

II.E. TERMS AND CONDITIONS OF FACULTY APPOINTMENTS

II.E.1. Statement on Faculty Responsibility

(Source: *Office of the Provost, Almanac, October 7, 1980* (<https://almanac.upenn.edu/archive/v27pdf/n07/100780.pdf>))

An appointment to the Standing Faculty of the University of Pennsylvania implies the recognition of a teacher-scholar's professional achievements and promise. Although the final authority for the conduct of University affairs is vested in the Board of Trustees, much of that authority is delegated to the various faculties whose policies and decisions play the key role in determining the character of the University as an educational institution. Working with their deans, the Provost and the President, the faculties conduct the affairs of their schools and departments to the mutual advantage of their students, the University, and the scholarly community.

Traditionally, professional men and women have chosen university teaching posts partly because they allow for a flexible scheduling of time and an opportunity to pursue intellectual interests relatively free from distraction. In a research university, which has as its main functions the advancement and imparting of knowledge, teaching and scholarship may be said to have equal rank and to be interdependent. At the same time it must be recognized that the University is an institution of great complexity that requires a large expenditure of faculty time for its successful governance and operation. It is the purpose of this statement to indicate in a general way the minimum obligations of a faculty member toward the students and the institution. More specific obligations will be found in the policy statements of the various schools. Unless otherwise authorized by the University administration, all members of the Standing Faculty of the University of Pennsylvania will be expected to abide by the principles stated herein.

Teaching and Related Activities

Except for official leaves of absence, release time provided by research grants or administrative appointments, special *ad hoc* arrangements that permit teaching to be concentrated in one term during a particular academic year, or other official exemptions, faculty are expected to participate fully in the teaching program during each regular term of the academic year. Teaching loads, which may vary from time to time, are determined by the dean of each school in consultation with the faculty, the department chair and the Provost.

The teaching of students at all levels is to be distributed among faculty members without regard to rank or seniority as such. Basic-level courses are not deemed the exclusive province of the junior faculty nor advanced courses the unique domain of the senior faculty. It is important that undergraduates, including freshmen and sophomores, have significant opportunities to learn from eminent scholars. And junior faculty members should not be called upon to bear a disproportionately heavy share of the responsibility for large and pedagogically demanding basic-level courses. This is not to say that teaching assignments should be unrelated to research interests or teaching strengths. On the contrary, the marriage of teaching and research greatly enhances both enterprises. Moreover, to the extent that some professors are more adept at teaching small classes than large ones, or at leading discussions rather than lecturing, those comparative advantages are an appropriate consideration in

allocating teaching responsibilities. Naturally, teachers should be flexible enough to offer courses outside narrow fields of specialization. A teacher whose class must be cancelled because of under enrollment is normally expected to make up this deficiency in scheduling. In addition to their formal course loads, faculty members are also expected to bear their fair share of the responsibility for supervising student research and independent study.

Availability

Becoming a member of the Standing Faculty of the University implies a willingness to accommodate oneself to the reasonable scheduling of courses, laboratories, faculty meetings, and committee assignments. Faculty members are expected to be available for advising and individual student conferences throughout the term by means of regularly scheduled office hours or appointments or both unless prevented by conflicting professional activities. Moreover, faculty members are also expected to be easily available to their colleagues. Only compelling personal or professional reasons should prevent faculty members from holding all classes at the scheduled times and places.

Every effort should be made to reschedule classes missed because of a teacher's absence. Formally scheduled final examinations are to be given only during the time periods officially announced (see Rules Governing Final Examinations (<http://catalog.upenn.edu/faculty-handbook/iv/iv-f/>) and Administration of Examinations on Religious Holidays (<http://catalog.upenn.edu/faculty-handbook/iv/iv-h/>)).

Research

Appointments are made to the Standing Faculty of teacher-scholars whose research and publications are expected to continue throughout their active careers. Teaching loads at the University of Pennsylvania generally reflect the assumption that a significant part of the faculty member's time will be devoted to research.

Service

Another aspect of faculty activity is service to the department, the school, and the University. The faculty is involved in all decisions affecting courses, curricula, degrees, appointments and promotions, and in many other choices affecting the physical plant and the multifarious aspects of University life and activities. Thus, service as administrators and committee members is an important part of faculty life.

All three activities—teaching, research, and service—are of major importance, and all may be considered in determining salary levels and eligibility for promotion. Since some members may be called upon for extraordinary effort in one or more of these areas, such effort is consistent with adjustment in the others. Thus, exceptionally heavy administrative duties are often balanced by a reduction in teaching load. Taken in their entirety, faculty activities usually involve a total commitment of one's professional time and efforts (see Conflict of Interest Policy (p.)).

(See page 5 - Almanac, October 7, 1980 (<https://almanac.upenn.edu/archive/v27pdf/n07/100780.pdf>))

II.E.2. Faculty Leaves of Absence

(Source: *Resolution of the Executive Committee of the Trustees, January 22, 1965; revised, December 17, 1981*)

The two main types of leaves of absence available to the faculty of the University of Pennsylvania are scholarly leave and leave for employment elsewhere. All leaves require the approval of the relevant department

chair, school dean and the Provost. Combinations of these types of leave are possible; however, such arrangements are governed by the principle that no faculty member will be on leave for more than four semesters during any six years that include the period of a requested leave without the explicit approval of the Provost, President and Trustees.

Scholarly Leaves

It is appropriate that members of the Standing Faculty, Standing Faculty—Clinician-Educators, and full-time Research Faculty periodically be granted scholarly leaves for study and research. A scholarly leave is a means of recognizing a faculty member’s high academic performance while at the University, future potential for growth, and an opportunity to make a major contribution to knowledge. It is intended to extend and to accelerate intellectual growth and to enable a faculty member to pursue without distraction a project designed to this end including the advancement of personal knowledge or competence in the faculty member’s current or potential areas of specialty.

A scholarly leave is also intended to benefit the general academic community and the University. Therefore, a scholarly leave normally will be granted only to a faculty member who will have a continuing appointment with the University after the end of the leave and who, at the time of notification of approval for the leave, has not made a commitment inconsistent with return to the University. Exceptions to this requirement will be made for faculty members who plan to retire at the end of their proposed scholarly leave.

A scholarly leave is granted only to a faculty member who has presented an appropriate private program of study or research. It is recognized, however, that scholarly leaves for faculty members in the arts and professions can be based upon programs designed to increase professional competence even though these may not normally be interpreted as research programs.

Approval of an application for scholarly leave is contingent upon adequate fiscal and personnel resources being available to meet instructional assignments and other departmental responsibilities. If exigencies require, it may become necessary to postpone leaves.

Scholarly leave is normally not granted to University faculty members holding term appointments. In special cases where a faculty member on a term appointment is granted a scholarly leave, the leave will be counted as part of the time accumulated toward tenure, unless the formal action approving the leave expressly provides otherwise.

Scholarly leaves may be with or without salary from the University.

Scholarly Leaves without Salary

Scholarly leaves without salary are occasionally granted. In these cases, the faculty member does not receive remuneration in the form of salary from the University of Pennsylvania or from any other organization. To the extent that personnel benefits are not financed under this arrangement, the faculty member may request that the University make contributions toward the cost of these personnel benefits as permitted by law and University benefits policies, provided that the faculty member continues individual contributions to the employee benefits plans.

Scholarly Leaves with Salary

(Revised, Office of the Provost, Almanac, January 10, 1989; clarification, Almanac, February 7, 1989)

Normally, an initial scholarly leave with salary is granted to a University faculty member holding the rank of Associate Professor or Professor

after a period of six or more consecutive years of full-time service in the Standing Faculty, Standing Faculty— Clinician-Educator, or Research Faculty at the University. Additional paid scholarly leave may be granted periodically.

Eligibility for consideration for up to a maximum of two semesters of leave at full academic base salary may be accrued at the rate of one semester of leave at up to half academic base salary (or equivalent) for each six semesters of full-time service (accumulation cannot begin before July 1, 1982):

Full-time Service	Leave Eligibility
Six semesters	One semester at up to half academic base salary
Twelve semesters	One semester at up to full academic base salary or two semesters at up to half academic base salary
Eighteen semesters	One semester at up to full academic base salary and one semester at up to half base salary
Twenty-four semesters	Two semesters at up to full academic base salary

Faculty members may not normally be granted scholarly leave with salary for more than two consecutive semesters. Faculty members on twelve-month appointments will accrue eligibility for leave at full or half academic base salary for six months or twelve months after full-time service for corresponding six month (rather than semester) periods.

The University shall administer all types of scholarly leave with flexibility, allowing faculty members to take advantage of special opportunities such as prestigious fellowships. In such cases, when a leave is granted earlier than would be expected, the interval between this leave and any subsequent leave will be adjusted to make the faculty member’s leaves conform, on the average, to the guidelines above.

Faculty members are encouraged to seek outside support wherever possible to permit them to take advantage of the full year leave option without loss of income. Total salary during the leave cannot exceed the normal academic salary for that period; if the outside support is such that the total would exceed the normal academic salary, the University contribution shall be appropriately reduced. Payments specifically designated by a supporting agency for travel or living expenses are exempt from this limitation; such payments may also be made from departmental or school budgets, but not from the benefits pool.

It is the responsibility of an applicant for a scholarly leave to inform the University fully concerning the financial circumstances surrounding the leave, including any grant, fellowship, stipend or other compensation that is received during the leave period so that the University may make arrangements for appropriate financial support. Such information shall be presented as soon as it is available.

A faculty member may not accept paid employment during a scholarly leave with salary except as provided within the University’s policy governing extramural activity for compensation (see Policy on Extra Compensation (p.)). During a paid leave, personnel benefits are continued to the extent permitted by law and by University benefits policy, provided the faculty member continues normal benefits contributions.

(See page 2 - Almanac, February 7, 1989)

Leaves for Employment Elsewhere

A leave of absence may be granted to a faculty member who wishes to accept a temporary post at another university, in governmental service, or in a private institution, agency, industry or firm. Such leaves are granted only when clear benefits in terms of scholarly opportunity or professional development derive from the leave and support the activities of the University. They are granted only when the personnel resources of the University are adequate to maintain the programs with which the faculty member is concerned in his or her absence.

Normally a leave of absence for employment elsewhere will be for a period of one year. If there is sufficient justification, a second year of leave may be approved. A leave of absence for employment elsewhere will never be extended beyond two years with the single exception of leave to accept a Presidential appointment to a high level position in the federal government. In this one case, leave may be extended for a period as long as four years. The appointment of a faculty member who does not return to his or her duties at the University at the end of a leave for employment elsewhere will be terminated as of the end of the leave period.

Normally the University does not contribute toward the salary or benefits of a faculty member on leave for employment elsewhere. Frequently employers will provide their own benefits plan to the faculty member or will reimburse the University in order to maintain University benefits coverage for the individual in question. However, the University urges the faculty member to retain appropriate benefits coverage while on leave and to make any necessary arrangements with the Office of Human Resources prior to the leave period.

Other Leaves

The University recognizes that occasions may arise when faculty members may wish, or be forced, to request leaves of absence for purposes other than scholarly study or employment elsewhere. It will endeavor to be as generous as possible in granting these requests when they are compatible with the best interests of the faculty members, the students, and the University. If such a leave is granted to a member of the Standing Faculty on a term appointment, this leave will be counted as part of the time accumulated toward tenure unless expressly provided otherwise in the formal action approving the leave. Additional information on leaves is included in the University of Pennsylvania's Division of Human Resources Policy Manual.

Reduction in Duties

(Source: 1989 Handbook for Faculty and Academic Administrators; revised, Office of the Provost, Almanac, February 5, 1991; revised, Almanac, February 28, 2006; revised, Almanac, May 8, 2007 (<https://almanac.upenn.edu/archive/volumes/v53/n33/or.html>))

Members of the Standing Faculty, the Research Faculty and Academic Clinicians may request a reduction in duties for a period not to exceed six years. Such a reduction is granted only for whole years and requires Provost approval prior to the start of a reduction in duties. The Provost's approval of a reduction in duties is for renewable terms of one year, although faculty who are aware they will require a reduction in duties of more than one year should indicate the anticipated period of reduction in their initial request. A reduction in duties will generally be granted for good and sufficient reason such as serious illness or injury, care of an ill family member, care of dependent children, or elder care. A reduction in duties is for a percentage of full duties not to exceed fifty percent. Reduction in duties is always accompanied by a proportional reduction

in salary and in those benefits, such as life insurance and retirement contributions, that are salary-based.

