



# VILLANOVA UNIVERSITY

## FULL-TIME FACULTY HANDBOOK

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Villanova University is an affirmative action Institution, and it is the continuing policy of Villanova not to discriminate against any employee, student, or applicant for employment or admission on the basis of race, color, sex, religion, national origin, age, veteran status, non-job-related-disability, or any other basis prohibited by law.

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## INTRODUCTION

Villanova's faculty constitutes the foundation of the University's academic enterprise. Villanova takes pride in the excellence and dedication of its faculty, and it relies on the faculty, together with administrators and staff, to carry out its educational mission. In its essential functions<sup>1</sup>, the faculty provides expertise, judgment, creativity, and leadership in academic matters. The University administration bears the legal authority and responsibility for the University and its operations, as delegated by the Trustees, and it provides strategic and administrative leadership, support, oversight, and management for academic matters. Through shared governance and collegiality, faculty, administrators, and staff are partners in advancing the University's mission. Together, we work toward *Veritas, Unitas, and Caritas*.

After providing an overview of the University's mission and structure, this Handbook describes the position of the faculty in the University. The product of years of cooperation between the Office of the Provost and the Faculty Rights and Responsibilities Committee, the Faculty Congress, and the Academic Policy Committee, the *Handbook* seeks to provide clarity as to the structures, responsibilities, and benefits of academic life at Villanova. In this sense, the *Handbook* is part of the University's contract with faculty members. Because of legal and regulatory requirements in certain areas, owing to the contractual nature of the employment agreement between the University and its faculty and in view of obligations the University has to students and others, parts of the *Handbook* necessarily are couched in legal terms and/or include specific requirements or prohibitions. The University recognizes and depends on the faculty's professionalism and understands that members of the faculty act accordingly. Thus much of this *Handbook* simply articulates good professional practice. In situations where common procedures must be followed, where legal or contractual requirements must be honored, or where guidance is needed, the *Handbook* provides clear statements regarding procedures and prudent actions.

This *Handbook* is for faculty members in the Colleges of Liberal Arts and Sciences, Engineering and Nursing, and the School of Business. Although a paper version will be kept accurate and up to date, the official version is found at <http://www1.villanova.edu/villanova/provost/resources.html>. Please report errors or mistakes to the Office of the Provost. Faculty members who have questions about the policies and their application should consult their department chairs or program directors in the College of Nursing,

In order to retain necessary flexibility in the administration of policy and procedure, Villanova University reserves the right to revise or delete any of the provisions of this *Handbook* and to revise, reduce, or eliminate any policy or benefit described in this *Handbook*, with or without notice, as the University deems appropriate. Such actions, unless mandated by legal or contractual requirements, merely technical in nature, or driven by emergencies, will not be undertaken without prior consultation with the Faculty Rights and Responsibilities Committee.

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<sup>1</sup> See Section 5 of this *Handbook*.

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## **PART ONE: INSTITUTIONAL DESCRIPTION AND MISSION**

### **1. HISTORY AND MISSION**

For over a century and a half, Villanova University has been sponsored by the Order of St. Augustine, known as the Augustinians, one of the oldest religious teaching orders of the Catholic Church. The first American foundation of the order within the present limits of the United States was established in 1796 at old St. Augustine's Church in Philadelphia. Villanova University traces its lineage from this foundation and from St. Augustine's Academy, which was opened in Philadelphia in 1811.

In January 1842, the Philadelphia Augustinians took possession of *Belle Air*, the country estate of the Revolutionary War officer and merchant John Rudolph. In accordance with the Old Catholic custom, the new foundation was placed under the patronage of a saintly hero of the past. As patron of the new Institution, the Augustinians chose St. Thomas of Villanova, a 16th century Spanish Bishop who was a distinguished Augustinian writer and educator. The school soon became known as Villanova and gave its name to the surrounding countryside.

Classes were opened in the old mansion house at Belle Air during the fall of 1843. On March 10, 1848, the Governor of Pennsylvania, Francis R. Shunk, signed the Act of the Legislature incorporating "The Augustinian College of Villanova in the State of Pennsylvania" and conferring on it the right to grant degrees in the Arts and Sciences.

The Liberal Arts College took its first step toward university status in 1905 with the establishment of what is now called the College of Engineering. The Science unit, inaugurated in 1915, is now an integral part of the present College of Liberal Arts and Sciences. In 1918, what is presently known as the College of Professional Studies came into being. The School of Business was founded in 1922 (as the College of Commerce and Finance), the College of Nursing in 1953, and the School of Law in 1953.

Villanova's development over the years into a complex institution of higher education received official sanction when, on November 10, 1953, pursuant to an act of the Legislature of the Commonwealth of Pennsylvania, its charter was amended to permit it to be designated Villanova University.

The University's mission statement provides a summary statement of Villanova's institutional values and aspirations that set the overall tone of the University's collective objectives.

### **MISSION STATEMENT**

Villanova University is an Augustinian Catholic community of higher education committed to excellence and distinction in the discovery, dissemination, and application of knowledge. Founded and sponsored by the Order of St. Augustine, and inspired by the life and teaching of Jesus Christ, the University seeks to advance a deeper understanding of the relationship between faith and reason—preparing students to think critically, act compassionately, and succeed while serving others. The academic mission is grounded in the wisdom of the Catholic intellectual tradition with particular attention paid to the contribution and influence of St. Augustine. The University provides a comprehensive education rooted in the liberal arts, a commitment to the Augustinian ideals of *Veritas*, *Unitas* and *Caritas*—Truth, Unity and Love, and a

community dedicated to serving the common good. Villanova cultivates an academic environment that is marked by genuine curiosity about different perspectives, ardent receptivity to knowledge generated through intercultural connections, and a genuine sensitivity to the variety of human experiences. The University welcomes and respects members of all faiths, cultures, experiences and abilities who share an enthusiasm for the challenge of responsible and productive citizenship in order to build a just and peaceful world.

### **Enduring Commitments:**

In pursuit of this mission, we commit ourselves to academic excellence, to our values and traditions, and to our students, alumni and the global community.

#### **To foster academic excellence, we:**

- Create a community of scholars with varied backgrounds, talents, experiences and beliefs, united and dedicated to the highest academic standards;
- Emphasize the liberal arts and sciences as our foundation and foster in our students active engagement, critical thinking, life-long learning and moral reflection;
- Concern ourselves with developing and nurturing the whole person, allowing students, faculty and staff to grow intellectually, emotionally, spiritually, culturally, socially and physically in an environment that supports individual differences and insists that mutual love and respect should animate every aspect of university life;
- Encourage interdisciplinary research, teaching and scholarship;
- Affirm the intrinsic good of learning, contemplation and the search for truth in undergraduate and graduate education;
- Support a curriculum that encourages both a global perspective and an informed respect for the differences among peoples and cultures.

#### **To honor our values and tradition, we:**

- Believe that the dialogue between faith and reason drives the pursuit of knowledge and wisdom, and fosters St. Augustine's vision of learning as a community ethos governed by love;
- Seek to understand, enrich and teach the Catholic intellectual tradition through our curricula, scholarship and activities in ways that engage various religious, intellectual and cultural traditions in a vigorous and respectful pursuit of truth and wisdom in every area of humanity;
- Provide opportunities for students, faculty and staff to seek guidance from the Augustinian intellectual tradition and Catholic Social teaching, while always welcoming people from all faiths, cultures and traditions to contribute their gifts and talents to our mission;
- Mirror the Gospel by fostering a community of different backgrounds and varying perspectives where all are welcomed and valued;
- Treat each other with mutual care and respect, which is fundamental to living and learning in the Augustinian tradition that recognizes that we learn best from and with each other;

- Respect and encourage the freedom proposed by St. Augustine, which makes civil discussion and inquiry possible and productive;
- Look to the Order of St. Augustine to preserve our Augustinian character, by showing appropriate preference to Augustinians in faculty and staff appointments, and by welcoming their presence and influence in our university community.

**To serve our students, alumni and global community, we:**

- Are a community grounded in the Augustinian values of *Veritas*, *Unitas* and *Caritas* that fosters welcome and belonging to ensure all people are treated with respect, rooted in the belief that each person is created in the image and likeness of God, with particular attention paid to the care of the most vulnerable;
- Encourage students, faculty and staff to engage in service experiences and research, both locally and globally, so they learn from others, provide public service to the community and help create a more sustainable world;
- Commit to the common good, and apply the knowledge and skills of our students and faculty to better the human condition;
- Encourage our students and faculty to pursue virtue by integrating love and knowledge, and by committing themselves to research and education for justice, with a special concern for the poor and compassion for the suffering;
- Respect a worldview that recognizes that all creation is sacred and that fosters responsible stewardship of the environment;
- Include our alumni as an integral part of the Villanova community;
- Value highly our relationship with neighboring communities.

## **OFFICE OF THE PRESIDENT**

The University's *Executive Council* consist of the President, the Provost, the Executive Vice President, the Vice President for Finance, and the Senior Vice President for University Advancement. The council's purpose is to ensure continued strategic, focused and streamlined oversight of the University. This council provides critical leadership for the institution while enabling the President to focus more heavily on strengthening Villanova's external reputation, development initiatives and overall global presence. The Executive Council will work directly with the President's Cabinet, which will continue to serve as my leadership advisory group.

The *President's Cabinet* consist of the following officers:

Provost

Executive Vice President

Senior Vice President for University Advancement

Vice President for Mission and Ministry

Vice President for University Communication & Marketing

Vice President and Chief Information Officer

Vice President for Finance and Chief Financial Officer

Vice President and Director of Athletics

Vice President for Facilities Management

Vice President for Diversity and Inclusion and Chief Diversity Officer



Vice President for Student Life  
Senior Vice Provost for Academics  
Vice President and General Counsel

The Provost reports to the President and is the University's second highest ranking official and its academic leader who represents the President or the University in President's absence. The responsibilities of this position include all of Villanova's academic programs and all efforts to achieve educational alignment throughout the institution. The Provost will form a strong working relationship with the Vice President for Student Life and the Vice President for Mission and Ministry to ensure greater collaboration and achievement in these important areas. For a detailed description of the Office of the Provost's reporting structure – see below.

## **OFFICE OF THE PROVOST**

The educational work of the University is under the direction of the Provost. The college deans and the Dean of Enrollment Management are members of the *Council of Deans* reporting to the Provost.

*Colleges and Deans.* The various colleges of the University – Liberal Arts and Sciences, Engineering, School of Business, Professional Studies, School of Law and Nursing -- are supervised by the deans who report directly to the Provost. The deans direct their individual colleges, supervise department chairs and program directors in their colleges, and also advise the Provost on policy questions that transcend the work of the individual colleges. Within the colleges and under the supervision of the deans are *Departments* consisting of all those faculty members who are engaged in instructional, administrative, or research work in a given subject under *Department Chairs*. The College of Nursing is organized by programs. A department may serve students registered in more than one college of the University. Other academic and academic support units, including those involved in interdisciplinary studies, are supervised by directors appointed by the deans in consultation with the Provost.

Under the direction of the college deans, department chairs function as leaders of their departments and also as spokespersons for both the administration and for their faculty. They take an active role in planning the future of their departments and are also responsible for evaluation of the work of their colleagues. In addition to their own teaching and research, they advise students and manage the support staff. Descriptions of the specific duties and functions of the chair are promulgated by the deans of the several colleges (see "Department Chairs – Authority and Responsibility"). Departmental chairs ordinarily are appointed by the Provost and the relevant dean of the school or college following the "Protocol for Periodic Selection of Chairs." Program directors in the College of Nursing are appointed by the Dean, with approval of the Provost.

The *Dean of Enrollment Management* supervises all matters pertaining to student recruitment, admission, financial aid, registration, and student academic records, and is assisted by the Associate Dean for University Admissions and Financial Assistance and the Associate Dean for Student Information and Registrar.

The *Provost's Council* includes the members of the Council of Deans, the Senior Vice Provost for Academics, the University Librarian, the Vice Provost for Teaching and Learning, the Vice Provost for Research, Vice Provost for Finance and Administration, and the Associate Vice President and Executive Director of Office of Planning & Institutional Research and other officers by invitation.

Reporting directly to the Provost are the Senior Vice Provost for Academics, Vice Provost for Finance and Administration, and the Associate Vice President and Executive Director of Office of Planning & Institutional Research.

Reporting to the *Senior Vice Provost for Academics* are the Vice Provost for Teaching and Learning, the Vice Provost for Research, the Associate Vice Provost for Professional Development and the Executive Director of the Career Center, the Associate Vice Provost for Online Programs, and the Directors of three university institutes: the Innovation and Entrepreneurship Institute, the Anne Welsh McNulty Institute for Women's Leadership, and the Augustinian Institute.

The *University Librarian & Director of the Library* reports directly to the Provost and is responsible for the overall administration of Falvey Memorial Library. The Director focuses on the strategic relevance of the library to learning and research in the digital age and works with librarians, library staff, faculty members, the Library Committee, and student advisory groups to develop library collections, services and facilities that extend and enhance the university's commitment to academic excellence and to a rich community intellectual life.

Programs, Institutes, Centers and Offices reporting to the Office of the Provost include:

The *University Honors Program* focuses on the whole person--mind, body, and spirit. The program supports Villanova students' pursuit of excellence in a warm and collegial community. Villanova's Honors students value hard work, patience, honesty, rationality, curiosity, and learning. They are thinkers who do, treating their college years as a proving ground for leadership and success. The Director reports to the Vice Provost for Teaching and Learning.

The *IE Institute* is an innovative driver of scholastic, educational, and professional development opportunities in the related areas of creativity, innovation, and entrepreneurship within the Villanova community. The *IE Institute* has a multi-disciplinary and cross-college focus and seeks to advance the University's strategy by fostering cross-college learning and embedding entrepreneurial thinking more deeply in the Villanova culture. The Director reports to the Senior Vice Provost for Academics.

The *Anne Welsh McNulty Institute for Women's Leadership* fosters women's advancement through education, advocacy, community-building and the collaborative creation of new knowledge. In addition to supporting new research and leadership development opportunities, the Institute for Women's Leadership will act as a centralized resource where students, alumni, faculty and staff can find academic, extracurricular and professional programs that will stimulate conversations about women in leadership and develop the skills and experiences that can help women excel in their chosen fields and act as agents of change. The Director reports to the Senior Vice Provost for Academics.

The *Office of Strategic Planning and Institutional Effectiveness* (OSPIE) conducts studies and offers technical assistance in support of educational excellence, strategic planning, assessment and evaluation. OSPIE also manages the CATS data collection/analysis/reporting system including preparing special reports. In addition, OSPIE collects certain externally mandated data and data for professional organizations. The Associate Vice President and Executive Director of Office of Planning & Institutional Research oversees this office.

The *Villanova University Career Center* provides vocational counseling and assistance to students, alumni, and other members of the University community. It maintains an extensive library of career fields, graduate and summer employment leads. The Center administers the on-campus

interviewing program and provides credentialing service. The Executive Director reports to the Senior Vice Provost for Academics.

The *Villanova Institute for Teaching and Learning* provides and coordinates resources for faculty members who are interested in helping their students become more effective learners. Among the services offered are confidential consultations and classroom observations, workshops, and mini-grants. A library/resource center contains materials related to teaching and learning. The Director reports to the Vice Provost for Teaching and Learning.

The *Office of Education Abroad* provides information and assistance to students who wish to study overseas for summer semester, or year programs in Europe, Asia, Latin America, Africa, Australia, and the Middle East. This office also administers Villanova's summer overseas study programs. The Director reports to the Vice Provost for Teaching and Learning.

The *Office of Learning Support Services* works with students diagnosed with learning disabilities, providing appropriate accommodations and support services. The Director also advises faculty members and administrators on appropriate accommodations for students with learning disabilities. The Director reports to the Vice Provost for Teaching and Learning.

The *Office of Academic Support for Athletics* provides supplemental athletic support to all Villanova varsity student-athletes. (Primary academic advising is provided by the regular advising system of each individual student-athlete's college). The Academic Support staff acts as a liaison between the academic and athletic communities. The staff also monitors the academic progress of all student-athletes to assure that University and NCAA regulations are being met and that progress is being made toward graduation. The office also supervises tutoring and mentor services for student-athletes. The Director reports to the Vice Provost for Teaching and Learning.

The *Villanova Writing Center* offers tutoring assistance to undergraduates, graduate students, faculty, and staff who are engaged in every kind of writing. Students are welcome to come to the Writing Center at any stage of their composing process. The Director reports to the Vice Provost for Teaching and Learning.

The *Math Learning Resource Center* (MLRC) provides an environment where students can obtain help with first and second year math classes, work on group projects, study independently, and use computer lab facilities. The Director reports to the Vice Provost for Teaching and Learning.

The *Center for Access, Success, and Achievement* (CASA) provides holistic support (including mentoring, counseling, and tutoring) to students with a special focus on traditionally underrepresented students. The Director reports to the Vice Provost for Teaching and Learning.

The *Office of Grants and Contracts* works with colleges and investigators during submission of sponsored project proposals on behalf of the University. The Office reviews, negotiates and executes various types of research agreements and awards, provides sponsored projects education, and assists with proper stewardship of research funds awarded to the University in compliance with University, sponsor and/or federal policies. Reporting to the Vice Provost for Research, the Director is the authorized institutional official responsible for accepting externally sponsored research awards on behalf of the University.

The *Office of Research Protections* (ORP) partners with researchers to ensure that all Villanova scientific research involving human participants, vertebrate animals and biohazards is safe, ethically sound and compliant with applicable federal, state and local regulations and University

policies. The office supports Villanova's IRB (Human Subjects), IACUC (animal subjects) and IBC (biosafety) along with the Financial Conflict of Interest in Research Committee (promoting objectivity in research). The Director reports to the Vice Provost for Research.

The *Villanova Institute for Research and Scholarship* (VIRS) promotes a vital, sustainable research culture on campus by helping faculty from all disciplines fulfill their research, scholarly, and creative aspirations. VIRS offers internal funding, grantsmanship skills training, faculty writing programs, career development, and opportunities for interdisciplinary dialogue, collaboration, and community. The Director is responsible for developing and enhancing programs to meet faculty needs. The Director reports to the Vice Provost for Research.

The *Center for Research and Fellowships* (CRF) provides comprehensive advising for students of all levels who pursue research opportunities and prestigious national scholarships, fellowships, and other awards. These include the Fulbright, Goldwater, Marshall, Rhodes, Truman, and Udall scholarships, the NSF's Research Experiences for Undergraduates and Graduate Research Fellowship, and the DAAD-RISE international research internships, among others. CRF also administers the Presidential Scholars Program. The Director reports to the Assistant Vice Provost for Graduate Education and Research.

The *Office of Graduate Education* supports the excellence of graduate education and research and enhances the graduate student experience at Villanova in collaboration with leadership in the colleges. The office exists to enhance diversity within the graduate student body, to develop robust mechanisms and programs to build an inclusive and supportive graduate student culture on campus, to integrate graduate students more fully into the life of the institution, and to increase opportunities for student professional development. The Director reports to the Assistant Vice Provost for Graduate Education and Research.

The Provost and the Provost's leadership teamwork with faculty leaders, especially Faculty Congress.

*Faculty Congress* discusses all matters of interest to the faculty and, where appropriate, passes resolutions expressing its opinion on such matters. While resolutions may be sent to any Administrative Officer, the Faculty Congress has a direct consultative line to the Provost (or designee). The Faculty Congress is responsible for coordinating the activities of the faculty representatives, the Academic Policy Committee and the Faculty Rights and Responsibilities Committee. Those representatives, in turn, will advise the Faculty Congress on relevant matters which come before the governance bodies on which they serve. The Faculty Congress nominates faculty representatives to several committees of the Board of Trustees and conducts elections for faculty positions on various University bodies. The Congress has forty members: seven full-time faculty members elected at-large by the full-time faculty; two adjunct faculty members elected at-large by the adjunct faculty; and one retired faculty member elected by the retired faculty. The remaining thirty members are the members of the Academic Policy Committee and the Faculty Rights and Responsibilities Committee, who are themselves elected by their various constituencies.

The *Academic Policy Committee* (APC) is one of the university's standing committees. The APC has authority to recommend policy in academic matters affecting more than one college of the University, and also has a direct line to the Provost (or designee) for the discussion and resolution of academic issues. The APC consists of the Senior Vice Provost for Academics; eighteen faculty members; two undergraduate students; two graduate students; The Dean of Students; the Deans of the Colleges (or designees), as well as the Dean of Graduate Studies in the College of Liberal Arts and Sciences. All members service at the pleasure of the President.

The *Faculty Rights and Responsibilities Committee* is a committee of the Faculty Congress. It has authority to recommend policy in all major areas of faculty welfare significantly affecting the University as a whole. The *Committee* also has a direct line to the Provost (or designee) for the discussion and resolution of faculty issues. The Committee consists of fifteen faculty members and one of whom shall be the Vice Chair of the Faculty Congress. The Provost (or designee) is an *ex officio* member.

## **EXECUTIVE VICE PRESIDENT**

The *Executive Vice President* oversees the University's administrative operations at a highly strategic level. These operations include Auxiliary Services, Human Resources, Facilities Management, Public Safety, and University Information Technologies (UNIT). The *Vice President for Facilities Management* and the *Vice President for Technology and Chief Information Officer* report to the Executive Vice President. The Executive Vice President provides critical oversight for administrative functions, ensures alignment with academic priorities, and develop strategies to leverage institutional resources.

## **UNIVERSITY COMMUNICATION AND MARKETING**

The Office of University Communication, under the direction of the *Vice President for University Communication and Marketing*, promotes the positive image and reputation of Villanova University by communicating the University's messages and achievements to various constituencies. The Office publicizes student, faculty, and alumni achievements to both internal and external communities. University Communication may ask faculty members to speak about areas of expertise with the media and/or with members of our staff.

## **GENERAL COUNSEL**

The *Vice President and General Counsel* supervises the Office of the General Counsel which handles all legal issues affecting the University.

## **MISSION & MINISTRY**

The *Office of Mission and Ministry*, under the direction of the *Vice President for Mission and Ministry*, works to facilitate Villanova's commitment to living out its mission in every facet of University life. The Office promotes an inclusive vision of the Catholic intellectual tradition; coordinates a variety of initiatives relating to the University's Augustinian heritage and Catholic Social Teaching; encourages programs and research on contemporary problems; ensures that the spiritual and sacramental needs of Catholic students are met; and extends the Augustinian mission and the work of Villanova University in ways which will assure its contribution to the continued social and spiritual transformation of our world.

*Campus Ministry* serves the University in the expression of Augustinian spirituality and Roman Catholic identity, the development of communal life in an atmosphere of religious faith, the fostering of Christian values within the community and the institution, and the promulgation of an ethic of service. The campus ministry team serves many of the religious and spiritual needs of the faculty through campus liturgies, and service and educational programs.

The *Augustinian Institute* serves “as an agent and resource to support its efforts to give Augustine’s thought a vibrant and integral place within Villanova’s academic and community life and allows that voice of Augustine to continue to speak effectively to today’s world.”

The *Villanova/Catholic Relief Services (CRS) Partnership* is a collaboration that is integrated into the structures of each institution in conformity with each institution's culture. The partnership leads to knowledgeable and empowered constituencies who are formed by Catholic social thought and tradition and who live their faith in solidarity with the poor of the world.

The *Center for Faith and Learning* provides opportunities for students and faculty to explore the vocation of the mind and the depths of the Spirit in the way of Augustine, who searched for knowledge in the context of community. The Center promotes critical inquiry among friends who enter into dialogue dedicated to the integration of faith and learning, the hallmark of Augustinian pedagogy. The Center is rooted in the Catholic/Christian intellectual tradition and is a place where transformative, intellectual life is in dialogue with all faith traditions.

The *Center for Peace and Justice Education* offers an interdisciplinary academic program, informed by the Catholic social tradition, which focuses on issues of social justice and peace. Our curriculum is challenging and innovative, and attracts some of Villanova's finest faculty and students.

## **STUDENT LIFE**

The *Vice President for Student Life* administers and supervises functions and activities relative to student co-curricular life.

The *Office of Intercultural Affairs (OIA)* creates, maintains, and supports programming and mentoring initiatives that seek to foster and sustain a community of respect and inclusion for Villanova students with a special focus on underrepresented students.

The *Dean of Students* is responsible for promulgating and upholding community standards for the student community, as well as serving as a liaison with various University constituencies including parents, Public Safety, Residence Life staff, and local township officials and civic associations and coordinating the University's alcohol education and intervention programs. This office also coordinates services for international students and students with physical disabilities.

The *Office for Residence Life* collaborates with a variety of offices to provide residential students with a clean, safe, attractive, and educationally purposeful living environment.

The *Office of Student Involvement* supervises and coordinates co-curricular student activities, emphasizing leadership skills to make co-curricular activity a cooperative factor with study and education, and encouraging self-directed activity giving maximum opportunity for self-realization and growth.

The *Office of Music Activities* promotes, maintains, and supervises the efforts of student performing groups on the Villanova campus and also sponsors concerts on campus.

The *Student Health Center* provides the services of physicians, nurse-practitioners and registered nurses for consultation and treatment each weekday. Nurses are on duty 24/7 when classes are in session during the academic year, except for undergraduate vacation periods.

The *University Counseling Center* with its professional staff of counseling psychologists provides services to help students function optimally with regard to emotional, academic, social and psychological issues. All contacts and conversations are kept confidential except in situations where law or ethics require notification of a family member or other person.

The *Office of Health Promotion* provides campus-wide wellness initiatives. Health Promotion provides education on various topics so that students can make appropriate choices for healthy living. In collaboration with many departments, the Center offers educational programs on issues such as Alcohol and Drugs, Sexual Assault, Sexual Health, Stress Management, Fitness and Nutrition.

## **UNIVERSITY ADVANCEMENT**

The *Senior Vice President for University Advancement* is responsible for directing the University's interaction with many aspects of the external community.

Under the Senior Vice President's direction, the *Office of Alumni Relations* plans and manages a comprehensive program of volunteer engagement, special events, communications, and services to develop lifelong connections with more than 100,000 living alumni. Working with the volunteer leadership of the Villanova University Alumni Association, the Office coordinates the activity of more than 70 regional, academic, professional, fraternal, and class-year based volunteer organizations. The Office maintains individual profiles on the University's alumni, plans and distributes electronic communications to alumni and parents, and manages the University's annual Homecoming and Reunion Weekend celebrations.

The *Office of University Development* supervises and coordinates all major components of a comprehensive development program. The fund-raising areas include major gifts, planned giving, corporate and foundation giving, and annual giving. The administrative support activities include prospect management, gift and pledge processing, donor research, donor relations, and gift stewardship.

## **ATHLETICS**

The *Vice President and Director of Athletics* directs the *Department of Athletics* which provides opportunities for the University community to participate in varsity, intramural, club, and recreational sports programs. In terms of its student athletics programs, the department seeks athletic success without compromising academic standards. The Athletics Department views the academic and personal development of every student-athlete as a primary goal, and it sees athletics programs as complementing classroom experiences by promoting discipline, teamwork, leadership, and a sense of fairness. Faculty members who have questions either about the Athletics program or about student-athletes should contact the Athletic Office.

## **INFORMATION TECHNOLOGIES**

The *Vice President for Technology and Chief Information Officer* directs the *Office of University Information Technologies* (UNIT). UNIT recommends, provides and manages technology tools to support the educational processes of the University. UNIT's areas of responsibility include providing access to technology tools to advance learning, teaching, research, and operations; facilitating information retrieval and sharing; enhancing operational efficiency and effective management through the use of state-of-the-art technology tools; and enabling and promoting

electronic communication within the University and with regional, national, and international communities.



## **FACILITIES MANAGEMENT**

The *Vice President for Facilities Management* supervises an in-house team of engineers, project managers, safety and environmental specialists, skilled craftspeople, groundskeepers, and custodial service staff who take great pride in delivering superior services, modern facilities, and a healthy environment for students, faculty, and staff. In addition, we partner with selected firms on a number of our campus projects.

## **FINANCIAL AFFAIRS**

The *Vice President for Finance* administers and supervises functions and activities relative to financial management, including the Budget Office, the Controller's Office (which includes the Bursar's Office, Accounting and Financial Systems, the Payroll Office, and the Procurement Office, Research Accounting), Insurance and Risk Management, and the Investment Office.

## **DIVERSITY, EQUITY, AND INCLUSION**

The *Vice President for Diversity, Equity and Inclusion and Chief Diversity Officer* leads the work of the Office of Diversity, Equity, and Inclusion and advises the university leadership on matters related cultivating an academic environment marked by genuine curiosity about different perspectives, ardent receptivity to knowledge generated through intercultural connections and a genuine sensitivity to the variety of human experiences marked by domestic and global differences.

# **PART TWO: POLICIES AND PROCEDURES ON RECRUITMENT, APPOINTMENT, RANK, TENURE, AND EVALUATION**

## **2. EMPLOYMENT AGREEMENTS**

As part of the initial appointment process, the faculty candidate receives a letter offering employment and welcoming the new faculty member to the University, and a *Faculty Employment Agreement* describing general and specific terms of employment. If Villanova renews the faculty member's appointment, they, normally by June 1, receive a letter, electronic communication, or other appropriate notification indicating renewal of the appointment, current rank, the next year's salary, and other specific terms of employment. Unless the *Employment Agreement* that a faculty member most recently signed was materially changed subsequent to that signing, in which case the faculty member is sent a new *Faculty Employment Agreement*, the renewal/salary letter incorporates by reference the terms of that most recently signed *Agreement* and provides salary and other terms and conditions. Faculty members wishing to decline the terms of the Employment Agreement are to do so, in writing, within thirty days of the date of the letter, unless permission to extend that period is obtained from the Provost. Notice of the faculty member's acceptance of the salary and specific terms of the renewal/salary letter is not required, but faculty members wishing to decline the offer of continued employment in the renewal/salary letter are requested to notify the Office of the Provost as soon as possible.

The University reserves the right to cancel an agreement for cause upon written notification as specified in the "Faculty Employment Agreement." With respect to a faculty member with tenure, such cancellation shall be subject to the terms set forth in the Dismissal and Suspension procedure

for Faculty.

**TENURE/TENURED TRACK FACULTY EMPLOYMENT AGREEMENT:**

**VILLANOVA UNIVERSITY**  
**Villanova, Radnor Township, Delaware County, Pennsylvania**  
**FACULTY EMPLOYMENT AGREEMENT**  
*(Tenured/Tenure track)*

*Villanova University, a corporation hereinafter referred to as the University, being desirous of securing the services of qualified individuals to further the educational purposes and ends for which it stands, and*

---

*[print/type full name of faculty member]*

*hereinafter referred to as “Faculty Member”, being desirous of rendering such services in return for the rewards and privileges associated with an academic appointment, hereby agree as follows:*

1. *(a) The University will employ Faculty Member on a full-time basis, beginning the 22<sup>nd</sup> day of August, 20XX, for the period of time (nine or twelve months) at the rank and with the title indicated in the accompanying salary notification (or appointment) letter, and will compensate Faculty Member therefor in the amount specified in that letter, which describes base salary and any additional compensation to which Faculty Member may be entitled. The University will deduct from such monthly payments all required tax withholdings and those amounts that Faculty Member contributes toward retirement and other benefit plans sponsored by the University or are otherwise authorized by Faculty Member.*

*(b) Each year, normally before June 1, if Faculty Member is to be employed by the University for the next academic year, the University will issue a letter or other appropriate notification to Faculty Member detailing their rank, the salary for the following academic year, supplementary compensation (if any) for administrative duties, and other pertinent details of employment renewal (“renewal details”). The letter/notification explicitly incorporates and encompasses the terms of the most recently signed Faculty Employment Agreement. Should this employment agreement be changed in a substantive manner beyond the changes in the “renewal details,” the University commits to inform Faculty Member in writing and to issue a new Employment Agreement for Faculty Member’s signature. In such cases, Faculty Member agrees to notify the University of their acceptance or rejection of the proffered terms of the new agreement within thirty days of the mailing date of the agreement.*

2. *Faculty Member agrees to devote their full time to the duties and functions prescribed by the University through its administrative officers. Such duties and functions include:*
  - *prescribed teaching responsibilities as described in the Faculty Handbook and University Rank and Tenure Policy, and as assigned by one’s dean, including academic mentoring/advising and occasional supervision of student independent study programs;*
  - *scholarly research, publication, and related scholarly activities as described in the Rank and Tenure Policy; and*
  - *administrative and service functions, as assigned by one’s dean and as described in the Rank and Tenure Policy.*

*1. Faculty Member agrees:*

- to abide by the policies and regulations as set forth from time to time in the Faculty Handbook;*
- to adhere to and enforce all University policies and regulations in place from time to time;*
- to practice the professionalism that allows and encourages faculty, students, and staff to cooperate to achieve and advance the University's goals;*
- to avoid such serious misconduct or misuse of their faculty status as will bring disgrace or discredit on themselves or on the University;*
- not to engage in any enterprise that may in the judgment of the University interfere with the proper performance of their full-time duties to the University;*
- not to publicize or make use of their faculty status in connection with any commercial venture or enterprise, or any endeavor that may bring discredit to the University or the educational purposes and ends for which it stands.*

*4. Faculty Member participates in the University retirement and other benefit programs in accordance with the rules and regulations in effect from time to time governing the same. The University agrees to contribute to said programs on behalf of Faculty Member such an amount as is prescribed by said rules and regulations as they may be amended by the University from time to time.*

*5. (a) After Faculty Member, having successfully undergone the prescribed tenure process, has been awarded tenure by the University, they hold a continuing appointment in their department or program unless it is terminated in accordance with one or more of the following:*

- the election of said Faculty Member to resign or retire;*
- the provisions of paragraph seven because of discharge for cause;*
- a program of the University to bring about a significant reduction in faculty because of financial exigency at the University or college level;*
- a strategic decision to discontinue or significantly reduce the size and scope of a college, a department, or free-standing academic program (center, institute, major, minor, or course of studies) in which Faculty Member was hired and tenured.*

*(b) Any such University-determined reduction in faculty, program discontinuation, or reduction must be genuinely bona fide and must follow the procedures set forth in the Faculty Handbook. In all such cases the University will work with Faculty Member whose position is eliminated in an effort to retrain or relocate them within the University, if feasible. There is no assurance that a successful internal relocation can be effected, however.*

*6. (a) The University agrees that in the event Faculty Member is unable to perform their duties owing to a qualifying short term disability, subject to University policy governing disability the University shall provide Faculty Member with 70% of their regular salary after ten (10) days of absence up to a maximum of one hundred eighty (180) days. Faculty Member may use sick time, if available, for the first ten (10) days of absence and to offset the other 30% of salary. Faculty Member will accrue sick time at the rate of one month for each year of service, up to three months. After one hundred eighty (180) days of absence, the provisions of the University's long term disability program shall apply. The existence of a disability is a matter to be determined in each individual case. The University reserves the right to verify the existence of a disability including the right to require its own medical examination. Regardless of the period of time Faculty Member is incapacitated due to a disability,*

*they agree to resume their duties for the unexpired term of employment as set forth in paragraph one upon regaining the ability to do so, and in that event the University agrees to continue or to resume, as the case may be, the specified monthly payments for the remainder of the contract term. The University will comply in all respects with the provisions of applicable laws in the administration of the disability income benefits.*

*(b) Family and medical leave without pay is governed by separate policies and regulations.*

*(c) If Faculty Member with tenure notifies the University prior to the 1st day of March preceding the beginning, normally on August 22, of the third academic year following the suspension of his /her duties (because of short or long term disability) that they have regained as of the date of such notice their physical and mental capacity to resume their duties, the University agrees to continue the appointment of said Faculty Member and to employ them pursuant to and subject to the provisions of paragraph five. The University's obligation to employ said Faculty Member shall commence as of the beginning of the academic year immediately following said notice provided that such notice had been given by March 1. The University reserves the right to verify the recovery from a disability sufficient to resume Faculty Member's duties, including the right to require its own medical examination.*

