

Appendixes to Model Statement of Criteria and Procedures for Appointment, Promotion in Academic Rank, and Tenure for College and University Librarians*

APPENDIX A DESCRIPTION OF A MODEL CONTRACT^o

1. *AAUP Bulletin* 53:437-38 (Winter 1967).

When a consensus is reached to make an offer to an individual the crucial consideration is that the candidate be given an unequivocal letter of appointment, complete in all respects which are listed below. If the following matters have not been stated and agreed upon in the preliminary correspondence prior to the issuance of an offer, each should be clearly stated in the letter of appointment or the contract:

(1) a commitment as to whether the offer at hand is official or tentative;

(2) if tentative, the nature of further consideration is explained, as well as the approximate date when a binding offer can be expected;

(3) the initial rank;

(4) the length of appointment;

(5) the amount of credit toward the probationary period for prior service, and the total length of the probationary period (credit for prior service plus the probationary period at the appointing institution);

(6) the amount of the annual salary and collateral benefits;

(7) the length of annual service expected for the stated salary and benefits (e.g., 2 semesters, 3 quarters, 2 trimesters, 11 months, etc.);

(8) the prospect, or lack of it, for academic appointment during the summer session, and the approximate salary terms for summer teaching;

(9) the academic responsibilities;

(10) the date when the appointee is expected to report and the approximate date of his final annual duties under the appointment; and

(11) detailed references to the provisions in the institution's by-laws and regulations which have a bearing on his appointment.

Specific information on the numbered items set forth above is of value both to the faculty candidate and to the appointing institution. Many later misunderstandings can be avoided

^oThe Model Statement was published in *CRL News*, Sept. 1973.

by inclusion of all terms of the appointments. Regardless of who signs the letter of appointment, information on these terms should be given to the appointee.

APPENDIX B

PROCEDURES FOR TERMINATION, DISMISSAL, ETC.

A. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in his professional capacity as a librarian. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

B. Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussion between the faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the appropriate faculty committee which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding; (3) a statement of charges, framed with reasonable particularity by the appropriate institutional officer.

C. A dismissal, as defined in A, will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the appropriate faculty committee. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative.

1) Pending a final decision by the hearing committee, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself or others is threatened by his continuance. Before suspending a faculty member, pending the ultimate determination of his status through the institution's hearing procedures, the administration will consult with the Faculty Committee on Academic Freedom and Tenure (or what-

ever the title it may have) concerning the propriety, the length, and the other conditions of the suspension. A suspension which is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of suspension.

2) The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (a) clarify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information and (d) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.

3) Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing any time before the hearing. If the faculty member waives the hearing, but denies the charges against him or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.

4) The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

5) During the proceedings, the faculty member will be permitted to have an academic advisor and counsel of his choice.

6) At the request of either party or the hearing committee, a representative of a responsible educational or professional association shall be permitted to attend the proceedings as an observer.

7) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost, at the faculty member's request.

8) The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

9) The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

10) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.

11) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interest of justice require ad-

mission of their statements, the committee will identify the witnesses, disclose their statements, and if possible provide for interrogatories.

12) In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members of this or other institutions of higher education.

13) The hearing committee will not be bound by strict rules of legal evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

14) The findings of fact and the decision will be based solely on the hearing record.

15) Except as such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or the administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The president and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

16) If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the president. If the president rejects the report, he will state his reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will be so recommended with supporting reasons.

D. Action by the Governing Board

If dismissal or other severe sanction is recommended, the president will, on request of the faculty member, transmit to the governing board the record of the case. The governing board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives. The decision of the hearing committee will either be sustained, or the proceeding returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The governing board will make a final decision only after study of the committee's reconsideration.

E. Procedures for Imposition of Sanctions Other than Dismissal

1) If the administration believes that the conduct of a faculty member, although not con-

stituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in A-C above shall govern such a proceeding.

2) If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis of the proposed sanction and provide him with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may petition the faculty grievance committee for such action as may be appropriate.