For untenured members of the Standing Faculty on the tenure track, assistant professors on the Standing Faculty-Clinician-educator track, and assistant professors on the Research track, the probationary period shall be extended, subject to Policy on Extension of the Probationary Periods, as follows:

1. A reduction of duties of fifty percent for two years results in the extension of the probationary period by one year; or
 2. A reduction of duties of less than fifty percent (.50) may result in extension of the probationary period if the sum of the proportion of reduction multiplied by the number of years for which the reduction is taken equals or exceeds one.
- For example, all of the following would allow a one year extension: 33 percent (0.33) reduction for three years; 25 percent (0.25) reduction for four years; 40 percent (0.40) reduction for three years; 30 percent (0.30) for four years; and 40 percent (.40) for one year and 30 percent (.30) for two years. An extension of the probationary period by one year does not take effect until the reduction taken equals one. The timing of any scheduled reappointment review shall be adjusted as appropriate, subject to the approval of the Provost. (*The policy on reduction in duties in anticipation of retirement is found in section Phased Retirement.*)

Inactive Status

Special arrangements whereby faculty members are released from academic duties for periods of time shorter than a single semester are not called leaves. Such arrangements require the approval of the dean and are handled within the several schools; they do not involve the University benefits pool.

Resignation While on Leave

If a faculty member accepts an appointment to another institution while on leave, it is customary among institutions of higher learning for the new institution to reimburse the former institution for sums paid to the faculty member. The University of Pennsylvania generally observes this practice in its own appointment procedures, and it expects that faculty members who resign from the University of Pennsylvania while on leave will cooperate in seeking such reimbursement for the University from their new institutions.

(See page 3 - Resolution of the Executive Committee of the Trustees, December 17, 1981 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1981/december-17/>))

II.E.3. Policy on Extension of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor

(Source: Offices of the President and Provost, Almanac, March 18, 1997; revised, Almanac, April 27, 1999; revised, Almanac, February 28, 2006 (https://almanac.upenn.edu/archive/volumes/v52/n24/pdf_n24/supp.pdf); revised November 6, 2019)

- A. A non-tenured member of the Standing Faculty shall be eligible for an extension of the tenure probationary period, and a Standing Faculty-Clinician-Educator or member of the Research Faculty shall be eligible for an extension of the promotion review period

corresponding to the semester or year during which any of the following events occurred:

1. **New Child in Home.** A child is born, adopted, or placed for foster care, into the faculty member's household and the faculty member is the primary or co-equal parental caregiver;
 2. **Caregiver.** By reason of a serious health condition (as defined in Section 2611(11)¹ of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is required to act as the primary or co-equal caregiver for a parent, child, spouse, or domestic partner (as defined in the domestic partner benefits policy); or
 3. **Serious Health Condition.** By reason of a serious health condition (as defined in Section 2611(11)¹ of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of his or her position.
 4. **Catastrophic Event.** The University recognizes that rare and unusual situations may occur in which a faculty member in a probationary period will be the victim or survivor of an unforeseen, catastrophic event. A "catastrophic event" is defined under this policy as either a personal event or a professional event:
 - i. **Personal Event.** An adverse and extraordinary personal event or condition persisting for a substantial period of time for which the extension is sought, including
 1. bereavement (due to the death of a spouse, child, or parent);
 2. loss of primary residence due to, for example, fire, flood or natural disaster;
 3. survivorship of a crime of violence, including domestic violence and sexual assault.
 - ii. **Professional Event.** The destruction, loss, or unavailability of, or interference with access to, materials, data or research opportunities necessary for completion of a research project, such that the research project is unable to proceed or is disrupted for at least sixty days; or unforeseen interruptions in the availability of building facilities or suspension of laboratory operations that deprive the faculty member or appropriate members of the research team of access to a laboratory or the availability of other essential supports for at least sixty days. It is understood that a "catastrophic event" has a serious impact on the faculty member's ability to pursue his/her area of scholarly focus or activity in a customary and timely fashion and occurs through no fault of the faculty member.
 5. **Military Service.** A faculty member who must perform mandatory military service may be granted probationary period extension.
- B. The length of each extension shall be one year. Up to three extensions for any combination of grounds included in above paragraph A (1) – (5) may be approved. For untenured members of the Standing Faculty on the tenure track, the total probationary period cannot exceed ten years. For assistant professors on the Standing Faculty-Clinician-Educator track, and assistant professors on the Research track, the total probationary period cannot exceed thirteen years.
- C. The faculty member shall complete the Notification of Extension form and transmit it, through their department chair or dean, to the Provost's office within one year of the start of conditions enumerated in paragraph A (1)-(5), above. However, faculty seeking extensions due to catastrophic events as defined in A (4), above, must also comply with procedures described in paragraph I, below. Deans and department chairs are responsible for promptly transmitting faculty extension requests to the Vice Provost for Faculty.
- D. Extensions of the tenure probationary period shall be without prejudice to the obligation of the University to provide faculty members with twelve months' notice of termination.
 - E. A faculty member approved for an extension under this section, may waive an approved extension and revert to an earlier mandatory review year. The faculty member must make a written request for reversion to their department chair or, if none, their dean, before July 1 of the desired mandatory review year.
 - F. When a faculty member who has taken an extension under this section is being reviewed for tenure or promotion to associate professor, the dean, in his/her letter soliciting evaluations from external reviewers, should explicitly state that the candidate has taken an extension pursuant to this policy. The dean should further state that the policy of the University of Pennsylvania is to evaluate the productivity of each candidate who has been granted an extension as if he or she had been in probationary status for the normal duration, so that the candidate is not penalized for having received the extension.
 - G. If both spouses or partners are co-equal caregivers, then both may obtain extensions of the tenure probationary period.
 - H. Upon being notified of a faculty member's application for a one-year extension of the probationary period, the University will approve the application unless specific and compelling factors require its denial. The action of the Provost shall be communicated in writing to the faculty member and shall specify the revised date of tenure review and termination date of the probationary period and (in the event that the request is denied) shall specify the grounds for the denial.
 - I. In order to determine if the faculty member is eligible for an extension of his/her probationary period due to a personal or professional catastrophe, the following rigorous review and evaluation shall apply:
 - a. **Personal Event.** The faculty member shall compose a confidential letter identifying the circumstances of the catastrophe and shall complete the Notification of Extension form. The faculty member should transmit both documents through their department chair or dean to the Office of the Provost, or, may transmit them directly to the Vice Provost for Faculty. The event should be reported, and the extension requested as soon as feasible, but in any event no later one year after the catastrophic event occurs or commences. Events, including the birth of a child, that occur within a year prior to hire are eligible for extensions if timely requested.
 - b. **Professional Event.** The faculty member shall report that an event or condition has occurred that qualifies the faculty member for an extension of the probationary period to their department chair, or if none, their dean as soon as feasible, but in any event no later than thirty days following the catastrophic event or the discovery of the catastrophic event.
 - i. The faculty member must submit a written report of the event to the dean or department chair, documenting the loss and including any supporting materials, such as insurance claims, statements from collaborators, witnesses, and University reports, as well as a request for an extension of the probationary period.
 - ii. The faculty member's report, supporting materials, and a statement of support for the extension shall be reviewed by the dean of his/her school.
 - iii. The dean shall appoint a committee to review and evaluate the request and to provide a written report and

recommendation within twenty-one days. The committee shall be comprised of three senior standing faculty who are not from the home department of the faculty member making the request; in the schools where there is an Associate or Vice Dean for Research and/or Research Training, that person will serve *ex officio*.

- iv. The committee shall review the details of the event, evaluate the impact on the ability of the faculty member to pursue his/her area of scholarly focus or activity, suggest a plan for amelioration, and a timeline for completion. The committee members should interview faculty and staff who may have information pertinent to the event.
- v. The committee shall submit a report and recommendation to the dean. In those cases where the dean recommends an extension, he/she will submit the report, any additional documentation, and a recommendation to the Vice Provost for Faculty.
- vi. The Vice Provost shall review the report with the subcommittee of the Provost's Staff Conference who will serve as advisors to the Vice Provost in making the determination. Each case shall be judged on its own merits and shall not create a precedent for future determinations. The decision of the Vice Provost and/or Provost shall be final and binding.

¹ N.B. The statute defines a "serious health condition" as "an illness, injury, impairment, or physical or mental condition that involves"—(A) inpatient care in a hospital, hospice, or residential medical care facility" or "(B) continuing treatment by a health care provider." "Health care provider" is defined as: "(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices or "(B) any other person determined by the Secretary [of Health and Human Services] to be capable of providing health care services."

II.E.4. Faculty Parental and Teaching Leave Policy

(Source: *Offices of the President and Provost, Almanac, March 18, 1997; revised, Almanac, February 28, 2006* (https://almanac.upenn.edu/archive/volumes/v52/n24/pdf_n24/supp.pdf); *revised, Faculty Senate, May 21, 2015* (<https://almanac.upenn.edu/archive/volumes/v61/n35/sec-actions.html>); *revised, Office of the Provost November 6, 2019*)

The arrival of a new child into a family, either at the time of birth or adoption, typically requires that parents devote substantial time to child care duties. The assumption of these substantial child care duties often is incompatible with the time required by a faculty member's full time University obligations.

- A. All full-time Standing and Non-Standing Faculty: Under a university employee benefits policy adopted in September 2018, https://www.hr.upenn.edu/docs/default-source/benefits/paid-parental-leave-brochure.pdf?Status=Temp&sfvrsn=49818f56_6 (https://www.hr.upenn.edu/docs/default-source/benefits/paid-parental-leave-brochure.pdf?Status=Temp&sfvrsn=49818f56_6), full time Penn faculty and staff who meet applicable service requirements and are caregivers of children newly arrived in their homes are eligible for four consecutive weeks of paid parental leave for purposes of bonding. Faculty members are required to notify their department chair and/or Dean in writing of their preferred leave schedule at an

early date so that appropriate arrangements can be made to cover their responsibilities.

- B. Four consecutive weeks of parental leave is not always practical for faculty with responsibilities for teaching semester-long courses or the equivalent. In lieu of four consecutive weeks of paid parental leave, schools may grant faculty full semesters or the equivalent without teaching duties.
- C. Standing Faculty Only: A member of the Standing Faculty, whose main responsibility is teaching, who is the caregiver of a child newly arrived in their home through birth or adoption, is entitled, without reduction in pay, to parental leave in the form of an academic semester (approximately 14 weeks) without teaching duties. In addition, a member of the Standing faculty who gives birth is entitled to an additional semester corresponding to the semester in which the birth occurs.
 1. The date of the birth or adoption and the faculty member's teaching schedule will determine the appropriate timing for the leave. Semesters without teaching duties will commence within twelve months of the baby's birth or the child's arrival in the home.
 2. The faculty member is required to notify the department chair and/or dean in writing of their preferred teaching schedule at an early date so that appropriate arrangements can be made to cover their teaching.
- D. Where both parents are faculty members at the University, each parent is entitled to paid parental leave or teaching relief as otherwise outlined in this policy.
- E. University scholarly leaves and leaves for employment elsewhere may not be taken immediately after a parental leave, without the prior approval of the faculty member's Dean.

II.E.5. Policy on Extra Faculty Compensation

(Source: *Office of the President, May 2, 1963; revised, 1969 Handbook for Faculty and Administration*)

Faculty should not receive extra compensation from the University for undertaking research during the academic year. Similarly, extra compensation should not be provided for undertaking unusually heavy teaching responsibilities in the regular academic programs of the University. Such unusual overload should be offset by corresponding lighter loads in a future semester.

Extra compensation may be provided when a faculty member:

1. Has been appointed to an administrative post in addition to his or her faculty appointment and for which additional salary has been authorized by the dean or Provost;
2. Holds a nine-month appointment and teaches in summer programs of the University;
3. Holds a nine-month appointment and receives a summer salary from the University for other than teaching purposes, in which case the faculty member may receive up to one-ninth of his/her academic base salary times the number of months spent in full-time service on the project during the months of June, July, and August. The normal pattern is two-ninths additional salary for two months' work and one month's vacation. In some cases, if the granting agency approves and

the faculty member takes no vacation three-ninths may be paid, but in no case will payments exceed one-third of the base academic salary.