*(d) If Faculty Member who held tenure regains their physical and mental capacity to resume their duties after the period of time for giving notice set out in section (c) has elapsed, the University is not obligated to continue their appointment.*

*(e) Should any dispute arise concerning the tenured Faculty Member's physical or mental capacity to continue or to resume their duties, this question will be decided in accordance with the procedures set out in paragraph seven concerning discharge.*

7. *(a) This agreement may be terminated at any time, or appropriate sanctions including suspension without pay or reduction of salary may be imposed, on account of: professional incompetence; serious misconduct; moral depravity; serious misrepresentation or falsification of information important to the conduct of the University's activities; serious breach of academic integrity; grave and repeated neglect of duty; felony conviction (including discovery of a conviction that occurred before employment commences); intentional failure or refusal to perform a substantial part of assigned duties or to fulfill the responsibilities set out in this agreement or in the Faculty Handbook; or failure to correct serious, substantive, and persistent deficiencies in teaching, scholarship, or service. The University may act on such misconduct that it finds even if criminal proceedings arising out of the same conduct may not have been finally adjudicated.*

*(b) To bring about such a discharge or suspension in the case of Faculty Member with tenure, the University, acting through the President, shall follow the Dismissal and Suspension Procedure for Faculty in the Faculty Handbook. Appeals of disciplinary actions for tenured faculty members short of discharge or suspension without pay shall be handled by means of the University's faculty grievance policy in the Faculty Handbook.*

*(c) If Faculty Member does not have tenure (i.e., is on the tenure track) and thus is serving in probationary status, they may be discharged or suspended without pay by the University for the reasons set forth in paragraphs 5 (a) and 7 (a) or for other good and serious reason as determined by the President. The President or the Provost will notify Faculty Member of a decision to discharge or to suspend them without pay, and the University will pay them the amount owed them at the contract rate for services rendered prior to the effective date of discharge or suspension.*

*The University, acting through the Provost, may choose at the conclusion of an academic year not to*

*renew the appointment of a faculty member who does not have tenure and thus is serving in probationary status on the grounds of unsatisfactory performance of their duties and functions, as determined by the dean of their college.*

8. *Unless Faculty Member is tenured, in which case the appointment is continuing, the University undertakes to inform Faculty Member, by means of written notice to their home and office, of any decision not to renew their association with it on the following schedule:*
  - *For faculty members in their first year of service, such written notice shall be sent on or prior to March 1 of that year. Employment terminates at the conclusion of that academic year, unless earlier terminated for reasons provided in this agreement.*
  - *For faculty members in their second year of service, such written notice shall be sent on or prior to December 15 of the second academic year. Employment terminates at the conclusion of that academic year, unless earlier terminated for reasons provided in this agreement.*
  - *For other faculty members: if notice is given during their third, fourth, or fifth year of service, employment will extend throughout that year and the following academic year, at the end of which employment terminates, unless earlier terminated for reasons provided in this agreement.*
9. *In the extraordinary event of a University emergency or disaster requiring the suspension of University instructional activities, the University may extend the period of employment under contract, along with all obligations and expectations pertinent to such employment, to summer, fall or spring breaks, the weeks between normal semesters, weekends, or extraordinary evening hours to enable students to complete their academic year studies. In such cases, the period of extension would not exceed the period of suspension. Faculty members who are seriously inconvenienced by such extension may, upon application explaining the reasons therefore, be exempted in whole or in part by the Provost from instructional and related academic duties and functions during such extension.*

*In witness of the assent of the two parties to this agreement herein above set forth and made on the \_\_\_\_ day of \_\_\_\_\_, 20XX at Villanova, Radnor Township, Delaware County, in the Commonwealth of Pennsylvania, the duly authorized representative of the said University and the said Faculty Member have set their signatures herein below.*

*By the Faculty Member*

*For Villanova University:*

\_\_\_\_\_  
*Print name clearly*

By \_\_\_\_\_  
*The Provost*

\_\_\_\_\_  
*Faculty Member Signature*

## NON-TENURE TRACK FACULTY EMPLOYMENT AGREEMENT:

**VILLANOVA UNIVERSITY**  
**Villanova, Radnor Township, Delaware County, Pennsylvania**  
**FACULTY EMPLOYMENT AGREEMENT**  
(Non-tenure track)

*Villanova University, a corporation hereinafter referred to as the University, being desirous of securing the services of qualified individuals to further the educational purposes and ends for which it stands, and*

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*[print/type full name of faculty member]*

*hereinafter referred to as “Faculty Member”, being desirous of rendering such services in return for the rewards and privileges associated with an academic appointment, hereby agree as follows:*

1. *(a) The University will employ Faculty Member on a full-time basis, beginning the 22<sup>nd</sup> day of August, 20XX, for the period of time (nine or twelve months) at the rank and with the title indicated in the accompanying salary notification (or appointment) letter, and will compensate Faculty Member therefor in the amount specified in that letter, which describes base salary and any additional compensation to which Faculty Member may be entitled. The University will deduct from such monthly payments all required tax withholdings and those amounts that Faculty Member contributes toward retirement and other benefit plans sponsored by the University or are otherwise authorized by Faculty Member.*

*(b) Each year, normally before June 1, if Faculty Member is to be employed by the University for the next academic year and if any terms, conditions, or details of employment will change, the University will issue a letter or other appropriate notification to Faculty Member detailing the salary for the following academic year, supplementary compensation (if any) for administrative duties, and other pertinent details of employment renewal (“renewal details”). For multiple year appointments, if this appointment is to be extended at the University’s sole discretion, the University, normally before June 1 of the last year of the appointment will issue a letter or other appropriate notification to Faculty Member detailing the terms of the extension, including the number of years extended (“letter of extension”). If this appointment is for multiple years, and if it is not to be extended, the University undertakes to provide notification to Faculty Member before December 15 of the last year of the appointment. The annual letter or notification and letter of extension explicitly incorporate and encompass the terms of this original appointment. Should this employment agreement be changed in a substantive manner beyond the changes in the “renewal details” or “letter of extension”, the University commits to inform Faculty Member in writing and to issue a new employment agreement for Faculty Member’s signature. In such cases, Faculty Member agrees to notify the University of their acceptance or rejection of the proffered terms of the new agreement within thirty days of the mailing date of the agreement.*

2. *Faculty Member agrees to devote their full time to the duties and functions prescribed by the University through its administrative officers. Such duties and functions include:*
  - *prescribed teaching responsibilities as described in the Faculty Handbook and University Rank and Tenure Policy, and as assigned by one’s dean, including academic mentoring/advising and occasional supervision of student independent study programs;*
  - *such scholarly research, publication, and related scholarly activities as assigned by one’s dean and described in the Rank and Tenure Policy; and*

- *administrative and service functions, as assigned by one's dean and as described in the Rank and Tenure Policy.*
3. *The Faculty Member agrees:*
    - *to abide by the policies and regulations as set forth from time to time in the Faculty Handbook;*
    - *to adhere to and enforce all University policies and regulations in place from time to time;*
    - *to practice the professionalism that allows and encourages faculty, students, and staff to cooperate to achieve and advance the University's goals;*
    - *to avoid such misconduct or misuse of their faculty status as will bring disgrace or discredit on themselves or to the University;*
    - *not to engage in any enterprise that may in the judgment of the University interfere with the proper performance of their full-time duties to the University;*
    - *not to publicize or make use of their faculty status in connection with any commercial venture or enterprise, or any endeavor that may bring discredit to the University or the educational purposes and ends for which it stands.*
  4. *Faculty Member participates in the University retirement and other benefit programs in accordance with the rules and regulations in effect from time to time governing the same. The University agrees to contribute to said programs on behalf of Faculty Member such an amount as is prescribed by said rules and regulations, as they may be amended by the University from time to time.*
  5. (a) *The University agrees that in the event Faculty Member is unable to perform their duties owing to a qualifying short term disability, subject to University policy governing disability the University shall provide Faculty Member with 70% of their regular salary after ten (10) days of absence up to a maximum of one hundred eighty (180) days. Faculty Member may use sick time, if available, for the first ten (10) days of absence and to offset the other 30% of salary. Faculty Member will accrue sick time at the rate of one month for each year of service, up to three months. After one hundred eighty (180) days of absence, the provisions of the University's long term disability program shall apply. The existence of a disability is a matter to be determined in each individual case. The University reserves the right to verify the existence of a disability including the right to require its own medical examination. Regardless of the period of time Faculty Member is incapacitated due to a disability, they agree to resume their duties for the unexpired term of employment as set forth in paragraph one upon regaining the ability to do so, and in that event the University agrees to continue or to resume, as the case may be, the specified monthly payments for the remainder of the contract term. The University will comply in all respects with the provisions of applicable laws in the administration of the disability income benefits.*

(b) *Family and medical leave without pay is governed by separate policies and regulations.*

(c) *Should any dispute arise concerning Faculty Member's physical or mental capacity to continue or to resume their duties, this question will be decided in accordance with the procedures set out in paragraph six concerning discharge.*
  6. *This agreement may be terminated at any time, or appropriate sanctions including suspension without pay or reduction of salary may be imposed, on account of: professional incompetence; serious misconduct; moral depravity; serious misrepresentation or falsification of information important to the conduct of the University's activities; serious breach of academic integrity; grave and repeated neglect of duty; felony conviction (including discovery of a conviction that occurred before employment commences); intentional failure or refusal to perform a substantial part of*



*assigned duties or to fulfill the responsibilities set out in this agreement or in the Faculty Handbook; failure to correct serious, substantive, and persistent deficiencies in teaching, scholarship, or service; or for other good and serious reasons as determined by the President. The University may act on such misconduct that it finds even if criminal proceedings arising out of the same conduct may have not been finally adjudicated.*

*This agreement may also be terminated in the event of a program of the University to bring about a significant reduction in faculty because of financial exigency at the University or college level; a strategic decision to discontinue or significantly reduce the size and scope of a college, a department, or free-standing academic program (center, institute, major, minor, or course of studies) in which Faculty Member was hired and serves.*

*The President or the Provost will notify Faculty Member of a decision to terminate, suspend, or to impose other sanctions. In the event of termination or suspension, the University will pay them the amount owed them at the contract rate for services rendered prior to the effective date of discharge or suspension.*

- 7. The University undertakes to inform Faculty Member of its decision, at its sole discretion, to renew the latter's association with it and of the terms of such renewal in a timely fashion, as indicated in section 1 (b) above. In recognition of this advance notice, Faculty Member agrees to notify the University of their acceptance or rejection of the proffered terms within thirty days of the date of the renewal notification. Upon written request of Faculty Member, the University agrees to grant a limited extension of the time for giving such notice.*
- 8. In the extraordinary event of a University emergency or disaster requiring the suspension of University instructional activities, the University may extend the period of employment under contract, along with all obligations and expectations pertinent to such employment, to summer, fall or spring break, the weeks between normal semesters, weekends, or extraordinary evening hours to enable students to complete their academic year studies. In such cases, the period of extension would not exceed the period of suspension. Faculty members who are seriously inconvenienced by such extension may, upon application explaining the reasons therefore, be exempted in whole or in part by the Provost from instructional and related academic duties and functions during such extension.*

*In witness of the assent of the two parties to this agreement herein above set forth and made on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX at Villanova, Radnor Township, Delaware County, in the Commonwealth of Pennsylvania, the duly authorized representative of the said University and the said Faculty Member have set their signatures herein below.*

*By the Faculty Member*

*For Villanova University:*

\_\_\_\_\_  
*Print name clearly*

By \_\_\_\_\_  
*The Provost*

\_\_\_\_\_  
*Faculty Member Signature*

#### **4. ACADEMIC CITIZENSHIP AND COMMUNITY**

The faculty is essential to the University's academic community, which is rooted in Villanova's Catholic and Augustinian heritage and character, as expressed in the University's mission statement. As such, faculty members serve as models for and mentors of students who look to them for examples of what it means to be a member of a mission-based academic community devoted to excellence in the discovery, transmission, and application of knowledge, and comporting themselves in a fashion that exemplifies the values of this academic community and the academic citizenship that underpins it. Understanding that "community" does not imply conformity but assumes and welcomes intellectual diversity, faculty members (a) adhere to University, college, and departmental regulations; (b) practice and exhibit professionalism, mutual respect, and concern for members of the University community and for its ethos; and (c) conduct themselves in a fashion that is supportive of and consistent with the University's character and mission. Faculty members recognize their responsibility to be present in their academic departments to faculty colleagues and students; attend and participate in departmental meetings, committees, and functions on a regular basis; actively participate in the recruitment, selection, and evaluation of candidates' suitability for faculty positions in teaching, scholarship, service, and potential contribution to Villanova's mission; and participate actively in University and college programs and activities consistent with their other obligations and duties.

#### **5. ESSENTIAL FACULTY FUNCTIONS**

Essential faculty duties and responsibilities are discussed throughout this *Faculty Handbook*. In summary form, depending on the nature of the faculty member's appointment, those duties include, but are not limited to, the following: teaching and related instructional duties; advising and mentoring of students; scholarly research and publication; submission of grant proposals; routine departmental, college, and university service (including serving on committees, participating in the faculty recruitment process, reviewing and/or preparing written policy, process, or program documents, reviewing admissions applications, reviewing student records and achievements for purposes of establishing honors and awards, cooperation in planning and executing appropriate academic events, and similar activities), responsiveness to legitimate administrative requests and inquiries, and functioning as a participative and collegial member of this and the extended academic community.

#### **6. EVALUATION OF FACULTY (PERIODIC)**

In order that faculty members be regularly apprised of the quality of their performance and have reasonable grounds on which to base development strategies, and in order that they may be evaluated regularly and fairly for purpose of salary, promotion, and tenure, Villanova conducts periodic evaluations of its faculty members. The process of evaluation begins with the faculty member providing current, complete and accurate information on their recent and current academic activities and near-term plans to their department chair (in the College of Nursing, the program director), using the formats prescribed by the Office of the Provost and/or deans.

Department chairs, will evaluate each faculty member's recent performance, noting any significant changes and making appropriate recommendations for improvement, and will submit these evaluations to the appropriate deans, who in turn may undertake their own evaluations.

In conducting these periodic evaluations, chairs must:

- Seek in appropriate ways the advice of appropriate members of their departments as determined by college or departmental policy.
- Convey to the faculty the general tenor of their evaluations, and their reasons for reaching their conclusions, and provide the faculty members with copies of the numerical evaluative ratings and written comments on the forms provided.

Faculty members are encouraged to discuss the evaluation with the chair and must sign the evaluation to indicate that it has been read. The faculty member may also respond in writing. The written evaluations are then sent to the dean, who may add additional comments if they choose. If the dean does add additional comments, those comments must be shared with the faculty member, and the faculty member must sign them to indicate that they have been seen. An unsatisfactory or superior rating requires qualifying or supporting comments. The numerical scores are then sent to the Provost.

As provided in the Rank and Tenure policy, untenured faculty members undergo a special and more rigorous third year review by their department chairs, their departments' appropriate evaluation committees, and their deans or deans' designees (possibly including the college rank and tenure committee), normally in the spring of their third year at Villanova. (For those taking one year of tenure credit, that one-year counts as part of the three years; thus the review occurs in the spring of their second full year at Villanova.) The review is intended to inform the faculty members about their standing and prospects for tenure, to assist in developing their teaching, scholarship, and service, and to provide guidance for future efforts. The results of the review are in no way binding on subsequent tenure recommendations or decisions. Unless, in the judgment of the Office of the Provost, the University's financial situation prohibits it, tenure-track faculty members, except those taking two or three years of tenure credit, who receive favorable third-year evaluations will be granted one semester sabbaticals in their fourth years. Such sabbatical counts as part of the probationary period without tenure and as part of the member's standard seven-year sabbatical eligibility. Those whose third-year reviews are judged by their deans to be unsatisfactory may not have their probationary appointments renewed.

Faculty members serving in non-tenure-track positions who are on multiyear appointments undergo a third-year review by their department chairs, their departments' appropriate evaluation committees, and their deans or deans' designees, normally in the spring of the second year of their three-year appointments (or the fourth year of their five year appointments). The review is intended to inform the faculty members about their standing and prospects for subsequent multiyear appointments, to assist in developing their teaching, scholarship (where appropriate), and service, and to provide guidance for future efforts. The results of the review will be given the most serious consideration in decisions to reappoint for subsequent multiyear terms. Those whose reviews are judged by their deans to be unsatisfactory will not have their appointments renewed.

## **7. RANK AND TENURE POLICY**

**See the Rank and Tenure Policy pdf on the Office of the Provost website.**

## **8. RECRUITMENT OF FACULTY**

Recruitment normally begins with the department and college dean, who request authorization to recruit from the Office of the Provost. Once the recruitment is approved, the initiating department takes responsibility for conducting the search and recommending candidates to the dean. The department chair and dean recommend to the Provost, after approval by the Affirmative Action Officer, the appointment of a candidate. If the appointment is approved, the Provost then extends the offer of employment which includes a letter and an employment agreement which is signed and returned within two weeks. Specific procedures are available in the [\*Faculty Recruitment Guidelines and Recruitment Procedures\*](#) manual.

## **PART THREE: OTHER FACULTY POLICIES, PROCEDURES, AND BENEFITS**

### **9. ACADEMIC ADVISING, OFFICE HOURS, AND STUDENT ACCESS**

The faculty's instructional responsibilities include reasonable availability to students for purposes of answering questions, clarifying issues, offering guidance toward greater comprehension and achievement in the instructor's classes in which the student is enrolled, and academic advising, which entails assisting students to make responsible academic and professional decisions. Although faculty members are not expected to counsel students on personal problems, their ability to make responsible and effective referrals to appropriate University offices is an important skill.

Faculty members therefore are expected to announce to their class and have on file in the department office a list of office hours set aside for student advisement and consultation. Departments and colleges are expected to set policies governing the scheduling of office hours so that office hours are adequate in number and reasonably distributed through the week. Emergency questions regarding student grades often come up in the weeks immediately following final examinations. Faculty members are obliged to be in contact with their department offices, and available to students, by appointment, through the academic year up until the end of the contract year (typically late May). During the summer months, faculty members are to leave contact information with their chairs and department administrative assistants in case students or University officials need to be in contact with them. Faculty members who will be completely unavailable during the summer are to inform their chairs.

### **10. ACADEMIC FREEDOM**

As a necessary condition for fulfilling their duties and functions as teacher-scholars, all faculty members (tenured, tenure-track, non-tenure-track full-time, or part-time adjunct) are entitled to full academic freedom in teaching, in research, and in disseminating the products of their scholarship. One's academic freedom is intrinsically linked to one's responsibilities as a scholar and member of the Villanova community, as detailed in this *Faculty Handbook*.

Because academic freedom is predicated on a degree of scholarly support for one's positions on issues, it does not extend to espousal of propositions that lack any scholarly support. Scholarly discourse on religious matters is protected.

In extramural academic settings such as professional lectures and conferences, when speaking as a member of a learned profession, faculty members enjoy this same freedom of research and

dissemination of results as described above.<sup>2</sup>

In the classroom, academic freedom is task-specific, deriving from and governing the faculty member's role as an instructor in a given discipline or disciplines. Faculty members are free to present and discuss their subject matter and related issues in accord with relevant academic standards and students' legitimate academic rights and responsibilities. Except when the University explicitly asks them to discuss specific issues of University concern, faculty "should be careful not to introduce into their teaching controversial matter which has no relation to their subject."<sup>3</sup> Faculty members are responsible for upholding the integrity of reasoned inquiry, open discussion, and free expression. Especially when dealing with controversial topics, faculty members are expected to lead students in a scholarly evaluation of the subject matter.

Student performance should be evaluated solely on an academic basis, not on opinions or conduct unrelated to academic standards. Students should be free to take reasoned exception to the information or views offered in any course of study and to reserve judgment about matters of opinion, but students are responsible for learning the content of the course of study in which they are enrolled, including matters with which they disagree. The validity of their ideas, theories, arguments and views should be measured against the relevant academic standards.

Academic freedom *per se* does not extend to public statements that are unrelated to one's faculty status and academic expertise. Faculty members are free to exercise their constitutionally-protected freedom of expression, but in exercising that freedom, they will take care not to claim or suggest that the views so expressed are sanctioned by, or necessarily related to their faculty status at Villanova. This is especially important in view of the fact that the public may judge their profession and Villanova University by their utterances.

## **11. ACADEMIC INTEGRITY**

### **STATEMENT OF PURPOSE**

Academic integrity is vital to any University community for many reasons. Students receive credit for doing assignments because they are supposed to learn from those assignments, and the vast majority does so honestly. Anyone who hands in work that is not their own, or who cheats on a test, or plagiarizes a paper, is not learning, is receiving credit dishonestly and is, in effect, stealing from other students. As a consequence, it is crucial that students do their own work. Students who use someone else's work or ideas without saying so, or who otherwise perform dishonestly in a course, are plagiarizing or cheating. In effect they are lying. Such dishonesty, moreover, threatens the integrity not only of the individual student, but also of the University community as a whole.

Academic integrity lies at the heart of the values expressed in the University's mission statement and inspired by the spirit of Saint Augustine. When one comes to Villanova, one joins an academic community founded on the search for knowledge in an atmosphere of cooperation and trust. The intellectual health of the community depends on this trust and draws nourishment from the integrity and mutual respect of each of its members.

### **DEFINITIONS AND EXAMPLES**

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<sup>2</sup> Provisions of the University's patent policy apply.

<sup>3</sup> AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments

Academic integrity is not simply a matter of conforming to certain rules; it must be understood in terms of broader academic purposes of a Villanova education. Examples of academic dishonesty include: cheating, fabrication of information, assisting in or contributing to academic dishonesty, plagiarism, submission of the same work for more than one class, unsanctioned collaboration, misrepresentation, forgery, taking credit for work done by others, stealing or damaging library books, or unlawfully copying computer software.

## **APPEAL OF ALLEGATION**

Students who receive an academic integrity violation may, if they believe that they have not committed an academic integrity violation, take their case to the Board of Academic Integrity.

## **PENALTIES**

### **A. Individual Course Penalty.**

The academic penalty will be determined by the student's instructor. The instructor may impose a grade penalty up to an including failure in the course. In the School of Business, all faculty members assign a grade of zero to any work in violation of the Code. Students who feel that the penalty is too harsh may appeal their grade through the normal University procedure for resolving grade disputes.

### **B. University Penalty.**

Students who violate the code of Academic Integrity are also referred to their Dean for a University penalty. Two kinds of penalty are available – Class I and Class II. A full academic integrity violation is a Class I violation and Class II violations are usually appropriate for less serious cases, or in cases where there are mitigating circumstances. Typically, a student with two Class I violations will be dismissed from the university. In some cases, the Dean (or designee) may choose to treat a violation of the Academic Integrity Code as a Class II violation. Typically, a student may receive only one Class II violation during their four-year career as an undergraduate. All subsequent violations are treated as Class I violations.

## **POLICY**

### **A. Jurisdiction**

This policy covers all cases where graduate or undergraduate students are alleged to have committed academic dishonesty at Villanova University in the Colleges of Liberal Arts and Sciences, Engineering, Nursing, Professional Studies or School of Business. This policy does not apply to students solely in the School of Law, which has its own policy.

### **B. Procedure**

If a faculty member believes that a student has committed an academic integrity violation, the faculty member shall, under normal circumstances, notify the student, allowing the student an opportunity to respond. Following this initial communication with the student, all subsequent communications by the student or parent go to the dean (or designee). Faculty members who have questions about whether an incident constitutes an academic

integrity violation are urged to consult with their chair, dean, or with the chair of the Academic Integrity Board. If the faculty member continues to believe that a violation has occurred, the faculty member assigns an appropriate grade penalty. The instructor may impose a grade penalty up to and including failure in the course. In the School of Business, all faculty members assign a grade of zero to any work in violation of the Code. At the sole discretion of the faculty member, the faculty member may offer the student an opportunity to redo the work or complete an alternate or additional piece of work. If the faculty member assigns a grade penalty, the faculty member must report in writing to their dean (or designee) and chair or program director that an academic integrity violation has occurred. A form is available for reporting violations or faculty members may write a letter. The letter should give a brief account of the matter and, where appropriate, should include copies of the assignment and other documentary evidence. The faculty member must also make a recommendation to the dean (or designee) as to whether the violation should be treated as a Class I violation or as a Class II violation. Typically, violations of the Academic Integrity Code are treated as Class I violations, but in cases which are less serious or where there are mitigating circumstances, the violation may be treated as a Class II violation.

When the faculty member's dean (or designee) receives the report, the dean (or designee) reviews the case. If the dean (or designee) has questions about the case, the dean (or designee) may request further consultation with the student, the faculty member, or the chair. Unless the faculty member wishes to withdraw the case at this point, the faculty member's dean (or designee) makes a determination of the level of the violation (whether Class I or Class II), giving serious weight to the recommendation of the faculty member. If a student has previously received a violation, (either Class I or Class II), then all subsequent violations will normally be held to be Class I violations.

The faculty member's dean (or designee) sends a hard copy or e-mail letter (using the official University e-mail system) to the student informing the student that the student is being charged with having committed an academic integrity violation, and indicating the level of the violation. The letter to the student should include a copy of the academic integrity policy. Copies should also be sent to all parties (defined as follows): the faculty member; the student; the student's dean (if different); the faculty member's chair; the faculty member's program director (if different); and the chair of the board of academic integrity. The student shall respond in writing to the faculty member's dean (or designee) within five business days of receipt of the notice of complaint (excluding public and University holidays), either admitting the violation or asserting innocence. Failure to respond will be construed as admission that a violation has occurred. The faculty member's dean (or designee) will send copies of the student's letter to all of the parties indicated above. If the student admits that a violation has occurred but asserts that there are extenuating circumstances, the student should explain this in the letter to the dean (or designee). The dean (or designee) may, at any point in the proceedings, change the level of the violation from Class I to Class II.

If the student denies that an academic integrity offense has occurred, the dean (or designee) will refer the matter to the Chair of the Board of Academic Integrity, with notification of this to the other parties.

Upon receiving notice from the dean (or designee), the chair of the Board of Academic Integrity will assemble a panel consisting of three faculty and two student members of the Board of Academic Integrity. The panel will make a determination (based on a preponderance of the evidence) of whether academic dishonesty has occurred. The Chair of the Board of Academic Integrity will convey the panel's finding to the dean (or designee), the student, the faculty member and department chair; and will advise the student and faculty member of their rights of appeal. If several students are involved in one case, the dean (or designee) may request that the panel consider the situation of all involved students, even if one or more do not deny having committed an academic integrity offense. If the panel finds that no violation has occurred, the faculty member's dean (or designee) or the Chair of the Board of Academic Integrity will advise the faculty member to re-grade the assignment in question (on the premise that no violation has occurred), and notification will be sent to all parties. The Chair of the Board of Academic Integrity may make informal recommendations to the dean (or designee) on issues relating to the level of the violation, but the purpose of the panel is to consider whether an academic integrity violation has occurred. The panel does not make recommendations on issues such as mitigating circumstances or the severity of the punishment.

If the panel determines that a violation has occurred, the original grade assigned by the faculty member will stand. If a student believes that the grade assigned is inappropriate, the student may appeal the grade through the normal procedure for handling complaints concerning grades. In such cases, the instructor's stated policy regarding grading and academic integrity will be taken into account and given great weight. The complaint process will only consider the grade, and will not review the panel's decision that an academic integrity violation has occurred.

If the student accepts responsibility, the faculty member's dean (or designee) sends a notification to all parties. If the student is found responsible by the panel hearing the appeal, then the Chair of the Board of Academic Integrity sends a notification to all parties. Once it has been determined that a violation has occurred, the case is turned over to the student's dean (or designee). The student's dean (or designee) will supervise a program of education and reflection on the meaning and importance of academic integrity. This may include any or all of the following: written exercises; participation in an academic integrity educational program supervised by the college; or community service. If this program is not carried out within the timelines specified by the dean and to the dean's satisfaction, the dean will impose a judicial hold on the student's records (and inform the student that such a hold has been placed). This will prevent the student from registering for courses or graduating until the conditions imposed by the dean have been satisfied. The student's dean (or designee) may also impose or recommend additional disciplinary penalties.

A student who has two Class I violations of the academic integrity code will be reviewed by their dean (or designee). The dean (or designee) will review the student's file and also



consult with other academic deans if one or more of the cases occurred in another college. Absent extenuating or mitigating circumstances, the student will be dismissed from the University and a record of the reason for the dismissal will be retained in the student's permanent file and will appear on the student's official transcript. At the sole discretion of the dean (or designee), the student may be suspended or put on probation instead of dismissed, with or without a permanent indication on the transcript.

Materials on academic integrity violations will be retained in the files until the student graduates or otherwise severs all relationship with the University. If there is no indication of an academic integrity violation on the student's transcript, the files will be removed and destroyed. If there is an indication on the student's transcript, the files will be retained.

Students who believe that an integrity violation has occurred should report the suspected violation to the faculty member. If the faculty member does not act on the report, the student may also report the matter, in writing, directly to the faculty member's chair or dean (or designee), who will then make a judgment as to whether an academic integrity violation has occurred, and, if so, will follow the process described above.

## **ADDITIONAL INFORMATION**

For additional information see *Learning with Integrity: A Faculty Manual on Academic Integrity*. You can also view the detailed procedures for appeals, the code, the policy and FAQs for students on the Office of the Provost website:

<https://www1.villanova.edu/villanova/provost/resources/faculty/manual-integrity.html>

## **12. AWARDS FOR FACULTY MEMBERS**

Each year six awards may be given to full-time faculty members who have distinguished themselves by their contributions to the University. The awards are:

- The Christian R. and Mary F. Lindback Award for Outstanding Teaching is presented to a faculty member who excels in undergraduate teaching. The University President solicits nominations for this award annually. A Subcommittee of the Faculty Rights and Responsibilities Committee, consisting of previous recipients of this award, evaluates these nominations. This award is presented to the selected faculty member during commencement exercises in May.
- The Lawrence C. Gallen, OSA. Faculty Service Award recognizes a member of the Villanova University faculty who, over many years, has contributed outstanding service that consistently exceeded the normal requirements and ordinary expectations of their position to the Villanova University community. All active, tenured faculty members with ten years of service or longer are eligible, including those who currently hold administrative positions for less than three years, provided that they have taught full-time at Villanova for at least ten years. Above all, the faculty member's service should have consistently exceeded the normal requirements and ordinary expectations of their position. The President solicits nominations for this award annually. The Awards Subcommittee of the Faculty Rights and Responsibilities Committee evaluates these nominations. This award is presented to the selected faculty member during commencement exercises in May.

- The Outstanding Faculty Research Award is administered by the Office of the Provost. The recipient is selected by a committee of previous award recipients plus a representative of the Faculty Rights and Responsibilities Committee, and is chaired by the Provost's designee.
- The Faculty Award for Innovative Teaching is presented to a full-time faculty member whose courses employ creative techniques to enhance student learning and growth. The University President solicits nominations for this award annually. The Awards Subcommittee of the Faculty Rights and Responsibilities Committee evaluates these nominations. This award is presented to the selected faculty member during commencement exercises in May.
- The Outstanding Faculty Mentor Teaching Award is presented to a full-time faculty member who has excelled at mentoring students, especially in scholarly research, at the undergraduate and/or graduate level. The University President solicits nominations for this award annually. The Awards Subcommittee of the Faculty Rights and Responsibilities Committee evaluates these nominations. This award is presented to the selected faculty member during commencement exercises in May.
- The Junior Faculty Award for Excellence in Teaching is presented to a faculty member who has been in a full-time position for less than seven years and has developed extraordinarily effective teaching approaches. The University President solicits nominations for this award annually. The Awards Subcommittee of the Faculty Rights and Responsibilities Committee evaluates these nominations. This award is presented to the selected faculty member during commencement exercises in May.
- The University Scholarly Achievement Award will recognize excellence on the part of faculty for published research, scholarship, and/or creative expression. The awards will be given for accomplishments in the preceding three academic years. Recognition could be for a single distinguished achievement, or for a series of closely related works.
- The University Mid-Career Scholar Award will recognize a growing body of scholarship or creative achievement made by a mid-career faculty member. One award will be given to recognize outstanding accomplishments completed primarily at Villanova University by a faculty member at the Associate level (or Full Professor in the School of Law), with between 6 and 15 years of service at the University.

### **13. CLASS ATTENDANCE**

Class and laboratory attendance for first-year students is mandatory. A first-year student will receive a grade of "Y" (failure) whenever the number of unexcused absences in a course exceeds twice the number of weekly class meetings for the course.

For students beyond the first year, attendance policies are determined by the instructors of the various courses. The instructor's class attendance policy must appear in the syllabus and at a minimum must allow for the University's excused absences listed below and personal days (see below). Enforcement of such attendance policies lies with those instructors. If the instructor thinks a student has too many absences (total of excused and unexcused), then the instructor should discuss the student's attendance with the appropriate Assistant or Associate Dean of the instructor's college in order to determine if the student should withdraw or receive an incomplete.

Where possible, students should inform their instructors if they plan to be late or absent from class. In all cases, students should be prepared to provide documentation to petition for excused absences to the appropriate Assistant or Associate Dean of their college. Excused absences do not count toward a failure in the course for first year students. Absence from class does not release the student from work assigned. Students who miss an in-class obligation (exam, presentation, etc.) due to an excused absence will not be penalized - the instructor may offer a make-up test, arrange an alternative time for a presentation, exempt a student from the assignment, or provide another arrangement.

The University's list of excused absences for all students includes the following:

- participation in NCAA athletic competitions
- participation in special academic events (e.g., conferences, field trips, project competitions)
- participation in official university business (e.g., student representatives attending meetings related to university governance)
- attendance at significant events involving the immediate family (e.g., funerals, weddings)
- religious holidays - see the University's Policy on Religious Holidays
- college-approved participation in placement activities (e.g., job interviews, graduate school interviews, attending job fairs)
- legally required absence (jury duty, court appearance, short-term military service)
- documented serious illness or disability (see below how to document)

If instructors want to verify that the absence qualifies as an excused absence under the university list or verify that the student is permitted to participate in the activity, they should contact the designated Assistant or Associate Dean of the student's College.

The College of Professional Studies has separate attendance policies for Fast Forward courses and professional education courses/programs and the online degree programs. The College of Nursing has a separate attendance policy for clinical experiences. Graduate Studies in the College of Liberal Arts and Sciences has separate attendance policies for online degree programs.

### **Documenting a Serious Illness or Disability**

The Student Health Center does not provide notes to excuse absences for students missing class due to their visit to the Student Health Center, or to excuse class absences due to most common illnesses. The Student Health Center will also not provide notes to excuse absences for medical conditions that were not treated at the Student Health Center. The purpose of this policy is to eliminate unnecessary visits from students whose sole purpose is obtaining class absence notes for their professors.

Some illnesses may legitimately prevent a student from attending classes but are not serious enough to require evaluation and treatment from the Student Health Center. Students often provide self-care, which is very appropriate for many common illnesses such as cold, viral infection, or uncomplicated flu. Students should inform their instructors if they are missing class for a common illness. Instructors have the discretion to decide if the absence due to a common illness is excused. If a student wishes to appeal the instructor's decision, the student may do so by contacting the instructor's Department Chair or Program Director, who will consult with the appropriate Assistant or Associate Dean of the instructor's college, before deciding the outcome of the appeal.

If in the judgment of the Student Health Center staff, the student will be out of class due to a serious illness or medical condition, as opposed to a common illness, the Student Health Center staff will contact the appropriate Assistant or Associate Dean, who will then contact the instructor. The Student Health Center communication to the Assistant or Associate Dean will serve as the

documentation needed by the Dean (see below). If the student is seeing an off-campus health care provider, the student will provide the documentation from that provider to the appropriate Assistant or Associate Dean, who will then contact the faculty member.