F. Terminal Salary or Notice

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the faculty hearing committee or the president, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

APPENDIX C

A GENERAL ACADEMIC LIBRARY GRIEVANCE PROCEDURE MODEL*

1) These procedures deal with grievances relating to individual rights, benefits, working conditions, appointment, reappointment, tenure, promotion, and reassignment and which are within the jurisdiction of the library to resolve.

* This model is based in large part on the "Revised Grievance Procedures: California State Colleges" in "The California State Colleges: Adoption of a Systemwide Grievance Procedure." *AAUP Bulletin* 54:365-70 (Sept. 1968).

2) Any Library Faculty member who believes that an injustice has been done to him/her, by administrative or faculty action within the library may initiate grievance procedures.

3) Informal discussion between persons directly involved in a grievance shall precede the submission of a formal request for a hearing and should be encouraged at all stages. Efforts should be made by all parties to resolve the grievance through informal means.

4) Provisions shall be established whereby a formal grievance procedure may be initiated by the aggrieved party in any grievance not resolved by informal means.

5) A Library Faculty grievance committee shall be established with its composition and membership determined by majority vote of the Library Faculty. The committee may range in size from three to seven members, depending on the size of the faculty, with two or more persons designated as alternate members. No individual who has participated directly in any decision on the issue grieved shall be eligible to serve on the committee hearing the case. Should a conflict be apparent, an alternate member shall replace the committee member involved in the decision according to procedures established by the Library Faculty.

6) The committee shall decide whether or not there are sufficient grounds to hear a case and whether or not to accept written statements in lieu of personal appearances by witnesses. If a decision is made not to hear a case, the committee shall notify the aggrieved party in writing as to the reasons for its action.

7) All grievance hearings shall be open only to participants, their representatives, and to persons presenting information to the grievance committee or being questioned by the grievance committee.

8) At any point in the proceedings prior to the time at which the committee meets to consider its decisions, the aggrieved party may withdraw the grievance with the consent of the grievance committee.

9) In reaching its decision, the committee shall not consider or review any document or other material to which both parties in the grievance are not afforded access.

10) Cases must receive prompt attention. The library and Library Faculty should develop a schedule of time limitations to insure that undue delays will not be imposed on the proceedings.

11) The grievance committee shall submit its report, with recommendations for settlement of the case, to the librarian or the chief administrative officer of the library, whichever shall pertain. The decision of the dean of libraries, except in rare instances and for compelling reasons, should concur with the judgment of the grievance committee. In the event

that his/her decision is not in accord with the grievance committee's judgment, the compelling reasons for this shall be stated in detail to the grievant and to the grievance committee.

12) An aggrieved person may appeal to the appropriate officer of the institution thru proper channels if the dean of libraries does not concur with the recommendations of the grievance committee. The decision of the appropriate institution shall be final in all cases.

APPENDIX D

A MODEL GRIEVANCE PROCEDURE DEVELOPED FOR A SPECIFIC ACADEMIC LIBRARY

This is a model for a library at a medium size college. There are twelve professional librarians with faculty status and rank on the staff. A standing advisory committee of the Library Faculty has developed a grievance policy and procedure in consultation with the director of the library. The president of the college has accepted the grievance procedure as an affirmative method of achieving the resolution of conflict within the library.

DEFINITIONS

1. A "grievance" shall mean any claim of injustice committed against any librarian or group of librarians with regard to his/her rights, benefits, working conditions, appointment, reappointment, tenure, promotion, or reassignment.
2. An "aggrieved party" or "grievant" is the person or persons making the claim.
3. A "party in interest" is the person or persons making the claim and any person who might be required to take action or against whom action might be taken in order to resolve the claim.
4. A "working day" is any weekday, Monday through Friday, when the library staff is normally at work.

GRIEVANCE POLICY

Any faculty member at the library may initiate a request to resolve a grievance if he/she feels an injustice has been done with regard to his/her individual rights, benefits, working conditions, appointment, reappointment, tenure, promotion, or reassignment.

A Library Grievance Committee consisting of three members, and two alternate members shall be selected by majority vote of the Library Faculty, through a preferential ballot, to serve on an annual basis effective July 1 of each year. The director of the library shall not serve on the committee nor vote for membership on the committee. The chairman of the Library Griev-

ance Committee shall be selected by the members of the committee. If a member of the committee is directly involved in a grievance case brought to the committee, he/she shall be replaced by an alternate member for the duration of the committee's proceedings on that case.