4. Teaches in evening, extension, and specialized or supplemental programs which may be established from time to time provided:
 - a. They are conducted by a faculty or a school of the University; or
 - b. The function of the program serves an extramural purpose for which the need is broadly recognized;
5. Engages in clinical practice in an established group practice within the University, the University hospital, and affiliated hospitals.
6. Is asked to engage in "internal consulting" where services essentially of an intramural consulting nature are required for very short periods of time within a semester and where reduction in departmental loads is not feasible. The rule excluding extra compensation may be waived by the Provost. Extra compensation may be paid only in cases that meet all the following criteria:
 - a. The time involved would be limited to approximately four days per project during an academic year, and the total time for all intra-university consulting or research (for extra compensation) would be limited to eight days per academic year.
 - b. The work must not interfere with the regular work of the department or of the individuals concerned.
 - c. The work must either have been unforeseen at the time the faculty member's duties for the period were planned, or no feasible alternative means could be found for absorbing it into his or her work schedule.
 - d. The administration of such arrangements must include an exchange of correspondence between the chairs of the departments involved prior to the start of the work as well as approval by the Provost.

In addition, home department chairs or other appropriate immediate superiors should be made aware of all activities undertaken by faculty members for extra compensation, with a view to preventing conflicts of interest and to avoid excessive overall commitments.

II.E.6. Financial Obligations of the University to Faculty Members

(Source: *Standing Resolution of the Trustees, October 16, 1959 and 1979 Handbook for Faculty and Administration; revised, Standing Resolution of the Trustees, September 9, 1983*)

Death

Accelerated payment of a portion of life insurance equal to one-fourth of the insured's annual benefits base is available through the Benefits Office in accordance with the Group Life Insurance policy as published in The University of Pennsylvania Personnel Policy Manual.

Illness

Policies regarding absence for illness are covered by the University sick leave policy as published in *The University of Pennsylvania Division of Human Resources Policy Manual*.

Absenteeism

The University is not obligated to pay an individual holding tenure or a term appointment for periods of absence without leave. When a faculty member is recurrently absent from classes to a degree that interferes with the proper conduct of the course in the opinion of the department chair, and fails to provide evidence for the necessity of the absence that is satisfactory to the chair or the dean, the dean may, after one written

warning to the faculty member, reduce the faculty member's salary by the amount actually expended to employ a substitute for the remainder of the course, without raising any question of termination. At the end of this period the reduced salary would be restored subject to the possibility of either suspension or *permanent removal determined as outlined above*.

(See page 29 - Standing Resolution of the Trustees, September 9, 1983 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1983/september-9/>))

II.E.7. Resignation

Resignation should be made by letter to the appropriate dean and submitted to the department chair.

Faculty members in tenure probationary status who intend to terminate their services at the end of their appointments should notify their department chairs by letter one year in advance, if possible, and no later than February 1 of the last year of the appointment.

A faculty member with tenure should also notify his or her department chair by letter one year in advance of resignation.

II.E.8. Acceptance of Appointments Elsewhere

(Source: *Office of the Provost, Almanac, December 5, 1989* (<https://almanac.upenn.edu/archive/v36pdf/n15/120589.pdf>))

Any full-time member of the Standing Faculty, Associated Faculty or Academic Support Staff who accepts a full-time position at another institution must notify his or her department chair and dean of that act at the time it takes place. Unless a leave of absence has been granted, the appointment at Penn terminates as of the beginning of the new appointment.

In the case of tenured faculty who wish to accept a full-time tenured position elsewhere, Penn will not grant leaves of absence for periods after the acceptance of the new appointment.

II.E.9. Retirement

(Source: *Office of the Provost, 2004*)

Faculty members who consider retirement should make a careful assessment of their financial needs and resources. The primary retirement benefit to faculty members is provided through the University's Tax Deferred Retirement Plan. More detailed information about the plan is available from the website of the Office of Human Resources (<https://www.hr.upenn.edu/PennHR/benefits-pay/retirees/>). In addition to these resources, TIAA/CREF and the Vanguard Group, the carriers for the plan, present frequent seminars on retirement issues and provide opportunities for individual counseling. Schedules for the seminars and information on making individual appointments can be found at the Office of Human Resources website or by contacting the carrier directly. To make an appointment for a counseling session with a TIAA/CREF representative, visit their website at <http://www.tiaa-cref.org/moc> (<http://www.tiaa-cref.org/moc/>). To make an appointment for a counseling session with a Vanguard representative visit their website at www.meetvanguard.com (<http://www.meetvanguard.com>).

A. Transition Programs

Two programs are available to faculty members who wish to ease the transition from full-time employment to retirement:

1. Faculty Income Allowance Program—The Faculty Income Allowance Program (FIAP) provides a transitional income allowance to members of the Standing Faculty and of the Standing Faculty–Clinician-Educator who qualify for the program. This allowance, which is paid during the first twenty-four months of a faculty member's retirement, is typically somewhat greater than eighty percent of the faculty member's pre-retirement monthly salary. Details of the program are available at: https://www.hr.upenn.edu/docs/default-source/benefits/fiap_benefits_summary.pdf.
2. Phased Retirement—Phased retirement is available for faculty members who wish to move gradually from full-time employment to full retirement. During the period of phased retirement, which may extend up to six years, a faculty member's responsibilities and salary are reduced by a maximum of fifty percent. All benefits are continued during the period of phased retirement, but those benefits linked to salary are proportionately reduced. Participation in the program requires
 - a. agreement between the faculty member and the chair of the faculty member's department and
 - b. agreement to move to full retirement at the end of the period of phased retirement.
 At the end of the period of phased retirement a faculty member who meets the requirements of FIAP may begin full retirement with the benefits of that program.

B. Continuing University Benefits in Retirement

The University currently provides subsidized retiree medical coverage and continued dependent tuition benefits to faculty members. Effective January 1, 2006, eligibility for these benefits required that the "Rule of 75" be met: the age and years of service of the faculty member must total seventy-five. In addition, the current eligibility requirements of age fifty-five with fifteen years of service or age sixty-two with ten years of service must also be met and service must be full-time and continuous. There is a grandfathering provision for three years ending December 31, 2008 under which individuals who meet the current eligibility requirements during the three-year period between January 1, 2006 and December 31, 2008 shall be eligible for the benefits without having to meet the Rule of 75.

More information on current policies concerning retirement benefits is available from the website of the Office of Human Resources, www.hr.upenn.edu (<https://www.hr.upenn.edu/>).

C. Rights and Privileges of Retired Faculty Members

(Source: *Provost's Memorandum No. 9-69, March 25, 1969; revised, No. 6-72, Almanac, April 18, 1972; revised, Office of the Provost, 2008*)

The University views retirement from the Standing Faculty as one stage of an academic career. The University encourages retired faculty members to remain involved with the University, their schools and their departments. Though no faculty member acquires new rights or privileges upon retirement, certain of those rights and privileges to which he or she was entitled prior to retirement are still extended. (The term "retired faculty" is used throughout this section to refer to those individuals who have retired from the Standing Faculty.)

1. Emeritus status can be conferred upon professors and associate professors in the Standing Faculty and upon Standing Faculty clinician-educators at the time of their retirement (see Emeritus Faculty). A faculty member may continue to use the title Professor or may choose to use the title "Professor Emeritus/a". The election of which title to use should be made at the time of retirement and a

- representative of the faculty member's department so notified. The department should then notify the Provost's Office of the election.
2. Retired faculty members may seek office and research space and support staff for their scholarship. The department shall provide such space and support to the extent that it is available and not required by members of the Standing and Associated faculties.
3. Retired faculty members may file research or travel grant applications. The consent of the relevant department chair or dean must be obtained prior to submission to the Vice Provost for Research. Such applications shall be transmitted further only if the Vice Provost believes the project to be of significance, if there is probability of its being completed and if necessary office and laboratory space is available. If there is a shortage of such space, first priority must go to members of the Standing and Associated Faculties.
4. Retired faculty members may attend meetings of their school faculties and may participate in the work of committees of those faculties if invited.
5. Retired Standing Faculty members are, by the rules of the Faculty Senate, members of the Faculty Senate and have the same rights and privileges as other members, but are not entitled to vote.
6. The library use privileges enjoyed by members of the Standing Faculty are continued for retired faculty members, who may apply for faculty studies in the library if such facilities are required.
7. Retired Standing Faculty members may choose to be listed in the online directory.
8. Retired faculty may receive mail at the University and may use the University as a mailing address.
9. The right of continued membership in the University Club is extended to retired faculty members.
10. The privilege of receiving the *Almanac*, the *Pennsylvania Gazette*, and special reports is continued.
11. Certain employee benefits are available as described in the University of Pennsylvania Division of Human Resources Policy Manual.
12. Faculty staff scholarship benefits are continued to those eligible for such benefits at the time of retirement.
13. Retired faculty members are entitled to retain a PennCard with all the privileges that entails (e.g., admission to the libraries and recreational facilities).

<https://provost.upenn.edu/pasef/rights-and-privileges-retired-faculty>
(<https://provost.upenn.edu/pasef/rights-and-privileges-retired-faculty/>)

D. Associations of Senior and Retired Faculty

The Penn Association of Senior and Emeritus Faculty (PASEF) is open to all standing faculty within the University who are fifty-five years of age or older and to former members of the Standing or Associated faculty who have retired.

The aim of PASEF is to initiate and coordinate activities that encourage retired and senior faculty members to maintain connections among themselves and with the intellectual and social life of the University. Such activities include lectures, discussion groups, dinners, and social functions that provide fellowship and interaction among members and with the scholarly community on campus; familiarizing members, especially those planning retirement, with issues relating to retirement and retired life; and promoting opportunities for members to render volunteer service to the University and its surrounding community. From time to time, PASEF may take an advocacy position on issues of vital interest to its members. Thus, PASEF celebrates the careers of retired

faculty members by encouraging them to remain a part of the life of the University in new and interesting ways and by facilitating the transition to retired status as the culminating phase of an academic career.

PASEF maintains an office in 111 Duhring Wing. For further information about PASEF and its activities, visit its website: www.upenn.edu/emeritus (<http://www.upenn.edu/emeritus/>).

In addition to PASEF, individual schools may have an association of emeritus and senior faculty. Currently, the Perelman School of Medicine is the only school that has such an organization.

The Association of Senior and Emeritus Faculty (ASEF) is open to all standing faculty within the Perelman School of Medicine who are fifty-five years of age or older and to former members of the standing or associated faculty who have retired.

ASEF serves to enhance the careers of the emeritus faculty by encouraging them to remain a part of the community of scholars in the Perelman School of Medicine. ASEF also serves to support the senior faculty by raising awareness of the full range of retirement options available to them, whether they are planning to retire within two years or two decades.

ASEF has an office at 328 Anatomy-Chemistry Building, 3620 Hamilton Walk. For additional information about ASEF and its activities, visit its website:

<https://www.med.upenn.edu/asef/>, or send email to: asef@mail.med.upenn.edu.

II.E.10. Conflict of Interest Policy for Faculty Members

(Source: *1979 Handbook for Faculty and Administration*; revised, *Office of the Provost, Almanac, March 8, 1983*; revised 1991)

(See also: Human Resources Policy Manual, Policy No. 003 (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/uses-of-university-resources/>) on *Use of University Property*.)

I. Introduction

This policy applies in full to all Standing Faculty, Standing Faculty-Clinician-Educators, and all full-time members of both the Associated Faculty and Academic Support Staff, hereinafter simply designated as “faculty members.” Parts of it also apply to those with part-time faculty appointments; these cases are noted in the appropriate sections. The details of this policy derive from the following general obligations:

- All employees are required to conform to the mores and ethical standards of the University and the rules promulgated to enforce them.
- Employment as a faculty member presumes a primary commitment of time and intellectual resources to the academic mission of the University and its functioning as a community.

The following sections cite specific types of activity that have commonly been found to conflict with these obligations, and the procedures and regulations that have been devised to identify and resolve such conflicts. They are intended to serve as examples and not as a comprehensive compilation. Situations not covered by them will be judged in the light of the above general obligations.

Examples of actions that run counter to the first general obligation include nepotism, discrimination on the basis of irrelevant characteristics, inappropriate use of the University’s name, and exploitation of any aspect of association with the University for unacceptable purposes or private gain. They are proscribed at all times for all faculty members, extending to those in part-time employment as noted in the relevant sections of this document. Excessive commitment of time or mental effort to extramural engagements or other non-University activities during the academic year constitutes a violation of the second general obligation. As used in this policy, the academic year is defined for each faculty member as that portion of the year during which he or she receives a salary from the University for services.

II. Conflict of Interest in the Allocation of Time and Effort to Extramural Activities

The University recognizes that its faculty members are not employees in the usual sense, and that a precise allocation of academic time and effort is inappropriate. Their pursuit of knowledge in their areas of competence is presumed to be a lifelong commitment. A limited association of faculty members with government, professional agencies, and public or private organizations is appropriate, especially when it may enhance their competence as scholars.