Examples of serious illnesses may include (but are not limited to):

- Mononucleosis, which may require bed rest and/or removal from campus
- Hospitalization and/or surgery
- Highly contagious diseases (e.g., chicken pox, measles)

**Mental Health Concerns.** The University Counseling Center will use clinical judgment as to whether there is a legitimate need for the student to miss class for reasons related to mental health. If in the judgment of the University Counseling Center staff, the student should be out of class due to a mental health condition, the Counseling Center staff will request a written release of information from the student. With a signed release, the Counseling Center staff may then contact the faculty member or the appropriate Assistant or Associate Dean, who may contact faculty accordingly. The University Counseling Center will not typically validate the legitimacy of a student having missed classes for mental health reasons retroactively before the student has been to the Counseling Center. The fact that a student is in treatment at the Counseling Center or with an off campus mental health provider will not, in itself, justify the student missing classes. The recommendation for missing classes will occur only when the mental condition necessitates it. If the student is seeing an off-campus mental health care provider, the student will provide the documentation from that provider to the appropriate Assistant or Associate Dean, who will then contact the faculty member.

If the duration of the absence due to serious medical illness or mental health concern undermines the student's ability to complete the academic work required, the appropriate Assistant or Associate Dean will encourage the student to pursue a Medical Leave of Absence – see policy on *Medical Leaves of Absence*.

**Documenting Disabilities.** Students who are registered with Learning Support Services (LSS) or the Office of Disability Services (ODS) must provide accommodation letters from those offices to their instructors (in advance of absences) in order for subsequent disability-related absences to be considered excused. Students who are newly struggling should be encouraged to register with the appropriate office for any future concerns. Accommodations are not typically retroactive.

Students with learning disabilities, other neurologically-based disorders, and those disabled by chronic illnesses are encouraged to contact [Learning Support Services](#) (LSS). Students with physical disabilities, including but not limited to visual impairments, hearing loss, and mobility limitations, are encouraged to contact the Office of Disability Services (ODS). Depending on the type of disability, there are different processes for disclosing and documenting the disability with the University.

- For students with learning disabilities, neurologically-based disorders, and disability due to chronic illness, these guidelines, as well as certification forms for certain specific disabilities, please refer to the [University Policy for Students with Disabilities](#).
- Students with physical disabilities can refer to these guidelines.

## **Personal Days**

In addition to the attendance policy stated above, students are entitled to a predetermined number of excused absences to support their personal wellness. Students are entitled to two “Personal Days”

for 50-minute classes meeting three times per week, and one “Personal Day” for classes meeting two times per week for 75 minutes.

Students must advise the instructor by email before class of their intent to utilize a Personal Day as the reason for their absence. A Personal Day will not be approved retroactively. Students may, but are not required, to provide additional information regarding their absence. Additionally, Personal Days may not:

- be used on consecutive class days;
- be used in the same week;
- be used immediately preceding or following a University holiday or break period;
- be used on days when exams, presentations or other major assignments are scheduled.

A Personal Day does not grant an automatic extension for items due. Students remain responsible for all assignments, exams, presentations, etc. due on that date. It is in the instructor’s discretion to determine whether any extension is appropriate given individual circumstances.

Personal Days may not be used for the following: Labs, Clinicals, Internships, Courses that meet one time per week, Fast Forward courses and professional education courses/programs offered by the College of Professional Studies, Summer Sessions, or graduate/law courses. The suggested syllabus language regarding Personal Days is included at the conclusion of this policy.

Provost September 17, 2016; Technical correction March 1, 2017; February 28, 2019; Approved by Board of Assistant and Associate Deans February 4, 2019; Updated with Personal Days September 27, 2023, upon the recommendation of the Academic Policy Committee with the approval of the Council of Deans, the Provost, and President.

1. Proposed language for syllabus - 50-minute classes meeting three times per week:

In addition to the attendance policy stated above, students are entitled to two excused absences for any reason that may contribute to their personal wellness. Students must advise the instructor by email before class of their intent to utilize a Personal Day as the reason for their absence. A Personal Day will not be approved retroactively. Students may, but are not required, to provide additional information regarding their absence. Additionally, Personal Days may not:

- be used on consecutive class days;
- be used in the same week;
- be used immediately preceding or following a University holiday or break period;
- be used on days when exams, presentations or other major assignments are scheduled.

A Personal Day does not grant an automatic extension for items due. Students remain responsible for all assignments, exams, presentations, etc. due on that date. It is in the instructor’s discretion to determine whether any extension is appropriate given individual circumstances.

2. Proposed language for syllabus - 75-minute classes meeting two times per week

In addition to the attendance policy stated above, students are entitled to one excused absence for any reason that may contribute to their personal wellness. Students must advise the instructor by email before class of their intent to utilize a Personal Day as the reason for their absence. A Personal Day will not be approved retroactively. Students may, but are not required, to provide additional information regarding their absence. Additionally, a Personal Day may not:

- be used immediately preceding or following a University holiday or break period;
- be used on days when exams, presentations or other major assignments are scheduled.

A Personal Day does not grant an automatic extension for items due. Students remain responsible for all assignments, exams, presentations, etc. due on that date. It is in the instructor's discretion to determine whether any extension is appropriate given individual circumstances.

3. Personal Days may not be used for the following: Labs, Clinicals, Internships, Courses that meet one time per week, Fast Forward courses offered by the College of Professional Studies, Summer Sessions, or graduate/law courses. The suggested syllabus language regarding Personal Days is included at the conclusion of this policy.

## **14. CLASSROOM LECTURE CAPTURE RECORDINGS**

The content of lectures captured in course recordings generated by Classroom Lecture Capture (CLC) falls under the "Teaching Materials" section of the INTELLECTUAL PROPERTY POLICY. Instructors who opt-in to CLC recordings should notify their students that they are being recorded before the end of the add/drop window. Instructors may edit or entirely delete recordings from Villanova's video hosting software. When a course is taught by more than one instructor, it is the responsibility of the lead instructor to consult with the other instructors before opting into CLC recordings and to provide them with access to the recordings.

CLC recordings are meant to be used only for teaching and learning purposes, and students who are appropriately given access to CLC recordings should be notified that they are not allowed to share them in any form. CLC recordings generally are not to be used for routine teaching evaluations, merit pay, or tenure and promotion considerations.

Any CLC recording that includes personally identifiable information about students taking part in the course may be subject to student inspection rights or protections against disclosure under the Family Educational Rights and Privacy Act (FERPA). Generally, these recordings can be shared with students enrolled in the same section of the recorded course (even if they were absent that day) but not with students in different sections of the same course nor with any faculty not listed as a course instructor without a valid FERPA waiver. (See CONFIDENTIALITY OF STUDENT RECORDS.) Nothing in this policy prevents students from making lecture or classroom recordings for personal use consistent with the terms of a university approved disability related academic accommodation.

Information about current administrative practices related to CLC, which are subject to change from time to time may be found on UNIT's webpages on Classroom Lecture Capture.

## **15. COMMENCEMENT, CONVOCATIONS, AND SPECIAL EVENT**

Unless excused by their dean, faculty members are obliged to attend (in academic regalia) commencement exercises and formal academic convocations sponsored by the University. Faculty

members are expected to share with other members of their departments the responsibility of representing their departments at important University and college functions and meetings (such as the Baccalaureate Mass).

## **16. COMMUNICATIONS**

For all official communication with its faculty, Villanova uses either electronic or hard copy communication methods, or both, depending on the circumstances. Faculty members are responsible for receiving, reading, and, as required and appropriate, acting upon all such communications. Faculty members using other email systems will need to forward University messages to those systems.

## **17. COMPENSATION**

Provisions in this *Faculty Handbook* and in other University documents and policies explain and govern compensation policies: eligibility for and conditions of extramural and internal grants, fellowships, contracts, and other honors; sabbatical and unpaid leaves of absence; duties and functions of faculty members serving as department chairs; outside teaching and professional work; overload and summer teaching; and related matters. Occasionally some of these provisions may complement or conflict with others. To clarify such possible interactions, the following summarizes University policies as described elsewhere.

### **A. Term of Appointment and Base Salary.**

Faculty appointments normally are for the academic year which is the period from August 22 of one year through May 21 of the next; faculty members serving in administrative capacities may receive appointments up to twelve months. A faculty member's base salary (base) refers to their nine-month base salary for the academic year.

### **B. Administrative Appointments.**

Compensation for department chairs, program directors, and other faculty members performing administrative functions is fixed according to University policies in effect from time to time. Such policies base the possibility and nature of additional compensation and/or stipends on a number of factors, including size and complexity of department or program, extent of their responsibilities, and so on. The additional compensation and/or stipend is generally meant to cover administrative duties required during the summer.

### **C. Determination and Payment of Salary.**

Faculty salaries are determined on a performance basis, with a portion of annual increments allocated for "satisfactory performance" and another portion for special meritorious performance, as determined by the deans of the colleges, following college policies for assessing achievement. Salaries are paid monthly, on either a nine or twelve-month basis, according to a faculty member's election. Special stipends and salary supplements, if any, usually are included in one's monthly salary check.

### **D. Cap on Additional Compensation.**

During the academic year and following summer (August 22 of one year to August 21 of the next), no faculty member (including faculty serving as administrators) may receive additional compensation from University sources in an amount exceeding 53 and 1/3 % of their base salary for the academic year.

- Income from patents and payments from Villanova University and College awards<sup>4</sup> are not defined as “compensation” from Villanova and are therefore excluded from the cap.
- The compensation for overload and for out-of-load teaching is compensation from Villanova and therefore counts toward the cap.
- With the permission of their dean, faculty may teach at another institution as permitted subject to time and other limitations outlined in the *Consulting, Outside Teaching and Professional Work* section of this *Faculty Handbook*. The compensation paid by another institution for teaching is not compensation from Villanova and therefore does not count toward the cap.

#### **1. Faculty with External Sponsored Research Grants.**

- Faculty members on academic year contracts may receive additional compensation during the summer for their work on sponsored research at a monthly rate not to exceed one-ninth (1/9) of the base salary. The total compensation from all sources may not exceed the base academic year salary plus 53 and 1/3% of the base. This limitation applies in all instances in which compensation is derived from any externally sponsored research program in which Villanova University is the grantee.
- In compliance with federal guidelines, no faculty member may certify effort in all activities, including research and teaching, of more than 100 percent total, whether or not compensation is provided by an external sponsor.
- Faculty members engaged in sponsored activity during the academic year will have teaching loads that are consistent with College and University work load policies that will include guidelines for compensating the University to allow teaching reduction beyond the established limits. (Please refer to the related sections in the *Teaching Load, Overload, and Out-of-Load Teaching* policy and the *Consulting, Outside Teaching and Professional Work* in this *Faculty Handbook*, as well the policies on *Sponsored Research* and *Sponsored Research: Faculty Released Time*.)
- Any compensation paid to faculty related to effort on external funding provided to Villanova University is defined as compensation from Villanova. If the external funding is paid to the faculty member directly, then, in accordance with the *Consulting, Outside Teaching and Professional Work* policy, such payment is not defined as compensation from Villanova. See also the policy on *Sponsored Research* which requires the faculty member to report to their dean the external funding paid directly to them.

#### **2. Employment Outside the University During Summer.**

A faculty member who is on an academic year appointment, or who is on a calendar year appointment but whose assigned duties are for nine months only, and who is not on duty

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<sup>4</sup> Awards honor past performance and do not include an additional work obligation as a result of receiving the award.



for one or both of the summer terms, is free to work outside the University on either a part-time or a full-time basis.

Approved by the Council of Deans, January 13, 2016

## 18. COMPLAINTS ABOUT FACULTY

Please refer to the section on **STUDENT GRADE APPEALS AND COMPLAINTS ABOUT FACULTY** in this *Faculty Handbook*.

## 19. CONFIDENTIALITY OF STUDENT RECORDS

**The Family Educational Rights and Privacy Act (FERPA)** places a number of restrictions on faculty members regarding what information about a student must be made available to that student and what cannot be disclosed to others. In general, if a faculty member is unsure about the application of FERPA to a specific instance, they should contact the department chair or the college dean. In difficult cases, the chair or dean should contact the Office of the General Counsel. Faculty members should be familiar with Villanova's official FERPA notice regarding its Student Records Policy, published in the catalog:

<https://www1.villanova.edu/villanova/provost/resources/student/policies/disclosure.html>

### A. Brief Explanation of FERPA

The general idea underlying FERPA is that student education records are confidential and may not be disclosed to third parties except under certain circumstances. An education record is, with limited exceptions, any information maintained by Villanova about an individual who is currently or who previously matriculated at Villanova. This information may be in written form, or it may exist only in electronic form. This includes student grades, graded tests or assignments, and information about student academic performance. Here are some exceptions and qualifications that describe limited circumstances under which the University may (but is not required to) release certain education records:

1. The University is permitted to release "directory information" about a student, including full name, address (including e-mail), major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), dates of attendance, awards, honors, and degrees, and participation in officially recognized University activities. However, there are some students (including students who feel they are being stalked) who have requested privacy even for directory information. As a general practice, if faculty members are asked to release directory information about a student, the faculty member should refer the caller to the Office of the Registrar, who shall consult with the Office of the General Counsel, as is necessary.
2. Faculty members may release confidential records to University officials who have a legitimate educational purpose for receiving the information. This could include faculty colleagues and department chairs who have a legitimate need for the information (e.g., those who teach, advise, or coach that student).

3. Faculty members may not seek access to student records or discuss student progress with other individual faculty members unless there is a legitimate need for them to do so. The law discriminates between educational interest, and personal or private interest; determinations are made on a case-by-case basis.
4. Faculty members may keep private notes on students. Notes shared with other faculty members are not private, but rather are education records. Students do not have a right to see private notes. Students do have access to other confidential records.

## **B. Communication with parents of students.**

One area where FERPA issues frequently come up has to do with dealing with inquiries from students' parents. In general, Villanova tries to be responsive to parents, whenever it is possible to do so, but, at the same time, it is often not appropriate to talk to parents about their sons or daughters. In some cases the University is not permitted to divulge education records to a student's parents, in other cases the University is permitted to divulge information to one parent but not to the other. Often a faculty member does not know whether a parent does, in fact, have permission to know a student's educational records, and – especially in phone conversations -- a faculty member does not always know that the person who is requesting information is, in fact, the student's parent. This means that faculty members should always be polite and appropriate with parents, but should proceed with care. These are, after all, not only University policies but also federal law. Here are some guidelines for faculty members:

1. If you are in anyway uncomfortable or unsure about speaking to a parent, you may always say that you know that there are regulations concerning release of information and you are very sorry that you cannot release information about the student without authorization. You may then refer that person either to your department chair or to the Office of the Dean of the student's college.
2. Often when parents call, they are interested in telling you something. You may always listen politely to whatever they have to say. So you might say, "While I can't comment on any individual student's grades, I would be happy to hear your perspective." You may also give out general information about your course, if you think it is appropriate to do so. You might say, for example, "Although I cannot comment on any individual student, I can say that the mid-term counted for only 20% of the final grade, and it is possible that a student could fail the mid-term and still pass the course." You may also speak in a general way about the student, without disclosing educational records. So, for example, you could say, "I feel that your son or daughter has great motivation and wants to do well, and I hope that they will come to my office hours for additional help, and do well on the next test."
3. In some cases you may feel that it would be helpful to have a more specific conversation with a parent. In that case you might say, "My procedure is not to discuss student progress with parents without seeking consent of the student. If you like, I can ask permission of your son or daughter to speak to you about this matter." At that point, you could send the student an e-mail explaining that the parent has requested permission to speak to you about the student's grade and education records and that the student will need to send you an e-mail authorizing you to do so. A sample letter is included below.

## **C. Letters of recommendation.**

When students request letters of recommendation for job applications or graduate school, the letters typically include a preprinted disclosure provision and a line for the student's signature. If there is a question about the specific language on the form, please contact the Office of the General Counsel. In some cases, there is no preprinted form and faculty members are just asked to send a letter to a certain address.

Generally speaking, faculty members who are writing letters of recommendation *may not* disclose student educational records (such as grades) unless the student has specifically given the faculty member permission to do so. *Merely asking a faculty member to write a letter of recommendation does not constitute such a request.* In writing a letter of recommendation, then, a faculty member has two choices:

1. The faculty member may write the letter without mentioning specific grades, and limiting the recommendation to observations of the student. There is no problem with saying things such as the following: "works hard, brilliant, analytical mind, one of the brightest students I have seen in years, etc." However, it would not be appropriate for the faculty member to reveal specific educational records, by saying things such as: "received an A, got the highest possible score on all examinations, had the highest grade in the class, etc."
2. If the faculty member feels that they must disclose specific grades to give a full picture of the student's work, the faculty member should seek permission from the student. See sample form letter below.

**D. Things to avoid.** To avoid violations of FERPA rules DO NOT:

- Make individual student grades available in a way that allows anyone other than the student to see them
- at any time use any portion of a student's Social Security Number or Villanova student number in a public (including class) posting
- leave graded tests or papers in a stack for students to pick up by sorting through the papers of all students
- discuss the progress of any student with anyone other than the student (including parents) without the consent of the student
- provide anyone with lists of students enrolled in your classes for any commercial purpose
- provide anyone with student schedules or assist anyone other than university employees in finding a student on campus

**E. Language for release forms.**

1. *Sample letter* giving permission to a faculty member to discuss a student's educational records with a parent or third party. These letters may be sent as an e-mail, using the Villanova University e-mail system.

I give permission to Professor \_\_\_\_\_ (list name) to discuss with and release my education records, including without limitation full disclosure of my courses, credit hours and grades, to the following inquiring party \_\_\_\_\_ [list all names for whom you are giving permission to speak; if the reference is for a company, list the name of the company.] You

may reach the inquiring party at the following telephone numbers  
\_\_\_\_\_. This permission is valid until \_\_\_\_\_  
(specify a date, or enter “until further notice.”)

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

2. *Sample letter* granting permission to release student records in a letter of recommendation or conversation with a prospective employer or graduate or professional school:

I give permission to Professor \_\_\_\_\_ [list name] (“Professor”) to release my education records, including without limitation full disclosure of my courses, credit hours and grades, in a letter of reference to or conversation with \_\_\_\_\_ [list all names and addresses of the individuals or organizations to whom the letters may be sent] (“Inquirer”). Professor has my permission to discuss my education records with Inquirer or in the letter. I may revoke this permission in writing, but I acknowledge that such revocation will not apply to any disclosure that occurs prior to Professor’s receipt of my notice of revocation.

I (check one)

☐ waive

☐ do not waive

my right to review a copy of the letter of reference at any time in the future.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

## 20. CONFLICT OF INTEREST

Faculty members should avoid conflict of interest and potential conflict of interest situations, including but not limited to the following:

1. Faculty members who wish to take graduate or undergraduate courses for academic credit in their own departments must obtain permission from their college deans.
2. A spouse or dependent of a faculty member may not take courses taught by that faculty member for credit. Where possible, faculty members should not be the teacher for credit of relatives or close friends; when it is not possible to avoid these situations the faculty member must inform the department chair that a potential conflict may exist.
3. In situations wherein a faculty member’s spouse, civil union partner, parent, child, or other family member, including in-laws and step-family members, comes before a committee on which that faculty member serves, the faculty member will recuse themselves from the decision making process in that case.

4. In situations wherein a faculty member reports to or is supervised or evaluated by a spouse, civil union partner, parent, child, or other family member, including in-laws and step-family members, normal supervisory and evaluative activities should pass either to an appropriate committee of senior faculty in the department or to the supervisor's supervisor, as determined by the faculty member's dean. For example, in cases of annual faculty evaluations, if a faculty member's spouse is their department chair, the departmental rank and tenure committee and/or the appropriate assistant or associate dean would be responsible for the evaluation.
5. Faculty members engaged in consulting or other professional relationships with outside corporations, agencies, or other commercial or non-profit entities may not engage in any activities with those entities that conflict with their obligations to Villanova University or would otherwise present a conflict of interest or appearance of conflict of interest.

Please refer to the section on **CONSULTING, OUTSIDE TEACHING, AND PROFESSIONAL WORK** in this *Faculty Handbook*.

## 21. **CONSULTING, OUTSIDE TEACHING, AND PROFESSIONAL WORK**

While under contract to and being compensated by the University, faculty members are expected to devote their full professional time and effort to Villanova-related activities and obligations. Faculty members may and for professional and reputational reasons often should engage in a reasonable amount of consulting, outside teaching, or other professional activities, provided that:

- (a) the activities are related to and can enhance the faculty members' teaching and research at the University;
- (b) the activities do not conflict with or detract from their obligations to the University;
- (c) the faculty members request (with reasonable details of the activities) and receive prior written approval from their chairs and deans for all such activities that are not normal expectations of their profession ("normal expectations" includes such things as service on editorial boards, conference attendance and presentations, and certain consulting activities) or extend beyond the merely incidental and occasional work for outside entities (e.g., phone consultations, reviewing of documents or reports for non-academic institutions, a one-day visit to a site); and
- (d) such external activities in total constitute no more than 20 per cent of one's time (e.g., one day per week during one's contract period, time spent on sabbatical, or other University-compensated leaves).

If such external activities in total exceed 20 per cent of one's time, they are subject to the policy on "released time" under which the outside institution or grantor must reimburse Villanova for the faculty member's time and effort. If there is a question about the extent of the involvement in section (c) above, the faculty member should consult their chair or dean.

Faculty may not pay themselves as consultants on grants or contracts they may hold as Principal Investigator or Co-Principal Investigator.

Faculty members may not, without the prior written permission of their dean and the Provost, hold ownership, managerial or fiduciary positions in any outside corporations, agencies, or other commercial or non-profit entities, or hold other positions, such as those involving research,

advertising, public relations, or other responsibilities, that constitute or appear to constitute a conflict with their University commitments. If such corporations, agencies, or other commercial or non-profit entities are engaged in activities that overlap or parallel University activities, or if they serve as suppliers to or agents of the University, the faculty member must report their involvement and the nature of the overlap or parallel activities to their dean.

Faculty members may use University facilities, equipment, services, or personnel (including graduate or undergraduate student assistants, whether paid or unpaid) for consultation or outside work projects only with the written consent of their deans. Financial reimbursement for such usage may be required. Faculty proposing to use University facilities for consulting services shall confer with the University Compliance Office to determine any compliance requirements, e.g., related to export controls, and shall comply with any such requirements.

Teaching incidental classes and/or giving occasional guest lectures at other institutions, consulting, and other external professional activities that are merely incidental and occasional remain subject to the “Conflict of Interest” policy, reporting requirements (below), and the condition that such work not interfere with or diminish the quality of a faculty member’s Villanova teaching, research, and service obligations as set forth in the Faculty Employment Agreement and elsewhere in this *Handbook*.

The University reserves the right to limit the consulting, outside teaching, or other professional activities of any faculty member when, in the judgment of the dean, such activities interfere with the faculty member’s performance of their obligations to the University or have the potential to do harm to the University and/or its reputation. In order that the University may make such judgment, a faculty member engaged in any such activities must provide their chair and dean an annual report on such activities, specifying the amount of time devoted to them and a description of the professional benefits received from them.

Please refer to the sections on **CONFLICT OF INTEREST, COMPENSATION, INTELLECTUAL PROPERTY POLICY**, and **SPONSORED RESEARCH** in this *Faculty Handbook*.

## **22. CONTRACTS**

Under the University’s Signing Authority and Contract Review Procedure, individual faculty members may not sign legal contracts on behalf of Villanova University. All such contracts must be reviewed by the Office of the Provost (or in the case of a research contract, the Office of Research Administration, who shall consult with the Provost and General Counsel when appropriate.

## **23. CONVENTIONS AND PROFESSIONAL MEETINGS**

The University encourages its full-time faculty to become active members of their respective learned and professional societies and shall, subject to the availability of funds, attempt to subsidize participation in meetings of prestigious learned societies and other academic and professional conferences. In distributing funds, for such purposes, department chairs shall normally give first priority to those requests from faculty members who are presenting papers, are officers of the professional society, or are program heads at the meeting for which funds are requested. Lower priority goes to those chairing a panel session or serving as commentators or

discussants. Lowest priority goes to those merely attending a conference or program, and attendance will only be subsidized when it is clearly in the best interest of the department and college to do so. Active participation is understood to mean participation to an extent that does not interfere with normal duties at the University. A member's attendance at the various conventions requiring absence from class must be approved by the chair of the department and/or the dean of college, according to college policy. Please refer to the section on **COURSE AND CLASS REGULATIONS** in this *Faculty Handbook*. Faculty members should make all reasonable attempts to get the lowest possible price for travel arrangements.

Faculty members and department chairs attending meetings as official representatives of the University or on University business (such as recruiting) shall be supported as well, subject to the same financial considerations.

## 24. **COPYRIGHTS and COURSEPACKS**

Recognizing the balance between fostering creativity and protecting ownership, Villanova University expects and requires all Villanova community members to comply with applicable copyright laws and this policy.

**Copyright Act.** The Copyright Act is a federal law that provides protection in the United States for creative works (termed “original works of authorship”) in the form of copyright. Copyright infringement, which is a violation of the Copyright Act, generally occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the copyright owner’s permission.

**Copyright General Subject Matter.** Copyright protection arises in original works of authorship that are “fixed in any tangible medium of expression” (e.g., written or typed on paper, stored in a computer, recorded in an audio or video format, etc.). Works of authorship include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works.

**Discipline and Penalties.** Copyright infringement is a violation of law that carries substantial penalties for the infringer. The general minimum statutory penalty is \$750 per act of infringement. Infringement need not be willful, but penalties for willful infringement are more severe at up to \$150,000 per act of infringement. Criminal liability and even prison sentences of up to 5 years may be imposed on first time offenders who willfully infringe a copyright “for purposes of commercial advantage or private financial gain.” In addition to being illegal, copyright infringement is a violation of University policy and can result in the imposition of University discipline up to and including dismissal for faculty and staff and expulsion for students.

**Educational Materials Regarding Copyright.** The old adage, “ignorance of the law is no excuse” is particularly apt in the area of copyright. Villanova University students, staff and faculty are expected to have a basic understanding of copyright law in order to ensure compliance with the law and this policy. Copyright Educational Materials are available at <https://www1.villanova.edu/villanova/generalcounsel/copyright.html>. Important topics covered by these materials include: Copyright General Subject Matter; Infringement, Discipline and Penalties; Compilations And Derivative Works; Exclusive Rights Of the Copyright Holder; Copyright and Plagiarism; Public Domain; Fair Use Exception; Exceptions For Libraries; Exceptions For

Nonprofit Educational Institutions; Persons With Disabilities; Distribution Of Copyrighted Materials; Coursepacks; Graphic Services; Distance Learning And The TEACH Act; Face-to-Face Teaching; Instructor Responsibilities; Obtaining Permission To Use Copyrighted Works; Frequently Asked Questions; and Other Resources.

**Villanova University Resources.** Students with questions about copyright should consult their instructors, department chairs, or UNIT. Faculty with questions about copyright should consult their department chairs, other administrators, or UNIT. Administrators with questions about copyright should consult UNIT or the Office of Vice President and General Counsel.

**Fair Use and Coursepacks.** Faculty members are expected to follow the copyright laws in their teaching practice. Unless the “fair use” provision applies, as described below, faculty members are not permitted to distribute copyrighted materials for which copyright clearances have not been obtained, and faculty members should not require or suggest that students buy such materials. Faculty members may make limited use of portions of a copyrighted work (without the copyright owner’s permission) under the “fair use” provision of the copyright law (see below). The University Shop assists faculty members in the preparation of “coursepacks” or customized textbooks. The University Shop will obtain the appropriate copyright clearances from the copyright owners, arrange to have the coursepacks printed through Graphic Services, and include the costs of this process in the eventual sale price of the coursepack.

Faculty members may, if they choose, make up their own coursepacks and secure the copyright permissions themselves. These coursepacks should also be printed by Graphic Services and sold through the University Shop. Faculty members will be required to show appropriate evidence that copyright clearances have been obtained.

Coursepacks and other locally produced course materials should, with limited exceptions, be sold in the University shop. Faculty members are not permitted to sell course materials directly to students, either in class or out of class. The department chair may, if they wish, authorize the sale of course materials in the department office. Refer to the section on **SALE OF TEACHING MATERIALS WRITTEN BY FACULTY MEMBERS** in this *Faculty Handbook*.

Fair Use is defined as follows in: Section 107 of Title 17, United States Code regarding Copyright Law: “Notwithstanding the provisions of section 106 and 106a, the fair use of a copyrighted work, including such use by reproduction in copies or phonograph records or by any other means specified by that section for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole;



- the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all of the above factors.

Faculty members should also consult *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*, which may be found at:

<http://www.copyright.gov/circs/circ21.pdf>. *Circular 21* provides minimum safe harbor guidelines for copying that safely falls within "fair use." Copying that goes beyond these guidelines may still constitute a fair use under U.S. Copyright laws.

To insure compliance with this code, the University's Department of Graphic Services requires that all requests for multiple copies sent to *Graphic Services* have a certification signed by the requester, certifying that appropriate laws have been complied with. Rubber stamps are invalid. Failure to comply will result in the return of the job for compliance. It should be noted that circumventing this requirement by use of an office copier in no way avoids compliance with copyright laws. Certification forms are available from the Copy Center. Questions concerning the application of the copyright laws in specific situations should be addressed to the Office of the Vice President and General Counsel. Further information can be found on General Counsel's website at <https://www1.villanova.edu/villanova/generalcounsel/copyright.html>. Refer to the section on **INTELLECTUAL PROPERTY** in this *Faculty Handbook*.

## 25. COURSE AND CLASS REGULATIONS

- All courses are to be taught in accordance with guidelines established by the department and/or the dean of the college, as college policy may determine.
- All class periods are to begin and close at the appointed time to permit students to be prompt in attendance.
- If it is necessary for a faculty member to miss a class (for emergencies, religious holiday, illness, and University-related obligations such as professional conferences, external lectures, etc.), they must as soon as possible inform the department chair and, if possible, make other arrangements for the class. Faculty members should, if possible, notify the students of canceled classes by e-mail or voice mail, and they should make every effort to limit missed classes to a reasonable number.
- If a faculty member is more than ten minutes late for class without a notice, the students may rightfully assume that the faculty member will be absent; students who leave may not be marked absent for that class, should it be conducted.
- No student is to be admitted to any class who is not on the official class list. Faculty members need to be attentive to the class lists and report discrepancies to their chairs and/or the Registrar.
- The instructor is required, however, to take record and report attendance for all classes as directed by the Registrar. Refer to the section on **CLASS ATTENDANCE** in this *Faculty Handbook*.

## 26. COURSE AND TEACHER SURVEY (CATS)

The University administers a Course and Teacher Survey (CATS). The survey instruments are distributed to faculty members at the end of the fall and spring semesters, and they are to be administered at the beginning of a class session, with due care to ensure that the faculty member neither sees nor handles the completed surveys. The packets include instructions for how the survey is to be administered. CATS is only administered for summer courses if requested by the College Dean. The results are tabulated by the Office of Planning and Institutional Research (OPIR). The full individual reports are made available to faculty members at a later date. The results of the surveys are sent to department chairs and deans, and may be used as part of faculty evaluation. Summaries of the CATS reports are also sent to faculty members, via their chairs, for inclusion in applications for promotion and/or tenure. Faculty members who wish to do so may also make their reports public, so that the reports are available to anyone who has a legitimate Villanova ID and password. Further information on the CATS process and a copy of the instrument itself is available in [\*CATS: A guide for Faculty Members\*](#).

## 27. DEANS: PROTOCOL FOR SELECTION OF ACADEMIC DEANS

Whenever a vacancy in the position of dean of one of the colleges occurs or is about to occur, a committee will be appointed by the Provost to conduct the search for a successor dean.<sup>5</sup> The Provost will use appointments to ensure diversity of the search committee membership. The Department Chairs (program directors in Nursing) and tenure-track/tenured faculty should also take into account the importance of a diverse committee membership when electing representatives. The committee will be composed of:

1. **The Provost**, who serves as chair and shall conduct the member selection process described below.
2. **Two department chairs** (program directors in Nursing) from the college in which the vacancy will exist. They are to be elected as follows:
  - If the vacancy occurs in the position of the Dean of the College of Liberal Arts & Sciences, School of Business, or College of Engineering, the two chairs are to be elected from and by the chairs of the concerned college.
  - If the vacancy occurs in the position of Dean of the College of Nursing, two program directors will be chosen from and by the three program directors.
3. **Four faculty members** at the associate level or above, three of whom must be tenured, elected by and representing all the CNT, tenured, and tenure-track faculty members of the concerned college, provided that no more than one such representative shall be from any one department of such college and provided that, in the College of Arts and Sciences, at least one faculty representative shall be elected from each of the Humanities, Social Science, and Natural Science areas of the College.

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<sup>5</sup> A vacancy in the position of Dean of Graduate Studies in the College of Liberal Arts & Sciences will be filled according to the search procedure established by the dean of that college

4. **One academic dean**, including the Dean of Graduate Studies in the College of Arts and Sciences, chosen by the Provost, provided that if the vacancy is in the College of Liberal Arts and Sciences, the dean chosen shall not be the Graduate Dean of that College.
5. **One alumnus or alumna** of the college in which the vacancy exists, chosen by the Office of the Provost.
6. **Two students in good academic standing from the college in which the vacancy occurs.** One student shall be the undergraduate student representative on the Student Government Association from the concerned college. If a given college has more than one undergraduate eligible, and more than one of them seeks the position, the choice among them will be by random draw. The second student is to be a graduate student in good academic standing appointed by the College's Dean or Director of Graduate Studies from among interested graduate students.
7. **Up to two additional members** to be appointed by the Office of the Provost.

The committee shall receive information and suggestions from, encourage deliberation among, and disseminate pertinent information to, the faculty, administrators, staff, and students of the relevant college. The University encourages finalists, at their discretion, to meet with the chairs, as many of the faculty as may be feasible, college administrators and staff, and student representatives.

The committee shall provide to the President sufficient materials and information as they may require, and shall recommend, unranked, no fewer than two, nor more than four, potential appointees. If the recommendations are unacceptable to the President, the President shall return them to the committee with instructions to reconsider the list of applicants or to begin the search anew. In the latter case, the President may designate an interim dean until a new dean is appointed.

## **28. DEANS: PROTOCOL FOR FOURTH-YEAR EVALUATION OF ACADEMIC DEANS**

Every fourth year of a dean's five-year contract, the Provost will undertake a formal evaluation of the dean's performance. The evaluation may be delayed or advanced by up to one year as determined by the Provost and in cooperation with the dean. However, the review must take place during a fall semester; under no circumstances should it be conducted in the spring.

Just as the results of faculty and staff evaluations are confidential, the results of a dean's review are part of the dean's confidential personnel file.

The review consists of the following components, described in detail below:

- A statement of activities generated by the dean
- Feedback from full-time faculty (and, in the College of Professional Studies, part-time faculty), collected via a standardized feedback form developed by the Office of Strategic Planning and Institutional Effectiveness (OSPIE) and the Provost's office, followed by a confidential report from an appointed Faculty Feedback Committee about its results
- A 360-degree review, conducted by an external consultant, that includes feedback from respondents, internal and external to the University, who interact with the dean. Respondents must include, but need not be limited to: other members of the Dean's office, college staff, college administrators, and upper level University administration. If

a 360-degree review has been conducted for the dean within a year of the formal evaluation described in this policy, its results may be used for the purposes of this evaluation.

The review should ideally be conducted according to the following process:

**A. At least one full semester in advance**

1. **Updating of the dean's position description:** At least one full semester in advance of a dean's review, the Provost or designee will consult with the dean to ensure that the dean has a current position description on file. Any changes in functions and responsibilities since taking office or since the last evaluation should be reflected in the position description.

