB, and who is not a member of the immediate family of a person who is affiliated with the University. In addition, one citizen member recommended by the Utah State Board of Corrections shall serve as a prisoner advocate. Members shall be appointed for three-year terms by the University President, upon nomination by the Personnel and Elections Committee, with one-third of the membership changing each year. The chair of the IRB shall be designated by the University President, upon recommendation by the Personnel and Elections Committee. The IRB reports to the Vice President for Research.
3. The IRB (Health Sciences) shall:
  - a. Review and approve, require modifications in (to secure approval), or withhold approval of proposed use of human subjects in projects in the health sciences to insure that the proposed activities are conducted in accordance with applicable laws and regulations, that the rights of the subjects are protected, that adequate and informed consent is obtained, that confidentiality is maintained, and that potential benefits of the research are commensurate with the possible physical, psychological, social, and/or legal risks involved;
  - b. Conduct continuing review of research involving human subjects at least once every year, and shall have authority to observe or have third party observe the consent process and the research;
  - c. Suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to subjects;

- d. Review and, if warranted, investigate concerns involving the use of human subjects at the University resulting from public complaints or from reports of noncompliance received from laboratory or other University personnel;
  - e. Consult with the University administration as necessary regarding the Multiple Project Assurance of Compliance, required by the Office for Protection from Research Risks, National Institutes of Health.
4. No IRB member may participate in the IRB's initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IRB.

#### D. Other Committees

The university president shall appoint, before the opening of the academic year, upon nomination by the

Personnel and Elections Committee, such other standing committees as the work of the university may require.

Special committees may be appointed at any time by the faculty or the university president. The university president shall be an ex officio member of all committees of the faculty and of the Academic Senate.

Faculty committees, other than senate committees, must report to the faculty the progress of their work and any action taken and shall act only within the limitations placed upon them.

### Section 11. Faculty Club

There shall be a Faculty Club on the University of Utah campus, to be governed by a constitution adopted by its membership and approved by the Academic Senate and the Board of Trustees. Amendments to the Faculty Club Constitution shall also require the approval of the Academic Senate and the Board of Trustees.

#### Contacts:

##### Policy Owners:

Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

##### Policy Officers:

Only the Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences or their designees have the authority to grant exceptions to this policy.