Policy on Extent of Extramural Activities

Forms of extramural activity include part-time engagement for a fee as a technical or professional consultant or practitioner and formation or association with business enterprises or non-profit organizations.² In principle, both such associations are approved under the following conditions:

1. Faculty members should not engage in such extramural associations to an extent that detracts significantly from their availability for normal academic duties. These commitments in aggregate should not exceed one day per seven-day week during the academic year. Exceptions to this shall be permitted only in unusual circumstances and require the specific approval of the President or Provost, the academic dean and the department chair.
2. Faculty members shall make known to their department chairs and academic deans the prospect of each continuing engagement, including, at least, all engagements expected to extend for a substantial portion of an academic term. Faculty members should decide to enter a relationship only if, after discussion with their department chairs and academic deans, there is concurrence that the proposed engagement will not conflict with the faculty members’ professional obligations to the University, or with the University’s outstanding or prospective commitments for teaching and research.
3. In addition to the prospective disclosure cited above, all faculty members must report on the extent of their extramural activities of all types as detailed below.

III. Conflict of Financial Interest between the University and Extramural Organizations

Members of the faculty or of their immediate families (including parents, children, siblings, spouse) may have significant investments or interests or hold official positions in extramural business organizations, whether or not they have undertaken to perform continuing work or services for them. Such economic or official relationships are of concern if:

1. The organizations are engaged in activities that parallel activities in which the University is currently or prospectively engaged, and in

which faculty members play (or might appropriately play) a role in their academic capacity; or

2. The organizations have a present or prospective relationship with the University, e.g., as suppliers of goods or services or as parties to research contracts, and the conduct of those relationships may involve faculty members in their academic capacities; or
3. The engagements undertaken by faculty members under the aegis of extramural business organizations might be suitable and appropriate activities for execution within the University.

A. Policy on Disclosure of Relationships with Organizations that are Suppliers or Potential Competitors of the University

In any of the situations outlined above, faculty members shall be required to report the facts and circumstances of the potential conflict to their department chairs and academic deans so that appropriate steps may be taken to avoid conflicts of interest, especially ones in which faculty members may benefit from a knowledge of confidential information.

It is generally assumed that those with part-time faculty appointments shall not normally participate in University decisions that could engender conflicts of interest for them. Where part-time faculty might encounter a conflict, the policy stated above extends to them. Furthermore, in any circumstances in which part-time faculty members are engaged in externally sponsored research projects contracted with the University, or where they stand to benefit from knowledge of confidential information, full disclosure of their relationships with relevant extramural organizations and of the facts pertaining to any potential conflict is required.

B. Policy on Acceptance of Engagements through Extramural Organizations

Faculty members with positions or connections in extramural organizations who wish to undertake engagements through those organizations rather than through the University are obliged to offer first to the University each such engagement (grant, contract, client, etc.) in which they would assume one or both of the following relationships to the engagement:

1. Owner, executive or other principal decision-making position responsible for the conduct of that business enterprise; and/or
2. Principal investigator or other substantial responsibilities for the satisfaction of the engagement.

By requiring that each engagement be offered to the University, the following ends are served:

1. The disclosure of the type, scope and extent of extramural activities is achieved, in accordance with University policy;
2. The decision as to whether an engagement is appropriately undertaken as a University or extramural activity is shared with the University administration, thereby avoiding possible conflicts of interest, and the appearance of such conflicts.

Faculty members intending to conduct engagements in business enterprises with which they are associated shall disclose in writing to their department chairs and deans:

1. The nature and terms of the proposed enterprise, and
2. The reasons why it should be conducted as an extramural activity.

If the chairs and deans agree that the engagements are not appropriate as a University activity, and if they conclude that the other conditions of the extramural consulting policies of the University will be met, then they

will advise the faculty members to proceed. Otherwise, they may require that the engagements be conducted within the University.

IV. Disclosure of University Affiliation in Publications of Extramural Organizations

Faculty members who form or associate with extramural business enterprises or nonprofit organizations should exercise particular care that their University affiliation is appropriately cited in publications of such organizations. Problems that can arise from failure to observe this injunction include:

1. Such an organization, by reason of the participation of faculty members, might be considered to have some formal or informal relationship to the University.
2. Faculty members by reason of their positions in such organizations might be expected to discharge duties and responsibilities for those organizations that would be inconsistent with their primary duty to the University.

A. Disclaiming University Relationships

A business enterprise or non-profit organization with which a faculty member has a connection may release to the public from time to time publications concerning itself and its activities. In all such publications it may be desirable and, in many cases, required by law that a faculty member's affiliation with the University be disclosed.

The impact of such disclosure will depend on the circumstances. At one extreme a faculty member might serve as a member of the board of directors of an established business or non-profit organization, where there is not even a remote implication that such organization is in any way connected with the University of Pennsylvania. At the other extreme, all or a large number of the principals of an organization (officers, directors, promoters and substantial shareholders) may be faculty members. In such cases, there is a strong implication that the organization may be connected with the University of Pennsylvania, even that the University bears some responsibility for its activities and success. In these cases, an express statement of the form,

The _____ has no connection, directly or indirectly, with the University of Pennsylvania.

in prominent type, should be included in all publications released by such organization. The Provost shall have the power to require that such a statement be included in all organizational publications that refer to faculty members, when it is in his or her judgment necessary.

The foregoing rules extend to part-time faculty members, when their association with the University is mentioned in an organizational publication.

B. Affirmation of Obligations to the University

A faculty member may have a position of responsibility (continuing or temporary) with an extramural business organization. In such cases it should be made clear in any publications of the organization that the obligations, in terms of both time and responsibility, of the faculty member to the extramural organization are limited by and subject to the policy of the University of Pennsylvania. This alerts both the public and the faculty member's business associates that duties to the extramural organization are thus limited. This is especially necessary in the case of corporate officers who are normally regarded as owing a comprehensive fiduciary duty to the corporation and its shareholders. The suggested format for such a disclosure is:

J. Smith, a Vice President of this corporation, is a member of the faculty of the University of Pennsylvania and as such is subject to limitations by the University on the time that may be devoted to the affairs of this corporation. In any instance where the interest of this corporation may conflict with the interest of the University of Pennsylvania, J. Smith will resolve such conflict in favor of the University of Pennsylvania.

The Provost shall have the power to require such a disclosure in any instance where he or she adjudges it necessary.

V. Conflict of Interest in Externally Sponsored Research

Regulations concerning sponsored research may be found in the *Sponsored Projects Handbook*. (See <http://www.upenn.edu/researchservices/>, available from the Office of Research Services, and Guidelines for Extramural Activities of Faculty of the University of Pennsylvania Medical Center and Health System. The Office of Research Services can be reached at 3451 Walnut Street, Room P-221, Philadelphia PA 19104-6205, tel: 215-898-7293.)

The University encourages its faculty members, including those in part-time employment, to participate in externally sponsored research projects, whether supported by government agencies, foundations, associations, or other non-profit organizations; or by corporations, partnerships or other for-profit entities. In any sponsored project, faculty members are expected to avoid use of the project for their private financial gain other than in the form of salary support or of royalties resulting from commercialization of intellectual property rights in accordance with University policies. However, there may be unusual circumstances under which the interests of the University would be served if a faculty participant in a sponsored project were to assume an entrepreneurial role; for example, if a faculty member participates directly in a private enterprise providing funds to Penn in support of the project. Assumption of such a role would not be a violation of these guidelines if approved in advance and reviewed periodically by the relevant dean and the Vice Provost for Research. Examples of situations from which conflicts of Interest may arise include, but are not limited to, the following:

1. Undertaking or orientation of sponsored research to serve the needs of a private agency or enterprise in which a responsible staff member has an interest.
2. Purchase of major equipment, instruments, materials or other items for externally sponsored research from any agency or enterprise in which a responsible staff member has an interest.
3. Acceptance of any limitations on the free publication of and access to the results of any sponsored research. Exceptions may be granted by the Provost for privileged information, but only in the form of a delay in the release of such information. The delay shall only on rare occasions exceed three months. Those wishing to engage in research of a kind whose results cannot be so disseminated may only do so as an extramural consulting activity under the conditions previously described.
4. Transmission to any private agency or enterprise, use for personal gain, or other unauthorized use of the work product, results, materials, records, or information gathered from sponsored research that is not made generally available through publication or other free access.
5. Acceptance of gratuities or special favors from a private agency or enterprise with which the University conducts business in connection with a sponsored research project.

A. Disclosure to Responsible University Officials

Before participating in any sponsored research project, all faculty members must give written notice of their extramural consulting relationships or other sponsored research projects that may relate in any way to the project to the appropriate department chairs and through them to the deans and Vice Provost for Research. Any significant financial or managerial interests that may relate in any way to the project must be disclosed in writing to the Vice Provost.

Any faculty members engaged in sponsored research projects must disclose in the same manner any change in their outside activities or interests. In the light of such disclosures, the University shall take appropriate steps to neutralize or eliminate potential conflicts of interest.

B. Distribution of Effort

The sponsoring agency supporting research must not be misled as to the amount of intellectual effort that faculty members are actually devoting to these research projects. A system of precise time accounting is incompatible with the inherent character of the work of faculty members, because the various functions that they perform are closely interrelated and do not conform to any meaningful division of a standard work week. However, if externally sponsored research agreements provide that faculty members shall devote a definite fraction of effort to the projects, or if it is agreed that they shall assume specified responsibilities in relation to such research, demonstrable relationships between the stated efforts or responsibilities and the actual extent of their involvement are to be expected. Each faculty member, in such circumstances, shall confirm the fraction of effort devoted to the projects in the effort reports required of all faculty members who are so engaged.

C. Advice and Guidance

Any questions concerning potential conflicts of interest, appropriate distribution of effort, or other problems associated with externally sponsored research, should be addressed to the office of the Vice Provost for Research.

VI. Requirements for Reporting Extramural Activities and Obligations

At the end of each academic year, each faculty member shall submit to his or her department chair and dean a report of his or her extramural activities during that year, containing the following information:

1. Number of days (or hours, if preferred) of extramural activities for fee (include consulting, professional practice, and outside teaching commitments).
2. Names of organizations (government agencies, private firms, partnerships) for which the extramural activities conducted represented a continuing engagement.
3. Number of days (or hours, if preferred) of extramural activities on behalf of business enterprises in which the faculty member has a financial interest or official position.
4. Names of business organizations in which the faculty member is a significant owner, partner, officer, director, or staff member.

The last item shall also be reported by all part-time faculty members for whom any of the following conditions obtain:

1. The organization is a supplier of the University and the part-time faculty member participates in the decision to engage its services.
2. The organization supplies goods or services to the University to be used in the performance of externally sponsored research projects in which the part-time faculty member participates.

3. The part-time faculty member is privy to confidential University information that could be used to the business advantage of the organization.
4. The affiliation of the part-time faculty member with the University may be mentioned in any publication of the organization.

Forms for the reporting of extramural activity are available from the Office of the Provost.

All faculty members must also report on a continuing and timely basis to the appropriate administrators the relevant circumstances, as noted in the sections cited, whenever any of the following conditions are met:

1. They have or wish to initiate a relationship with an extramural business organization that is or may become a supplier or competitor of the University (see section II.E.10.A. on Policy on Disclosure of Relationships with Organizations that are Suppliers or Potential Competitors of the University).
2. They wish to undertake an engagement (grant, contract, client, etc.) through an extramural organization (see section II.E.10.B. on Policy on Acceptance of Engagements through Extramural Organizations).
3. They intend to participate in a sponsored research project that may be related to their other sponsored research projects, to any of their extramural consulting relationships, or to any organization in which they have significant managerial or financial interests (see section II.E.10 on Policy on Acceptance of Engagements through Extramural Organizations).

II.E.11. Decreases in Salary

(Source: *Standing Resolution of the Trustees, October 16, 1959; revised September 9, 1983; revised, Office of the Provost, Memorandum No. 190, June 8, 1990* ([https://www.upenn.edu/provost/images/uploads/Decreases_in_Salary_\(revised_1990\).pdf](https://www.upenn.edu/provost/images/uploads/Decreases_in_Salary_(revised_1990).pdf)))

Academic base salaries of faculty members may be decreased only in accordance with an expressed agreement between the faculty member and the University or because of financial exigency. Decreases for financial exigency shall be limited to the following:

- Simultaneous uniform percentage decreases in the academic base salaries of all faculty members in the University; and
- Simultaneous uniform percentage decreases in the academic base salaries of a class of faculty members such as a particular rank, department or school.