**B. By September 1 of review semester**

1. **Statement of activities:** Using the position description as a basis, the dean will provide a detailed statement of their activities during the previous four years or review period. The dean should describe their responsibilities in the position, the college and the University committees which the dean either chairs or serves on, service on boards, fund-raising objectives and success (where appropriate), etc. In addition, the dean should outline the accomplishments of the past and their goals for the future, as well as the means to achieve them, addressing progress toward goals outlined in any previous evaluation. After review of the dean's statement, the Provost or designee will share it with the full-time faculty of the college (or full- and part-time faculty in CPS) in an announcement that the dean's review process has commenced. If the dean wishes to include information that is not appropriate for these audiences, such as pertains to confidential personnel management, the dean may include a confidential addendum to their statement that goes only to the Provost.
2. **Updating of faculty feedback form:** The Provost or designee will work with OSPIE to review the extant standardized faculty feedback form and make any desired updates or changes. Constituents should not be asked questions beyond their purview, but in aggregate, the form should address (as appropriate): ability to set, communicate, and implement goals and directions; organizational ability; utilization of human resources; productivity of meetings and committees chaired by the dean; effective attention to detail; perceptive and fair judgment of College personnel; communication with personnel; relationships with faculty, staff, and students; programs that the dean directs; innovation and creativity; professional stature locally and nationally; success in externally-facing advancement and development activities; and contributions to the University's and College's mission and values. A limited number of appropriate demographic questions will be included to allow refined analysis of the responses. In addition to closed-ended questions, the feedback form will offer opportunities to provide written comments. The anonymity of responses will be assured.

3. **Appointment of Faculty Feedback Committee:** The Provost or designee will contact Faculty Congress to initiate the process of appointing faculty to an ad hoc Faculty Feedback Committee (FFC) who will assist in the interpretation of feedback from the college's full-time faculty. The FFC will be composed of two CNT and four tenured faculty members from the college, all six at the rank of Professor, if possible, chosen by the college's delegation to Faculty Congress. Faculty Congress confidentially submits its nominees to the Provost or designee, who then shares them with the dean. The dean may reject up to two of the committee members at their discretion. In such a case, two others will be chosen by the college's delegation to Faculty Congress. When the final list of members is complete, the Provost's office contacts the selected faculty and asks them to serve. In any college in which there are not a sufficient number of full-time faculty members to constitute an FFC, the Provost's office will cooperate with the dean and Faculty Congress to propose an alternative composition for the committee.

#### **C. September-October**

1. **Collection of faculty feedback and reporting to the Provost and dean:** On behalf of the Provost, OSPIE will administrate the faculty feedback process and tabulate results, including appropriate cross-tabulations as requested by the Provost. OSPIE's confidential analysis of quantitative results will be forwarded to the Provost and the dean. Additionally, the Provost will receive from OSPIE the unredacted written comments; the dean will receive anonymized written comments.
2. **Reporting to FFC:** OSPIE will share its confidential report and analysis of the faculty feedback with the FFC and dean, ideally by October 15. This report will include both quantitative data and anonymized written comments. The FFC may request additional appropriate cross-tabulations that do not compromise participants' anonymity.
3. **360-degree Evaluation:** The dean's 360-degree evaluation is managed by HR in partnership with their chosen outside consultant. When complete, the results are presented to the dean and Provost by HR and/or the consultant.

#### **D. November**

1. **Additional survey data:** The Provost may request additional data from surveys conducted during the dean's review period, such as climate survey data related to the college and data from senior surveys or graduate student exit surveys. Reports of such data generated by OSPIE for the purposes of a dean's evaluation will also be shared with the dean.

2. **FFC report:** The FFC will prepare a confidential report of its understanding of the faculty feedback and provide it to the dean and Provost. This report should be completed before the University closes for the Thanksgiving holiday.
3. **Optional FFC meeting with Provost:** At the request of either the FFC or Provost, the FFC and Provost may meet to discuss the report. This discussion is confidential, as is the faculty feedback and report.
4. **Dean's reaction statement for Provost:** The dean will prepare a written response to the results of the evaluation, including any actions they plan to take to address its findings, and submit this response to the Provost.

#### **E. December**

1. **Provost's evaluation:** The Provost will review the original statement of the dean, the faculty feedback, the FFC report, the 360-degree evaluation, and the dean's reaction statement. The dean and Provost will meet to discuss the evaluation data, highlighting the dean's accomplishments during the review period and, if needed, preparing an action plan to address issues raised in the assessment process. All of this material, along with the Provost's commentary, will be forwarded to the President for their review. The meeting should be completed and materials forwarded to the President before the University closes for the Christmas holiday.
2. **Conclusion of process:** The Provost issues a communication to the college announcing that the assessment process has been completed, expressing appreciation for the feedback, and confirming that feedback was considered and discussed in a formal meeting with the dean. The dean emails constituents thanking them for participating in the evaluation, identifying three or so main outcomes, and committing to implementing the strategies they have developed with the Provost.

## **29. DEPARTMENT CHAIRS**

The outline of duties and responsibilities of department chairs<sup>6</sup> which follows illustrates the position's purpose and responsibility. Other duties and responsibilities may be assigned or delegated by the dean or the Provost or recommended by the department's faculty. The College of Nursing is not organized under a departmental system, but some of the responsibilities outlined below are delegated to program directors.

### **A. Authority and Responsibility**

1. Department chairs are appointed by the Provost of the University and are delegated such authority necessary for the fulfillment of their duties and responsibilities. In all they do

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<sup>6</sup> And department-like entities resembling in all major features academic departments.

except sensitive and confidential matters, chairs are to consult the members of their department.

2. Department chairs are accountable to their deans and, through their deans, to the Provost for the proper functioning of the department and the establishment of goals and long-range plans.
3. Department chairs hold twelve month appointments and are responsible for supervising departmental activities throughout the year, including summer.

**B. Functions.** Among other functions, the chair:

1. Works with departmental colleagues to develop vision and strategic planning for the department, and leads the department in the implementation of strategic planning.
2. Supervises all departmental instruction and, with due consideration of principles and priorities established in consultation with department members, distributes work assignments and schedules as they judge necessary and proper. The chair also supervises the secretarial and support personnel for the department.
3. Is responsible for (or delegates) academic guidance of the students majoring in the department and is responsible to the deans for seeing that the students fulfill degree requirements as specified in the catalog.
4. After consultation with the members of the department and others as appropriate, makes recommendations to the dean concerning modifications of the departmental curricula.
5. Is responsible for the periodic evaluation of the academic and professional competence of faculty and staff members, their fidelity to assigned duties and contractual obligations, and their likely future contributions.
6. Encourages faculty research, grant writing, and professional development.
7. Makes recommendations to the deans and the Provost as to sabbatical leaves, promotion, granting of tenure and advancement in rank, salary increases, and dismissal or non-renewal. Is responsible for overseeing the rank and tenure process in their department.
8. Upon consultation with the faculty, proposes to the dean appropriate faculty staffing levels and requests the addition of new faculty members. As specified in the [\*Faculty Recruitment Guidelines\*](#), the chair has overall responsibility for recruiting new faculty members for recommendation to the dean and to the Provost.
9. Establishes standing departmental committees for assistance with appropriate duties, including committees on faculty performance evaluation and on grade appeals.
10. Holds regular meetings of the department and sends a copy of the minutes to the appropriate deans and to the Provost.
11. After consultation with the faculty as to financial needs and priorities, prepares and administers the department budget.

12. Encourages participation of the faculty and students in departmental, college, and University activities and protects the free exchange of points of view among faculty members. The chair also helps resolve disputes between the faculty and students or among members of the faculty according to University, college, and departmental policy.
13. Is responsible for maintaining appropriate files, records and data pertaining to departmental operations as required by the deans and the Provost with due concern for confidentiality. Official departmental files and records are the property of the University and must be handed over intact to the chair's successor in office. In reporting function, the chair is also required to observe all procedures, timetables, schedules, calendars, etc. established by the University.
14. Is responsible for assisting the department in maintaining relationships with alumni and other external constituencies of the departments.

**C. Compensation and Conditions.** In recognition of their twelve-month appointment and of the additional responsibilities they hold, department chairs receive additional compensation and a reduction in teaching responsibilities, as determined from time to time by the Provost and deans of the colleges. Chairs are eligible for internal and extramural grants, fellowships, and contracts, and for consulting, outside teaching, summer teaching, and other professional work as specified and described elsewhere in this Handbook, subject to policies in the sections on Compensation; Consulting, Outside Teaching, and Professional Work; and Summer Teaching.

#### **D. Protocol for Periodic Selection of Chairs**

1. **Term and Appointment.** Department chairs are appointed by the Provost, for three-year terms which commence on June 1 after their appointment. The outgoing chairs and the new chairs will both receive the monthly stipend for June to facilitate the transition.
2. **Eligibility of Nominees.** To be eligible to serve as chair a faculty member must be tenure-track and normally must: (a) be a tenured associate or full professor; (b) possess the terminal degree appropriate to the discipline; (c) show evidence of leadership, scholarship, and collegiality; and (d) demonstrate understanding of and commitment to the mission and character of the University, College, and department. A record of participation in departmental operations and familiarity with departmental issues normally are expected; and other criteria relevant to the role and duties of departmental chairs should apply. In the event that an insufficient number of candidates meet these criteria, other tenured or tenure-track faculty members may be nominated. In the event that the Provost authorizes a search for a non-Villanova faculty member for department chair, such candidates must be associate or full professors and must possess the terminal degree appropriate to the discipline; to the extent possible, there should be evidence that they also possess the other qualifications. A department chair may be nominated to succeed them.
3. **Eligibility to Participate in the Selection Process.** Any tenured faculty member may nominate and vote. Any tenure-track or continuing non-tenure track faculty member who, at the time of the chair's selection process, has completed three full semesters of continuous service at Villanova, may nominate and vote. All other faculty members may participate in the deliberations but may neither nominate nor vote. Department members who serve as deans, vice presidents, vice provosts or President may not nominate or vote. An individual may nominate themselves, and



nominees may vote.

**4. Nominating Procedure.** Early (ideally by the fourth week) in the sixth semester of a chair's tenure in office, the college dean shall give formal notification to the department faculty calling for nominations for the position of department chair. The notification shall state that nominations are to be made to the dean, in writing, by a specified date. Faculty should submit their nominations directly to the Dean. At least two people must be nominated. If the dean receives insufficient nominations, they may grant an exception or make further solicitations from the faculty until an acceptable number of nominations have been received. As soon as practicable after that date, the dean's office will ascertain from the nominees whether they wish to be candidates and will then communicate to the department faculty the names of the faculty who have responded positively. No later than one full week before the department meets to vote, each candidate will send a written statement concerning their suitability for the position and future plans for the department to the dean and all department members.

**5. Department Meeting Procedure.** In timely fashion (ideally by mid-semester), the dean will call for a department meeting to be held to vote on the nominees for the chair. On the appointed day, the dean or an associate or assistant dean to whom they have delegated this function will call the meeting to order and will conduct an election of a faculty member to preside over the meeting. The dean will turn the meeting over to the presider, who may not be one of the nominees, and then will depart. The meeting is to be conducted under rules of strict confidentiality.

At the meeting, the presider will provide the opportunity for the faculty to interview the nominees and/or ask them to elaborate on their written statements concerning their suitability for the position and plans for the department. All nominees may remain in the room for the interview process. After the interview process is complete, the nominees will absent themselves from the meeting room during any discussion and evaluation of their specific candidacies.

When the department is satisfied that there is enough information, the nominees return; the presiding officer conducts an election to determine two tellers; and the department proceeds to vote by secret ballot. Nominees may not serve as tellers.

In advance of the meeting, a department administrative assistant shall have made sufficient copies of the Ballot for Selection of Department Chairperson (section 14 below). When the department is ready to vote, the presiding officer distributes ballots to all voting members, who complete them, fold them to ensure confidentiality, and return them to the tellers. The meeting shall be adjourned when all ballots have been received. Eligible faculty members who are absent may cast a written absentee vote, sealed in an envelope, by giving or sending it to the department administrative assistant. Such ballots are turned over to the presiding officer at the time of the meeting.

In tallying the vote, tellers should not count abstentions but should count valid absentee votes. Any votes of Unacceptable should be tallied, and each candidate's rank numbers should be added up according to the Borda count method, by which the lowest sum ranks highest. In cases where there is only one candidate, majority support from the voting members is necessary for a nominee's name to be forwarded to the dean as acceptable. Ballots must be kept strictly confidential.

The tallies, ballots, and candidate rankings are sent by the presiding faculty member to the dean. The dean shall subsequently inform the department which candidate was preferred during voting.

and which candidate they are recommending to the Provost, if different.

6. **Final Appointment.** The dean shall submit their recommendation from among the department's nominees to the Provost, who shall evaluate the recommendation and if they approve, shall appoint the new chair.
7. **Direct Administrative Appointment.** If, after evaluating the list of approved nominees of the department, the dean finds that none is acceptable, or if a department is unable to nominate an eligible candidate, the dean will meet with the faculty of the department to discuss and, hopefully, resolve the situation. If there is no mutually agreeable resolution, then the dean may recommend to the Provost, the appointment of an acting chair, who ideally but not necessarily is a member of the department, until a successful chair selection process occurs. Normally, an acting chair should not be appointed for more than one year.
8. **Ad-hoc review and recall of the chair.** A written statement by two-thirds of the eligible faculty members of a department to their dean of the department's desire to recall the incumbent or acting chair shall be considered sufficient cause for the dean to review the chair's performance and take appropriate action, subject to the approval of the Provost. This procedure may be initiated at any time during the incumbent chair's three-year term.
9. **Vacancies in the chair.** If a department chair becomes vacant, or if a chair is unable due to illness or other circumstances to fulfill the duties of the position, the dean will, as soon as feasible and after appropriate consultation with the faculty of the department, recommend to the Provost the appointment of an acting chair, normally a faculty member of the department or, if the dean believes that no department member would be appropriate, of the college/school, until such time as the chair is able to resume their duties or until the normal selection process for the chair can take place. If such a selection process occurs, the newly appointed chair may take office immediately if the Provost approves. If this occurs in the first semester of an academic year, that year shall count as the first year of a normal three-year term. If the selection occurs in the second semester, the newly elected chair normally will serve the balance of that semester plus three full years.
10. **Outside Search for a Chair.** If after due consultation with the department, including an advisory vote by the department concerning the need to search outside, whose results and associated minutes are sent to the Provost, the dean's recommendation that the chair be filled by means of an external search is approved by the Provost, the standard faculty recruitment process is to be followed, with three special provisions: (1) The dean will appoint a search committee, which will include at least two departmental faculty members eligible to vote for the position of chair, chosen by the department's faculty; (2) the search process will combine a concern for the qualities specified above for a department chair with the standard concern for all-round excellence spelled out in the University's faculty recruitment policy; and (3) all candidates for chair will be interviewed by the Provost. If the dean judges that the department cannot or will not select a search committee that is likely to recruit and present to the department and dean candidates for the position of chair who sufficiently possesses those characteristics described in paragraph B above, the dean, with the approval of the Provost, will appoint a search committee which will include at least one departmental faculty member eligible to vote for the position of chair. The departmental faculty member shall be elected by the department.
11. **Adjudication Procedure.** Should any significant dispute arise concerning this protocol or any other aspect of the selection of department chairs that is not covered herein, it should be promptly

referred to the Provost who, in consultation with two members chosen by the Provost from the Faculty Rights and Responsibilities Committee, and after appropriate consultation with the dean, chair, eligible departmental electors, and other concerned parties, will adjudicate the issue. Only those faculty members who have standing in the matter, that is, members of the department eligible to participate in the selection process or members of the administration may invoke the adjudication procedure. In all cases, decisions of the Provost on appointment are final.

12. **Extension of a Chairperson's Term.** The Provost may extend the term of incumbent chairs, normally for no more than one year, (a) to provide a transition period for a new dean; or, (b) in consultation with the dean of a college or school, when a restructuring of the college/school or one or more of its departments is imminent, when a college or its departments are involved in a major external accreditation process, or if departments formally request extensions and the dean agrees.
13. **Extraordinary Procedures.** On rare occasions, a detrimental leadership, governance, administrative, or structural problem may exist in a department that requires substantial time and extraordinary flexibility beyond the bounds of this protocol to allow the dean to develop and implement a long-term solution. In such circumstances, the Provost may suspend certain provisions of this protocol to enable the dean to implement such measures with respect to departmental leadership, governance, administration, and/or structure as they deem necessary to secure proper functioning of the department. Before suspending provisions of this protocol, the Provost will inform the department faculty and also the chair of the Faculty Rights and Responsibilities Committee which provisions will be suspended, providing a brief explanation of why it is necessary.
14. **Ballot for Selection of Department Chairperson (please see next page)**

1. **ELIGIBILITY TO VOTE** (please check the box to confirm eligibility)

☐ I am a tenured, or a tenure-track or continuing non-tenured faculty member who has served at least three semesters at Villanova

2. **ACCEPTABILITY OF CANDIDATES**

Please list each candidate for department chair in one of the two columns.

Acceptable

Not Acceptable

_____	_____
_____	_____
_____	_____
_____	_____

3. **RANK ORDER ALL CANDIDATES**

Please rank **ALL** of the candidates for chair (both acceptable and not acceptable) in order of preference. For your ballot to be valid, you must rank all candidates, and no two candidates can be assigned the same ranking (i.e., no tied candidates). These ranking rules must be followed in order to produce an accurate Borda count.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

### 30. **DISABILITIES, FACULTY WITH**

Villanova University strives to provide a supportive environment for the faculty and to that end complies with all pertinent provisions of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. The University makes every effort to assist faculty members and prospective faculty members who need and request reasonable accommodations to assist in performing the essential functions of their positions. The faculty member is an integral part of the accommodation process. Should an accommodation be necessary, the faculty member should provide a written request of need to their department chair or dean, who will, if the concern lies outside the academic area, refer it to other appropriate University officials.

### 31. **DISABILITIES, STUDENTS WITH**

Villanova University strives to provide an environment for personal and intellectual growth of all its students, and also complies with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. In order to meet these commitments, Villanova offers educational opportunities and reasonable academic accommodations for the needs of qualified students with disabilities. The standards for academic credit should not be modified for students with disabilities. Students with disabilities have fulfilled the same entrance requirements, have the same range of backgrounds and experiences as other students at Villanova, and should be fully capable of meeting Villanova's standards. The University's goal is to provide access and reasonable accommodations in helping the students achieve those expectations.

**Physical Disabilities.** Services for students with physical disabilities are coordinated through the Office of Disability Services. Additional information is available at [https://www1.villanova.edu/villanova/studentlife/be\\_empowered/disability\\_services.html](https://www1.villanova.edu/villanova/studentlife/be_empowered/disability_services.html)

**Other disabilities (including learning disabilities).** Services for students with learning disabilities, other neurologically based disorders, and those disabled by chronic illnesses that impact learning are provided by various offices and coordinated by Learning Support Services (LSS). Many students with these disabilities do not ask for accommodations at all. Other disabled students choose to self-identify and ask for appropriate accommodations. If students do want accommodations, they must complete a registration process with LSS. This process involves providing current documentation and meeting with the LSS Coordinator to discuss appropriate accommodations. Guidelines for acceptable documentation are available on the [LSS webpage](#). Each term the student must fill out a [Request for Accommodation](#) form and then LSS can provide a letter detailing the appropriate accommodations. The student is responsible to deliver these letters to their professors. LSS asks students to meet with their professors at the beginning of each semester to discuss all accommodations. Students who have not registered with LSS will sometimes approach professors to ask for accommodations. These students should be referred to LSS, so that appropriate accommodations can be worked out in conjunction with LSS. Instructors should not make special accommodations for students who have not registered with LSS.

All faculty members should announce on the first day of class the desire to speak confidentially with any student with special needs as soon as possible, and course syllabi should include a statement about students with disabilities. A sample statement might read:

It is the policy of Villanova to make reasonable academic accommodations for qualified individuals with disabilities. If you are a person with a disability please contact me after class or during office hours and make arrangements to register with the Learning Support Office by contacting 610-519-

5176 or at <https://www1.villanova.edu/villanova/provost/learningsupport.html> as soon as possible. Registration is needed in order to receive accommodations.

The following are some basic guidelines for students with disabilities. Please refer to the faculty pages on the [LSS webpage](#) or by calling 610-519-5176.

- Support from the faculty is critical to ensuring that students with disabilities receive accommodations necessary to reach their potential. It is important to remember that accommodations are not advantages, but are a means of providing each student with full access to Villanova's programs.
- Standards for academic credit should not be modified for students with disabilities. They may need accommodations in testing, but the content should not be changed.
- It is not necessary to rewrite a course to accommodate students with disabilities; simply modifying the presentation of materials may make it fully accessible. Many modifications will benefit all students.
- If one student with a particular type of disability had difficulty with a specific task, do not assume that the next student with the same type of disability will experience similar problems.
- Some textbooks are available in other formats -- such as large print versions, e-books, or media with closed captioning -- that may be more accessible for students with disabilities. Faculty are encouraged to select texts that are available in alternate formats. E-text can be helpful to most students, and not just those with disabilities.
- Students with disabilities are frequently sensitive about their disabilities, so faculty members should make every effort to treat these issues sensitively and confidentially.

Please visit the webpage

<https://www1.villanova.edu/villanova/provost/learningsupport/guidelines.html> or contact the LSS office with any questions or concerns at 610-519-5176.

## **32. DISCIPLINE OF STUDENTS**

Students should become acquainted with and understand the responsibilities set forth in the *Student Handbook*, especially those in the sections on Policy and Regulations. Adherence to University regulations is expected and required for successful completion of the program of studies. Enforcement within the classroom of policies regarding classroom behavior is the responsibility of the faculty member. All other discipline problems are to be referred to the Dean of Students.

## **33. DISCRIMINATION AND HARASSMENT POLICIES**

Discrimination or harassment based on protected categories including race, color, national origin, ancestry, ethnicity, religion, gender, sexual orientation, gender identity, age, veteran status, or disability, is handled under the Human Resources Non-Discrimination/Non-Harassment Policy. Procedures for filing and resolving such complaints about harassment or discrimination are available with the [Department of Human Resources](#)' *Non-Discrimination/Non-Harassment Grievance Procedure for Faculty and Staff*. Harassment that affects faculty but is not based on these protected categories is handled through the Grievance Policy for Faculty Members in this handbook, so that faculty are accorded the particular rights and procedures granted by University policy.

### 34. DISMISSAL AND SUSPENSION PROCEDURE FOR FACULTY

The following procedure shall be followed before any faculty member who has tenure may be dismissed or suspended, and before any tenured faculty member who has been suspended for mental or physical incapacity and who applied for reinstatement may be continued suspended.

- A. **Demand for a Hearing.** Whenever the President shall have decided to dismiss, suspend, or continue the suspension of a faculty member, the President shall give written notification, by registered mail, to the faculty member in question. Said notification shall include: (1) a statement of the decision to dismiss, suspend, or continue the suspension; (2) a statement of the factual grounds for the decision; (3) a notification that the faculty member may obtain a hearing by making a written demand upon the President within fifteen (15) days after receiving notice of the President 's decision; (4) a statement that failure to demand such a hearing within fifteen (15) days will constitute waiver of any right to a hearing; and (5) a copy of this "Faculty Dismissal and Suspension Procedure."

After making a timely demand for a hearing, the faculty member in question, at any time before the end of the hearing, may serve a written notice on the President that they no longer desire a hearing. Thereupon, all proceedings shall terminate, and the President may take such action as they see fit.

- B. **Committee.** When a timely demand for a hearing is made, the President shall notify the Faculty Rights and Responsibilities Committee within seven (7) days, and the Faculty Rights and Responsibilities Committee shall, within fourteen (14) days of receipt of such notice, designate three faculty members who are not members of the Faculty Rights and Responsibilities Committee to conduct a hearing, (These three faculty members shall hereinafter be referred to as "the Committee.") The Faculty Rights and Responsibilities Committee shall designate one of the three members of the Committee to act as temporary chair. All clerical and other reasonable and appropriate support services shall be provided for the Committee by the University, through the Office of the Provost.
- C. **Indemnification.** Prior to accepting appointment, all members of the Committee shall receive a document from the University indemnifying them for liability incurred in the course of the good faith performance of their duties as Committee members.
- D. **President 's Representative.** Upon commencement of the proceedings, the President shall appoint a representative who is not a member of the Committee, who may be assisted by counsel, to gather evidence with respect to the statement of charges and to present such evidence at the hearing.
- E. **Notice of Hearing.** The Committee shall forthwith meet for the purposes of (1) electing a permanent chair, and (2) determining the time and place for a hearing, said hearing to be held no more than sixty (60) days after the Committee is appointed by the Faculty Rights and Responsibilities Committee. The Committee shall cause notice of the hearing to be served upon the President 's representative and the faculty member. The notice shall inform both parties of the time and place of the hearing, and of their right to present evidence and arguments. Notice shall be served on the President 's representative and the faculty member at least three (3) weeks before the date of the hearing. The President 's representative or the faculty member may, from time to time, request that the Committee postpone the hearing in

order to permit adequate preparation, and the Committee shall freely grant reasonable requests for postponement.

- F. **Challenge to Committee Members.** Within seven (7) days after receiving notice of the hearing, the faculty member and the President ' s representative shall forward to the Faculty Rights and Responsibilities Committee, in writing, any challenge to a particular member or members of the Committee, specifying the member or members challenged and the cause for the challenge. The Faculty Rights and Responsibilities Committee shall rule on the sufficiency of the cause for challenge, and in the event that it sustains the challenge, The Faculty Rights and Responsibilities Committee shall appoint a replacement member of the Committee. The Committee shall proceed to meet and give notice of hearing as it did when the Committee was originally appointed. Any replacement member or members shall similarly be subject to challenge for cause by the President ' s representative or the faculty member by means of the same procedure.
- G. **Assistance in Preparation for Hearing.** Upon request of the faculty member or the President ' s representative the Committee shall furnish such assistance as it deems appropriate in such matters as making witnesses available for questioning, securing the attendance of witnesses at the hearing, and making relevant records available for inspection.
- H. **Hearing.** The hearing shall be private and conducted by at least a majority of the Committee and presided over by the Chair. The Committee shall determine the order of proof and the admissibility of evidence and may question witnesses and cause evidence to be introduced. The formal rules of court procedure need not be followed.

The President ' s representative shall present witnesses and evidence and make arguments to support the statement of the charges. Evidence not relevant to those charges shall not be admitted. In order to present evidence to support new charges against the faculty member, the President ' s representative must obtain the permission of the Committee to amend the statement of charges. If leave to amend is granted, the faculty member may request that the hearing be adjourned to allow them to prepare adequately to meet the new charges. Such request shall be freely granted.

All testimony presented by the President ' s representative or by the faculty member shall be given by witnesses who are present at the hearing, unless for urgent reasons the Committee permits otherwise. The identity of all witnesses for each party, whether they are to appear at the hearing in person or not, shall be disclosed to the other party by the party presenting the witness at least seven (7) days prior to the date of commencement of the hearing. In the event that either party discovers a witness subsequent to that time for notification, the identity of that witness shall be disclosed to the other party as soon as possible.

Both the President ' s representative and the faculty member shall have the right to be assisted by counsel, to be provided by the party itself, to question witnesses presented by either party, and to present evidence and arguments.

The chair shall see to it that all of the oral evidence presented at the hearing shall be transcribed by a trained professional provided by the University through the Office of the Provost. Within seven (7) days after the hearing, the chair shall see to it that a transcript is furnished to the faculty member and to the President ' s representative. A duplicate transcript



shall also be filed in the office of the President and shall there be available to the Committee. All physical evidence presented at the hearing shall be made available to both parties.

- I. **Arguments.** Each side shall be given the opportunity to present oral arguments at the close of the presentation of evidence at the hearing. Written briefs may be submitted by each party to the Committee no later than twenty (20) days after the faculty member and President 's representative shall have received a transcript of the hearing.
- J. **Mediation.** After the argument, the Committee shall confer to decide whether in its opinion mediation of the issue between the President and faculty member would be an appropriate course to follow. If the Committee determines that it would, it shall proceed immediately to attempt to adjust the issue between the parties.
- K. **Report.** In the event that the Committee decides that mediation is not an appropriate course to follow or, after reasonable attempts, discovers that mediation is not a feasible solution, the Committee shall confer to formulate a report to the President. The report shall be in writing and shall include specific findings of fact, specific conclusions as to each asserted ground for dismissal, suspension, or continuance of suspension in the statement of charges, a reasoned explanation of such findings and conclusions and a recommendation as to whether the faculty member in question should be dismissed, suspended, or continued suspended. The report shall be concurred in by at least two of the members of the Committee who were present at the hearing and argument. Members of the Committee who were present at the hearing and argument and who fail to agree with the majority report may make a minority report or reports to the President. All reports shall be transmitted only to the President, the faculty member, and the President 's representative, no later than thirty (30) days after the final date for the filing of briefs, or not later than thirty (30) days after the cessation of attempts at mediation.
- L. **Objections.** The faculty member and the President 's representative shall have seven (7) days from the time of the receipt of the report of the Committee within which to notify the President, in writing, of any objections or defects in the proceedings of the Committee or of any alleged denials of rights set forth in this Procedure.
- M. **Decision of the President.** After considering the report or reports of the Committee and any objections of the faculty member or the President 's representative, the President shall decide whether the faculty member should be dismissed, suspended, or continued suspended. Notice of the decision shall be given to the faculty member and the Committee within thirty (30) days after receipt by the President of the report or reports of the Committee and any objections thereto by the faculty member or the President 's representative.
- N. **Publicity.** All proceedings relating to dismissals or suspensions, including the fact that an inquiry has been commenced, shall be kept confidential by all persons concerned except that disclosure may be made when necessary to prepare for the hearing. The final decision of the President and the recommendations of the Committee shall be released by the President for publication to the faculty. No other publication shall be made without the written authorization of both the President 's representative and the faculty member.
- O. **Immediate Suspension.** For appropriate cause, as determined by the President, the President may suspend the faculty member from their duties during the pendency of the proceeding.

### **35. EMERGENCIES AND DISASTERS**

In the extraordinary event of a University emergency or disaster requiring the suspension of University instructional activities, the University may extend the period of employment under contract, along with all obligations and expectations pertinent to such employment, to summer, fall or spring break, the weeks between normal semesters, weekends, or extraordinary evening hours to enable students to complete their academic year studies. In such cases, the period of extension would not exceed the period of suspension. Faculty who are seriously inconvenienced by such extension may, upon application explaining the reasons therefore, be exempted in whole or in part by the Office of the Provost from instructional and related academic duties and functions during such extension.

### **36. EVENTS AND SPEAKERS POLICY**

#### **A. Values**

Villanova University is a Catholic, Augustinian institution of higher learning that is committed to academic excellence, academic freedom, and intellectual, spiritual, moral, and social growth. Above all, the University seeks to reflect the spirit of St. Augustine by the cultivation of knowledge and the encouragement of freedom of inquiry, by respect for individual differences, and by adherence to the principle that mutual love and respect should animate every aspect of University life.

Respecting the principles and responsibilities of academic freedom, and recognizing the importance of the perceptions of both internal and external communities, the University encourages the open exchange of ideas on a variety of subjects, including those that are controversial. Thus, faculty members or staff acting on behalf of faculty members<sup>7</sup> of the University may invite speakers to a class or to a University event, and may host events open to the campus community, that address the full range of intellectual, moral, and social issues. In keeping with the educational mission of the University, the academic character and educational value of all such events is the motive and rationale for their occurrence.

Invitations to speak, or the hosting of events, do not imply University approval or endorsement of the positions taken by invited speakers or of their previous or subsequent views. To the best of its ability, the University will ensure that all legitimately invited speakers will be able to express their views and that open discussion will take place.

This policy presumes that those inviting speakers or hosting events will exercise sound judgment in selecting speakers and in establishing the particulars of a given event. Thus faculty members enjoy wide latitude in this regard. Although this policy assumes that both speakers and audience will exhibit appropriate and respectful demeanor toward each other, it is recognized (a) that speakers or events may often challenge existing attitudes and beliefs and/or trigger disagreements, and (b) that no policy, no procedures, and no sponsor of a speech or event, can guarantee against the possibility that a speech may offend listeners, that a

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<sup>7</sup> A separate policy available from the Office of Student Life governs co-curricular events and events sponsored by students

speaker may unexpectedly deviate from anticipated content and style, or that members of an audience might engage in inappropriate behavior.

The following standards and procedures govern speakers and events being proposed by faculty:

## **B. Conditions**

Permission to invite a guest speaker to a class or to a university event, or to host an event open to the campus community, is automatically granted as long as all of the following conditions are met. If there is good reason to believe that one or more of them might not be met, the person inviting the speaker or organizing the event must take reasonable steps, as specified under “Procedures” below, to ensure as best as possible the consistency of the speech or event with the principles of academic discourse and with the academic values of the University.

1. The speech or event must constitute a legitimate educational experience or otherwise contribute to the university’s academic mission.
2. The speech or event must not pose a substantial risk to the physical safety of speakers or members of the audience, other participants, or bystanders. To address safety and security concerns, the University may make changes in the location, configuration and/or number of guests permitted to attend the event, restrict the event to members of the University community or take other measures as the University determines. The University may also cancel the event if in the University’s judgment, such measures do not mitigate the safety and security concerns. Any extraordinary security costs (e.g. municipal police) incurred due to the event may be required to be borne by the hosting department/center/program.
3. The speech or event must not involve a substantial risk of disrupting classes, obstructing access to campus facilities, otherwise interfering with other ongoing University events or activities, or creating a seriously intimidating, threatening, scandalizing, and/or uncivil environment at the speech or event that would undermine its educational purposes.
4. The event must not violate the law or the nonprofit status of the University. (Note that federal and state laws may prohibit, condition, or limit speeches by political candidates; accordingly, consultation with the General Counsel’s office for guidance should occur in these situations).
5. It is understood that some speakers will hold, offer, and defend positions that differ from Catholic Church teaching. The expectation is that they will do so in an academically responsible fashion, be open to questions and challenges from members of the audience, and respectfully acknowledge, and not disparage, Church teaching. If, in the judgment of University officials, a speech or event presents a serious risk of violating these principles, the person or group seeking permission for such an event must accept provisions to ensure adherence to standards of freely reasoned academic discussion and debate. Such provisions might include, for example, allowing for an appropriate response at the speech or event or contextualizing the event or speech by means of complementary counter-programming.

### C. Procedures

1. A faculty member wishing to invite a guest speaker to their class or other event, or to host a University-sponsored or University-related event on or off campus, naturally will seek the advice of faculty and/or administrator colleagues and the most appropriate department chair before extending an invitation or planning an event that a reasonable person within the Villanova community would consider to conflict with any of the above conditions. If a colleague or the chair indicates their belief that the speech or event would likely conflict with one of the conditions, the faculty member will consult with their dean before issuing the invitation. If the dean rejects the proposal, the faculty member may appeal to the Provost, who, after appropriate consultation with other University officials, shall make the final determination.
2. Regarding invitations to Catholic Church dignitaries such as Bishops, Archbishops or Cardinals, protocol requires that the invitation be sent by the President of the University or the Vice President of Mission and Ministry. Every attempt will be made to ensure that the President is available to welcome the dignitary in the name of Villanova University.
3. In addition, when a Catholic Church dignitary is invited to the university, protocol requires that a letter will be sent to inform the local Ordinary that this person has been invited to the Diocese.
4. In reviewing any request for a guest speaker or event, the dean or the Provost (a) should consult with appropriate members of the faculty, including the leadership of the Congress, when feasible, and (b) may impose restrictions or conditions to ensure consistency with the principles and conditions outlined in the **Values and Conditions** sections of this policy. A decision and the reasoning of the dean and/or the Provost to deny or to condition permission for a guest speaker or event will, except in the most unusual circumstances, be provided to the faculty member initiating the request.
5. In exercising this authority, the dean and the Provost shall give due consideration to the principles and conditions outlined in the **Values and Conditions** sections of this policy. Faculty members or staff acting on behalf of faculty members seeking to invite a speaker or host an event must ensure, in advance, that there is provision for adequate financing, facilities, and other University resources. Failure to do so is grounds for refusal to allow the speech or event.
6. The University reserves the right to withdraw any speaker invitation, or to cancel any event, at any time for any reason, but it will not do so for reasons judged to be less than fundamental to the University's values and well-being. If the faculty member has not cleared the invitation with the dean, no formal reason needs to be given for the withdrawal or cancellation. If the faculty member has cleared the invitation with the dean, the dean will normally confer with the faculty member before withdrawing the invitation. However, the final decision rests with the dean and the Provost. In cases where invitations have been withdrawn or events canceled, the Provost will include discussion of such decisions in their regular meetings with the Faculty Congress.
7. If there is a contract or fees for any speaker, approval of such contract must be obtained from the Office of the Vice President and General Counsel. All such contracts must be signed by the Provost.