A formal grievance procedure shall be initiated through a written statement and request to the committee from the aggrieved party. The committee may, at this point, request any supporting documentation from all parties in interest which would serve to define the scope and nature of the grievance. The committee shall decide whether or not to hear the case, but may refuse to hear a case only by the unanimous consent of its members. If the committee refuses to hear a case, the reasons for its action must be transmitted to the grievant in writing.

When a grievance is heard by the committee, any party in interest may submit documents and other materials related to the case, interview witnesses, and otherwise make a full presentation of information to the committee.

At any point in the proceedings prior to the time at which the committee meets to consider its decision, the aggrieved party may withdraw the grievance with the consent of the committee. In reaching its decision, the committee shall not consider or review any document or other material to which the parties in interest are not afforded access with sufficient time for response.

Failure at any step in this procedure to communicate the decision on a grievance within the specified time limit shall permit the aggrieved party to proceed to the next step. Failure at any step of this grievance procedure to appeal a grievance to the next step within the specified time limit shall be deemed to be acceptance of the decision rendered at that step. The time limits may be extended in any specific instance by mutual written agreement.

In the event that a grievance occurs from the action of the director of the library, the grievance procedure contained herein shall commence at the point of origin as the first step.

No reprisals of any kind shall be taken by the college or any employee thereof against any party in interest, any witnesses, any members of the Library Grievance Committee, or any other participant in the grievance procedure by reason of such participation.

GRIEVANCE PROCEDURE

Prior to initiating the first step of this procedure, the aggrieved party must seek to resolve the grievance through informal discussion with the appropriate department head, comparable immediate supervisor, or the director of the library, whomever took action which led to the grievance.

Step 1. (a) The grievant may file his/her written grievance to the appropriate department head, or comparable immediate supervisor, not later than fifteen (15) working days following the grievant's knowledge of the act, event, or commencement of the condition which is the basis of the grievance.

(b) The aggrieved party shall discuss his/her grievance with the appropriate department head, or comparable immediate supervisor, who shall attempt to resolve the grievance and shall render a written decision to the grievant within five (5) working days of the receipt of the grievance.

Step 2. If the grievance is not satisfactorily resolved through Step 1, the grievant may submit the grievance in writing within seven (7) working days to the Library Grievance Committee. The Library Grievance Committee shall decide within ten (10) working days whether or not to hear the grievance case. If the committee acts to hear the case, all parties in interest may be present during all meetings of the committee except the meeting at which the committee considers its decision. The decision of the committee shall be submitted in writing to the director of the library, the grievant, and the appropriate department head or comparable immediate supervisor, within twenty-four (24) hours

following the close of Committee meetings on the grievance case. The director of the library, except in rare instances and for compelling reasons, shall concur with the decision of the committee. If the decision of the director of the library is not in accord with the judgment of the committee, the reasons for the decision shall be transmitted in writing within ten (10) working days to the grievant and to the committee.

Step 3. (a) If the grievance is not satisfactorily resolved through Step 2, the grievant may submit the grievance in writing within seven (7) working days to the director of the library.

(b) The aggrieved party shall discuss his/her grievance with the director of the library, or his/her designee, who shall attempt to resolve the grievance and shall render a decision within ten (10) working days of the receipt of the grievance.

Step 4. If the director of the library does not concur with the judgment of the committee, the grievant may appeal the decision rendered in step 3, in writing, within seven (7) working days, to the president of the college. The decision of the president of the college shall be final in all cases. ■■

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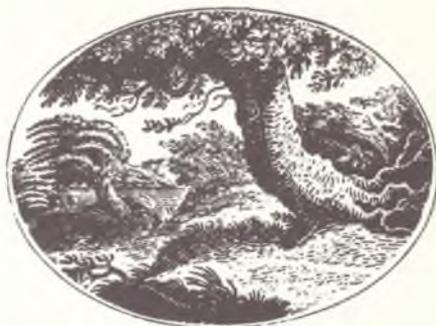
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