No decrease for financial exigency shall be made except after consultation, initiated by the President, with the Executive Committee of the Faculty Senate or with representatives selected by the class of faculty members subject to a proposed decrease. Consultation shall cover such issues as the existence in fact of a financial exigency, the appropriateness of the selection of the particular class for salary decrease, alternative actions and the like.

If after such consultation the academic base salaries of faculty members are decreased, with or without the concurrence of the Senate or the representatives of the class of faculty members, the President shall notify the affected faculty members, in writing, of

1. the fact that the academic base salaries of all of the faculty members in the University, or of a described class of faculty members, have been simultaneously decreased,

2. the formula applied uniformly to determine the amount of the decrease, and
3. the reasons for the action taken.

II.E.12. Faculty Grievance Procedure

(Source: *Offices of the President and Provost, Almanac, November 21, 1978; Addenda, Almanac, December 5, 1978; revised, Office of the Provost, Almanac, August 30, 1988; revised, Almanac, May 24, 1994* (<https://almanac.upenn.edu/archive/v40pdf/n34/052494.pdf>); *revised, Almanac, - August 26, 2014* (<https://almanac.upenn.edu/archive/volumes/v61/n02/faculty-grievance-procedure.html>)).

I. Applicability

This grievance procedure is available to any member of the standing faculty, standing faculty-clinician-educator, associated faculty, academic support staff, or compensated emeritus faculty at the University of Pennsylvania (members of these classes are referred to in this document as “faculty” or “faculty members”).

A grievance is a claim that action has been taken that involves a faculty member’s personnel status or the terms or conditions of employment and that is:

1. arbitrary or capricious;
2. discriminatory with regard to race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status; or
3. not in compliance with University procedures or regulations.

II. Faculty Grievance Commission

The Faculty Grievance Commission (the Commission) will be composed of three members of the standing faculty holding the rank of Professor. They will be appointed by the Senate Executive Committee for staggered three-year terms expiring June 30. These three members will serve serially as Chair-elect, Chair, and past-Chair of the Commission.

The Chair of the Commission will serve as the primary administrator of the Faculty Grievance Procedure, and will be the Presiding Officer at any grievance hearings during the Chair’s service in that position. The Chair-elect will observe the functions of the Commission, and additionally will serve as one of three hearing panel members should a complaint proceed to a hearing. The past-Chair will observe the functions of the Commission and serve as an alternate to the Chair and the Chair-elect in the roles described above. Each member of the Commission may substitute for any other member when a member is unable to serve. If for any reason a member of the Commission is unable to serve, the Commission, with the advice of the Chair of the Faculty Senate, may replace its missing members with former Commission members who still hold compensated faculty appointments.

There will be an independent Legal Officer to assist the Commission in its operations. The Legal Officer’s appointment and terms of employment will be jointly determined by the Chair of the Faculty Senate and the Provost. Once appointed, the Legal Officer’s professional responsibility will be to the Commission.

There will be a hearings list consisting of at least 30 persons selected by the Senate Executive Committee (SEC) from members of the standing and associated faculties. The list should be broadly representative of these faculties and include women and members of underrepresented minorities. The hearings list may not include faculty members holding

administrative appointments at the level of department Chair or above. Faculty members will serve on the hearing list for three-year terms expiring on June 30. Appointments should be arranged so that the terms of approximately one-third of the members will expire each year. Replacements will be selected by SEC as needed.

III. Pre-Hearing Procedures

- A. Before filing a grievance with the Commission, a faculty member must first review the complaint with his or her Department Chair or Dean, or, alternatively, the Vice Provost for Faculty in a case in which the grievance involves the dean. Every effort should be made to bring about an equitable resolution among the parties. If a resolution is not reached, the Department Chair, Dean, or the Vice Provost for Faculty, upon request of the grievant, must provide the grievant with a written statement of the reasons for the actions which are the subject of the complaint. Before filing a grievance with the Commission, the faculty member is advised to consult with the University Ombudsman, to determine whether the Ombudsman's office can be of assistance in resolving the dispute, and whether the Commission is the appropriate body to hear the potential complaint.
- If after these consultations, the faculty member still wishes to file a complaint, he or she may initiate a grievance with the Commission. The faculty member must submit written notice of the complaint, and the request for a hearing will be submitted to the Commission through its Chair. The faculty member must provide copies to the Provost and the Department Chair or Dean.
- Since grievances may be cumulative, a faculty member may base his or her grievance on prior as well as current events or conditions. The grievance must be initiated not later than two years after the grievant becomes aware of the initial event complained of and not later than four months after the end of the faculty member's compensated faculty appointment.
- B. After the filing of a complaint, the grievant and the Chair of the Commission (or an individual the Chair designates for this role) will meet to discuss the grounds for the grievance. If the Chair believes that the faculty member's claims raise issues of academic freedom, or if the grievant so asserts, the Chair will send a copy of the grievance to the Senate Committee on Academic Freedom and Responsibility (SCAFR), which will promptly determine whether the grievance raises significant questions of academic freedom. If so, the Commission will not hear the matter until SCAFR has resolved such questions. SCAFR will communicate its findings to the Commission which will accept SCAFR's findings with respect to the academic freedom portions of the complaint. If the complaint that is concerned with academic freedom is brought against a University administrator, Dean, or involves more than one school or University policies of general interest, SCAFR will have jurisdiction. If the complaint concerns matters occurring in one school, the chair of SCAFR will forward the grievance to the chair of the appropriate school committee on academic freedom and responsibility, which will have jurisdiction in this matter.
- C. For complaints not deemed to be significantly concerned with academic freedom, the Chair will respond to the complaint by discussing with the grievant possible options for resolution. The Chair or the Chair's designee may also meet with the parties against whom the grievance has been filed to pursue possible resolution. The Chair may also arrange a meeting with the grievant and the person(s) against whom s/he is bringing the grievance in an attempt to mediate the dispute. The Chair, at his or her discretion, may include someone trained in formal mediation procedures from the university in such discussions. The Chair may gather such information and

documentation from both parties and from other sources as he or she deems useful to aid in the resolution of the complaint.

- D. If a resolution to the complaint cannot be reached, the Commission will evaluate whether a hearing is warranted based on the information available. The Commission may decide not to proceed with a hearing, for example, because the claim is deemed not to be a grievance as defined under Section I, because the matter at issue has been the subject of a previous grievance, or because the grievance is of so little consequence or merit that no panel should be created. Once the Commission has decided to proceed with the grievance hearing, the Chair will so inform in writing the grievant, the dean, or department chair, as well as the Provost. This document will ask the Provost to name the University's representative (the respondent) who will act on behalf of all the persons complained of. The grievant and the respondent may each designate a University colleague to act as advisors during the hearing. The grievant's colleague may be any member of the standing, associated, or emeritus faculty; the respondent's colleague must be selected from the group of persons eligible to serve on panels. A colleague may not serve as a legal advocate, but may aid the grievant and the respondent in preparation and presentation of their respective cases. Neither the grievant nor the University may have counsel present in the hearing room; both parties may consult with attorneys outside of the hearing.
- E. For each hearing, the Chair will form a hearing panel of three persons, including
1. the Chair-elect of the Commission, and
 2. two faculty members from the hearings list selected by the Chair with due regard for relevant subject matter expertise, balance, and representativeness, and other considerations the Chair may deem important. As soon as possible after receiving notice from the Chair of the initial panel membership, either party may move the Commission to disqualify individuals from service on the hearing panel for cause, such as conflicts of interest due to personal relationships with individuals involved. In addition, both the grievant and the respondent may exercise one peremptory strike to remove a member of the hearing panel without cause, although neither of the parties may move to strike the Chair-elect. A party choosing to exercise this right must inform the Chair in writing within one week of learning of the proposed composition of the panel. Replacements for disqualified panel members will be selected by the Chair of the Commission from the list of potential hearing members.

IV. Hearings

Hearings should begin within two months after the acceptance of a grievance by the Commission. Hearings will be convened and organized by the Chair of the Commission, assisted by the Legal Officer who may advise the Chair on procedural and evidentiary matters. The decision on the merits of a grievance will be made by the panel after hearings in which the grievant and the respondent have the opportunity to present their cases. Where consistent with confidentiality rules outlined in this section, each party should submit evidence and arguments in written form for prior distribution to the other side and to the panel. The Chair, as Presiding Officer, has the power to call witnesses and to introduce documents and obtain expert opinion from inside or outside the University. Each side will have the right to address questions to witnesses, and members of the panel may question witnesses during the hearing.

The hearings will be audio-recorded, and such recording will be kept in the custody of the Commission. The hearing panel, the grievant,

the respondent, and their advisors will have reasonable access to this recording during the processing of a grievance. No copies of the whole or part of any such recording may be made without express permission of, and supervision by, the Commission. Such permission will be granted to the Provost and the grievant upon request.

A hearing will follow an agenda prepared by the Chair that is based on demonstration of relevance by the grievant or the respondent. The Chair may seek advice from the Legal Officer as to the admissibility or relevance of issues, oral statements, and other evidence presented. However, the final decision on admissibility or relevance will be made by the Chair.

The Commission will have access to all documentary evidence that is in the custody of or under the control of the person or persons who took the action complained of or of the grievant and that is deemed by the Commission to be relevant to the grievance, with the exception of such evidence that was prepared specifically in connection with the Chair's efforts to mediate and resolve the complaint described in Section III.b above. The Presiding Officer has the authority to obtain additional documents including the dossiers of other comparable members of the same department, or if none exists, comparable members of the same school who are alleged to have recently or currently received more favorable treatment. Such dossiers will be examined and held in accordance with the confidentiality procedures described below in subsection e. Notice is to be given to those faculty members whose dossiers are to be examined. The panel may request the Presiding Officer to obtain expert opinion from inside or outside the University.

If documentary evidence is needed by the grievant or the respondent in the preparation of his or her case, or by the panel in the course of its deliberations, application will be made to the Presiding Officer. The Presiding Officer will determine whether the evidence requested is relevant. The Presiding Officer will then obtain all relevant evidence. All such evidence will be available to the panel, the respondent, the colleagues, and, subject to the restrictions of confidentiality set forth below, to the grievant.

The confidentiality of peer evaluation materials, including letters of recommendation and evaluation, is integral to the tenure process. Accordingly, while the Commission may obtain peer evaluation materials, if during the hearings, the grievant asks that such materials be presented to the panel, the Presiding Officer will consider the following factors to determine whether disclosure to the panel is appropriate. The Presiding Officer will take into account, among other things, whether the grievant has shown cause to believe that the grievance is sufficiently well-founded to justify examination of confidential peer evaluation materials, and whether examination of confidential peer evaluation materials is essential to reach a judgment concerning the substance of the grievance.

If the Presiding Officer decides that peer evaluation materials are relevant and essential to reaching a judgment concerning the substance of the grievance, the Presiding Officer will make such materials available for examination by the hearing panel. Under no circumstances may such confidential materials be provided by the Grievance Commission or hearing panel to either the grievant or the respondent or their advisors.

Like all other members of the faculty, members of departmental or school personnel committees may testify in grievance hearings, although they will not be required to testify in any such proceeding. Members of such committees who agree to appear in grievance hearings may testify specifically about their own participation in committee deliberations, present the committee's vote, and give a general characterization of

its discussion. They are explicitly prohibited from disclosing direct quotations, positions, or votes of other individuals on these committees.

Unreasonable delays by either side may subject the offending party to sanctions. In cases where primary blame for the delay may be attributed to one side, the Commission has the right to suspend or terminate proceedings and recommend that the panel send to the Provost an accusatory report including reasons for this suspension or termination and recommendations for action. A copy of this document will be sent to the Chair of the Faculty Senate.

The Commission may establish further rules and procedures to govern its operations. Where procedures have not been adopted, the Presiding Officer may rule on the matter and may seek the advice of the Legal Officer in making such rulings. Appeals from rulings established in this way may be presented to the SEC to be decided by majority vote. Procedures adopted under this provision should be included in the Commission's annual report.

V. Findings

Upon conclusion of the hearings and after consultation with the Presiding Officer and the Legal Advisor concerning the format of the report, the panel will prepare a written report to the Provost which may include a minority opinion. The report will state each element of the grievance and in separate, clearly labeled sections record the findings of fact and the recommendations for action by the Provost.

As part of its recommendations, the panel may propose remedies. In cases where reappointment, promotion or tenure has been denied, it may recommend a full review and reevaluation of the case. The panel may also suggest to the Provost procedures that might be followed in such a reevaluation, but the choice of procedures remains with the Provost.