## **37. EXAMINATIONS – SEE FINAL EXAMINATIONS AND GRADES AND ASSESSMENTS**

## **38. EXPORT CONTROLS POLICY**

### **I. PURPOSE**

It is the policy of Villanova University to comply with all applicable statutes, executive orders, regulations, and contractual requirements covering the exports to foreign entities and persons, including foreign persons employed by and/or taking classes or conducting research at Villanova.

### **II. SCOPE**

This policy applies to all Villanova University faculty, staff and students. This policy also applies to department chairs, academic deans, and all University administrators who have responsibility or oversight over research projects, service activities, and academic undertakings that are subject to U.S. Export Control Laws.

### **III. POLICY STATEMENT**

Villanova University is committed to maintaining an open academic environment, protecting the academic freedom of its faculty and students, and encouraging the dissemination of information resulting from research and other activities. At the same time, some activities may be subject to U.S. Export Control Laws and regulations that govern the export of certain commodities, software, and technology items and related non-fundamental or unpublished research and research results.

In practice, these laws have a direct impact on what research instruments, materials, software and technology that we, as a U.S. University, can export (*i.e.* transfer) out of the country by any means; and in rare cases, what sensitive items and technology we can share with foreign national individuals (visa holders) working in and/or visiting our research facilities. These regulations also potentially inform what research, academic, and business partners we engage with while avoiding partnership with U.S. government-restricted entities (entities of concern from an export control or economic embargoed country perspective).

In general, the University is committed to performing Fundamental Research in an effort to provide the widest possible public dissemination of scientific learning and research results. The University does not favor any proposed research activity or collaboration that limits the participation of foreign nationals. These restrictions not only impose stringent obligations upon the University, but also run counter to the University's policies of openness in research and non-discrimination. Participating in activities that are governed by U.S. Export Control Laws may limit not only the individual researcher, but could impact student involvement, limit other department/unit activities and access to project-related equipment and space, and add additional expense to projects. As such, the University will carefully consider the costs, limitations, and benefits of the export controlled project and all such projects require approval by the University Provost.

Any proposed research activity, whether funded or unfunded, contractual obligation, project, or academic collaboration or undertaking that raises export control limitations or imposes undue burden upon the institution and its mission is subject to final approval by the University Provost.

Failing to comply with the U.S. Export Control Laws may result in substantial civil and criminal penalties to the University and the individual(s) involved, as well as administrative sanctions such

as loss of federal funding or of export privileges. Failing to abide by the export control and sanctions policies and procedures adopted by the University can result in disciplinary action up to, and including, termination and expulsion.

#### IV. DEFINITIONS

1. **Export:** in export control regulations, there are several meanings which include any of the following: 1) actual shipment of any covered goods or items; 2) the electronic or digital transmission of any covered goods, items or related goods or items; 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or 4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.
2. **Export Control Laws:** The set of U.S. laws, policies, and regulations that govern the export of controlled items to an individual, entity or country. Export controls consist of a series of regulatory frameworks overseen by various federal agencies and include the laws and regulations enforced by the agencies listed in Defined Terms numbers 3 through 7 below.
3. **Export Administration Regulations (EAR):** The Commerce Department's Export Administration Regulations govern "dual-use" items. These are items having both civilian and military or defense applications.
4. **International Traffic in Arms Regulations (ITAR):** The Department of State's International Traffic in Arms Regulations govern defense articles and activities, as well as all space launch related items and activities.
5. **Office of Foreign Assets Controls (OFAC):** The Department of Treasury's Office of Foreign Assets Controls governs exports and other transactions with economically embargoed countries and parties as well as those designated as sponsoring terrorism.
6. **Nuclear Regulatory Commission (NRC):** The Nuclear Regulatory Commission governs exports of certain nuclear equipment and materials.
7. **Department of Energy (DOE):** The Department of Energy's regulations likewise govern certain nuclear and nuclear-related technology and materials as well as other "sensitive" items and subjects.
8. **Deemed Export:** The release or transmission of information or technology subject to export control restrictions to any foreign national in the U.S. The Federal government deems such a release of information to be an export to the foreign national's home country, thus the term "deemed export."
9. **Fundamental Research:** Basic and applied research in science and engineering, conducted at an accredited United States institution of higher education the results of which are ordinarily published and shared broadly within the scientific community. Information that results from Fundamental Research is not subject to export control restrictions under the Fundamental Research Exemption.
10. **Public Domain:** Information that is published and that is generally accessible or available to the public.
11. **Restricted Parties List(s):** Are lists of prohibited or restricted individuals, entities and countries listed by the Departments of Commerce, State and Treasury and other federal agencies.
12. **Re-Export:** A re-export occurs whenever any item (i.e., commodity, software, technology, equipment or information) is sent from one foreign country to another foreign country.
13. **Technology Control Plan (TCP):** A plan to manage the security on export controlled items and activities. A TCP formally delineates, in writing, how an export controlled research project will be conducted. It includes details about how the technology will be secured, who will have access to it, and how the technology will be disposed of at the end of the project.

- 14. U.S. Person:** A U.S. citizen, permanent U.S. resident alien, or protected individual, wherever that person is located. U.S. incorporated, organized firms and their foreign branches are also considered “U.S. Person(s).”
- 15. Export License:** A written authorization provided by a governing regulatory authority having jurisdiction detailing the specific terms and conditions under which export or re-export of export controlled items is allowed.
- 16. Foreign National:** An individual who (1) is not a U.S. citizen, or (2) who is not a lawful permanent resident of the U.S., or (3) who does not have refugee or asylum status in the U.S.

## V. PROCEDURE

All University faculty, staff and students engaged in funded or unfunded research (collectively, “research personnel”) of any scope or duration are responsible to review the applicable export control regulations prior to the beginning of the research in order to determine whether they apply and to ensure that if they apply, the research project/activity is in compliance.

In addition, all research personnel are responsible for reviewing their research periodically (including when amendments are made to the original study design), at least annually, in order to determine whether changes in the terms of sponsorship, the scope of work, or personnel now bring certain aspects of the research within the purview of current export control regulations. Some indicators that the research or activity may be impacted by U.S. export laws, regulations and guidelines and thus may require an export review include, without limitation, the following:

- Foreign sponsors
- Foreign sub recipients or consultants
- Foreign travel (including conference attendance and/or research collaborations)
- Foreign visitors
- Anticipated or actual receipt of equipment, materials, data or software expressly identified as export controlled by the provider
- Contractual provisions restricting publication
- Contractual or award restriction/limitation on the participation of Foreign nationals in the project or collaboration

In connection with sponsored research projects, the Office of Research Administration will conduct an export review at the time of proposal and/or award stage. Based on responses provided by the faculty member in the project proposal form, additional questions may be asked in order to ensure that export control requirements are appropriately vetted. The export review must be completed prior to the acceptance of the award and **prior to ANY expenditure** of project award funds.

As in the case of any research project submitted for review to the Office of Research Administration, the Chair of the department wherein the research will take place and the Dean of the School/College must indicate that they approve of the research project including any project that is subject to export controls. The faculty member’s Department and School/College from which the faculty member derives their primary appointment bears ultimate responsibility for the monitoring of compliance with any terms and restrictions imposed upon said research due to export control considerations including, without limitation, restriction in the participation of foreign nationals, access controls to the laboratory facilities, Technology Control Plan execution, publication restrictions, or others. The University has instituted a process wherein sponsors, vendors and independent contractors are reviewed against restricted or sanctioned U.S. government lists. In the event that a project involving a sanctioned party or country has already been accepted or undertaken, work on the project must be frozen immediately and the Office of Research Administration and/or the Office of the Vice President and General Counsel notified.

Any further communication with potentially sanctioned parties should be coordinated with the Office of Research Administration and/or the Office of the Vice President and General Counsel.

Faculty members, staff and students who are engaged in research activities subject to a Technology Control Plan are required to complete the CITI online export controls training course available through the Office of Research Administration. All members of our University community who work or participate in activities or projects that may be subject to the U.S. Export Control laws are strongly encouraged to take this online training. In addition, departmental training may be requested through the University Compliance Office, Office of Research Administration or the Office of the Vice President and General Counsel. These offices are also available to respond to any questions or concerns that a faculty member, staff or student may have regarding the applicability of the U.S. Export Control Laws or the existence of a potential instance of non-compliance.

Faculty, staff and students may also raise any compliance-related questions or concerns via the ethics and compliance hotline—EthicsPoint, which allows for reports to be submitted on a confidential or anonymous basis. The University strictly prohibits retaliation against any individual who raises in good faith an inquiry or concern regarding compliance with any Laws including, without limitations, or who cooperates in the review or investigation of any such matter.

Special Consideration:

- **Distance Learning:** services provided to students overseas implicate U.S. export controls laws and regulations. Distance learning includes telecommunications-assisted learning and off-site learning. If any distance learning program appears to or could involve a sanctioned party or country or the release or transmission of information or technology subject to U.S. export control restrictions to a foreign national, including an individual from a sanctioned country, the Office of Research Administration or the Office of the Vice President and General Counsel should be contacted immediately.
- **U.S. anti-boycott laws:** The United States prohibits U.S. persons, as broadly defined, from complying with the Arab League's boycott of Israel. Villanova University is committed to complying with U.S. anti-boycott laws. If you receive any contract or other official document in which you are asked to certify that you will not use Israeli-origin goods or suppliers on a particular contract, or where you otherwise think you are being asked to support the Arab League boycott of Israel, do not take any further action with respect to that transaction and contact the Office of Research Administration and/or the Office of the Vice President and General Counsel immediately.

### 39. FACULTY DATA

For various purposes, the University must collect certain data on the teaching, scholarship, and service activities and accomplishments of its faculty. Normally, this will be done electronically, using an approved system. Upon the inauguration of this or any subsequent electronic program, and for all new faculty members joining the University, there will be a one-time requirement of data entry. Subsequently, faculty members are strongly encouraged to update their data profile at least annually and are required to do so in accord with the performance review norms and schedules of their colleges.



#### **40. FACULTY ROLE IN GOVERNANCE**

The Villanova faculty participates in University governance in a number of ways. Faculty members constitute the majority of the membership of the University Rank and Tenure Committee, and they serve on and chair the Academic Policy Committee and the Faculty Rights and Responsibilities Committee. Four Board of Trustee committees have faculty members; and faculty members serve on numerous ad hoc University and college committees and task forces. At the departmental level, the faculty determines the curriculum and course content and structure, nominates department chairs, and plays a major role in the recruiting of new faculty members and in the rank and tenure process. The Faculty Congress serves as a forum for faculty discussion of University issues and as the faculty's voice on a wide range of University matters.

#### **41. FINAL EXAMINATIONS AND THE FINAL WEEK OF CLASSES**

Faculty members recognize their obligation to provide timely interim and final assessments of student performance in their classes. This may be done in a variety of ways, to be determined by each instructor. The assessment methodology should be spelled out clearly in the syllabus, with an explanation of the relative weight each item will contribute to the final grade.

The Registrar schedules a time for a final examination for each course. These times are available on the Registrar's website early in the semester, so students should have adequate time to make travel plans. It is permissible to omit the final examination, provided that other equivalently comprehensive assessment techniques are employed. If final examinations are given, they must be given at the time and place scheduled by the Registrar unless exemption has been authorized by the chair and dean.

In order to balance student workload during the final week of classes the following describes prohibited times for administering examinations or other assessment instruments in undergraduate courses only.

Reading days: No exams or assessment instruments whatsoever may be administered, and no papers or other assignments may be due, on designated reading days.

Final day of class: With the exception of oral presentations or laboratory assessments, no exams or other student performance assessment instruments whatsoever may be administered, and no papers or other assignments may be due, on the final day of class. Faculty may administer the Course and Teacher Survey.

Other days of the final week of classes: No final examinations may be administered, and no take-home exams may be due, during the final week of classes. Other major examinations and tests may be administered only with the explicit written consent of the dean of the college (quizzes and minor assignments are permitted). No paper or other assignment may be due on other days of the final week of classes unless clearly scheduled for that week in the course syllabus that is distributed at the outset of the course.

The below section refers to both graduate and undergraduate courses.

\*Tests or student learning assessment mechanisms are to be employed periodically. In the interest of fairness, faculty members should take steps to avoid situations where some students have access to previous examinations while others do not. This can be done in several ways: faculty members

may collect examination papers from students so that these cannot be circulated in later semesters, or faculty members may make previous examinations available to students either electronically or by other means. Copies of semester examinations are to be filed with the chair of the department and/or the dean of the college.

\*Occasionally students will encounter conflicts in the examination schedule such that two of a student's examinations are scheduled at the same time or three examinations are scheduled on the same day. In the event of such a conflict, the student must notify the instructor at least seven days in advance of the scheduled exam. The instructor will make alternative arrangements for the student to complete the examination. In resolving conflicts, multiple section exams should take precedence over exams for a single section, and courses in the major should take precedence over non-major courses. Extraordinary difficulties encountered in effecting such an arrangement will be resolved by the dean of the student's college.

\*If a student is absent from a final examination for any reason other than a conflict, they must contact the instructor within 24 hours of the scheduled beginning of the examination to request permission from the instructor to take a make-up examination. The instructor may, if they wish, arrange a make-up examination at a mutually convenient time. If the faculty member has reservations about the legitimacy of the student's reasons for missing the examination, the faculty member may refer the student to the office of the college dean, who will evaluate the student's request for a make-up. If the office of the dean approves the request, the faculty member will arrange a make-up examination for the student or assign other work in place of the final examination. If the student does not contact the faculty member within 24 hours, the student must receive permission from both the office of the dean and the faculty member before being allowed to take a make-up examination.

\*Faculty members should attend the administration of the final examination in order to answer any questions and ensure high standards of academic integrity. When they are unable to do so, department chairs are to see that sufficient proctors are provided for each examination room. Where there is a shortage in any department, assistance should be requested from other departments.

\*Faculty members must retain in their possession all final exams and other unclaimed exams, papers, and student course projects and materials for a period of twelve months following the end of the semester in which they were used to establish grades.

Please refer to sections on **GRADES AND ASSESSMENTS** and **SYLLABI** in this *Faculty Handbook*.

## **42. GRADES AND ASSESSMENTS**

Faculty members provide a series of graded assignments or assessments throughout the semester. In undergraduate classes, faculty members normally must assign enough graded work so that they can give a meaningful mid-term grade. If faculty members do not judge that a mid-term grade is appropriate for their courses, they should consult with their department chairs, providing a brief explanation of their decision. All courses that contain a significant number of freshmen must include a meaningful midterm grade. Faculty members are expected to give students timely feedback on all graded assignments, so that students can know how they performed and how they may improve in the future. All mid-term and final grades are to be posted on the University's

Novasis system within the time limits specified by the Registrar. Please refer to sections on **FINAL EXAMINATIONS** and **SYLLABI** in this *Faculty Handbook*.

The grade report at the end of the semester is part of the student's permanent record. Any inaccuracy on this record must be reported to the Registrar according to the following deadlines; otherwise, the record will stand as it is:

Spring Semester grade errors: Last Friday in June  
Summer Semester grade errors: Last Friday in August  
Fall Semester grade errors: Last Friday in January

Faculty members are responsible for maintaining the integrity of the evaluation and grading system. Presented below is the *Undergraduate* Grading System; the *Graduate* Grading System may be found in each college's Graduate Catalog:

- A** is the highest academic grade possible; an honor grade which is not automatically given to a student who ranks highest in the course, but is reserved for accomplishment that is truly distinctive and demonstrably outstanding. It represents a superior mastery of course material and is a grade that demands a very high degree of understanding as well as originality or creativity as appropriate to the nature of the course. The grade indicates that the student works independently with unusual effectiveness and often takes the initiative in seeking new knowledge outside the formal confines of the course.
- A-**  
**B+**  
**B** is a grade that denotes achievement considerably above acceptable standards. Good mastery of course material is evident and student performance demonstrates a high degree of originality, creativity, or both. The grade indicates that the student works well independently and often demonstrates initiative. Analysis, synthesis, and critical expression, oral or written, are considerably above average.
- B-**  
**C+**  
**C** indicates a satisfactory degree of attainment and is the acceptable standard for graduation from college. It is the grade that may be expected of a student of average ability who gives to the work a reasonable amount of time and effort. This grade implies familiarity with the content of the course and acceptable mastery of course material; it implies that the student displays some evidence of originality and/or creativity, works independently at an acceptable level and completes all requirements in the course.
- C-**  
**D+**  
**D** denotes a limited understanding of the subject matter, meeting only the minimum requirements for passing the course. It signifies work which in quality and/or quantity falls below the average acceptable standard for the course. Performance is deficient in analysis, synthesis, and critical expression; there is little evidence of originality, creativity, or both.
- D-**  
**F** indicates inadequate or unsatisfactory attainment, serious deficiency in understanding of course material, and/or failure to complete requirements of the course.
- N** Incomplete: course work not completed.

<b>S</b>	Satisfactory: Assigned in Satisfactory/Unsatisfactory courses (work must be equivalent to C or better).
<b>SP</b>	Satisfactory Progress.
<b>T</b>	Transfer grade
<b>WX</b>	Approved withdrawal without penalty.
<b>W</b>	Approved withdrawal with penalty.
<b>U</b>	Unsatisfactory: Assigned in Satisfactory/Unsatisfactory courses.
<b>AU</b>	Audit.
<b>Y</b>	Unofficial withdrawal from course (or for freshmen, failure for excessive absences.
<b>NG</b>	(Or Blank): no grade reported.

All grades are permanent, except N and NG, which are temporary grades used to indicate that the student 's work in a course has not been completed. An N or NG grade must be removed and a grade substituted by the instructor according to the following schedule:

For the Fall Semester: Students must submit all work to the instructor by the last Friday in January; grade changes must be submitted to the Registrar 's Office by the second Friday in February

For the Spring Semester: Students must submit all work to the instructor by the last Friday in June; grade changes must be submitted to the Registrar 's Office by the second Friday in July

Students should check the academic calendar for actual dates. NOTE: if a change is not reported, the N or NG grade automatically becomes an NF.

Without the approval of the instructor, the department chair, and the dean, no grade higher than C may replace the N.

The grade WX indicates an authorized withdrawal with the grade not considered in the calculation of the quality-point average. The grade W also indicates an authorized withdrawal, but the grade is calculated as an F in determining the quality-point average. Authorization for WX and W may be given only by the student 's dean. The grade Y is given when a student unofficially withdraws from a course. It is reflected in the average as an F.

Required courses carrying a final grade of F must be repeated unless the student transfers to another college of the University where the course for which an F grade was received is not a requirement for the degree. The reasons for student deficiencies are reported by the faculty member at mid-semester and at the end of the semester to the dean of the student 's college.

When a student who has failed in a course presents evidence of subsequently passing a like course in another institution, the University reserves the right to withhold credit for the course until the student shall have passed a qualifying examination given by the Faculty from which a degree is sought.

Students should recognize that failure in one course or more will usually make it impossible for them to graduate with the class in which they matriculated.

### 43. GRIEVANCE POLICY FOR FACULTY MEMBERS

The purpose of the faculty grievance policy is to provide additional guarantees of equitable and just treatment for all within the framework of existing University policy. University Policy itself, therefore, cannot be the object of a grievance but is subject to change only through the normal channels of University governance.

Four areas are specifically excluded from the province of this grievance policy. The first is the case of the dismissal or suspension without pay of a tenured faculty member, for which a well-defined and distinct set of procedures already exists. The second includes all decisions as to the granting of tenure or promotion where practice already provides for appeal from the determinations of the University Rank and Tenure Committee directly to the President. The third is the non-renewal of academic contracts where the denial of tenure is not involved. The fourth is a decision by any university committee required by law to be constituted to ensure compliance with government regulations ("Compliance Committee"), e.g., the Institutional Review Board for Human Subjects Research, the Institutional Animal Care and Use Committee, the Bio-Safety Committee, or the Radiation Safety Committee. If a faculty member has a complaint against a Compliance Committee, the faculty member may appeal to the University's Institutional Officer responsible for oversight of that Compliance Committee.

Barring these four specific areas, two kinds of grievances may constitute the substance of a grievance within the meaning of this policy. **Type 1 grievances** deal with any matter (short of dismissal or suspension without pay) affecting a full-time faculty member's salary or working conditions, including, but not limited to, salary determinations, sabbaticals, leave of absence, research responsibilities or privileges, reduced academic loads, assignment or non-assignment of courses and hours, offices, parking facilities, secretarial assistance, and bullying or harassment (other than that already prohibited under the Human Resources Non-Harassment Policy); in other words, those grievances which, though normally handled through the academic hierarchy, remain unresolved in the eyes of the grievant after hierarchical procedures have been exhausted. **Type 2 grievances** include those between full-time faculty members, between a full-time faculty member and a regularly constituted University committee (excluding decisions by a University Compliance Committee described above), and others of this type, provided in each case the grievance is materially related to the University. These kinds of grievances are a special case in that, because they do not originate in departments or colleges, no hierarchical procedures exist for resolving them.

#### Procedures.

**Type 1 grievances.** The policy for this kind of grievance presumes the ordinary operation of the academic hierarchy of the University. That is, any grievance should be pursued, in the first instance, with the appropriate departmental chair, dean, and finally, the Provost. Both original grievances and subsequent appeals proceed through this hierarchy.

1. The grievant must raise the grievance in the relevant portion of the academic hierarchy. Depending on the matter at issue, this may be, for example, a departmental chair, program director, dean, or Provost.
2. The grievance must be submitted in written form to the appropriate person in the hierarchy, who shall inform all relevant parties to the grievance within 10 days.
3. The original party to whom the grievance has been submitted normally has 30 days to resolve the complaint.
4. If the grievance is not, in the view of the grievant, resolved by the original party to whom it is brought, the grievant may appeal the decision at the next highest level of the university

- hierarchy, up to the university Provost. All appeals must be submitted to the relevant position within the academic hierarchy within 10 days of the administrator's decision.
5. If the grievant remains unsatisfied at the conclusion of this route of appeals, within 10 days of the Provost's decision, the grievant may exercise one of two final appeal options beyond the Provost, as described in subparagraphs a and b.
- a. The grievant may make a final appeal directly to the President. In such cases, the President's determination shall be final, and no subsequent appeal to any other body will be heard.
  - b. The grievant may make a final appeal to the University Grievance Committee, which shall be constituted and operate in accordance with the procedures described below. The recommendations of this Committee, when acting as an appellate venue for Type 1 grievances, shall be final, and no subsequent appeal to the President shall be possible. In order to invoke the University Grievance Committee in the appeal of a Type 1 grievance beyond the Provost, the faculty member must appeal in writing within 30 days of the time the Provost's decision was sent to the faculty member.

**Type 2 grievances.** In the case of the second kind of grievance mentioned above (those between faculty members or between a faculty member and a University Committee) the grievant shall have the right to appeal directly to the University Grievance Committee. The grievance and its particulars must be presented in writing to the Provost, who will form a Grievance Committee according to the process outlined below.

**Operation of the University Grievance Committee.** In either type of grievance, once the University Grievance Committee is invoked by a faculty member, it will consider the case in accordance with the following procedures. The deliberations of the Grievance Committee are to be kept strictly confidential.

**Structure.** Upon receiving the written grievance and informing all concerned parties, the Provost shall form a University Grievance Committee in accordance with the protocol herein described. In such cases where the grievance is filed against the Provost, the University Grievance Committee shall be formed by the President.

The Committee shall have three members, all of whom are full-time, tenured faculty who serve for the duration of the matter for which they have been constituted. One such member shall be appointed by the Provost unless the Provost is the subject of the grievance, in which case this member shall be appointed by the President. The other two shall be appointed by the chair of Faculty Congress. The Committee shall select its own chair.

1. Initial consideration: The Committee will conduct an initial consideration of the case. In connection with this, they may request in writing from the grievant such additional information as the Committee deems necessary and, from the appropriate academic officers, written materials pertinent to the grievance. All such information shall be held in confidence by the Committee until and unless the Committee shall finally present its own determination of the grievance to the President, which determination may include any or all information at its disposal. The Committee will normally complete the "initial consideration" within 60 days of receiving the case.
2. Upon initial consideration, the Committee may decide not to advance the grievance to a formal hearing if it determines that the grievance is improper, non-substantial, or that sufficient time has not yet been allowed for its normal redress. The burden for establishing a prima facie case of a grievance rests with the grievant, but a failure on the part of any academic official or faculty

member to respond to the Committee's request for a written statement, as referred to above, will itself establish such a prima facie case.

3. The Committee may attempt an informal resolution of the grievance by consultation with both or all parties thereto.
4. If a prima facie case is made and informal resolution is unavailing, the Committee shall initiate a formal grievance hearing. Upon such an initiation, the Committee shall secure the appointment of ad hoc members as described below.

### Grievance Hearing

Upon the determination of the Grievance Committee to initiate a formal grievance hearing, two ad hoc committee members shall be selected. Both must be full-time, tenured faculty members of the University. One shall be chosen by the grievant. In the case of grievances normally resolved through hierarchical procedures, the other shall be chosen by the Provost unless the Provost is a party to the grievance, in which case the selection shall be made by the President. In the case of a grievance against another faculty member, the second ad hoc member shall be chosen by that faculty member. In the case of a grievance against a regularly constituted University Committee, the second ad hoc member shall be chosen by the chair of that Committee.

The hearing Committee shall adhere to the following guidelines:

1. The Committee shall complete its work and submit its recommendation to the President normally within 60 days of the decision to initiate a formal grievance hearing.
2. In connection with a formal grievance hearing, the Committee shall keep minutes of the proceedings.
3. The Committee (through its chair) shall have the right to request the participation of such witnesses and request such records as it deems material.
4. The Committee shall act in strict confidentiality. In particular, the deliberations of the Committee shall not be discussed with any party to the grievance. The only permissible communications between the Committee and the parties to the grievance are requests for further documentation or clarification. Such requests must come from the Committee chair.
5. In connection with a formal grievance hearing, all written statements of the respective parties to the grievance shall be made available to all Committee members, and they shall have the right to question witnesses and the parties to the grievance.
6. Upon the conclusion of the gathering of the evidence and the hearings, all members of the Committee shall, in executive session, determine the merits of the case and report their conclusion and recommendations in writing to the President. A simple majority vote of those members present and voting shall suffice for the adoption of their report.
7. The President shall implement the Committee's recommendations within a reasonable time unless they have serious concerns with any recommendation(s). In such case, the President should communicate his decision and his rationale to the Committee before informing the parties to the grievance.
8. No legal counsel for any parties to the grievance are permitted to be present at or to participate in any hearing or proceeding as part of this procedure.

## 44. HANDBOOK REVISION

Changes in the *Faculty Handbook* are made by the Provost, in cooperation with the Faculty Rights and Responsibilities Committee. Suggestions and recommendations for additions, deletions, or

modifications are welcome and may be made by any faculty member or University official by contacting the Provost or the Faculty Rights and Responsibilities Committee.

## **45. INTELLECTUAL PROPERTY POLICY**

### **I. Purpose**

Villanova University's faculty, staff, and students are regularly involved in scholarly activities that stem from the core teaching, learning, research, and service missions of the University. While the primary focus of such efforts is the advancement of the University mission, the products of scholarship often have broader applications to and benefits for the individuals involved, to the University, and to society. By establishing a policy on Intellectual Property, Villanova University seeks to support the activities of the faculty, staff, and students in identifying, protecting, and administering Intellectual Property matters and defining the rights and responsibilities of all involved.

### **II. Scope**

This is not a policy governing usage of Intellectual Property owned by others. Please refer to the following policies for information on reproducing, distributing, making derivative works, or using copyrighted works:

- Faculty Handbook section on Coursepacks and Copyrights and Use of the University's Name and Trademark
- Student Handbook section on Intellectual Property and Copyright Infringement and Illegal File Sharing
- UNIT Acceptable Use Policy section on Copyright Infringement and Illegal File Sharing

#### **A. Who is covered by this policy?**

This policy shall apply to all persons (faculty, staff, and students) in the employ of Villanova University in any capacity and to all students enrolled in Villanova University, while functioning in the capacity of employee or using University property, equipment, or resources belonging to the University.

#### **B. What is covered by this policy?**

The purpose of this document is to provide a policy framework under which Villanova University will manage the Intellectual Property of the University community. This policy statement does not and cannot provide all the necessary specific details that are required to administer issues of Intellectual Property for the entire University and, therefore, it is anticipated that this policy may be modified periodically and/or tailored to fit the facts and circumstances of a particular case. Persons covered by this policy do not have the authority to, and should not, enter into contracts or agreements regarding Intellectual Property covered by this policy and having terms that conflict with the terms of this policy, without the advance written permission of the University.

### **III. Definitions**

#### **A. What is Intellectual Property / How is it generated?**



Intellectual Property (IP) refers to creations of the mind. Trade Secrets, trademarks, patents and copyrights are forms of intellectual property, the nature and protection of which is discussed in further detail in this Policy below under “C. How is IP Protected?”.

#### **B. What types of IP are created at Villanova and by whom?**

Villanova faculty, staff, and students create all sorts of intellectual property. The results of research are written and published in scholarly articles. Reports written by faculty and staff are copyrighted works as well. Experiments, research designs, and other new creations might constitute inventions that can be patented. Computer software might be both inventive and scholarly.

The type of intellectual property is not based on the activity, but on the type of result. Research, discovery, scholarship, and so forth all might lead to copyrights and patents. As explained further below, inventions are patentable, and creative works are copyrightable – regardless of how they were created. When distinctive names are given to discoveries, those names may be protected as well if they would cause confusion. Finally, some information might be protected even if it doesn’t fit any of the other categories, but it is kept secret.

#### **C. How is that IP Protected?**

##### ***Trade Secrets***

Information that is not yet public is still intellectual property, even if it does not qualify for patenting or copyright. Thus, inventions that are not yet disclosed might be trade secrets even though they might later be patented. Books not published might be trade secrets even though they are also copyrighted. But other information might also be trade secrets, like research in progress, or data.

Traditionally, university research is about sharing, and you may not want to keep information secret before it is disclosed. But there may be situations where it is more desirable to keep information secret, even if it will eventually be disclosed. There might even be situations where it is more desirable to keep some information secret forever, for example based on confidentiality obligations to others or even simply because the information is more valuable to the university as a secret.

Trade secrecy only applies so long as the information is secret and reasonable efforts are taken to keep it secret. The information must also be valuable because it is secret. Thus, if information is intended for secrecy, it should be kept in a secure location, and only shared with those who have signed agreements not to use or disclose the information for their own benefit. These agreements are called non-disclosure agreements, or NDAs, and can be obtained with the aid of Office of Grants & Contracts and/or university counsel.

### ***Trademarks***

Trademarks are words, symbols, sounds, packaging, colors or other devices associated with a good or service. Trademarks must be distinctive; that is, they must be uniquely associated with a good or service rather than being simply a

description or generic name for a class of goods. Trademarks must be used in commerce in association with goods and services. They are not protected if they are simply used in writings but the goods or services are not offered to the public. Trademarks may be registered with the United States Patent and Trademark Office but registration is not required for legal protection.

### ***Patents***

A patent is a grant by the government, acting through the United States Patent and Trademark Office for U.S. Patents, of exclusive right to an invention or discovery of a process, machine, manufacture or composition of matter for a limited time. Generally three conditions should be met for the granting of a patent: the invention or discovery should be new, useful, and non-obvious.

### ***Copyrights***

Copyright protects original works of authorship that have been fixed in any tangible medium of expression. A work is considered original for purposes of copyright protection if the work is independently created by the author and has some minimal level of creativity. Copyright protection does not extend to ideas, procedures, processes, systems, concepts, principles or discoveries, though these may be protected by patent law.

## **IV. Policy Statement**

### **Ownership and Management of IP at Villanova**

#### **A. General Policy – Student Work**

The University asserts no ownership rights to Intellectual Property generated by students provided that:

- The student(s) made use solely of resources routinely made available by the University/College, including academic courses, competitions, workshops, etc., and not of specialized resources made available by the University/College,
- The student(s) are not paid by the University to develop the Intellectual Property or perform services or responsibilities during the course of which the Intellectual Property is developed, and
- There are no pre-existing obligations for the University or for faculty related

to the Intellectual Property, such as work related to sponsored research/industry projects, or collaboration agreements, or work in which a staff member or faculty advisor could reasonably be regarded as a co-inventor.

Any work owned by students due to the University's waiver of ownership rights under this section, but which was developed during academic, research or other University-related activities or using University resources shall be subject to a license to the University, which will include broad non-exclusive world-wide, royalty free, perpetual, and irrevocable rights to make, license and use such intellectual property in the ordinary course of its teaching, research, scholarship, service, and administrative functions.

## **B. General Policy – Independent Projects**

The University asserts no ownership rights to Intellectual Property generated by a University employee that is not part of the creator's employment responsibilities and that is developed on their own time without making substantial use of University funds, resources or facilities. Except as noted below with respect to external consulting activities, as relates to Copyright, the University does not consider use of standard resources provided by the University (including College and Department resources) such as office space, internet, library facilities, graduate assistants, internal grants to support summer research, access to discipline specific databases, and University-issued laptops to be a substantial use of resources.

Intellectual Property created by those covered by this policy who consult with external entities (corporations, businesses, government agencies, foundations, etc.) without making substantial use of University funds, resources or facilities, and while abiding by University policies on consulting, is presumed retained by the external entity or the individuals as specified by the terms of the consulting agreement. For purposes of determining whether there is substantial use of University funds, resources or facilities in external consulting activities, consideration will be given to whether financial reimbursement for such use is required of and paid by the external entity, as well as the nature and extent of the use.

Please refer to the section on *Consulting, Outside Teaching and Professional Work* in the Faculty Handbook.

## **C. Trade Secret Policy**

Ownership of trade secrets shall be in accordance with their underlying IP type. The University will treat ownership of trade secrets that do not fall into patentable or copyrightable, or other identified IP categories (for example data) pursuant to other applicable agreements or policies (e.g., research data policies), or, if no such other agreements or policies apply, on an ad hoc basis.

Trade Secrets in which the University waives its ownership rights, but which

would otherwise be owned by the University shall be subject to a license to the University, which will include broad non-exclusive world-wide, royalty free, perpetual, and irrevocable rights to make, license and use such intellectual property in the ordinary course of its teaching, research, scholarship, service, and administrative functions.

Trade Secrets covered by this policy will be subject to 18 U.S.C. § 1832 (as amended by the Defend Trade Secrets Act), as applicable, including immunity from liability for disclosure of a trade secret in the event that the disclosure is either: (1) made in confidence, either directly or indirectly, to a Federal, State, or local government official or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law; or (2) made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. Subject to this exception, prior to disclosing a trade secret, persons covered by this

policy should clarify who owns the trade secret and confirm they have the owner's permission to disclose it.

#### **D. Trademark Policy**

The default rule under this policy is that any trademarks associated with goods or services (including IP, physical goods, or services) shall be owned by the party that owns the underlying rights to the goods or services. For example, if a trademark attaches to a faculty's book publication, then the faculty member would own the trademark because the faculty member would own the book copyright. However, if a trademark is used for a patented invention owned by the University, then the University would own rights in the trademark.

Any trademarks on mixed or uncertain ownership goods and services shall be considered on an ad hoc basis. Any trademark associated with any intellectual property in which the University receives a license under this Policy shall be subject to a license to the

University for use in connection with University's exercise of such license rights; provided that, any trademark use guidelines, style sheets and other controls provided by the trademark owner will apply.

#### **E. Patent Policy**

Villanova University recognizes that significant inventions or discoveries have been made and are likely to continue to be made in the normal course of activities at the University. It is deemed to be in the best interest of the public, the individual inventors, and the University itself that such University - related inventions and discoveries be recognized, disclosed and made available for use under the protections afforded by patent laws in the United States and elsewhere. It is therefore very important that University policy with respect to such inventions and discoveries be set forth. The Villanova University Patent Policy is as follows:

1. In collaboration with the Principal Investigator(s) (PI(s)), the University may negotiate and sign agreements including contracts and grants between external sponsors or collaborators such as corporations, government agencies or foundations and the University, that specify completely or partially the ownership of patents and inventions created as a result of specific sponsored projects or collaborations. This category includes ownership requirements that result from a government funding source by operation of law (e.g., laws pertaining to intellectual property, including patents, created using federal funds). All individuals working under such an agreement shall be notified in advance of the terms of ownership under the agreement for any intellectual property which may be created on behalf of the University while working on the project and will execute appropriate assignments, licenses, or other terms regarding intellectual property rights where required.
2. Any invention or discovery which is conceived or reduced to practice by those covered by this policy, and which is conceived or reduced to practice at least in significant part in the course of employment or engagement by the University, or in the course of any University related academic or research activity of a student, or through the uncompensated use of University facilities or property, or otherwise at University expense or with the aid of funds administered by the University, shall, as between the University and each such inventor, belong exclusively to the University, and shall be governed exclusively by this policy. The University shall be entitled to a prompt and full disclosure of every such invention or discovery, and each such inventor hereby assigns to the University all right, title and interest therein, including the right to secure patent protection thereon throughout the world.
3. Any invention or discovery which is conceived or reduced to practice by those covered by this policy, but which is not conceived or reduced to practice at least in significant part under any of the circumstances described in paragraphs 1 or 2 immediately above, shall, as between the University and each such inventor, belong exclusively to the inventor, and shall be outside the scope of this policy; provided, however, that the University shall be entitled to receive prompt notification of every such invention or discovery, including a general description of its nature and function, and a full statement as to the circumstances under which it was conceived or reduced to practice; and provided further, that the University may, in the exercise of its sole discretion, accept a voluntary assignment of any such invention or discovery in which event such invention or discovery shall belong exclusively to the University and thereafter be governed exclusively by this policy.
4. With respect to each invention or discovery which it acquires and retains under this policy, the University shall cause to be made an evaluation as to

whether the invention or discovery is likely to qualify for commercially significant patent

protection in the United States. On the basis of such evaluation, the University may cause to be filed and prosecuted such applications for patent in the United States, and in countries foreign to the United States, as the University, in the exercise of its sole discretion, may elect and the inventor(s) shall fully support the University in the preparation and prosecution of such patent applications and patents.

5. The University in the exercise of its sole discretion and at any time may elect to waive or relinquish and transfer, to the inventor or inventors, any, some or all of the University's rights with respect to any invention or discovery governed by this policy, including without limitation the right to apply for patent on such invention or discovery in one or more countries, and any right under any patent granted on such invention or discovery in one or more countries, in which event any such right or rights so waived or relinquished and transferred shall revert back to and vest in the inventor or inventors and the University shall have no further interest therein; provided, however, and notwithstanding any such waiver or relinquishment and transfer, that in every such case the University shall retain and hold no less than an irrevocable, non-exclusive and royalty-free right and license worldwide, to use, license or practice the invention or discovery that is the subject of the right or rights so waived or relinquished and transferred, and any patent thereon, solely for the University's own purpose; and provided further, that the University may condition any such waiver or relinquishment and transfer, on its being reimbursed in full by the inventor or inventors for all of the University's prior and related costs and expenses. In cases where the Dean of the applicable College has confirmed that the College has no interest in retaining rights to a particular invention or discovery, the decision to waive the University's rights may be made within a reasonable time by the Provost, acting in consultation with the Vice President and General Counsel.
6. The University undertakes to exercise its ownership over any patent on an invention or discovery which it acquires under this policy, for the good of the public, the University and the inventor or inventors. To this end, the University shall make, or shall cause to be made, efforts which in its sole opinion are reasonable in order to promote the commercial development and utilization in the United States of every invention or discovery which enjoys commercially significant patent protection in the United States, and the University may make such arrangements for the licensing or sale of any invention or discovery patented in the United States or elsewhere as, in the sole opinion of the University, will reasonably serve the interests of the public, the University, and the inventor or inventors. In doing so, the University will reserve the right for the University to use the invention for internal non-commercial educational, research, and scholarly activities, and will seek to reserve such rights for other nonprofit research institutions. The University, in the exercise of its sole

discretion, may take such action as it deems appropriate in order to enforce or defend any patent on an invention or discovery which it acquired under this policy, and any such action, including the conduct and any settlement thereof, shall be subject to the University's exclusive control. The inventor or inventors shall participate in the distribution of net patent revenues (i.e., net revenues including royalties from licensing, proceeds from sale, and/or recoveries from enforcement after recovery of full direct costs and 15% ongoing indirect cost recovery) actually realized by the University from the sale, licensing and/or enforcement of their patented invention or discovery, such participation to be at a total level, in the aggregate for all inventors and all patents associated with a particular patented invention or discovery and any improvements therein, as follows:

- 100% of the first \$25,000 of net revenues will be distributed to the inventor(s)
  - 50% of the next \$975,000 of net revenues will be distributed to the inventors(s)
  - 35% of net revenues in excess of a total of \$1,000,000 will be distributed to the inventor(s) or, in the case of inventions which are voluntarily assigned to the University by the inventor or inventors, fifty per cent (50%) of the net revenues from such an invention will be distributed to the inventor(s).
7. Consent to and compliance with this policy by a person affiliated with the University may be deemed by the University to constitute a condition to such affiliation or continued affiliation, as the case may be, and the University may require that such consent by any person affiliated with the University be expressed in writing.
  8. Anything contained in this policy to the contrary notwithstanding, the University, in the exercise of its sole discretion and under circumstances it deems appropriate, may enter into an agreement with any person or entity, or pursuant to its prior consent in writing, may permit any person affiliated with the University to enter into an agreement with any entity or other person, containing one or more terms which are at variance with this policy. In any such event, but only to the extent of any such inconsistency, the provisions of this policy shall be subject to the terms of that agreement with respect to any invention or discovery which is conceived or reduced to practice at least in significant part in the performance of that agreement, and which otherwise would be governed by this policy.
  9. The President of the University may establish an organization and guidelines and procedures to implement and administer this policy, and shall undertake to have any such guidelines and procedures promulgated to all persons from time to time affiliated with the University.

#### **F. Copyright Policy**

In general, all copyrightable Intellectual Property developed by those covered by this policy is subject to the provisions described below. In order of precedence, copyright ownership of Intellectual Property shall be specified as follows:

1. Externally Sponsored Projects, Collaborations and Other Agreements. In collaboration with the PI(s), the University may negotiate and sign agreements including contracts and grants between external sponsors or collaborators such as corporations, government agencies or foundations and the University, that specify completely or partially the ownership of Intellectual Property created as a result of specific sponsored projects or collaborations. This category includes ownership requirements that result from a government funding source by operation of law (e.g., laws pertaining to Intellectual Property created using federal funds). All individuals working on under such an agreement shall be notified in advance of the terms of ownership under the agreement for any Intellectual Property which may be created on behalf of the University while working on the project and will execute appropriate assignments, licenses, or other terms regarding intellectual property rights where required.
2. University Sponsored Works. University Sponsored Works are (i) works which those covered by the policy are employed specifically to produce, or which are created pursuant to a specific direction or assignment from the University (excluding traditional academic works created by faculty, subject to any Policy exceptions set forth herein), or (ii) works specifically commissioned and separately compensated, financially or otherwise, by the University. For clarity, the University generally does not claim “work for hire” status under the U.S. Copyright Act for traditional academic works faculty produce within the scope of their employment (including through summer teaching and research) and such works are therefore not considered University Sponsored Works. Additionally, unless otherwise specified, work created as a result of University sponsorship to encourage academic or pedagogical innovation will not be considered a University Sponsored Work. However, preparation of pedagogical materials specifically commissioned by the University (e.g., a distance learning course to be owned by the University) is considered University Sponsored Work. The University shall own the Intellectual Property, including Copyright, created as a result of University Sponsored Works. The financial terms or other terms of support for works commissioned by the University, can vary from project to project but generally shall be agreed in writing prior to the commencement of the work and shall clearly specify the Intellectual Property ownership. For example, in the case of a course commissioned by the University, either by itself or in collaboration with a third party and whether such course is an online/distance learning course or otherwise, course developers (generally faculty members) shall enter into a Course Development Agreement to detail ownership interests in the resulting materials, as well as other contract terms. In such situations, the terms of these agreements will govern, provided, however, that



any unaddressed ownership issues shall be governed by this policy.

3. Rights in Academic Works: The following rights pertain only to the extent that works are not otherwise (i) governed by the terms of Externally Sponsored Projects, Collaborations and Other Agreements or (ii) considered University Sponsored Works.
  - a. Traditional Academic Works. Villanova University has historically not claimed any copyright interest it legally possesses to traditional academic works created by the faculty. Examples include but are not limited to books and articles, works of fiction and nonfiction, poems and dramatic works, musical and choreographic works, digital works and pictorial, graphic, and sculptural works. The University reserves the right to assert its legal interest in such works from time to time.
  - b. Teaching Materials. Creators of reusable teaching and classroom materials for Villanova courses, including, without limitation, the design of the course, videos, class notes and syllabi, curriculum guides, presentations, problem sets, exercise solutions, laboratory manuals, etc., whether online or in hardcopy, shall own these materials unless they are subject to a prior agreement governing their ownership. In all cases such materials shall be subject to a license to the University, which will include broad non-exclusive world-wide, royalty-free, perpetual, and irrevocable rights to use, display, copy, distribute, modify and prepare derivative works of such materials for the ordinary course of its teaching, research, scholarship, service, and administrative functions. Notwithstanding this license, the University will not re-use recordings of faculty teaching without their permission except in cases when a faculty member is unexpectedly unable to perform any current or planned University obligations.
  - c. Computer Software. Computer software shall be considered a traditional academic work under this policy with the copyright for such work generally residing with the faculty member. Such copyright shall be subject to a license to the University, which will include broad non-exclusive world-wide, royalty free, perpetual, and irrevocable rights to make and use such such intellectual property in the ordinary course of its teaching, research, scholarship, service, and administrative functions. Notwithstanding this treatment as a traditional academic work, any inventions or discoveries related to such software shall be subject to the University's Patent policy. However, the inventor of such invention or discovery shall have a non-exclusive, non-transferable license to use such inventions or discoveries in their own software at the inventor's option

## **V. Procedure**

### **Intellectual Property Policy Board**

The Intellectual Property Policy Board (IPPB) serves as an advisory committee to the Provost on intellectual property issues. The IPPB advises the Provost regarding (i) the application, interpretation, implementation and administration of this policy, (ii) the modification or development of policy and procedure and (iii) the resolution of disputes (e.g., concerning ownership of specific intellectual property) that the Provost, in consultation with the IPPB Chair and the Associate or Deputy General Counsel, determines should be submitted to IPPB. The Provost will review proposed amendments to this policy after consulting with the IPPB. The membership of the IPPB consists of the Vice Provost of Research, who serves as chair; an Associate or Deputy General Counsel; the Chief Information Officer; one dean selected by the Provost; one full-time faculty member from each of the colleges of the University; the Executive Director of the Institute for Innovation and Entrepreneurship; one undergraduate and one graduate student. The faculty and student representatives shall be selected by their respective constituent organizations.

## **VI. Related Information/Forms**

- Faculty Handbook section on COPYRIGHTS AND COURSEPACKS and USE OF UNIVERSITY'S NAME AND TRADEMARK
- Student Handbook section on COPYRIGHT AND OTHER INTELLECTUAL PROPERTY and COPYRIGHT INFRINGEMENT AND ILLEGAL FILE SHARING
- UNIT Acceptable Use Policy section on Copyright Infringement and Illegal File Sharing COPYRIGHT INFRINGEMENT AND ILLEGAL FILE SHARING

## **46. INTERNATIONAL FACULTY**

Foreign nationals to whom Villanova extends appointment offers must have established valid immigration status prior to beginning their appointments at Villanova, and they must maintain valid status throughout the duration of their stays. If they are not in possession of appropriate visas and work authorizations from the U.S. Citizenship and Immigration Service, they may not commence work at Villanova, and they cannot be paid.

Assistance to incoming faculty members in need of visas or other documentation is provided by the Office of International Students. Villanova's in-house immigration advisor in that Office will provide advice and, in many cases, will be able to provide, directly to the faculty member, the necessary legal services in preparing visa applications. The exceptions would include cases that are especially complex or situations when the case load becomes excessively heavy, requiring that Office to refer the faculty member to one of several immigration attorneys. In all cases, however, the incoming faculty member should first contact both the Office of International Students and the Office of the Provost before talking to an outside attorney; otherwise the faculty person will be expected to bear the entire cost of the visa process.

All faculty members holding H1-B or other visas should remain in regular contact with the University's advisor in the Office of International Students. This is particularly important when

seeking visa renewals or status changes; unless such contact is made, there is no assurance of University assistance in the visa renewal or change process.

Faculty members who are not United States Citizens or do not hold a valid green card often may not be eligible to work on any research projects sponsored by the United States Government. Further specifications on hiring and status of international faculty members on visas are found in the *Faculty Recruitment Guidelines and Procedures* document.

#### **47. LANGUAGE USE: WRITTEN AND ORAL COMMUNICATIONS ON CAMPUS**

All written and oral communications of administrators, the faculty, staff, and students should be consistent with the University's belief that all persons are sacred. Language used on campus should respect the dignity and inherent worth of every individual regardless of age, ethnic or racial identification, gender, mental or physical ability, religious persuasion, sexual orientation, and social class. To be encouraged is language which does not perpetuate stereotypes or unfairly characterize any individuals on the basis of group identification.

#### **48. LEAVE OF ABSENCE, FAMILY (PARENTAL/ADOPTION) LEAVE**

All full-time faculty members are eligible to take up to one semester of leave upon hire in order to care for the faculty member's newborn child; the faculty member's adoption of a child, or placement of a foster child with the faculty member and to care for the faculty member's newly placed child. All requests for leave must be made in writing and in accordance with University procedures."

Please refer to the **RANK AND TENURE POLICY** for extension of the probationary period before tenure.

#### **49. LEAVE OF ABSENCE POLICY**

The University recognizes the importance of unpaid leaves of absence for academic purposes such as research, a visiting professorship, completion of doctoral work, and the like, and also acknowledges the appropriateness of such leaves for personal reasons. Such leaves may be granted at the discretion of the Provost (or designee), upon the recommendation of the faculty member's department chair (except in the College of Nursing) and dean. Unpaid leaves may be granted under the following conditions:

1. Unpaid leaves of absence normally are limited to a maximum of one year. Upon the recommendation of the faculty member's dean and department chair, leaves may be extended upon application to and approval of the Provost (or designee); but, normally, no faculty member or academic administrator will be granted an unpaid leave of absence from the University for more than two years total during any ten year period.
2. During the term of the unpaid leave, the faculty member will be responsible for payment of all premiums for benefits, including the University portion, in all programs they wish to continue. If, upon the recommendation of their department chair and dean, the Provost (or designee) judges that the unpaid leave is sufficiently in the University's interest as to warrant the

University's payment of its share of these premiums during the term of the leave, the University may elect to cover some or all of these payments. In certain limited cases, if the faculty member's unpaid leave is supported by an extramural grant or fellowship deemed by the Provost (or designee) to be sufficiently prestigious and in the University's interest, the University may, at its sole discretion, provide partial salary for some or all of the period of the leave. Please note that because Villanova is not compensating the faculty member, the retirement plan does not allow Villanova or the faculty member to make payments to the faculty member's retirement account during the period of leave.

3. The "term" of an unpaid leave of absence refers to the academic year or semester (as the case may be) during which the faculty member is on unpaid leave from the University plus the summer following an academic year during which the faculty member is on unpaid leave. If the unpaid leave is for one semester only and the faculty member either is on the University's payroll for the other semester of that academic year or has an approved paid or unpaid leave under the Sabbatical Leave Policy or the Family and Medical Leave of Absence Policy, the University's portion of benefits will be paid by the University for the summer preceding the faculty member's return to full-time teaching/administration.
4. An official unpaid leave of absence ordinarily is not counted as service for purposes of tenure and advancement in rank. Faculty members may voluntarily choose to participate in University, college, and/or departmental service and other activities during their unpaid leave, but normally no compensation will be rendered for such activity.
5. This Unpaid Leave of Absence Policy does not cover leaves of absence due to sabbaticals, illness, disability, accident, pregnancy, or the serious medical condition of a close family member. These cases are covered by the University's Sabbatical Leave of Absence Policy, short and long-term disability plans, and the Family and Medical Leave of Absence Policy.

## **50. NEW COURSES AND NEW ACADEMIC PROGRAMS, DEGREES, MAJORS, MINORS, CONCENTRATIONS**

Proposals for new courses typically originate in the department, either from individual faculty members, departmental curriculum committees, or department chairs. New courses may often be taught initially as "topics" courses. In order to add a new course to the catalog, the department chair sends a recommendation, using the appropriate form, that includes a proposed course title, course description (following the standard format), and rationale to the dean for approval. The dean sends the approved form to the Office of the Provost to make the changes to the Web Catalog as soon as possible.

Proposals for new academic programs, degrees, majors, minors, and concentrations must be approved, using the appropriate form, by the appropriate chairs, directors, deans, and Office of the Provost, including the deans of other colleges involved or affected by the new degree or program. Proposals for new degrees require approval by the Board of Trustees.

Descriptions of courses must be concise and follow the standard "catalog format" as described on the various Office of the Provost forms: nouns and adjectives, phrases not sentences, etc.

Both forms can be obtained by contacting the Office of the Provost or the web at <http://www1.villanova.edu/villanova/provost/resources/faculty/forms.html>.

## 51. NON-SOLICITATION POLICY

To avoid disruption of business operations or disturbance of faculty, staff, visitors, and students, the University has implemented this Non-Solicitation Policy (the “Non-solicitation policy”). For purposes of the Non-solicitation Policy, “Solicitation” (or “Soliciting”) shall include, canvassing, soliciting or seeking to obtain membership in or support for any organization, requesting contributions, and posting or distributing handbills, pamphlets, petitions, and the like of any kind (“Materials”) on University property or using University resources (including without limitation bulletin boards, computers, mail, e-mail and telecommunication systems, photocopiers and telephone lists and databases). “Commercial Solicitation” means peddling or otherwise selling, purchasing or offering goods and services for sale or purchase, distributing advertising materials, circulars or product samples, or engaging in any other conduct relating to any outside business interests or for profit or personal economic benefit on University property or using University resources. Solicitation and Commercial Solicitation performed through verbal, written, or electronic means, are covered by the Non-Solicitation Policy. Items to be distributed or offered for sale, which contain University trademarks, names (including building names) or design elements (T-shirts, posters, etc.), must be approved by the Office of University Communication.

### A. Students

Any Solicitation or Commercial Solicitation undertaken by a student, registered student club, or student organization must be approved by the Office of Student Development, conducted in compliance with the *Student Handbook* and procedures established by the Office of Student Life, and comply with all applicable laws and University policies.

Any Solicitation or Commercial Solicitation undertaken by a student or student organization at a University athletic event or facility must be approved by the Athletic Department, and must be conducted in compliance with the Solicitation at Athletic Events policy established by that department.

The provisions of this Section I shall apply to each student and student organization of the Villanova University School of Law (the “Law School”) except that for those Law School students and organizations, the terms “Office of Student Life” and “Office of Student Development” shall be replaced with “Law School Office of Student Affairs.” Solicitation or Commercial Solicitation by Law School students and organizations must be approved by the Law School Office of Student Affairs, and must be conducted in compliance with procedures established by that office.

Student violators of the Non-Solicitation Policy and/or procedures are subject to disciplinary action under the Code of Student Conduct (or Student Handbook for Law students, as applicable).

Inquiries regarding the Non-Solicitation Policy should be directed to the Office of Student Development (or Law School Office of Student Affairs as applicable).

## **B. Faculty**

Any Commercial Solicitation undertaken by a University faculty member must be pre-approved by the Provost (or designee).

Solicitation or Commercial Solicitation that disrupts a Faculty member's or other employee's work assignments is prohibited.

Faculty members engaging in prohibited activities are subject to disciplinary action commensurate with the violation in accordance with applicable University policies concerning faculty.

Inquiries regarding the Non-Solicitation Policy should be directed to the Provost.

The provisions of this Section II shall apply to faculty of the Law School except that for Law School faculty, the term "the Provost" shall be replaced with "Dean of the Law School."

## **C. Non-Faculty Employees**

Any Commercial Solicitation undertaken by a non-faculty University employee ("Employee") must be approved by the Human Resources Department

Non-Faculty Employees are prohibited from engaging in the following actions:

1. Solicitation or Commercial Solicitation during the soliciting employee's work time or the work time of the employee(s) being solicited.
2. Distributing or posting any non-work related Materials in any work area of the University at any time, including during non-work time.
3. Engaging in any Commercial Solicitation at any time without the prior approval of the Human Resources Department.

As used in this policy "work time" shall mean the period of time during working hours when the employee is engaged in or is expected to be engaged in service on behalf of the University. Work time does not include the Employee's lunch period or work breaks, or any other periods in which the employee is not on duty. As used in this policy, "work area" means those areas of the University in which regular University activity takes place including without limitation offices, class rooms, lecture halls, libraries, student and faculty dining areas, etc.

Non-Faculty Employees shall not use University computer and communication systems and materials, including inter-department mail, e-mail, telephone, fax, supplies, or other related workplace University resources, for any Solicitation or Commercial Solicitation that is not directly related to workplace business and/or activities without the express approval of the Employee's supervisor. This prohibition shall not apply to postings on the Faculty/Staff Classified on-line bulletin board that comply with the terms of that bulletin board and other applicable University policies.

Employees engaging in prohibited activity, including Solicitations, Commercial Solicitations, or the distribution of Materials, in violation of this policy are subject to disciplinary action, up to and including termination.

Inquiries regarding the Non-Solicitation Policy should be directed to the Associate Vice

President, Human Resources.

**D. Non-Profit Organizations**

The University recognizes the value of charitable organizations and encourages employees and students to be active participants in organizations that support or contribute to the mission of the University. With the exception of University authorized charitable giving campaigns such as the United Way, any charitable organization that wishes to solicit funds for a charitable donation must be sponsored by a recognized student organization, faculty member or employee and obtain the approval of the Office of Auxiliary Services, which will coordinate with the appropriate University department. The organization will be provided with a stamp or certification of approval. Sales will normally be conducted from assigned tables in the Connelly Center. Arrangements should be made through, and inquiries regarding the Non-Solicitation Policy should be directed to, the Office of Auxiliary Services. In addition, any Solicitation or Commercial Solicitation by a charitable organization at a University athletic event or facility requires the prior approval of the Athletic Department, and must be conducted in compliance with the Solicitation at Athletic Events policy established by that department.

**E. Non-Villanova Individuals or Organizations**

Non-employees or non-students may not engage in Solicitation or Commercial Solicitation (including distributing any kind of written or printed Materials) on University property at any time. Exceptions to the Non-Solicitation Policy must be approved by the Office of Auxiliary Services.

The Office of Auxiliary Services will not approve Commercial Solicitations by vendors that relate to the promotion or consumption of alcoholic beverages or tobacco, or products or services that are contrary to the policies or mission of the University.

Door-to-door Solicitation or Commercial Solicitation is not authorized.

The Non-Solicitation Policy does not prohibit normal business contacts by authorized vendor representatives engaging in business with the University in compliance with other University policies, provided such contacts are made with the consent of University officials.

Vendors approved for vending privileges to the University community may, in the discretion of the Office of Auxiliary Services, be permitted to sell their products at restricted locations on campus for a limited number of days per year, provided that they register with the Office of Auxiliary Services and pay the assigned fee.

The provisions of this Section V shall apply to the Law School buildings except that with respect to solicitation in or around those buildings, the Dean of the Law School shall replace the Office of Auxiliary Services.

Non-employees or non-students who have not been authorized to enter University property shall be considered trespassers. Trespassers violating this policy who have no affiliation with Villanova University will be removed from University property, given trespass warnings not to return, and may be subject to arrest and prosecution.

Inquiries regarding this Section V of the Non-Solicitation Policy should be directed to the Office of Auxiliary Services.

## **F. Applicability**

The Non-Solicitation Policy applies to University students, faculty, and non-faculty employees and volunteers as well as vendors and other non-University individuals and entities and their representatives.

## **52. PUBLICATIONS**

**Acknowledgement.** Unless given an exception by their dean, a faculty member is to specify in their academic publications the name of the University and their affiliation with the University, and is to deposit at least one copy in the library for its use.

**Subvention.** The University may in its sole discretion provide a subvention to help underwrite the publication of faculty manuscripts. University funds for this purpose will normally be reserved for works of the highest academic quality, which have been accepted at prestigious journals, university presses, or other outstanding presses that are highly selective in what they publish. Faculty members seeking such subvention should apply to the University's Subvention of Publication Program, which will consider the applications and make appropriate recommendations to the Provost (or designee).

## **53. PUBLIC RELATIONS**

Villanova University takes pride in its image and reputation. The Office of University Communication's mission is to promote and further that image by communicating the University's messages and achievements to broad-ranging constituencies. Among other functions, the office of University Communication highlights these accomplishments by promoting and celebrating the faculty to both internal and external communities, using such vehicles as publications, media, the web, and advertising.

At certain times, University Communication may ask faculty members to assist in its endeavors by speaking about areas of expertise with the media and/or with members of our staff. When approached directly by the media, faculty members are requested to contact the Director of Media Relations (9-6508) in the Office of University Communication before speaking to the media or responding to an interview request.

University Communication may also periodically seek to use pictures of faculty members for publication in various media, including internet websites. Faculty members shall be deemed to have granted their consent to the use of their picture and likeness; if any faculty members do not wish to give such consent, they shall notify the Provost and the Vice President of University Communication in writing.

## **54. RELIGIOUS HOLIDAYS**

As a Catholic and Christian University, Villanova seeks to respect and support the diverse religious traditions of the members of the University community. Thus the University makes every reasonable effort to allow members of the community to observe their religious holidays, consistent with the University's obligations, responsibilities, and policies. Students who expect to miss a class or assignment due to the observance of religious holidays should discuss the matter with their



professors as soon as possible, normally at least two weeks in advance of such a day. Absence from classes or examinations for religious reasons does not relieve students from responsibility for any part of the course work required during the absence. Faculty members, if possible, should try to accommodate students with make-up tests or exams if the absence falls on a day when these tests are being administered and/or provide students with reasonable alternative opportunities to complete their academic assignments.

For implementation, please refer to section on **COURSE AND CLASS REGULATIONS** in this *Faculty Handbook*. Should a disagreement arise over the implementation of this policy, the matter should be taken to the chair of the department or the program director having jurisdiction over the class in question. If no resolution is reached at that level, the issue will be resolved by the dean of the college having jurisdiction over the class, and their decision shall be final.

## **55. RESEARCH, MISCONDUCT**

Villanova University relies on its faculty to establish and maintain the highest standards of ethical practices in academic work including research. All individuals engaged in research at Villanova University are responsible for adhering to the highest standards of intellectual honesty. Faculty members and supervisors of research personnel (including graduate students) have a special obligation to set an example and create an environment that encourages absolute intellectual integrity. Any form of fraud, falsification, cheating, plagiarism, intellectual dishonesty, or misuses of funds in the conduct of research undermines basic academic goals and serves to diminish the credibility established by the University in its constituents. Villanova University condemns misconduct in research and is obligated to establish procedures to investigate allegations of misconduct as set out in this Policy.

**A. Policy.** Misconduct in Research, as defined in this Policy, is strictly prohibited at Villanova University. The University shall take immediate and appropriate action as soon as misconduct is suspected or alleged in accordance with the procedures described below.

**B. Scope.** This policy and its implementing procedures apply to all members of the Villanova University faculty and staff, and to postdoctoral and graduate students who are engaged in the conduct of University research.

**C. Definitions.** As used in this Policy and Procedure the following terms have the following meanings:

- *Director* means the Vice Provost for Research (or a designee).
- *Inquiry* means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- *Institutional member or members* means an individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with Villanova University. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter

experts, consultants, or attorneys, employees or agents of contractors, subcontractors, or sub-awardees.

- *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- *Misconduct* or *Misconduct in Research* means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest errors or honest differences in interpretation or judgment of data.
- *ORI* means the Office of Research Integrity, which oversees and directs U.S. Public Health Service (PHS) research integrity activities on behalf of the Secretary of Health and Human Services.
- *PHS* means the Public Health Service, an operating division of the United States Department of Health and Human Services ("HHS")

#### D. Procedures

1. **Confidentiality.** The University shall protect to the maximum extent possible under the circumstances, the privacy of those who in good faith report apparent misconduct, and those who are the subject of an allegation of misconduct, and research subjects identifiable from research records or evidence. Disclosure is limited to those who have a need to know to carry out thorough, competent, objective and fair research misconduct proceedings, and as allowed by the law.

2. **Complaints.** Complaints or allegations of misconduct in research shall be initiated by a complaint presented by any means of communication from any individual, whether or not associated with the University. Such complaints may be filed with the Director or through the University's anonymous on-line reporting portal: EthicsPoint. The complaint should be reasonably detailed and specific and, to the degree possible, accompanied by appropriate documentation. The Director shall communicate all information to the Provost. An individual filing a complaint with the Director is referred to in these procedures as the Complainant. An individual accused of misconduct is referred to in these procedures as the Respondent. A Complainant may choose at the initial stage to keep their identity confidential. If the Complainant has directly observed misconduct, however, the Director shall inform the Complainant that it may be necessary at some point to identify themselves and testify to that fact in order for the inquiry or investigation to proceed. If the Complainant is unprepared to identify themselves and testify to the misconduct and such testimony would constitute the only evidence of the misconduct, the Director shall inform the Complainant that an investigation likely cannot proceed under those circumstances.

#### E. Inquiry

1. The Director shall inquire immediately into an allegation or other evidence of possible misconduct. The inquiry shall consist of information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. At the time of or before beginning an inquiry, the institution must make a

good faith effort to notify in writing the presumed respondent, if any. Either before or when the institution notifies the respondent of the inquiry or investigation, the Director shall take all reasonable and practical steps to obtain custody of research records and evidence needed to conduct the research misconduct proceedings, including any such records discovered during the course of the misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The Director may consult these records amongst other documentation and interview individuals to determine whether the complaint warrants a formal investigation. The Director may consult with others (which may include experts from on or off campus) in order to secure any necessary or appropriate expertise to carry out a thorough and authoritative evaluation. The Provost shall inform the Respondent of the nature of the complaint but, at the request of the Complainant, shall endeavor, if reasonably possible under the circumstances, to avoid identifying the Complainant.

2. The inquiry shall be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 calendar days to complete, the inquiry record shall include documentation of the reasons for exceeding the 60-day period.

3. The Director shall prepare a written report that states the name and position of the respondent, what evidence was reviewed, summarizes relevant interviews and includes the conclusions of the inquiry. The Director shall provide the Provost and the Respondent with a copy of the inquiry report. If the Respondent comments on the report, the comments shall be made a part of the record.

4. The Director shall maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted. The Director shall maintain such documentation in a secure manner for a period of at least 7 years after the termination of the inquiry.

5. If the Director determines, in consultation with the Provost, that there is insufficient basis to conduct an investigation, the Director shall so inform the Complainant and the Respondent, close the Director's file on the matter, and maintain the documentation of the inquiry as required by these procedures.

6. If the Director determines, in consultation with the Provost, that the findings of the inquiry provide sufficient basis for conducting an investigation, the University shall undertake an investigation in accordance with these procedures within 30 calendar days of the Director's completion of the inquiry. The Director shall so inform the Complainant and the Respondent, in writing, before the investigation commences. The Director shall also inform the Respondent's dean and department chair of the complaint (if not already informed and interviewed as a part of the inquiry) and the fact that the complaint will be the subject of an investigation.

## **F. Investigation**

1. The Provost shall select an individual or committee to serve as the investigator(s) (hereafter whether referring to an individual or committee termed the "Investigator") of an allegation of misconduct in research within 20 calendar days of a determination after inquiry that an investigation is warranted. The Provost may, in their discretion, select any person, whether or not associated with the University, to serve as Investigator. The Complainant and Respondent shall be informed of the identity of the Investigator. The Investigator shall commence the investigation within 10 calendar days of appointment by the Provost.
2. The investigation normally will include examination of all documentation, including, but not necessarily limited to, relevant research data and proposals, publication, correspondence, and memoranda of telephone calls. To the extent not already done so in the assessment of allegation or inquiry stage, the Investigator will take all reasonable and practical steps to obtain custody of research records and evidence needed to conduct the research misconduct proceedings, sequester them in a secure manner, except where the research records encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as copies are substantially equivalent to the evidentiary value of the instruments. Whenever possible, the institution will take custody of the records before or at the time of notification to the Respondent, and whenever additional items become known or relevant to the investigation.
3. The Investigator shall, whenever possible, conduct interviews of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations. The Investigator shall prepare complete summaries of these interviews, provide the summary to the interviewed person for comment or revisions, and include the summaries as part of the investigatory file. Where the Investigator is a committee, all members of the committee need not interview all involved individuals. Rather, the committee may in its discretion divide the work of the Investigation among its members who will report back to the entire committee.
4. The Investigator may secure necessary and appropriate scientific or other expertise (which may include experts from on or off campus) in order to carry out a thorough and authoritative evaluation of the relevant evidence. The Investigator and any experts engaged to evaluate the evidence may not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondents, or witnesses.
5. The Investigator shall prepare, and the Director shall maintain the documentation to substantiate the Investigator's finding.
6. The investigation should ordinarily be completed within 120 calendar days of its initiation. At the conclusion of the investigation, the Investigator shall prepare a report describing the policies and procedures under which the investigation was conducted, how

and from whom information was obtained relevant to the Investigation, the findings, and the basis of the findings; and the Investigator will include the actual text or an accurate summary of the views of any Respondent. The Investigator shall make the report available to the Respondent for comment. If they can be identified, the Complainant(s) should be provided with those portions of the report that address their role and opinions of the investigation. The Investigator shall provide the entire report including the comments, if any, of the Complainant and Respondent, to the Provost, the Director, and the appropriate dean and department chair.

7. In the event that the Investigator determines by a preponderance of the evidence that the complaint of misconduct has not been substantiated, the Investigator shall so inform the Provost and the Director and recommend to the Provost that no further action be taken. If the Provost (in consultation with the Director) concurs, the investigation shall be concluded and the Investigator shall inform the Complainant, Respondent, dean, and department chair that the complaint has not been substantiated. If the Provost (in consultation with the Director) does not concur in the recommendation, the Provost may determine on the basis of the report and its underlying documentation that misconduct has occurred and (in consultation with the Director, the appropriate dean and department chair) may impose a sanction in accordance with the sanction section of these procedures. The Provost shall inform the Complainant and Respondent that the complaint has been substantiated and inform the Respondent, the Director, Dean, and department chair of the sanction.

8. In the event that the Investigator determines by a preponderance of the evidence that the complaint of misconduct has been substantiated, the Investigator shall so inform the Provost and the Director and recommend to the Provost those sanctions be imposed. If the Provost (in consultation with the Director) concurs, the Provost (in consultation with the Director, the appropriate dean, and department chair) may impose a sanction in accordance with the sanctions section of these procedures. The Provost shall inform the Complainant and Respondent that the complaint has been substantiated and inform the Respondent, Director, Dean, and department chair of the sanction. If the Provost (in consultation with the Director) does not concur in the conclusion and recommendation, the Provost may determine on the basis of the report and its underlying documentation that misconduct has not occurred. In that case the Investigation shall be concluded and the Investigator shall inform the Complainant, Respondent, dean, and department chair that the complaint has not been substantiated.

9. If the Investigator is a committee, the Investigator's recommendation to the Provost shall be the recommendation of a simple majority of the committee.