However, a panel will not have the responsibility or the authority to evaluate professional competence either in the case of an individual or in comparison with other individuals. If the Provost, on receiving the panel's report, decides that a reevaluation will be carried out, he or she will ensure that the recommendations of the panel and the relevant supporting documentation are included in the documents considered in that reevaluation.

The Presiding Officer will distribute the panel's report to the Provost, the dean, the grievant, the respondent, the person or persons who took the action complained of, and the Chair of the Faculty Senate. If the Provost wishes to consult with the Presiding Officer to obtain more information about the case, the Presiding Officer will provide details and make available the full documentation, including a copy of the hearing recording.

If the grievance is withdrawn or settled prior to the completion of the hearings, the Presiding Officer will dismiss the panel with thanks, and no report will be prepared. However, if the hearings are completed and the panel submits a report to the Provost, the Presiding Officer will be informed by the Provost when final action on the grievance has been taken within the University. The Presiding Officer will then dissolve the panel.

After the receipt of the panel's final report, the Presiding Officer will return all borrowed documents to their owners and turn over to the Commission a complete file of the case for secure retention — including one complete set of documents and the audio-recording of the hearings. The Presiding Officer will destroy all other copies of the documents used by the panel. The confidentiality of peer evaluation materials, including outside letters, will be preserved by the Commission. Except when the Chair of the

Commission determines otherwise, the complete file will be sent to the archive for permanent storage according to the University archives policy for six years after the grievance has terminated. However, the panel's report will be kept permanently on file along with the Provost's response.

Although the panel's report is to be accorded great weight, it is advisory and not binding upon the Provost. The Provost's decision will be communicated in writing without undue delay to the Chair of the Commission, the grievant, and the respondent.

In the event the Provost declines to implement one or more of the Commission's recommendations, the written communication will include the detailed reasons for the failure to adopt the relevant recommendation and will be sent also to the Chair of the Faculty Senate.

If the grievance proceeding identifies an administrative action or practice that seemingly violated University procedures or otherwise led to inequitable treatment, the Commission on behalf of itself or the panel should bring the matter to the attention of the Provost and the Chair of the Faculty Senate. The Provost and the Chair of the Faculty Senate should examine the matter and see to it that appropriate corrections are made if needed. Within six months they will inform the Senate Executive Committee concerning the problem and its resolution.

VI. Confidentiality

The work of the Commission and its panels requires the highest level of sensitivity to the privacy of all concerned. Members of the Commission, members of panels, grievants, respondents, colleagues, witnesses and all other concerned parties have the professional obligation to maintain confidentiality with respect to oral and documentary evidence presented and deliberations occurring during the processing of grievances (except as necessary for the preparation of a grievance or as subject to legal process, or as otherwise noted in this document). Any breaches of confidentiality will be reported by the Chair of the Commission to the Provost and the Chair of the Faculty Senate. In the event of a breach of confidentiality, the Commission has the right to terminate proceedings. In such a case it may advise the panel that it should send to the Provost its recommendations in a report.

Except as otherwise provided in this document or as authorized by the Provost or the Chair of the Faculty Senate, the report of a panel will be treated as confidential by all participants in a grievance hearing and by all members of the University community.

VII. Hearings by Senate Committee on Academic Freedom and Responsibility

In cases in which reappointment, promotion, or tenure has been denied to the grievant, and in which the Provost has declined or failed to implement the recommendations of the panel, within one month after the issuance of the Provost's response, the grievant may request a hearing before SCAFR to review the Provost's decision. The report of the panel and the Provost's decision will be made available to SCAFR which will then decide whether to hold its own hearing on the matter. SCAFR will also have access to all evidence presented to the panel and to the records of the grievance hearings.

SCAFR will follow the procedures outlined in Part IV of these Grievance Procedures, except that the parties will not be permitted to introduce evidence before SCAFR. The findings of fact made by the panel will be binding on SCAFR, except to the extent SCAFR finds from the records that the Commission's findings are not substantially supported by the evidence. SCAFR will issue an opinion as to whether the Provost's action in declining or failing to implement the recommendations of the

panel was reasonable. If, however, SCAFR finds that there is significant evidence not previously available to the panel, SCAFR may return the case to the Presiding Officer for reconsideration by the panel.

SCAFR will promptly report its findings and recommendations to the President, with copies to the Provost, the Chair of the Commission, the panel, the Chair of the Faculty Senate, the grievant and the respondent, and the Almanac for publication.

VIII. Expenses

The Commission's appropriate expenses for processing a grievance, including compensation for the Legal Officer, will be met from University resources. It will be the responsibility of the Presiding Officer to determine what is appropriate; such expenses will not include any per diem expenses, released time charges, or travel expenses for any participant in the hearings. To the extent possible, administrative and secretarial services will be provided by the office of the Senate. Services that cannot be provided in this way and other appropriate expenses should be charged to the Faculty Senate. These charges will be under the administration of the Chair of the Grievance Commission.

IX. Annual Report

At the end of each academic year, the Commission will write a report describing its activities and giving a summary account of the cases completed or in progress. The report will be sent to the president, the Provost, and the Chair of the Faculty Senate. The Commission must send a separate report to the Almanac for publication. This report must be written with due regard for the maintenance of confidentiality of any involved parties, and should contain only a brief summary of the matters addressed or decided.

II.E.13. Transfers of Faculty Members or Terminations of Faculty Appointments Resulting from Discontinuation of Programs

(Source: Standing Resolution of the Trustees, September 9, 1983 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1983/september-9/>))

Where a faculty or school is discontinued for valid academic or financial considerations in accordance with University procedures, an attempt to relocate members of the Standing Faculty and the Associated Faculty within the University shall be made. In considering any transfer of a faculty member from one faculty to another, the rights of the faculty as expressed in the Statutes of the Trustees shall not be impaired. The University's obligation to those faculty members whose academic base has been terminated must be balanced with the considered opinion of the receiving faculty on the suitability of any transfer. The final decision on any transfer from one faculty to another is made by the Trustees on the recommendation of the President and Provost.

Where a program or department within a faculty is discontinued for valid academic or financial considerations, in accordance with University procedures, the faculty concerned, and its dean, shall attempt to relocate members of the Standing Faculty and Associated Faculty in other programs or departments within the faculty. If suitable intrafaculty transfer cannot be effected, the possibility of transfer to another faculty shall be pursued in accordance with the above paragraph.

If, after full exploration of the opportunities for transfer, no suitable appointment within the University can be found for faculty members affected by the discontinuation of a school, department or program, and if the continuation of their salaries would become an undue burden on the University, proceedings to terminate academic tenure under the financial exigency provisions may be implemented.

(See page 21 - Standing Resolution of the Trustees, September 9, 1983 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1983/september-9/>))

II.E.14. Procedures for the Establishment, Merger and Closing of Departments, Divisions and Similar Entities within Schools

(Source: *Offices of the President and Provost, Almanac, September 5 1995; proposed, for comment, Almanac, April 30, 2002 and approved, Almanac, September 3, 2002; revised, as Article 10, Statutes of the Trustees, November 2, 2001* (<https://secretary.upenn.edu/trustees-governance/statutes-trustees/#ten>))

According to the Statutes of the Trustees of the University of Pennsylvania, "Upon recommendation of the President and Provost, the Trustees may authorize the establishment, merging, or closing of departments, divisions or similar entities in schools that do not have departments." Subject to the statutes of the University, these procedures govern the establishment, merger and closing of departments, divisions and similar entities (hereinafter "departments") within the schools of the University.

Although the organization of a school into departments is an administrative decision, the dean should make a recommendation concerning the establishment, merger or closing of a department only after careful study and consultation with involved faculty inside and outside the school, including discussion in a meeting of the faculty of the school. The process leading to such recommendations requires special care in reviewing possible courses of action, special efforts to consult early and often with interested parties, and special sensitivity to the legitimate interests of faculty who may be affected.

Careful Study

The decision to establish, merge or close a department should be based upon academic considerations and priorities as determined by the faculty as a whole or appropriate committees hereof. Accordingly, there should be early and meaningful faculty involvement in the process leading to decisions relating to the creation, reorganization or reduction of instructional and research programs.

Schools having a departmental structure should have regular reviews of departments. Departmental reviews should be used to provide departments with timely notice of any shortcomings and the need for improvement and to provide school decision-makers with information essential to a sound evaluation of the department. Such reviews also provide formal and informal opportunities to alert departments to the school's plans. Departmental reviews should not be triggered by specific proposals for closing or making other adverse changes to a department. However, when a closing is being considered, there should be a timely external review.

Consultation

1. Most, if not all, schools, and the University as a whole, have faculty committees charged with responsibility to review planning and budget decisions. Such committees should be involved in the process leading to decisions to establish, merge or close departments. However, such reviews are not substitutes for early and frequent consultation with the faculty of the affected departments themselves and/or with the faculty as a whole. Consultation should include the opportunity for thorough discussion at a meeting of the faculty of the school. Consultation also will require soliciting an advisory vote, in favor of or against the proposed course of action, from those members of the faculty of the school with voting privileges. Although such vote is advisory only, in most circumstances the dean should act in accordance with the advice received.
2. Action to establish, merge or close departments within one school may have serious implications for the activities and resources of departments in other schools. At such time as a dean initiates consultation with the faculty of the school directly affected, he/she should send a communication to all other deans requesting that they bring the possibility of the action to the attention of their colleagues who may be interested and inviting comment.

Informing Departments of Recommendations to Close

1. Given that department closings typically follow a protracted period during which the department in question receives limited resources, school administrations have ample time to explain the implications of such action for the future. Departments that are at risk should be so informed promptly and provided with a full, frank and detailed explanation of the reasons.
2. Faculty members of a department facing closure must be informed well before a formal recommendation is publicly announced. At that time, they must be given information regarding their future at the University and the procedures the school has initiated to find a new University affiliation for them.

Academic Freedom

1. Although decisions regarding departmental structure may be made for reasons that would not justify adverse action against an individual faculty member, ordinarily they do not for that reason give rise to an academic freedom violation. However, even if all appropriate review and consultation procedures have been followed, structural decisions concerning a department may present delicate and difficult questions of academic freedom.
2. In cases where academic freedom issues appear to be raised, the dean should seek the advice of the committee on academic freedom and responsibility of the school or the Faculty Senate at a sufficiently early stage for that advice to be considered before the dean makes a recommendation.
3. Aggrieved faculty members have the right to complain of the dean's action to the appropriate committee on academic freedom and responsibility.

II.E.15. Extension of Faculty Appointments When a School is Being Discontinued

(Source: Standing Resolution of the Trustees, January 13, 1978 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1978/january-13/>))

Notwithstanding other provisions of the University's policies on faculty appointments and tenure, non-tenured faculty in schools which are to be discontinued may continue to serve beyond expiration of their normal tenure probationary periods without acquiring tenure, provided:

- The Trustees of the University have formally adopted a resolution to discontinue the school, and have set a date for the closing of the school.
- The faculty of the school has formally adopted a resolution to the effect that extensions of the appointments of non-tenured faculty are necessary in order to maintain appropriate academic standards in the programs to be discontinued.
- Each faculty member for whom such extension is proposed has formally requested the extension in writing to the dean, and has clearly indicated his or her understanding and acceptance of the fact that the extended appointment will not convey tenure.
- The extensions of appointments are not more than five years from the June 30 following the resolution of the Trustees authorizing the closing of the school.

If the appointment of a faculty member is extended under these provisions and the decision to close the school is rescinded after the expiration of the probationary period for that individual, the faculty member shall be deemed to have acquired tenure.

If during the term of an extended appointment, a faculty member from the school to be closed is appointed to a standing faculty position in another school in the University, the probationary period shall be measured without regard to these provisions, and if that period has expired, the new appointment must be with tenure.

(See page 2 - Standing Resolution of the Trustees, January 13, 1978 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1978/january-13/>))

II.E.16. Procedure Governing Sanctions Taken Against Members of the Faculty

(Source: *Standing Resolution of the Trustees, October 16, 1959; revised, June 21, 1991; revised, June 20, 1997 and Almanac, October 21, 1997; revised, October 19, 2007 and Almanac, November 6, 2007* (<https://almanac.upenn.edu/archive/volumes/v54/n11/ofrecord.html>))

1. Introduction and Definitions

A. Introduction

The imposition of a sanction on a faculty member of the University of Pennsylvania is a rare event. However, when situations that might lead to such an action arise, they must be handled fairly and expeditiously. It is essential to have a process that both protects the rights of faculty members and addresses the legitimate concerns of the University. This policy replaces the previously existing "Procedure Governing Sanctions Taken Against Members of the Faculty" (*Standing Resolution of the Trustees, June, 1991 and Almanac, October 21, 1997*).