10. The Investigator will pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

## **G. Sanctions**

1. Faculty. The Provost may impose any appropriate sanctions including, without limitation, removal from a particular project, an oral or written reprimand, special monitoring of future work, probation, reduction of salary or salary raise, and reduction in rank. The Provost may in cases involving major offenses recommend the termination or suspension of a faculty member provided, however, that with respect to faculty members covered by the University's Faculty Dismissal and Suspension Procedure, no suspension or termination shall occur unless either the Respondent agrees to accept the sanction or the President determines to impose that sanction after a complete review has been undertaken in accordance with the University's Faculty Dismissal and Suspension Procedure.

A faculty member who is covered by the University's Faculty Grievance Policy may grieve the imposition of a sanction (excepting a suspension or dismissal covered by the Faculty Dismissal and Suspension Procedure) under the University's Faculty Grievance Procedure.

2. Staff. The Provost may impose any appropriate sanctions including but not limited to termination, suspension, removal from a particular project, an oral or written reprimand, special monitoring of future work, probation, reduction of salary or salary raise and reduction in rank.

3. Graduate Students or Postdoctoral Students. The Provost may impose any appropriate sanctions including but not limited to expulsion, suspension, removal from a particular project, an oral or written reprimand, special monitoring of future work, probation, reduction of salary or salary raise and reduction in rank.

4. Undergraduate Students. Allegations of misconduct against undergraduate students shall be handled under the University's Code of Student Conduct or the appropriate procedure within the undergraduate's school or college as determined by the University. The Provost, in consultation with the Director, dean and department chair may determine at any time to settle a complaint through a written settlement agreement executed by the Provost on behalf of the University and by the Respondent.

**H. Conflicts of Interest.** The University shall take precautions against real or apparent conflicts of interest on the part of those involved in the inquiry or investigation. In the event that the University in its judgment determines that a real or apparent conflict of interest exists, the University may substitute another individual of the University's choice in these procedures for the Provost, Director, Dean, department chair, or Investigator. The substitute may then act under these procedures in the capacity of the individual removed due to a real or apparent conflict of interest.

**I. Reputation.** The University shall undertake reasonable and practical efforts, as appropriate, to protect and restore the position and reputation of persons alleged to have engaged in research misconduct when allegations are not confirmed.

**J. Non-retaliation.** Institutional members may not retaliate in any way against complainants,

witnesses, Investigators, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses, Investigators, or committee members to the Director, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the complainants, witnesses, Investigators, or committee members.

**K. Obligation to Cooperate.** All parties to an inquiry or investigation have the obligation to cooperate and furnish all requested information. If any party refuses to do so, the Director and investigator will consider this in the reports to the Provost. The making of false or malicious accusations violates acceptable norms of behavior for members of the University community and will be reported to the Provost.

**L. Attorneys.** Except under extraordinary circumstances, as determined in the University's sole discretion, attorneys are not permitted actively to participate in these proceedings or to attend meetings or interviews of the Director or Investigator on behalf of either Complainants or Respondents. The Provost, Director, Investigator, dean, and others acting on behalf of the University may at any time seek advice from the University's General Counsel with respect to the conduct of an inquiry or investigation or the construction or applicability of this Policy or its implementing procedures.

**M. Conduct of Inquiry and Investigation.** Formal rules of evidence shall not apply nor adversarial hearings be held in connection with any inquiry or investigation. Evidence, including hearsay evidence, may be considered if it is relevant and not unduly repetitious, and it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious matters.

**N. Criminal or Civil Claims.** The University may act under these procedures irrespective of possible civil or criminal claims arising out of the same or other events. The Provost, with the concurrence of the Director, after consulting with the General Counsel, shall determine whether the University shall, in fact, proceed against a Respondent who also faces related charges in a civil or criminal tribunal. If the University defers proceedings, it may subsequently proceed irrespective of the time provisions set forth in these procedures.

**O. Modifications – Flexibility.** The University believes that each person covered by this Policy and Procedure is an individual who deserves to be treated as an individual. Consequently, it is impossible to develop a policy and procedure that will govern or control every situation. This Policy and Procedure was created to apply to most situations that may occur; however, where the University believes that the circumstances require special consideration, the procedures may not be followed or used in every respect. This Policy and Procedure is unilaterally created by the University and may be changed at the University's discretion at any time.

### **Special Requirements - Public Health Service Funded Research/Other Government Funded Research**

The following special requirements apply to alleged or apparent misconduct with respect to

research or research training, application for support of research or research training, or related research activities that are supported with funds made available under the PHS Act. This set of policy and procedures applies only to allegations of research misconduct that occurred within six years of the date the institution or HHS received the allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions in 42 CFR § 93.105(b).

1. The Director shall report the decision to initiate an investigation in writing to the Director of the Office of Research Integrity (ORI) on or before the date the investigation begins but within 30 days of finding that an investigation is warranted. The Notification shall include the name and position of the Respondent, the general nature of the allegation, the basis for recommending that an investigation is warranted, any comments on the report by the respondent or the complainant, and the PHS application or grant numbers involved.

2. If the University intends to terminate an inquiry or investigation for any reason without completing the inquiry and investigations steps of this procedure, the Director shall provide a report of such planned termination, including a description of the reasons for such termination to ORI.

3. The Director shall notify ORI within 24 hours of obtaining any reasonable indication of possible criminal violations so that ORI may then immediately notify the Department's Office of Inspector General.

4. The director shall submit the final report of an investigation to ORI. This report shall include:

- The nature of the allegations of research misconduct
- The PHS support (including e.g., grant numbers, grant applications, contracts, and publications listing PHS support)
- Description of the specific allegations of research misconduct considered in the investigation
- If not already provided to ORI with the inquiry report, a copy of the institutional policies and procedures under which the investigation was conducted
- Identification and summary of research records and evidence reviewed, and identify any evidence taken into custody but not reviewed,
- For each separate allegation of research misconduct identified during the investigation, a finding as to whether research misconduct did or did not occur and if so
  - Identification of whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard
  - A summary of the fact and the analysis which support the conclusion and consideration of the merits of any reasonable explanation by the respondent
  - Identification of the specific PHS support



- Identification of whether any publications need correction or retractions
  - Identification of the person(s) responsible for the misconduct; and
  - A list of any current support or known applications or proposals for support that the respondent has pending with non-PHS Federal agencies
- Inclusion and consideration of comments made by the respondent and complainant on the draft investigation report

The institution must:

- Maintain and provide to ORI upon request all relevant research records and records of the institutional's research misconduct proceeding, including results of all interviews and the transcripts or records of such interviews.

ORI must also be provided:

- All attachments
- Any appeals
- The final institutional action. A statement of whether the institution found research misconduct, and if so, who committed the misconduct.
- The findings. A statement whether the institution accepts the investigation's findings.
- Institutional administrative actions. A description of any pending or completed administrative actions against the respondent.

5. If the Investigator determines that the Investigation cannot be completed within 120 days, the Investigator shall so inform the Director as promptly as possible. The Director will submit to the ORI a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps.

6. The Director shall notify ORI if it is ascertained at any stage of the inquiry to investigation that any of the following conditions exist:

- There is an immediate health hazard involved;
- There is an immediate need to protect federal funds or equipment;
- There is an immediate need to protect the interest of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as their co-investigators and associates, if any;
- There is a probability that the alleged incident is going to be reported publicly;
- There is a reasonable indication of possible criminal violation.

7. The Investigator shall inform the Director and the Director shall keep the ORI apprised of any developments during the course of the investigation which disclose facts that may affect

current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

8. The Director must maintain and provide to ORI upon request “records of research misconduct proceedings” as that term is defined by 42 CFR § 93.317. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation. The Director is also responsible for providing any information, documentation, research records, evidence of clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution’s handling of such an allegation.

9. The University shall take interim administrative actions, as appropriate, to protect federal funds and insure that the purposes of the federal financial assistance are carried out.

10. The Director shall notify ORI of the final outcome of the Investigation.

### **Other Governmental Funding or Requirements**

These procedures shall be construed, modified, supplemented, and applied so as to comport with any other governmental requirements governing the handling and reporting of misconduct.

The Provost updated the policy to comply with Federal regulations in consultation with the Office of General Counsel and the Faculty Rights and Responsibilities Committee: 04-10-2025

## **56. RESEARCH SUBJECTS**

As stated in the Sponsored Research section, when human or animal research subjects are to be used in a research project federal law requires a review by the appropriate institutional IRB (human subjects review board) or IACUC (animal subjects review board) and that investigators follow appropriate federal and University rules and protocols on the protection, care, and use of their research subjects. Likewise, when these subjects are used in *non-sponsored* projects the requirement that the research plan and the animal care protocols be reviewed by the appropriate board must still be met. The federal laws and implementing regulations are not as concerned about who funds the research as they are about what is to be done with the subjects. Any practice which constrains, invades, inquires or reviews subject data must be reviewed for evidence of subject protection or the minimization of subject discomfort. The primary link between the research and teaching faculty and these significant review boards is through the Office of Research Protections’ staff. Please refer to the section on **SPONSORED RESEARCH** in this *Faculty Handbook*.

## **57. RESEARCH SUPPORT PROGRAM**

In addition to assisting members of the faculty to compete for extramural funding for research and pedagogical grants, and assisting them in budgeting and record-keeping (see “Sponsored Research” in this *Handbook*), the University sponsors research support programs designed to encourage

faculty members to develop their research programs, continue research they have already begun, and to seek extramural grants for both research and teaching-related activities.

The University Summer Grant (USG) program provides support to faculty to be engaged in research, scholarly activities, and creative artistic projects. Overarching goals of the USG program are to foster the intellectual development of faculty and to facilitate faculty efforts to achieve national and international recognition in their scholarly field.

Eligibility for USG awards is limited to full-time tenured and tenure-track faculty in the College of Liberal Arts and Sciences, School of Business, College of Engineering, and the College of Nursing. Individuals may receive USG awards no more frequently than every other year.

Each proposal will be peer reviewed by an internal Evaluation Committee of distinguished Villanova scholars and researchers. Review of proposals will be based on the following criteria (adopted from the American Council of Learned Societies):

- The potential of the project to advance the field of study in which it is proposed and make an original and significant contribution knowledge.
- The quality of the proposal with regard to its clarity, methodology, scope, theoretical framework, and grounding in the relevant scholarly literature.
- The feasibility of the project and the likelihood that the applicant will execute the work within the proposed timeframe.
- The scholarly record and career trajectory of the applicant.

Instructions for applying for USG program can be found at the University Internal Research Programs website.

Individual Villanova colleges, schools, and other offices (e.g., Mission Effectiveness, Office of the Provost) from time to time offer research or special projects grants, and the University may offer special research incentive programs of various sorts.

Summer salary included in the USG is to be paid in June or July of the summer award period and is subject to any limitations that may pertain as outlined in the University's Compensation Policy. After receiving an award, and in order to be eligible for future awards, the recipient will be required to submit a brief report (no more than one page) that includes the significant outcome resulting from the USG award in relation to the anticipated significant outcome as stated in the initial proposal. Reports should be submitted to the Vice Provost for Research (or designee) ([researchgraduate@villanova.edu](mailto:researchgraduate@villanova.edu)) by the last day of April in the academic year in which the award was made.

## **58. RETIREMENT: STEADY STATE PROGRAM**

### **A. Eligibility**

Tenured faculty members in Business, Engineering, Liberal Arts and Sciences, Nursing, Law and Professional Studies with a minimum age of 60 and 15 years of full-time service are eligible to select one of the retirement options described below. The "Retirement Date" shall be at the end of

the faculty member's employment contract, e.g., May 21 for those with nine-month appointment, or such other date as may be approved in writing by the Provost (or designee). The retirement options and benefits described herein are provided in consideration of faculty members relinquishing their tenure rights and retirement.

#### B. Salary Benefit for faculty Age 60 - 66

**Full Retirement.** The salary benefit is based on a percentage of the faculty member's regular base salary in the year preceding retirement, excluding any year including an unpaid leave, as indicated in Table 1. The benefit will be determined based on faculty member's age on the Retirement Date and will be paid out in equal monthly installments over a three-year period beginning with the first month after the date on which the faculty member receives their last salary payment for the academic year in which the Retirement Date occurs.

Retirement age	60	61	62	63	64	65	66
Annual benefit (for 3 years)	40 %	36.6 %	33.3 %	30 %	26.6 %	23.3 %	20%
Total (3-year) benefit	120%	110%	100%	90%	80%	70%	60%

Table 1

**Phased Retirement.** A faculty member age 60 to 66 may also choose to work a 50% load for 50% of their regular base pay for a period up to two years prior to retirement. The faculty member's regular base pay will continue to increment with annual pay increases during this period, and on final retirement the faculty member receives the salary benefit defined in Table 1, using their prior-year regular base pay as the basis for computation.

During the phase out period, faculty will receive:

- Continued use of an office, computer, and facilities
- Group medical and dental coverage as if faculty member worked full-time
- Disability, life insurance and 403(b) contributions. However, it should be noted that these benefits are based on salary and would therefore be reduced accordingly.

Faculty wishing to pursue this option must:

- Commit in writing to a retirement date, and period (up to two years) of reduced work load.
- Relinquish senior leadership or endowed positions.

#### C. Phased Retirement for faculty Age 67 and Older at Retirement Date

Faculty who finally retire at age 67 or greater receive no benefits from Table 1. However, they may take a phased retirement spread over one, two, or three years leading up to their chosen retirement date. During this period, faculty will work a half load on average over the academic year but will receive more than half their base salary for this work as further detailed in Table 2, Table 3 and Table 4. The final semester is taken as a terminal leave.

During the phase-out period, faculty are expected to relinquish senior leadership or endowed positions. Furthermore, faculty will forgo participation in Department, College and University affairs during the terminal semester leave. The faculty member retires at the end of the chosen phase-out duration, with no further salary benefits.

In addition to the pay and load scheduled detailed below, faculty will receive:

- Continued use of an office, computer, and facilities throughout the phase-out duration.
- Group medical and dental coverage as if faculty member worked full-time
- Disability, life insurance and 403(b) contributions. However, it should be noted that these benefits are based on salary and would therefore be reduced accordingly.

1. *Single-Year Phased Retirement*

- 100% base salary for the contract year
- 100% teaching load for the first semester, followed by a second semester terminal leave, giving an annual average 50% load.

<b>Phase-out duration→ Annual Pay / Load→</b>	<b>1-year</b>		
	<b>Pay</b>	<b>Load</b>	<b>Ratio</b>
Year 1 / terminal benefit	100%	50%	2.0
<b>Average annual pay</b>	<b>100%</b>		

Table 2

2. *Two-Year Phased Retirement*

During the first year:

- 75% base salary for the contract year
- 50% teaching load (may teach over both semesters, or all in one semester)

During the second / final year:

- 50% base salary for the contract year
- 50% teaching load for the first semester, followed by a second semester terminal leave, giving an annual average 25% load.

<b>Phase-out duration→ Annual Pay / Load→</b>	<b>2-year</b>		
	<b>Pay</b>	<b>Load</b>	<b>Ratio</b>
Year 1 benefit	75%	50%	1.5
Year 2 / terminal benefit	50%	25%	2.0
<b>Average annual pay</b>	<b>62.5%</b>		

Table 3

2. *Three-Year Phased Retirement*

During the first year:

- 65% base salary for the contract year
- 50% teaching load (may teach over both semesters, or all in one semester)

During the second year:

- 65% base salary for the contract year
- 50% teaching load (may teach over both semesters, or all in one semester)

During the third / final year:

- 50% base salary for the contract year
- 50% teaching load for the first semester, followed by a second semester terminal leave, giving an annual average 25% load.

<b>Phase-out duration→ Annual Pay / Load→</b>	<b>3-year</b>		
	<b>Pay</b>	<b>Load</b>	<b>Ratio</b>
Year 1 benefit	65%	50%	1.3
Year 2 benefit	65%	50%	1.3
Year 3 / terminal benefit	50%	25%	2.0
<b>Average annual pay</b>	<b>60%</b>		

Table 4

- D. **Election to Retire.** Notice of election to retire under any of the above options should be made in writing delivered to the Provost (or designee) as early as possible in the Academic Year, preferably in the Fall Semester, but no later than March 1 preceding the Academic Year in which the proposed option begins. The notice of election to retire must state the option selected and the proposed Retirement Date. If the faculty member does not provide notice of

the option and the retirement date by March 1, they may forfeit eligibility to participate in the retirement program for one Academic Year.

- E. **Active Benefits.** Unless indicated otherwise in this description, the retired Faculty Member's ("Retiree's") coverage under all University benefit plans will end on the Retirement Date. For faculty whose retirement date is May 21, Villanova will continue the Retiree's active medical, dental and life insurance benefits until August 31 (the "Benefits Separation Date").
- F. **Medical Benefits.** Upon the Benefits Separation Date, Retirees age 65 and over and Retirees' current spouse age 65 and over may enroll in the Villanova University Post-65 Retiree Medical Plan ("the Plan"). In order to enroll in the Plan, Retiree and Retiree's current spouse must be enrolled in Medicare Part A and Part B. The University partners with a third-party administrator, Via Benefits, to provide Retirees and Retirees' current spouse with access to a variety of individual retiree health plans. The Retiree and the Retiree's current spouse are responsible for the cost of this coverage. If the Retiree's current spouse is under age 65 at the Benefits Separation Date, medical coverage may be continued under COBRA (see Section 5). The Retiree's current spouse may use the services of Via Benefits to enroll in retiree medical coverage effective the first of the month of their 65th birthday.
- G. **COBRA Medical Continuation.** Upon the Benefits Separation Date, Retiree and the Retiree's eligible dependents under age 65 may be eligible to elect to purchase medical coverage through the University's group plans provided under the terms of the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
- H. **COBRA Dental Continuation.** Upon the Benefits Separation Date, Retiree and Retiree's eligible dependents may be eligible to purchase dental coverage through the University's group plan provided under the terms of the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
- I. **Retiree Life Insurance.** Upon the Benefits Separation Date, Retiree is eligible to convert the University's basic group term life insurance coverage to an individual whole life policy directly through the University's life insurance carrier. Supplemental life insurance coverage and/or dependent life insurance coverage purchased by the Retiree may also be converted to individual whole life policies. Retiree may be eligible to continue all life insurance coverage through the portability option. Retiree is responsible for the cost of converting or porting life insurance coverage.
- J. **Tuition Remission.** Providing academic eligibility requirements are met, the Retiree and their current qualifying dependents at retirement will receive the same tuition remission benefit for courses at the University as provided for by current University tuition remission policy, for as long as and under the same terms as this benefit is generally made available to all retirees.
- K. **Retirement Plans (TIAA).** Employee and employer contributions will continue until the last day of the month in which regular payroll ceases, typically May 31<sup>st</sup> for those with a 9-month payroll arrangement and August 31<sup>st</sup> for those with a 12-month payroll arrangement.
- L. **Adjunct Teaching.** Retired faculty members may be hired by the University to teach on an adjunct basis, at the prevailing faculty overload salary rates, after retirement commences, but such arrangements are at the sole discretion of the University.

- M. **Research Support.** Retired faculty members who are still research active may apply for financial support for presenting at conferences and giving seminars at the same level as the faculty member had before retirement, contingent upon their compliance with all applicable policies governing such activities. They must list their primary affiliation as Villanova University.
- N. **Death Benefit.** Should the retired faculty member die during the three-year payout period under the options in Table 1 for faculty age 60 to 66, all remaining salary benefits would be assigned to their surviving spouse, if living, or to their estate. All salary payments under the other options would cease upon the death of the retired faculty member.
- O. **Miscellaneous.** Access to departmental secretarial services shall be available if and to the extent the department chair determines that such services are feasible. Retirees may retain a University Wildcard, providing appropriate access to University facilities and the Library; retain an email account, as long as there is evidence of continued use; may retain financial consulting services available to full-time faculty; and may obtain a reduced fee retired faculty parking permit. Other programs currently available to retirees include: Ford College Partner Recognition Program, Wells Fargo at Work Banking Program, Villanova Alumni Association Member Benefits, and an employee discount at the University Shop with use of their Wildcard.

A condition of electing to retire under this Program is that the faculty member will be required to execute a formal legal agreement that includes a release of all potential legal claims against the University. The University reserves the right to change the terms of or cancel this Program at any time.

## 59. SABBATICAL LEAVE

The purpose of a sabbatical leave is to enable faculty members to devote full time to study, research, or other academic activities that will enhance their scholarly competence and capabilities and will enable them to make greater contributions to their disciplines, their students, and Villanova University. Villanova offers two sabbatical programs, a standard sabbatical for the tenured faculty and a one-semester leave for untenured faculty members that is based on a favorable third year performance review, as described in the Rank and Tenure Policy. The standard sabbatical may be (with the approval of the chair, the dean, and the Provost or designee) taken either for a semester at full pay or a year at half pay. With permission of the Provost or (designee), a faculty member may count the spring term of one year and the following fall term as one year for purposes of this sabbatical policy. Untenured faculty sabbaticals are only for a semester. An explicit condition of any sabbatical leave – unless waived by the Provost (or designee) – is that the faculty member will return to and teach at Villanova for one full year after the completion of the leave. Nonfulfillment of this condition for reasons other than disability will result in the faculty member's having to repay the University for all compensation received during the sabbatical period. During sabbaticals the University will continue its contribution to insurance and other benefits. Outside teaching or other employment during a paid sabbatical, including teaching in an "out of load" Villanova program, is subject to this *Handbook's* policies on "Consulting, Outside Teaching, and Professional Work" and on "Teaching Load, Overload, and Out-of-Load Teaching."

To be eligible for the one-semester leave for the junior faculty, a faculty member must:

- Have completed three full years (two academic semesters) of service on the tenure track (which may include one year of tenure credit from another institution or from teaching at Villanova in a non tenure-track position if that year immediately preceded their assumption of a tenure-track position);
- Have successfully undergone a third year review by their department and have been recommended for continuation on the faculty and for the one semester leave;

To be eligible for a regular sabbatical leave, a faculty member must:

- Have served the University in a tenured or tenure-track position for a period of six full academic years (which may include up to three years of tenure credit from another institution or from teaching at Villanova in a non tenure-track position, as stipulated in the appointment letter);
- Hold tenure;
- Have not been the recipient of a sabbatical or junior faculty sabbatical leave within the prior six academic years;
- Have demonstrated that previous sabbaticals, if any, led to concrete achievements of benefit to the faculty member and University; and
- Have submitted to their chair and dean a detailed proposal describing sabbatical activities and rationale, including a timetable and a description of expected results. For this submission, faculty should follow instructions provided by their dean's office, including use of any required cover sheet or forms. There are no separate University forms to be completed.

No academic year which includes an unpaid leave of absence for a period of a semester or more is included in computing years of service for purpose of sabbatical eligibility. Moreover, faculty members who commence service after the conclusion of the first semester of an academic year will not have that year count toward the six years for sabbatical eligibility. The one semester sabbatical for the junior faculty is considered to be part of the probationary period.

If a junior faculty member taking the one semester sabbatical, above, requests an extension for purposes of scholarly endeavors by means of an unpaid leave of absence for the other semester of the academic year of the sabbatical, the Provost, following the policy on unpaid leaves, may elect to provide University coverage of its portion of the faculty member's benefits for that semester on leave.

Eligibility does not confer a right. Sabbatical leaves are granted only when faculty members meet the above criteria, when their sabbatical plans are judged clearly meritorious, and when the financial resources and staffing needs of a college or department permit. The University will attempt to make sabbatical leaves available to the largest possible number of its faculty, consistent with its financial resources and its ability to meet instructional obligations.

Each recipient of a regular or junior sabbatical leave must submit to their chair and dean a written report of activities during the leave. This report must be made within three months after returning to the University and should describe the activities undertaken, the location of those activities, and the results (e.g., papers written, delivered, or published; skills developed, etc.).



### **Deferring a Sabbatical Based on Senior Administrative Service and Earning a Sabbatical base on Senior Administrative Service**

Tenured faculty may apply through the normal process defined in the Sabbatical Leave policy for a one semester research sabbatical while serving in senior administrative positions (i.e. Department Chair, Assistant/Associate Dean, Assistant/Associate Vice Provost).

If their proposal is supported by their dean and approved by the Provost (or designee), the faculty member may take their research sabbatical while serving in the senior administrative position. While on sabbatical, an “acting” administrator will be appointed to serve until the faculty member returns to the administrative position. The faculty member will be paid only their base salary while on research sabbatical. The acting administrator will be compensated with the prorated administrative stipend. The administrator returns to work in January (after a Fall Sabbatical) or June (after a Spring Sabbatical).

Upon the recommendation of their Dean and with the approval of the Provost (or designee), the faculty member may defer taking the research sabbatical until the end of their continuous administrative service in a senior leadership position (or continuous series of positions). At the completion of administrative service, the faculty member with two deferred research sabbaticals may take them as one year at full base pay or stagger them over a two-year period as one-semester research sabbaticals. At the completion of the research sabbatical leave, the six-year sabbatical clock begins again.

In the case of a faculty member in a senior administrator position who is no longer research active, and therefore will not submit a research proposal to apply for a research sabbatical, they will earn a one semester administrative sabbatical at full base pay after six years of continuous service in a senior leadership position (or continuous series of positions), and after twelve years of continuous service, they will earn a second one semester administrative sabbatical at full base pay. The faculty member is expected to use the sabbatical leave to re-start their research and prepare courses. At the completion of administrative service, the faculty member with two deferred administrative sabbaticals may take them as one year at full base pay or stagger them over a two-year period as one-semester full base pay administrative sabbaticals. At the completion of the administrative sabbatical leave, the six-year sabbatical clock begins again.

Faculty may combine one deferred research sabbatical with one administrative sabbatical earned through service in a senior administrative position. Faculty who have deferred two one-semester sabbaticals may continue to serve in a senior administrative position, but they will not be able to obtain additional sabbaticals. No faculty member may accumulate more than two one-semester sabbaticals, regardless of the time elapsed since taking their last sabbatical or the reason those sabbaticals were earned.

Consistent with the Sabbatical Leave policy, within three months of returning from either type of sabbatical leave, the faculty member must submit to their Dean and the Provost (or designee) a written report of activities undertaken, the location of those activities and the results. Consistent with the Sabbatical Leave policy, an explicit condition of all sabbaticals is that the faculty member will return to and teach at Villanova for one full year after the completion of the leave.

One deferred sabbatical (research or administrative) may be combined with retirement incentives defined in the Steady State Retirement Plan. A faculty member with two deferred sabbaticals

must complete those sabbaticals and return for a minimum of one year of full-time service before the faculty member will be eligible for the incentives defined in the Steady State Retirement Plan.

This section of the policy does not apply retroactively and is effective for eligible faculty serving in senior administrative position during the 2019-2020 academic year and thereafter. Eligible faculty who began their appointments prior to the 2019-2020 academic year will have those continuous years of service counted toward earning an administrative sabbatical.

## **60. SALE OF TEACHING MATERIALS WRITTEN BY FACULTY MEMBERS**

Faculty members may include material that they have written in "coursepacks" which are reproduced by Graphic Services and sold at the University Shop, and they may prepare their own materials for sale in the University Shop. These materials must be approved for sale by the department chair through the normal process of textbook approval. Because of the issues of possible conflict of interest, faculty members and departments are not permitted to charge royalties for course materials they have written themselves except as provided below for commercially produced books. Course materials sold by other vendors other than the University Shop must also be approved through the normal process of textbook approval, and faculty members are also not permitted to charge royalties for these materials.

A faculty member who believes that there is a justification for receiving royalty fees for materials they have generated must write to their chair, explaining how much royalty is to be charged, who will receive it, and what the justification for the royalty is. The chair reviews the request and, if approval is given, sends the request on to the dean. If approval (which is only given in extraordinary cases) is given by both the chair and the dean, the faculty member may receive royalties for the sale of these materials. This policy also covers faculty members who self-publish their own textbooks. The University Shop is not permitted to pay royalties to a faculty member without receiving copies of the approval from the chair and the dean.

This policy also applies to course materials sold at vendors other than the University Shop.

If departments seek royalties on materials, they must seek approval from the dean.

The policy described above does not cover commercially published textbooks written by Villanova faculty members. Those texts are handled by the normal process of textbook approval and are sold through the University Shop in the normal way and the publishers may pay royalties to the authors without the dean's approval. Used copies of textbooks written by faculty members should be sold in the University Shop in exactly the same way that used texts of non-faculty books are handled. No royalties will be paid to faculty members for the sale of used texts.

Please refer to the section on **COPYRIGHTS AND COURSEPACKS** in this *Faculty Handbook*.

## **61. SEXUAL MISCONDUCT**

Sexual misconduct includes any unwelcome conduct of a sexual nature and includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment and

stalking and will not be tolerated at Villanova University. Employees or students who engage in such conduct are subject to the full range of the University's disciplinary policies. Anyone making a report, filing a complaint or participating in the investigation or resolution of an allegation of sexual misconduct is protected from retaliation by law and this University's [Sexual Misconduct Policy](#). Procedures for handling complaints against faculty are in the Faculty Procedures Governing Sexual Misconduct Proceedings found at this link: <https://villanova.policytech.com/docview/?docid=1406&public=true>

Refer to the section on PERSONAL RELATIONSHIPS POLICY in this Handbook.

## **62. PERSONAL RELATIONSHIPS POLICY**

### **I. PURPOSE**

This policy sets forth the guidelines and prohibitions surrounding consensual employee-student relationships and employee relationships with subordinates, as well as the proper procedures to be followed should such relationships occur.

### **II. SCOPE**

This policy applies to all faculty members, staff members, and student assistants (as defined below) of Villanova University.

### **III. DEFINITIONS**

**Employees:** For purposes of this policy, the term employees is used broadly to include all faculty members, staff members, coaches, and coaching staff members. However, the term employees does not include student assistants, as defined below.

**Student assistants:** This term includes all graduate teaching assistants, lab assistants and undergraduates who act as teaching assistants.

### **IV. POLICY STATEMENT**

Villanova seeks to maintain an educational atmosphere wherein students, staff, and faculty members inter-relate in appropriate professional and pedagogic ways. In keeping with this goal, employee-student relationships are strongly discouraged, and in most cases prohibited. Employees are not permitted to have romantic or sexual relationships with Villanova undergraduate students. In addition, faculty members are not permitted to have romantic or sexual relationships with graduate students who are enrolled in their classes; who are majors, minors, or concentrators in their departments or programs; who work as their research or teaching assistants; or over whom they exercise any other type of supervision or academic/professional judgment. Staff members and coaches are similarly not permitted to have romantic or sexual relationships with graduate students over whom they may exercise any type of supervision or academic/professional judgment.

In addition to the potential for abuse of power in such relationships, sexual and romantic relationships between employees and students place the employee in an unethical and unprofessional conflict of interest, and hence are unacceptable. Although it is recognized that the student may be a full and willing participant in such a relationship, both the responsibility for adhering to this policy and the consequences for violating it fall upon the employee rather than the student in such situations.

Student assistants are not permitted to have sexual or romantic relations with students who are enrolled in their classes or over whom they exercise any other type of supervision or judgment. The prohibition against romantic or sexual relationships with other students who are graduate students, majors, minors, or concentrators in their department or program does not apply unless the student assistants have some supervisory relationship to those students. Otherwise, the same principles apply to student assistants as apply to faculty members.

Certain relationships may arise in the work environment that have the potential for compromising or appearing to compromise the fairness and objectivity of a supervisor, in relation to subordinates, and which may result in a conflict of interest. The University recognizes that all individuals are entitled to freely choose their personal associations and relationships. However, when a faculty or staff member enters into a romantic and/or sexual relationship with an employee whom they supervise, a power differential may exist which can compromise an individual's exercise of such choice in personal relationships. Others may also perceive such a relationship as one of preferential treatment that may be detrimental to themselves or others. Thus romantic and/or sexual relationships between faculty/staff members and employees under their supervision – even though consensual – are strongly discouraged. If such relationships are entered into, they should be approached in a sensitive manner, with an understanding of how they may be perceived by others, and comply with the reporting procedure described below. Similarly, relationships among individuals on the same level, even where there is no component of supervisory authority or influence, may be misinterpreted by others and should be approached in a sensitive manner.

Employees are not permitted to use social media applications (e.g. Grindr, Tinder, Facebook) to pursue romantic or sexual relationships with Villanova undergraduate students or any Villanova students under their supervision.

## **V. PROCEDURE**

Employees engaged in a romantic or sexual relationship with undergraduate students or other students they may supervise are required to report the relationship immediately. For faculty members, the relationship should be reported to their department chairs (or to the Dean in the College of Nursing or College of Professional Studies). The chair should also notify the appropriate dean and the University's Sexual Harassment Officer. For staff members, including coaches and student assistants, the relationship should be reported to their immediate supervisor and the Human Resources Department. The individual to whom the relationship is reported is charged with taking appropriate action, in consultation with other appropriate University officials, to eliminate both the substance and appearance of conflict of interest or abuse of power. Department chairs, Human Resources staff and other officials who deal with these situations are expected to do so in ways that do not penalize or stigmatize the student, and, when possible, are expected to keep these matters confidential.

If a faculty or staff member is engaged in a romantic and/or sexual relationship with a subordinate employee, any such faculty member is required to notify their department chair (or Dean in the College of Nursing or College of Professional Studies) and any such staff member is required to notify their immediate supervisor and the Human Resources Department, and to make alternative arrangements for supervision of the subordinate employee, especially any decision making regarding any employment action or benefit pertaining to the subordinate employee.

Employees and student assistants who have pre-existing relationships with students that could potentially violate this policy should promptly report the relationship to the appropriate contact. Exceptions to this policy will be considered on a case-by-case basis. Full-time employees who are also part-time students may also be eligible for an exception in certain circumstances.

The sanction imposed for violation of this policy will necessarily depend on the facts and circumstances of the case, including whether the employee or student assistant voluntarily reported the relationship, and may range from a reprimand to termination of employment, subject to the terms of the Dismissal and Suspension Procedure for Faculty, if applicable.

Please refer to the section on **SEXUAL HARRASSMENT** in this *Faculty Handbook*.

### 63. **SMOKING**

The University smoking policy can be found at <https://www1.villanova.edu/villanova/hr/policies/university/tobacco.html>

### 64. **SPONSORED RESEARCH**

When and where appropriate, members of the Villanova faculty are expected to seek funding from extramural sources to support their research and special instructional projects. Faculty are strongly encouraged to pursue externally sponsored research through the Office of Grants and Contracts (OG&C). Faculty may also pursue research in consulting work, (see **CONSULTING, OUTSIDE TEACHING, AND PROFESSIONAL WORK**). OG&C assists faculty in preparing their application packages, guiding them through sponsor and institutional policies and helping them through the budget development, Cayuse routing and approvals, and submission process. OG&C reviews, negotiates and signs all sponsored research contracts or agreements as well as unfunded research agreements (Material Transfer Agreements, Data Use Agreements, teaming/collaboration agreements, Non-Disclosure Agreements), consulting with the Office of the Provost and General Counsel when appropriate as defined in Villanova's Signing Authority Policy. In addition, OG&C supports faculty in managing their sponsored awards throughout the life of the project. Detailed policies relating to all aspects of sponsored research are listed in the Villanova Policy Library. Most can be found in the Villanova Policy Library under 'research' and others may be found using other relevant key words.

### 65. **SPONSORED RESEARCH: FACULTY RELEASED TIME**

The University may grant research-active faculty a reduction in their teaching load (see **TEACHING LOAD, OVERLOAD, AND OUT-OF-LOAD TEACHING**) in order to support their research. Such support is deemed 'voluntary' by the University and is not included or tracked within a sponsored project budget. However, faculty may include 'budgeted' release time funded by the project sponsor to further reduce their teaching load with the agreement of their dean and chair. Such budgeted course release or 'buyout' is charged to the project based on a fraction of total faculty effort assuming a 9-month academic appointment, with 24 credit hours of teaching-equivalent units of work per academic year. Salary savings resulting from externally sponsored course buyout will accrue to the instructional budget within the College to fund a replacement instructor. Salary savings in excess of applicable replacement costs will be used to support research infrastructure or other research related initiatives at the dean's discretion.

### 66. **STUDENT GRADE APPEALS AND COMPLAINTS ABOUT FACULTY**

The purpose of these Guidelines is to provide a mechanism for the review of student grade appeals and complaints regarding faculty performance within the framework of existing University, college and department policies and rules. For this reason, those policies and rules may not themselves be the proper subject matter of a complaint under these Guidelines.

Normally, the resolution of grade appeals or complaints will proceed by the following route: (1) to the chair of the department (program director of the program in the College of Nursing, or Assistant/Associate Dean in the College of Professional Studies<sup>8</sup>) involved, then if necessary, (2) to the committee constituted to handle complaints, and finally if necessary, (3) to the dean of the college or where appropriate the Graduate Dean of Liberal Arts and Sciences. The University, however, believes that each student and faculty member deserves to be treated as an individual with courtesy and respect. Consequently, it is impossible to develop a policy that will govern or control every situation. The following procedures were created to apply in most situations that may occur; however, where the faculty member, dean and the Provost (or designee) believe that the circumstances may require special consideration, e.g. where the complaint is of a very personal and sensitive nature, the procedures may not be followed or used in every respect. In no event, however, shall a deviation from these procedures be permitted with respect to the obligation of the committee under section III to rely in its decision making only upon information which has been communicated to the faculty member, thus permitting the faculty member the opportunity to respond. These procedures may be modified at the University's discretion according to the University's norms and procedures.

In the sequel, "chair" shall also imply program director (or Assistant/Associate Dean in CPS as noted) and "dean" shall likewise imply Graduate Dean of Liberal Arts and Sciences where appropriate. These procedures apply to student grade appeals and complaints. Individuals who are not University students may not use these procedures.

#### **A. Faculty Performance Complaints**

1. Student complaints concerning an instructor's handling of a class, classroom presentation, professional demeanor, or course policies should be directed to the chair of the faculty member involved (or Associate Dean in the College of Professional Studies). If the complaint is against the chair, these procedures shall be modified such that the dean shall undertake the responsibility as the chair under the Guidelines and the Provost (or designee) shall undertake the responsibilities of the dean under these Guidelines. Normally, such complaints should be made within six months of the end of the course in which the complaint arose.
2. Identified Complaints: When a person makes a complaint and provides his or her name, the chair will advise the individual to approach the faculty member. The chair's goal will be to arrange a meeting of the parties to permit the issue to be resolved at the local level if at all possible. This also permits the faculty member the opportunity to address the matter directly with the student, which may eliminate the possibility that simple misunderstandings have contributed to the problem. If the Complainant does not agree to a joint meeting, the chair will advise the faculty member of the details. If the Complainant requests that his or her identity remain confidential or the chair considers it appropriate, the

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<sup>8</sup> Some programs in the College of Professional Studies do not have a program director. In situations when a complaint is raised for those programs, the associate or assistant dean as noted will serve in that capacity.

identity of the Complainant will remain confidential. The chair will inform the Complainant of the results of the meeting with the faculty member. For cases involving potential sexual harassment, please refer to the section on **SEXUAL HARASSMENT POLICY** in this *Faculty Handbook*.

3. Anonymous Complaints: The chair should express displeasure with any anonymous complaint and point out that such complaint (if made by telephone) will not be accepted. If an anonymous written complaint arrives, the chair should inform the faculty member of the details of the complaint.
4. The faculty member shall be presumed to have acted appropriately unless otherwise determined in accordance with these guidelines.
5. The chair shall make reasonable efforts to mediate the complaint. The chair may consult with others in connection with their review of the complaint. In the event that the complaint cannot be amicably resolved in the chair's judgment, the chair may make such disposition of the complaint as the chair deems warranted. The chair shall ordinarily communicate their disposition of the complaint to the student initiating the complaint and the faculty member.
6. If either the student or the faculty member is dissatisfied with the chair's disposition of the complaint, she or he may contact the department committee constituted to handle complaints. This elected or appointed standing committee of the department should be duly constituted following the department's own policy. If a department has too few members to reasonably form such a committee the department, less the faculty member involved, shall constitute a committee of the whole. The student or faculty member should present her or his complaint via a formal written and signed statement to the committee within seven days of the chair's disposition of the matter. The committee shall consider the complaint in accordance with the procedures described in Section III below.

## **B. Grade complaints**

1. Student complaints concerning a grade should be directed to the chair of the faculty member involved (Assistant Deans in the College of Professional Studies). The chair shall normally require, but do no less than urge, a student who brings a complaint about a grade in the first instance to try to resolve the matter with the course instructor. That failing, the chair should attempt to resolve the issue between the student and instructor. The chair may consult with others in connection with his or her review of the complaint. Such complaints should be made according to the following deadlines:

Spring and Summer Semester grade complaints: Last Friday in August

Fall Semester grade complaints: Last Friday in January

2. If the complaint is against the chair, it should be directed to the dean and these procedures shall be modified such that the dean shall undertake the responsibilities of the chair under these Guidelines and the Provost (or his or her designee) shall undertake the responsibilities of the dean under these Guidelines.
3. In the event that the complaint cannot be amicably resolved in the chair's judgment, the chair may make such disposition of the complaint as the chair deems warranted. The chair

shall ordinarily communicate his or her disposition of the complaint to the student initiating the complaint and the faculty member.

4. In a particularly difficult case the chair may elect to refer the matter to the departmental committee for fact finding and recommendations. The committee shall consider the chair 's referral of the matter in accordance with the procedures described in Section III and send its recommendations in writing to the chair. The chair shall be guided in his or her determination by widely accepted professional norms of academic freedom which normally recognize the instructor as the authority in determining grades. The chair shall communicate his or her determination of the complaint to the dean, the faculty member involved, and the Complainant. In general, the formal procedures described below will only take place after a final course grade has been given.

### **C. Department or College Committee**

Upon a referral from the chair in the case of a grade complaint or upon a written complaint from a student or faculty member dissatisfied with a chair's disposition of a faculty performance complaint, the committee shall meet within a reasonable time to determine how best to handle the review of the particular matter. The committee may convene hearings appropriate in its judgment to the particular situation presented. The committee procedures may include by example and not by limitation, individual interviews, closed hearings, and review of documentation. The committee is not bound, however, by formal rules of evidence. All interviews and hearings shall be conducted in appropriate University facilities designated by the committee and shall be closed to the public. Every committee member need not attend every interview or hearing session. The University does not permit legal counsel to participate in hearings or interviews of the committee on behalf of the student or faculty member. Only information which has been communicated to the faculty member, thus permitting the faculty member an opportunity to respond thereto, shall be relied upon by the committee in reaching its conclusions. The committee shall reach its decision by majority vote.

In the case of a grade complaint, the Committee shall provide its findings of fact and written recommendations to the chair for consideration in the chair 's determination of the matter. In making its recommendation to the chair, the committee shall base its decision on clear and convincing evidence and on the principle that the locus of authority in determining grades normally is placed with the instructor, especially in those cases where the instructor is acting in accordance with principles that have been clearly delineated in the course syllabus. In the case of a faculty performance complaint, the committee shall provide its findings of fact and written decision to the student, faculty member and chair. The Committee shall make its decision based on the preponderance of evidence it has reviewed.

### **D. Appeals Process**

In the extraordinary case when a student or faculty member is unwilling to accept the decision of the chair with respect to a complaint or the departmental complaint committee with respect to a faculty performance complaint, she or he may appeal the decision in writing to the dean within seven days of that decision but only on the following basis:

1. material procedural defect in the Committee, or
2. material procedural defect in the chair 's handling of the matter, or



3. new material evidence not reasonably available at the time of the committee or chair's review of the matter.

All written deliberations concerning the complaint shall be forwarded to the dean to aid in the decision. In the course of his or her review of the appeal, the dean may, but shall not be required to, consult with others, interview the Complainant, faculty member, chair, committee members, or others. The decision of the dean shall be final.

#### **E. Complaints Involving Discrimination and Harassment**

For cases of grade complaints or faculty performance complaints which may involve sexual harassment or discrimination in violation of University policies. Please refer to the sections on **SEXUAL HARASSMENT POLICY and DISCRIMINATION AND HARASSMENT POLICIES** in this *Faculty Handbook*. For grade appeals or faculty performance complaints based on allegations of discrimination based on disability, including those related to academic or classroom accommodations, please refer to the University's Section 504 Disability Grievance Procedures.

July 1, 2016; Technical Correction November 11, 2024

### **67. SUMMER TEACHING**

Summer teaching, when available, will be assigned in accordance with the needs of the summer program and with the fit between faculty specialization and the courses which need to be offered. Normally, no faculty member will be invited to teach in summer session who did not receive at least a satisfactory rating for teaching on the most recent annual or triennial faculty evaluation. When there are fewer summer courses than faculty members who seek summer teaching and when the faculty members seeking summer employment are equally qualified in terms of their areas of specialization and appropriateness for the courses, department chairs will assign the courses by rotation, so that appropriately qualified faculty members who do not teach one summer will have an opportunity to do so in another summer. The rotation system may be bypassed in order to further University objectives such as special institutes, distance education, etc.

Normally, with exceptions for certain special programs, summer salary for full-time Villanova faculty members is set on the basis of 2.5 per cent of the previous nine-month base salary per credit hour.

### **68. SYLLABI**

Departments should have on file a course description and guidelines for all courses that are taught on a regular basis. These guidelines should describe in a general way what the course is about. For each course, the instructor must prepare a specific syllabus explaining how the course will be taught during the semester. Copies of the syllabus should be distributed in hard copy or electronically to students on or before the first day of class, and copies should be submitted to the department chair at the time specified by the chair. The syllabus provides the basic expectations for the course. It should be consistent with the general guidelines specified by the department. The syllabus should also include at least the following elements: instructor's name, office number and telephone, E-mail address, and office hours; course objectives; assigned texts; attendance policy; examination policy; explanation of grading system; and weighting of assignments. The syllabus

will also include a brief discussion of academic integrity and indicate that students seeking accommodations for learning disabilities must first register with the Learning Support Office. Please refer to the section on **DISABILITIES, STUDENT** in this *Faculty Handbook*.

## 69. TEACHING LOAD, OVERLOAD, AND OUT-OF-LOAD TEACHING

The normal teaching load for faculty members who are productively engaged in scholarly research that regularly leads to publication is 18 credit hours per year, or the equivalent. Faculty members who are not thus engaged normally teach 24 credits per year, or the equivalent. For faculty members who are extraordinarily productive in research and publication, who carry unusual administrative or service duties, who receive grants providing for additional released time, or who, as new faculty members, receive reduced teaching loads as part of their initial appointments, these teaching duties may be reduced by their deans. Each Villanova college or school adopts its own approach to implementing this policy, and the deans may exercise discretion in this teaching load policy in order to support faculty recipients of grants or contracts. Any such teaching reductions constitute a form of University cost-sharing or matching for purposes of the grant or contract. For such purposes, a faculty member's total work load is considered to be 24 credit hours, and released time in grant/contract budgets must be calculated on this basis.

With the permission of the chair and dean, faculty members teaching a full load of 24 credits per year or teaching a reduced load for whatever reason (e.g. research, department head, program director, center director, etc.) may teach an overload – including “out of load” teaching in special or entrepreneurial programs – for additional compensation. Such out-of-load or overload teaching is subject to the 20 per cent rule that applies to outside teaching, consulting, and other professional work. Please refer to the section on **Consulting, Outside Teaching and Professional Work** in this *Faculty Handbook*. Therefore, each course (three or four credits) taught as overload or out-of-load shall reduce the time available for consulting to 10 per cent and teaching two courses (six or more total credits) as overload or out-of-load shall replace all 20 per cent of the time available for consulting. Under extraordinary circumstances, the Dean may allow faculty teaching an overload and/or out-of-load to continue to devote 20% of their time to consulting, and the Dean will report the exception to the Office of the Provost.

## 70. TEACHING SUPPORT PROGRAM

The **Villanova Institute for Teaching and Learning (VITAL)** offers services and resources for faculty members from all disciplines who are interested in helping students become better learners. VITAL's teaching support activities include confidential classroom observations with constructive feedback; instructional diagnosis of students' learning in individual courses; and workshops and discussion groups on issues such as balancing teaching and research, considering students' learning styles, and using instructional technology. VITAL also offers consultations with departments or other groups interested in revising courses, reviewing curricula, exploring new teaching strategies, assessing students' learning, developing peer review processes, and related issues. VITAL's instructional resources include a library/resource center of books, journals, and other materials related to teaching and learning; the *Teaching Excellence* newsletter distributed monthly; and Teaching-Talk, an email discussion list for Villanova faculty members.

In addition to assisting the faculty to compete for extramural funding for pedagogical grants, Villanova sponsors innovative teaching efforts to foster students' learning through VITAL's Minigrant Program. Faculty members may request funding for development of instructional

materials, summer stipends, and/or for travel, equipment, and supplies. Information about all of VITAL's programs is available from the VITAL office at 610-519-5627.

## **71. TERMINATION OF FACULTY EMPLOYMENT DUE TO FINANCIAL EXIGENCY OR CLOSURE OF A COLLEGE, DEPARTMENT, OR PROGRAM**

Termination of the appointment of tenured faculty members may occur under several circumstances, as indicated in the Faculty Employment Agreement, including (a) a demonstrably bona fide financial exigency at the University or College level or (b) a discontinuation or significant reduction in the size and scope of a college, a department, or free-standing academic program (center, major, minor, or course of studies in which faculty members are hired and tenured independently of any other department affiliation).

### **A. Declaration of Financial Exigency**

"Financial exigency" means an imminent financial crisis which threatens the viability of the institution as a whole or the viability of one of its colleges or schools. The existence of financial exigency in the University or in one of the colleges shall be determined by the Board of Trustees, upon recommendation by the President. Prior to making a recommendation to the Board, the President shall consult with and give due weight to the opinions of the Faculty Rights and Responsibilities Committee and the Faculty Congress, including sharing relevant financial information, considering the consequences to the educational program of declaring a financial exigency, and exploring alternative measures short of declaring financial exigency.

### **B. Declaration of College, Department, or Program Discontinuance or Reduction.**

In addition to reasons of financial exigency, any of the University's colleges, academic departments, or programs may be closed or merged with others for academic reasons, as determined by the President and/or Board of Trustees according to the Board's bylaws and policies, including strategic decisions to shift the University's focus and resources in new directions. The process of making such determination will if possible include appropriate and timely discussion with the deans, department chairs, program directors, and, as determined by the President, the faculty of such colleges, departments, or programs. Whenever such a closing or consolidation occurs that would involve termination of appointments of tenured faculty, the Provost shall consult with and give due weight to the opinions of the Faculty Rights and Responsibilities Committee and the Faculty Congress, including sharing relevant information, considering the consequences to the educational program of the University, and exploring alternative measures short of closing, consolidating, or significantly reducing a college, department, or program. The Office of the Provost shall share the results of such consultations with the President.

### **C. Criteria for Selecting Faculty Terminations**

If the Board (or President, following Board bylaws and policies), declares a reduction in the faculty for one of the aforementioned reasons, the Faculty Rights and Responsibilities Committee shall appoint a committee of at least seven tenured faculty members who have been faculty members at Villanova for at least ten years as of the date of the appointment to this committee, including at least three members of the Faculty Rights and Responsibilities Committee. This committee shall be known as the Committee on Dismissals. The responsibility of the Committee on Dismissals will be to consult with and advise the President,

the Provost (Office of the Provost), and/or the college dean concerning the individuals whose appointments are to be terminated. The primary termination criterion is the maintenance and promotion of the quality and effectiveness of, in order, the University, college, department, or academic program under consideration. Faculty members deemed to be of key instructional, scholarly, or administrative importance to the unit or program to be reduced or consolidated will have first priority for retention in the unit or program. Thereafter, other criteria to be considered include rank, time in rank, length of service, field of specialization, academic qualifications, and fitness for reassignment and appointment to another college, department, or program. Subject to the quality and effectiveness criteria, appointments will be terminated in the following order: temporary part-time (adjunct) and temporary full-time faculty members, continuing non-tenure track full-time faculty members, untenured tenure-track faculty members, tenured faculty members. The University will seek to reassign tenured faculty designated to be terminated to another of its colleges, departments, and programs, or to a suitable non-academic position, when such reassignment and appointment are feasible and consistent with the primary considerations of academic quality and administrative effectiveness. In addition to recommendations from the Committee on Dismissals, the Faculty Rights and Responsibilities Committee may elect to send its own recommendations to the Provost, who will forward all such recommendations to the President. The President makes the final decision on terminations.

#### **D. Faculty Members' Rights of Appeal**

Any tenured faculty member who has received notice of termination because of one of the aforementioned reasons when others in their college, department, or program are being retained may request a hearing by sending a written request for a hearing to the Provost within 30 days of receipt of the termination notice. The hearing shall take place before the Appeals Committee described in the Dismissal and Suspension Procedure for Faculty in this *Faculty Handbook* policy governing the dismissal or suspension of a tenured faculty member (the Appeals Committee). The faculty member's failure to request a hearing within the 30-day period shall be construed as a waiver of their right to request a hearing.

The hearing need not conform in all respects with the procedures in this *Faculty Handbook* policy governing the dismissal or suspension of a tenured faculty member, but the essentials of an on-the-record adjudicative hearing will be observed. The issues raised in this hearing may include:

1. **The existence and extent of the condition of financial exigency or need to discontinue, consolidate, or significantly reduce a college, department, or program for academic reasons.** The findings of the President, the Faculty Rights and Responsibilities Committee, and the Committee on Dismissals may be introduced.
2. **The validity of the judgments with respect to educational needs and the criteria for identification for termination based on educational needs.** The recommendations of the Committee on Dismissals will be given the most serious consideration.
3. **Whether the criteria are being properly applied in the individual case.**
4. **The possibility that the faculty member could have been assigned to other duties.** In this event, the faculty member shall submit a statement describing the other duties. The faculty member shall have the burden of proving by clear and convincing evidence that such an assignment is possible and will contribute to the academic quality and/or

administrative effectiveness of the University. In the event that the other duties involve assignment to another academic department, the faculty member must present testimony by faculty members from the department to which such assignment is proposed to be made.

Upon completion of its hearing, the Appeals Committee will convey its conclusions and recommendations in writing to the President of the University, with a copy to the Faculty Rights and Responsibilities Committee and the faculty member. If the President of the University does not sustain the recommendations of the Appeals Committee, the case will be returned to the Appeals Committee with the President's objections specified in writing. The Appeals Committee will reconsider, receiving new evidence, if necessary, and communicate the result of its reconsideration in the same manner as described above. After studying the Appeals Committee's reconsidered recommendations, the President of the University will make a final decision.

#### **E. Faculty Rights under the Terms of Dismissal**

If a tenured faculty member is to be terminated for reasons of financial exigency or closure, discontinuance, or significant reduction of a college, department, or program, it is likely that the decision to close such a unit would be taken early enough to ensure that students in the program will have the opportunity to finish its requirements or transfer, as the case may be. Thus the time between notification of closure and termination of the faculty member would likely be substantial. However, if a faculty member is to be terminated for these reasons and if the closure must be effected more quickly, they shall be entitled to receive full salary (at the current rate or at a discounted rate if such discount has been applied to all retained faculty members of the University) and benefits (a) through the end of the academic year during which the termination notice is given or (b) for a period of six months after termination notice is given, whichever provides the greater amount of salary. Until the termination date specified in the notice, the faculty member may continue to work in their own field or on some other activity mutually agreed upon.

In all cases of termination of appointment for the aforementioned reasons, the place of a tenured faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and given thirty days in which to accept or decline such reinstatement.

## **72. TRAVEL WITH OR TEACHING STUDENTS OFF CAMPUS**

- A. **Class Trips.** At Villanova, it is not uncommon for faculty members to participate in class trips with students, and several departments have vans. Before a faculty member may drive a University-owned vehicle, they must seek approval to do so from the Director of Insurance and Risk Management, who maintains the University driver list for auto insurance purposes. If there is an accident while driving a University-owned vehicle, such as a Department van, it should be reported immediately to the Department of Public Safety; in such event, so long as the faculty or staff member is an approved driver, the faculty or staff member would be covered by the University's insurance policies. If faculty or staff members are in an accident with or without student passengers while driving their personal vehicles, the faculty or staff member's personal auto insurance would provide primary coverage. This is true even if the faculty or staff member's personal car is being used for University business or a class trip. The University's insurance would only apply for University business or class trips once the faculty or staff member's personal auto insurance coverage is exhausted.

Pennsylvania State Law prohibits carrying K-12 school children in anything larger than a ten-passenger van, so Department vans may not be used for any trips that involve K-12 school children.

- B. **Voluntary Trips or Trips Outside the United States.** Special rules apply to voluntary trips and trips outside the United States. If a faculty member is leading a trip for which participation is voluntary, and is not a required part of the class curriculum, a legal waiver should be executed by all participants. The Director of Insurance and Risk Management or the Associate General Counsel should be contacted for the appropriate form. If participating in a trip with students outside the United States, faculty members should contact the Director of Education Abroad for general information; the Director of Insurance and Risk Management should be contacted for information regarding medical, trip and other insurance for trips abroad.
- C. **Classes at a Faculty Member's Home or Elsewhere off Campus.** It is also not uncommon for Villanova faculty members to hold occasional classes at their homes or in other off-campus locations (more than occasional classes in the home are discouraged). No special liability insurance over and above the homeowner's policy is required, provided that the class-at-home is an occasional, not a regular, occurrence. Alcoholic beverages should not be served.

## **73. USE OF UNIVERSITY'S NAME AND TRADEMARK**

### **I. PURPOSE**

Villanova University was founded in 1842 by the Order of St. Augustine. Our Augustinian Catholic tradition is the foundation of a community where students learn to think critically, act compassionately and succeed while serving others. This community embodies over 175 years of faculty, students, staff, alumni and other leaders investing their passion and energies to build and preserve the values and integrity of the University. Villanova's Names and Marks (defined below) represent and convey those values, integrity, community and experience.

Therefore, each member of the Villanova University community has a responsibility to honor and protect the tradition and reputation of the University by ensuring proper use of Villanova's Names and Marks (defined below). This responsibility includes ensuring that any association with the University or activities related to the University are accurately portrayed and are consistent with Villanova's educational mission and purposes.

### **II. SCOPE**

This policy describes for Villanova faculty, staff, students and any other person or entity seeking to use Villanova's Names or Marks what uses are permitted, what permission(s) or approval(s) are required, and any additional procedures, guidelines or requirements that may apply. This policy also describes prohibited or unauthorized uses of Villanova's Names or Marks, including uses by donors, research funders and other program sponsors, and provides guidance regarding agreements on use of Villanova's name and marks; use of Villanova's name and marks on promotional materials; use of Villanova images; quotes or appearances by Villanova community members; press releases; film and video; cast studies; program sponsors and social media.

### III. DEFINITIONS

**Marks:** Villanova's trademarks, service marks, logos, brands, trade dress, emblems and other images, including, without limitation, the University seal, the Villanova "V," etc., and iconic campus images such as the Oreo, Main Quad, or St. Thomas of Villanova Church.

**Names:** All official names used to describe Villanova University (e.g., Villanova University, Villanova University in the State of Pennsylvania, Villanova), its colleges and schools (e.g., Villanova University College of Engineering, Villanova University Charles Widger School of Law), institutes and centers (e.g., Anne Welsh McNulty Institute for Women's Leadership, Center for Church Management) and facilities (e.g., Connelly Center, Driscoll Hall).

**Promotional Materials:** Any material (whether physical, digital, audio, video or any other format) a significant purpose of which is to advance, advertise, market or promote a person, company, product, brand or service (e.g., promotional websites, press releases, videos, case studies, articles, brochures, reports, advertising, presentation slides, packaging and store displays.).

### IV. POLICY

**A. Agreements Regarding the Use of Villanova's Names or Marks:** Only authorized officials of Villanova University may enter into agreements on behalf of the University, including any agreement (including letter agreements, purchase orders, proposals, and click-thru or online terms.) granting permission to use Villanova's Names or Marks. Any agreement or authorization to permit any third party use of Villanova's Names or Marks first must be reviewed and approved by Villanova's offices of the Vice President and General Counsel and University Communication and Marketing, and either the Provost (for agreements related to student, faculty and academic matters), the Executive Vice President (for agreements related to staff and administrative department matters), the Director of Athletics (for agreements related to Athletics matters) or their authorized designees.

**B. Use of Villanova's Names or Marks in Promotional Materials:** Villanova's Names or Marks may not be used in any Promotional Materials developed or used by non-Villanova entities or for any activities that are not officially sponsored by Villanova or one of its colleges/schools, departments or units. Villanova's name may be included only on a client list of a vendor currently providing products or services under an agreement or contract with Villanova, either for internal or external use (e.g., on a web site), provided that such addition to a client list is approved in advance in writing by the applicable University-area Vice President, Director of Athletics and by the offices of the Vice President and General Counsel and University Communication and Marketing. Any use of Villanova's Names or Marks on merchandise produced for promotional purposes, whether or not offered for sale, is not permitted without prior approval by the offices of the Vice President and General Counsel and University Communication and Marketing, and, in the case of Marks used by Villanova University Athletics, the Athletic Director's Office. All approved uses of Villanova's Names or Marks must comply with Villanova University's Brand Guidelines (see "Section VI. Related Information/Forms" below).

**C. Use of Villanova Images:** Photographs, drawings or other graphic representations of Villanova buildings and other campus landmarks (such as the Oreo, Main Quad or St.

Thomas of Villanova Church) may not be used in any Promotional Materials developed or used by non-Villanova entities. Two exceptions are:

- (i) Conferences and summer camps sponsored by non-Villanova entities may include in their brochures or websites a photograph of the specific building(s) in which the activities will occur (such as an athletic facility or academic building); and
- (ii) With permission from the Office of University Communication and Marketing, photographers, architects, designers and other vendors, may include pictures of their work in a portfolio that contains other examples of their work. Personal, non-commercial use of photographs or other graphic representations of Villanova buildings and other campus landmarks is permitted.

**D. Quotes or Appearances by Faculty, Staff or Students:** Quotes provided by Villanova faculty members, staff or students in their capacities as members of the Villanova community, and that endorse a company, product or service (either directly or implied) are **strongly discouraged**, and requests to do so should not be accepted without review and approval by the Vice President of University Communication and Marketing. This Policy does not preclude:

- (i) Providing appropriate factual quotes, and including their Villanova titles, in academically oriented press releases and reports, including those which cite the use of a particular product or service in their research;
- (ii) Providing appropriate quotes, and including their Villanova titles, when expressing gratitude for financial and other non-commercial support of Villanova and its programs; and
- (iii) Providing endorsements in an individual's personal capacity as long as there is no reference to Villanova and the activity is unrelated to the scope of their activities at Villanova. When providing a personal endorsement, individuals may not include their Villanova title or other connection to the University. In addition, faculty, staff and students may:
  - (x) Be interviewed by the media regarding their own academic, research or personal work;
  - (y) Speak at industry conferences; and
  - (z) Speak at corporate events in connection with their own research and educational activities as long as the primary purpose of the activity is not to endorse a particular company, product or service in connection with Villanova activities.

Participation in official press conferences, media events or significant public announcements regarding Villanova University activities or events must be approved in advance by the Vice President of University Communication and Marketing, and either the Provost (for student, faculty or academic participation) or the Executive Vice President (for staff and administrative participation).



**E. Press Releases:** All press releases must be reviewed and approved as follows:

1. All press releases issued either by Villanova or by third parties announcing gifts and grants or that describe or relate to Villanova's activities must be reviewed and approved in advance by the offices of University Communication and Marketing and University Advancement.
2. All press releases issued either by Villanova or by third parties that describe or relate to activities of Villanova's colleges/schools, departments, units and interdisciplinary institutes must be reviewed and approved first by the Communication Director for the college/school, department, institute or unit and the applicable Program Director, Dean or the Provost, and final approval must come from the Vice President of University Communication and Marketing.

**F. Films and Videos:** Films and videos (including b-roll or supplemental footage inserted as a cutaway to help tell the story) made by entities other than the University that feature Villanova faculty, staff or students or take place on Villanova's campus require prior permission from the Office of University Communication and Marketing and may be required to have certain agreements, waivers or insurance coverage that is approved by the offices of the Vice President and General Counsel and Insurance and Risk Management.

**G. Case Studies:** Use of case studies describing the experience of a vendor with the University or one of its colleges/schools or departments is **strongly discouraged** and must be approved in advance by the Vice President of University Communication and Marketing, and the appropriate Dean or Vice President with responsibility for the college/school, department or area featured in the case study.

**H. Donors, Research Funders and other Program Sponsors:** Villanova values support from its donors, research funders and other program sponsors. Except as otherwise agreed with those parties or as described elsewhere in this Policy (e.g., see "Press Releases" above), factual information regarding such support, donation, sponsorship or other funding and including Villanova's Name, as appropriate, may be distributed. However, endorsements, either actual or implied, of such external collaborators by Villanova University, its colleges/schools, departments or other units are not permitted. Event and other program sponsors may be listed in event and other program materials as long as they are clearly identified as sponsors and their names and logos are not more prominently featured than the other program information.

**I. Social Media:** Any use of Villanova's Name and Marks on social media (e.g., Twitter, Instagram, Facebook, LinkedIn) must accurately convey the relationship between the account and the University and should otherwise comply with this Policy (e.g., see "Quotes or Appearances by Faculty, Staff or Students" above). Generally, official accounts created for use by the University or its personnel on behalf of the University should be designated as official or owned University accounts and approved by the Office of University Communication and Marketing, and the appropriate Dean or Vice President with responsibility for the college/school, department or area creating or using the social media account. Nonofficial accounts should be clearly marked as "unofficial" or "fan" accounts or such other similar designation(s) available on the particular social media platform. All uses of Villanova's Names or Marks on social media in an official capacity must comply with Villanova University's Brand Guidelines (see "Section VI. Related Information/Forms" below).

## 74. VOTING IN DEPARTMENTAL MEETINGS

The Policy on Rank and Tenure describes voting procedures and eligibility in cases of tenure and promotion, and the Protocol for Chair Selection describes such procedures for selection of chairs. For all other situations, departments will follow the policy below unless they have developed different policies that have been approved by their college dean and disseminated to their department members:

- A. **Eligibility to Vote.** In departmental meetings (excluding rank and tenure, annual/triennial evaluation, hiring, and chair selection, all of which are covered by other policies) all full-time tenured and tenure-track faculty members may vote. Tenured/tenure-track faculty members who are serving as administrators (assistant/associate deans, assistant/associate vice-provosts, and program directors) may also vote. Full-time non tenure-track members who have completed at least two full academic years of continuous service may vote. Eligible faculty members who are on leave of absence or on sabbatical leave may vote if they wish to and if it is practical for them to do so, but they are under no obligation to participate in departmental governance while they are on leave. Faculty members who are not sufficiently prepared to make an informed judgment on an issue should not vote; individual faculty members must judge their preparation for themselves. Deans and Vice Provost(s) do not vote in departmental meetings.
- B. **Proxies in general departmental voting.** In general, departmental matters, faculty members who are otherwise eligible to vote may leave specific written proxies with the chair. General proxies, verbal proxies or proxies left with other faculty members are not acceptable.
- C. **Proxies in questions of hiring and annual/triennial evaluation.** Proxies are acceptable in votes on hiring. In cases of annual and triennial evaluations faculty members may not leave proxies. Faculty members who are not present at these discussions may communicate their views to the chair, either verbally or in writing. The chairs may, if they wish, take these communications into account when the chairs formulate their own recommendations.

## 75. BENEFITS

Villanova University provides full-time faculty members with a full spectrum of employee benefits. Typically, coverage is effective immediately on the first day of the month following the first day of work. Because the details of the programs change frequently, this section is only intended to be a summary of some of the main programs and services. It is not meant to be a controlling legal document or a contractual agreement. If questions arise, the legal plan documents, contracts, and insurance policies will always govern. For details please contact the Human Resources office, 610-519-7900, <http://www.hr.villanova.edu/>.

### A. Health related benefits

- **Health and Dental Insurance.** The University offers a choice of health insurance plans and a comprehensive dental insurance plan, covering a percentage of the premiums (the specific coverage amount is published every year).
- **Flexible Spending Accounts (FSA).** The University also offers two pretax accounts, one for health expenses not paid by insurance and the other for dependent care/elder care expenses, which includes an employer-funded benefit for eligible day care expenses for pre-school

children.

- Life Insurance. The University provides group term life insurance, and faculty members may also purchase additional amounts of insurance on themselves or for their dependents.
- Disability. The University provides medical leave at full salary when short-term absence (less than 30 days) is needed for personal illness or injury. Extended absences, with appropriate restrictions, are covered by the University's Short Term and Long Term Disability programs.
- Child Care Assistance. In addition to the FSA employer-funded program described above, the University provides a Back-up Reimbursement Plan and a discount for services provided through the Rosemont KenCrest Child Development Center.

## **B. Retirement**

Participation is permitted in the University's Basic voluntary defined contribution Retirement Plan after one year of full-time service for tenure track faculty members and continuing non-tenure track faculty members. For all other full-time faculty members, participation with University contributions is available after three years of employment. Accounts are available with TIAA-CREF and/or The Vanguard Group. Immediate participation is permitted if the new tenure track or continuing non-tenure track faculty member was employed for a minimum of one year by a non-profit organization immediately prior to beginning employment with Villanova University and was a participant in an employer-funded retirement plan.

## **C. Tuition Remission**

Full tuition remission is provided for the faculty member's study at Villanova beginning with the next semester or summer session following the semester or summer session following the completion of six months of employment. Faculty members may not take courses for credit in their own departments unless approved by their dean. Although a faculty member may not take more than three undergraduate or two graduate courses per semester, there are no restrictions for faculty members on the total number of courses they may take.

Partial tuition remission is provided for the spouse and for the faculty member's natural born or adopted tax dependent children who attend Villanova beginning with the next semester or summer session following the faculty member's completion of three years of continuous full time service. The copayment amount of tuition remission is 20% of full-time regular tuition cost. Summer and part-time tuition rates will be calculated in proportion to the full-time day rate. Employees hired prior to August 30, 1999 are covered by prior tuition remission plan provisions.

In all tuition remission applications, the prospective student must meet normal admission and eligibility requirements. Tuition remission for spouses and children is limited to undergraduate courses except for those graduate level courses which are allowed as a substitute for undergraduate courses in the baccalaureate program. Tuition remission does not cover any fees or expenses associated with being a student at Villanova University (i.e. general fee, student health fee, room and board, the cost of required travel, laptop computers, etc.). Additionally, some University programs are not covered under tuition remission (doctoral program in Nursing, Law School, Continuing Studies, EMBA, and entrepreneurial programs, etc.). Please consult with Human Resources and the Program Director before you apply.

**D. Tuition Exchange**

Tuition Exchange (TE) is a tuition scholarship program (for natural born or adopted children) at schools other than Villanova. Under the national Tuition Exchange program attendance at other schools may be available, depending on the balance of students coming to Villanova under the plan versus dependents of Villanova employees going to other schools under the plan. Currently, initial eligibility for two years of tuition exchange is based on five years of continuous service as of September 1<sup>st</sup> of the year in which TE will be used. Current eligibility is based on the following schedule:

Years of Service	Years of Tuition Exchange Eligibility
5	2
10	4
15	6
20	8
25	10
30	12

For further information about Tuition Remission (or any other benefit) please contact the Human Resources Office, 610-519-7900, <http://www.hr.villanova.edu/>.

**E. University Scholarship Assistance Plan and Agreement**

The University also provides a limited number of scholarships to dependent children of eligible faculty members to some local colleges, including Cabrini College, Chestnut Hill College, Gwynedd-Mercy College, Holy Family University, Immaculata University, La Salle College, Neumann College, Rosemont College, Saint Joseph's University, and Manor Junior College. This benefit is only available to faculty members hired before April 15, 1981. For more details, contact the Office of Enrollment Management.