Any cases initiated after this policy is in force, even if the alleged actions preceded its adoption, shall be governed by the procedures prescribed here.

B. Definitions

1. Charging party: The Provost, a dean of a school, or a Provost's or dean's designee who shall be a faculty member of the University, or a Group for Complaint.

2. Complainant: Individual bringing to the attention of a dean or the Provost a situation that may call for a sanction against a faculty member. The complainant may be a student or faculty or staff member of the University, or any individual outside the University.
3. Faculty Member: A member of the Standing Faculty, or a Standing Faculty-Clinician-Educator.
4. Counsel: An advisor, who may be an attorney.
5. Group for Complaint: A charging party elected by the Standing Faculty of a school, by majority vote, from its own tenured professors.
6. Hearing Board: The body, selected by the Chair of the Faculty Senate, in consultation with the Past Chair and Chair-Elect of the Faculty Senate from the University Tribunal (*see definition of the Tribunal below*), that adjudicates a just cause matter. It serves both an investigative and deliberative function. The Board shall consist of five members, with a chair chosen by and among the members. If feasible, one member of the Hearing Board should be on the faculty of the Respondent's school. Should any Hearing Board member become unable to serve or to satisfy his or her responsibilities on the Board as the matter progresses, the Chair of the Faculty Senate shall select a substitute from the University Tribunal.
7. Major infraction of University behavioral standards: An action involving flagrant disregard of the standards, rules, or mission of the University or the customs of scholarly communities, including, but not limited to, serious cases of the following: plagiarism; misuse of University funds; misconduct in research; repeated failure to meet classes or carry out major assigned duties; harassment of, improperly providing controlled substances to, or physical assault upon, a member of the University community; the bringing of charges of major or minor infractions of University standards against a member of the University community, knowing these charges to be false or recklessly indifferent to their truth or falsity; flagrant or knowing violation of the University's conflict of interest policy or commission of serious crimes such as, but not limited to, murder, sexual assault or rape.
8. Major sanction: Serious penalties that include, but are not limited to, termination; suspension; reduction in academic base salary; zero salary increases stipulated in advance for a period of four or more years.
9. Minor infraction of University behavioral standards: An action involving disregard of the University's standards, rules, or mission, or the customs of scholarly communities that is less serious than a major infraction.
10. Minor sanction: Penalties less serious than a major sanction that may include, but are not limited to, a private letter of reprimand, a public letter of reprimand, monitoring the manner and conditions of specific future research, teaching, or supervision of students, provided they relate to the infraction.
11. Respondent: The Faculty Member against whom a complaint is lodged.
12. University Tribunal: A body comprised of past and present tenured faculty members on the Senate Committee on Academic Freedom and Responsibility, the school committees on academic freedom and responsibility, and if necessary, past and present members of the Senate Executive Committee.

2. Suspension or Termination for Just Cause

A. Preliminary Procedures

Should a question arise regarding the possible infraction of University behavioral standards, the dean or Provost shall interview the respondent, normally in the presence of any department chair concerned, and may

afford the respondent the opportunity for informal resolution of the matter under appropriate circumstances.

The dean or Provost shall provide a written description of the charges to the respondent, if requested by the respondent in writing. If the matter is resolved informally to the satisfaction of the dean or Provost and the respondent, no further proceedings shall be invoked by them. An informal resolution must be consistent with all existing University policies and behavioral standards, and does not derogate from a complainant's right to invoke procedures subsumed under these policies and standards.

If the matter is not adjusted informally, the dean or Provost shall consult with several tenured members of the University faculty. Relying on these consultations, the dean or Provost shall decide whether to invoke the just cause procedures in a case involving major infractions of University behavioral standards, to impose minor sanctions directly in a case involving minor infractions of University behavioral standards, or to discontinue the matter. If the decision is to discontinue the matter, the dean or Provost shall notify the respondent and any complainant in writing.

B. Formation of a Group for Complaint

If the dean or Provost decides to discontinue the matter or impose a minor sanction, no further proceedings shall be initiated with the single exception of the standing faculty's prerogative to form a Group for Complaint. If formed, the Group shall promptly conduct an investigation and, based on this investigation, may a) initiate proceedings for imposition of a major sanction, b) recommend imposition of a minor sanction, or c) determine not to proceed further.

3. Minor Sanction

A. Imposition by Dean or Provost

If, having consulted with several members of the tenured faculty, the dean or Provost concludes that the situation involves a minor infraction of University behavioral standards, the dean or Provost shall impose a minor sanction on the respondent. The dean or Provost shall notify the respondent in writing of this decision and take the steps necessary to put the sanction into effect.

B. Application for Relief to Faculty Grievance Commission

The respondent may apply to the Faculty Grievance Commission for relief from any minor sanction imposed by the dean or Provost.

4. Major Sanction

A. Charging Party Requests Formation of Hearing Board

If the charging party believes that a major infraction of University standards has occurred, the charging party shall promptly request that the Chair of the Faculty Senate convene a Hearing Board. The Dean or Provost shall notify the respondent in writing of this decision.

B. Disqualification of Potential Members of Hearing Board

The charging party and the respondent each shall be given the opportunity to move to disqualify for prejudice any potential member of the Hearing Board designated by the Chair of the Faculty Senate. Such motion shall set forth, in writing, the reasons therefore and shall be delivered to the Chair of the Faculty Senate.

Motions to disqualify Hearing Board members shall be decided by the remaining members of the Board (with a tie to be broken by the Chair of the Faculty Senate). If the remaining members decide that disqualification is proper, an alternate member shall be designated by the Chair of the Faculty Senate.

C. Hearing Board Determines Whether to Proceed

1. Once the composition of the Hearing Board is determined, the charging party shall promptly send to the Chair of the Hearing Board, the respondent, the dean and Provost a written statement that sets forth in as much detail as is practicable the grounds for the complaint and for the recommendation of a major sanction. In the case of misconduct in research, the report of the formal investigation committee issued under the Misconduct in Research Procedures shall be included. To determine whether formal hearings shall take place, the Hearing Board shall immediately consider the statement from the charging party, consult the relevant documents, and afford the charging party opportunity to present oral and written arguments, but shall not hold a hearing to receive evidence.
2. If the Hearing Board concludes that the grounds stated, if true, would clearly not constitute just cause for imposition of a major sanction, it shall issue a report to that effect, sending copies to the charging party, the President, any complainant, and the respondent. The substance of the complaint shall not be the basis of any further proceedings with respect to major sanctions. However, the Hearing Board may remand the case to the dean or Provost for further proceedings or actions that relate to a minor sanction.
3. If the Hearing Board concludes that the grounds stated, if true, might constitute just cause for the imposition of a major sanction, and it believes that there is probable cause that in further proceedings the grounds stated shall be found to be true, it shall conduct such proceedings as hereinafter provided.

D. Notification of Right to a Hearing

If further proceedings are conducted, the Chair of the Hearing Board shall send to the respondent written notice that the respondent may preserve and elect the right to a hearing by promptly notifying the Chair of the Hearing Board in writing. If the respondent requests a hearing before the Hearing Board, the Chair of the Hearing Board shall notify the charging party and the respondent in writing of the date and place of the hearing. One month prior to the hearing, the charging party shall supply to the Chair of the Hearing Board a summary statement of the evidence to be presented by the charging party, including a list of witnesses, a detailed summary of the testimony expected from each witness, copies of relevant extracts from the Statutes and standing resolutions of the Trustees of the University of Pennsylvania, a copy of these procedures, and copies of any other University documents that are relevant to the respondent's procedural and substantive rights in this matter. The Chair of the Hearing Board shall immediately furnish these documents with the notice to the respondent.

E. Hearing Board Procedure in the Absence of Participation by Respondent

If the respondent does not request a hearing, the charging party shall nevertheless present evidence to the Hearing Board. The Hearing Board shall then make a written report of its findings, conclusions and recommendations and send a copy of its report to the charging party and the respondent. If the Hearing Board concludes that the charging party has not shown clear and convincing evidence of just cause for the imposition of a major sanction, no major sanction may be imposed, and the substance of the complaint shall not be the basis for any further proceedings with respect to major sanctions. However, based on clear and convincing evidence of a minor infraction, the Hearing Board may recommend that the dean or Provost impose a minor sanction and he or she will normally implement that recommendation. If the Hearing Board concludes that the charging party has shown clear and convincing evidence of just cause for the imposition of a major sanction, the

Hearing Board shall promptly send to the President a copy of its report recommending the major sanction.

F. Hearing Board Procedure when Respondent Participates

The hearing shall be held at the earliest date that is practicable to the respondent, charging party and Hearing Board, and ordinarily no more than three months from the notification date. Two weeks prior to the date of the hearing, the respondent shall provide to the Chair of the Hearing Board a written answer to the charging party's statement of the grounds for the complaint and for the recommendation of a major sanction. At that time the respondent shall also provide to the Chair of the Hearing Board a list of witnesses, a detailed summary of the testimony expected from each witness, copies of relevant extracts from the statutes and standing resolutions of the Trustees of the University of Pennsylvania, and copies of any other University documents that are relevant to the respondent's procedural and substantive rights in this matter.

G. Procedures During a Hearing

Hearings shall be private with two exceptions. The respondent shall have the right to invite as observers, representatives of national professional academic associations concerned with matters of academic freedom and tenure. Other observers may be invited to attend if the charging party, the respondent and the Chair of the Hearing Board consent in advance of the hearing. A transcript of the hearing shall be made available to the parties at the expense of the University.

The charging party has the burden of proving by clear and convincing evidence that there is just cause for imposition of a major sanction against the respondent. Both the respondent and the charging party may appear personally throughout the hearing; both may have the assistance of counsel. The Hearing Board shall afford the respondent and the charging party the opportunity to present oral and written argument. The respondent and the charging party shall have the right to confront any witnesses, each of whom shall have the right not to incriminate himself or herself in answer to any question, and to question them personally or through counsel. They may call witnesses and shall receive the cooperation of the University administration in securing the attendance of such witnesses and the production of such documents as may be relevant.

The extent of document production shall be determined by the Hearing Board. The Chair of the Hearing Board, in consultation with his/her colleagues, shall rule on any procedural or substantive issues complained of by either the charging party or respondent. The Hearing Board shall have the discretion to limit the number of witnesses in order to prevent overly repetitious or cumulative testimony. It shall not be bound by formal rules of evidence, and may elect to admit any evidence it deems to be of probative value in evaluating the issues. The Hearing Board may permit the use of electronic or other means of remote communication, such as telephone conference calls, in lieu of the appearance of witnesses.

H. Report of Hearing Board and Objections of Respondent

1. Upon concluding the hearings, the Hearing Board shall deliberate privately, and determine whether or not the charging party has established by clear and convincing evidence that a major infraction has occurred. If so, the Hearing Board shall recommend what the major sanction should be. Decisions shall require a majority of the members participating. The Hearing Board may, in its discretion, recommend a minor sanction instead if it determines that a minor infraction has occurred.
2. The Hearing Board shall conclude its deliberations promptly and send to the President a written report in which it shall set forth its findings, conclusions, recommendations, and a transcript of the hearings.

Copies of these documents shall also be sent to the respondent, the charging party, and the dean and/or Provost.

3. The respondent may request reconsideration of the sanction by submitting a written statement to the Chair of the Hearing Board within five days of the receipt of the Hearing Board's recommendation. In the event of such a request, the Chair shall reconvene the Hearing Board as soon as possible and hear statements from both the complainant and the respondent, delivered either personally or through counsel. The Hearing Board may, by majority vote, change its recommendation, but only if there is new evidence or there are new arguments to be presented. If there is a change in the recommendation, the Chair of the Hearing Board shall communicate it to the President, the Dean and/or Provost, and to the respondent promptly.
4. The respondent may send to the President, within a reasonable time, any objections to the findings, conclusions or recommendations of the Hearing Board.

I. The President's Actions

1. The President, relying only upon the materials forwarded by the Hearing Board and objections submitted by the respondent, shall normally accept the Hearing Board's recommendations.
2. The President may depart from the Hearing Board's recommendations only in exceptional circumstances, and only to reduce the severity of recommended sanctions or to dismiss the charges for failure of proof. Any departure may be made only after consulting the individuals then serving as the Chair, Past Chair and Chair-elect of the Faculty Senate ("the three Chairs"). When a departure is proposed, the President shall send to the three Chairs all of the documents received from the Hearing Board and the respondent and shall secure their views before taking action. Should any of the three Chairs be unable to serve, the other two Chairs shall select a replacement from the available former Chairs of the Faculty Senate.
3. Without limit to the right of departure, the President may request reconsideration of the decision recommended by the Hearing Board by submitting a written statement to the Chair of the Hearing Board within a reasonable time. In the event of such a request, the Chair shall reconvene the Hearing Board promptly and hear statements from both the President and the respondent, delivered either personally or through counsel. The Hearing Board may, by majority vote, elect to adopt or reject the recommendation of the President.
4. The President may also remand the matter to the Hearing Board because there has been a significant defect in procedure. The Hearing Board shall reconvene, take steps to repair any procedural defects, and hold an additional hearing, if needed. The Hearing Board shall then send a second report to the President, along with the transcript of any second hearing, with copies to the respondent by certified mail, and to the charging party and the dean and/or Provost.
5. After all proceedings of the Hearing Board have been concluded, including any reconsideration proceedings, the President shall render his/her decision and send it, together with his/her reasons. The President's decision, except a decision that is subject of an appeal as described below, is final within the University.

J. Appeal of the President's Decision

If the respondent objects that there has been a significant defect in procedure but the President declines to remand the matter to the Hearing Board, the respondent may appeal on that ground in writing to SCARF. The President shall promptly forward to SCAFR all of the documents

upon which the decision was made. SCAFR shall review the documents forwarded by the President and the respondent's written statement of appeal and shall decide the appeal promptly. If SCAFR finds that there has been a significant defect in procedure, it shall remand the matter to the Hearing Board for further proceedings in accordance with paragraph I(4).

K. Termination

If the Hearing Board recommends that the respondent's appointment be terminated, it shall also recommend a date of termination and a date of termination of salary, benefits, and other privileges of employment which cannot be more than one calendar year after the date of the President's final action.

L. Hearing Board Records

On the completion of the case the Hearing Board shall transfer all of its records to the Office of the General Counsel. These records shall be stored in a locked file. The Chair, Past Chair and Chair-elect of the Faculty Senate are responsible for obtaining and maintaining these records.

5. Interim Suspension

A faculty member shall not be suspended prior to the conclusion of proceedings under this policy unless continuance of employment poses a threat of immediate harm to the faculty member or others, or seriously threatens to significantly disrupt the academic or research activities of the University. Any such suspension shall be with salary. A dean's decision to suspend a faculty member shall be accompanied by a concise statement of the factual assumptions on which it is based and the grounds for concluding that the faculty member's continuance threatens immediate harm. Such a decision should be made only after consultation with the school's Committee on Academic Freedom and Responsibility, which should, whenever possible, afford the faculty member an opportunity to be heard, and to present evidence of why interim suspension should not be imposed. (See also, II.E. 18, Temporary Suspension or Exclusion of a Faculty Member.)

6. General Matters

A. No Public Statements When Proceedings Are in Progress

To preserve the integrity of the process, members of the University community shall avoid public statements about charges and proceedings that involve minor or major sanctions until the proceedings have been completed.

B. Actions When Charges Are Unfounded

If final action completely exonerates the respondent, and a determination is made that the allegations were without any foundation or were filed in bad faith, the University shall reimburse that individual for the reasonable costs and expenses, including attorney fees, incurred in his or her defense. In that event, the administration should also attempt to ameliorate any damage wrongly done to the reputation of the respondent or of any complainant, provided that the complainant acted in good faith. If it appears that the complainant did not act in good faith, the administration shall investigate and take appropriate action.

C. Statements Following a Minor Sanction

If the respondent has been subjected to a minor sanction, the dean or Provost, after consultation with the President and discussion with the Chair of the Faculty Senate, may publicize this fact.

D. Statements Following a Major Sanction

If the respondent has been subjected to a major sanction, the President, after informal discussion with the Chair, Past Chair and Chair-elect of the

Faculty Senate, shall publish in *Almanac* a statement describing the case and its disposition in appropriate detail.

E. Modification of Time Periods

The time periods contained in these procedures may be modified by the Hearing Board in its discretion.

F. Timeliness

If the President determines that the Hearing Board is untimely in pursuit of its charge, thereby detrimentally affecting the legitimate interests of the University, the President may disband the existing Hearing Board. The President shall then promptly request that the Chair of the Faculty Senate reconstitute the Hearing Board.

II.E.17. Removal of Faculty by Reason of Financial Exigency

(Source: *Standing Resolution of the Trustees, October 16, 1959; revised, September 9, 1983; revised, 1991*)

- A. If the administration of the University proposes to curtail an activity of the University that might involve the removal of faculty members, it shall initiate consultation with the Executive Committee of the Senate on the issues of the existence in fact of a financial exigency, the appropriateness of the selection of the particular segment of the faculty for removal, possible alternative actions and the like, at least thirty days before it proposes to send to the affected faculty members the notice described in paragraph b. below.
- B. If after such consultation the administration determines to take action to curtail an activity of the University with or without the concurrence of the Senate, the administration shall make an attempt to continue those faculty members who will be affected by such action, by transfer to other faculty positions so far as feasible. If such transfer is not deemed feasible by the administration, the President shall send the following written notice to (1) each faculty member whose employment the University proposes to terminate and who either has tenure at the time such notice is given or, by the operation of the University's tenure principles, will have tenure at the time of the proposed termination and (2) each faculty member on term appointment whose employment the University proposes to terminate prior to the expiration of such term. The President's notice shall state that the University is engaged in proceedings that may result in termination of the faculty member's employment; that, if it is finally decided that his or her employment will be terminated, such termination will become effective not less than one year from the date of receipt of such notice; and that he or she may request a hearing before the Committee on Academic Freedom and Responsibility of his or her faculty (unless the administration proposes to terminate the employment of an entire faculty, in which case the notice shall state that the faculty member may request a hearing before the Senate's Committee on Academic Freedom and Responsibility).
- C. Each faculty member so notified may request a hearing by sending a written request therefore to the chair of the appropriate committee within thirty days of his or her receipt of the President's notice. The faculty member's failure to request a hearing before the committee shall be a waiver of his/her right to request the hearing before the committee. The faculty member shall accompany his/her request with a statement in which he/she may make one or more of the following charges:
 - that the administration is not acting in good faith to remove him or her on the grounds of financial exigency;

- that it is possible for him or her to be assigned to other duties, the nature of which shall be described in his or her statement. In his/her statement, the faculty member shall specify in as much detail as is practicable the reasons for his/her charge or charges. The faculty member shall send a copy of his/her statement to the President. The President shall furnish the faculty member and the committee with a written answer to the faculty member's charges.
- D. If the faculty member charges that the administration is not acting in good faith, the President shall send a written notice to each faculty member affected by the proposed curtailment, stating that the recipient may join in the hearing. The President shall also furnish each such faculty member with a copy of the charges made by the faculty member initially requesting the hearing and a copy of the answer thereto.
- A faculty member who receives such notice and who does not, within ten days following receipt of such notice, deliver to the chair of the committee a written statement of his/her intention to join in the hearing and of his/her reasons therefore, shall thereby waive his/her right thereafter to request a hearing on the charge that the administration is not acting in good faith. A faculty member's failure to join in such a hearing shall not be a waiver of his/her right to request a hearing on the possibility of his or her own reassignment. Promptly after the expiration of the period within which faculty members may state their intention to join in the hearing, the chair of the committee shall notify the parties in writing of the date and place of the hearing, which shall be held not less than three weeks from the date the chair shall send to the parties notice of such date and place.
- E. Any faculty member requesting or joining in the hearing, and the administration, shall be entitled to move to disqualify, for prejudice, any member of the committee. Such motion shall be made in writing, which shall set forth the reasons therefore, and shall be delivered to the chair of the committee no later than ten days prior to the date set for the hearing. Such motion shall be decided by the remaining members of the committee. If the remaining members decide that disqualification is proper, an alternate member, if any, shall serve as a substitute for the disqualified member. If an alternate member is not available, the parties may agree that the hearing shall be held by the remaining members or that the remaining members shall select a substitute. In the event of failure to agree, a substitute shall be elected by the faculty (if the committee is a faculty committee), or shall be selected by the Executive Committee of the Senate (if the committee is a Senate committee).
- F. If a hearing is held at the request of a faculty member on a charge that the administration is not acting in good faith, the administration shall have the burden of proving by a preponderance of the evidence that it is acting in good faith in seeking to remove the faculty member on the grounds of financial exigency. If a hearing is held at the request of a faculty member on a charge that it is possible for him or her to be assigned to other duties, the faculty member shall have the burden of proving by a preponderance of the evidence that such assignment is possible, and shall not be deemed to have met such burden unless he or she shall introduce testimony, supporting such assignment, by faculty members from the department or school to which such assignment is proposed to be made. A transcript of the hearing shall be kept by a stenographer furnished by the University. Both the faculty member and the representatives of the administration may appear throughout the hearing; both may have the assistance of counsel. Both shall have the right to be confronted by the witnesses against them and to question the witnesses personally or through counsel. Each party may call witnesses on his/her own behalf; the faculty member shall receive the assistance of the administration in securing the attendance of witnesses on his/her behalf. The committee shall afford the faculty member and the administration opportunity to present oral and written argument.
- G. After the hearing, the committee shall deliberate privately. It shall determine solely on the basis of the information presented at the hearing whether or not the administration has proved by a preponderance of the evidence that it is acting in good faith in seeking to remove the faculty member on the grounds of financial exigency, or whether or not the faculty member has proved by a preponderance of the evidence that it is possible for him/her to be assigned to other duties. The committee shall send to the faculty member and (through administrative channels) the President a transcript of the proceedings and a copy of its report, in which it shall set forth its findings, recommendations and reasons therefore.
- H. If the committee concludes that the administration is not acting in good faith, or that it is possible for the faculty member to be assigned to other duties, the administration shall not proceed with action to terminate the faculty member's employment. If the committee concludes otherwise, the faculty member may appeal to the board by sending to the Secretary of the University within thirty days following receipt of the committee's report, a written request that he or she be accorded the hearing before the board. The board shall then afford the faculty member, the administration and the committee an opportunity to appear before it. The faculty member and the administration may have the assistance of counsel.
- I. The board may direct that action to terminate the faculty member's employment be discontinued, may take action based on the committee's conclusions, or, if it decides that additional evidence should be received or that further proceedings are otherwise required, shall remand the matter to the committee. In the event of such remand, the committee may receive additional evidence, shall send the parties written notice of hearings at least one week before they are to be held and shall accord the parties the procedural rights provided in paragraph C. above. The faculty member may again appeal to the board as provided in paragraph H. above. The board shall furnish all parties with copies of a report of its decision, in which it shall set forth its reasons therefore.
- J. If the employment of a faculty member is terminated by reason of financial exigency, his or her salary shall be continued for one year from the date of his or her receipt of the President's notice described in paragraph B. above. Until such termination date the faculty member shall continue to work in his/her own field or on some other activity mutually agreed upon. If the employment of a faculty member who has tenure is terminated by reason of financial exigency, the released faculty member's place shall not be filled by a replacement within a period of two years from the date of termination, unless the released faculty member has been offered reappointment with tenure and has declined.
- K. A decision by the board made pursuant to these procedures shall be final within the University.

(Page 26 - September 9, 1983 (<https://archives.upenn.edu/digitized-resources/docs-pubs/trustees-minutes/minutes-1983/september-9/>))

II.E.18. Temporary Suspension or Exclusion of a Faculty Member

(Source: *Standing Resolution of the Trustees, September 9, 1983; revised, October, 19, 2007 and Offices of the President and Provost, Almanac,*

October 30, 2007 (<https://almanac.upenn.edu/archive/volumes/v54/n10/policy.html>)

The President or Provost may temporarily suspend a faculty member from teaching or other University duties, or exclude the faculty member from University facilities, under the following two conditions:

1. There is a substantial risk of immediate harm to persons, equipment or other property from the faculty member's continuation in his or her University functions or from the faculty member's continued presence at the University, or 2. The faculty member has been charged under the law with an offense based on conduct recognized as criminal in the United States.
2. In cases under the second category, the faculty member may only be suspended or excluded if the offense charged, if proven, would indicate the faculty member's inability or unfitness to perform his or her University duties. Before taking action to suspend or exclude the faculty member in such cases, the President or Provost shall seek the advice of the Senate Committee on Academic Freedom and Responsibility (SCAFR).

A temporary suspension or exclusion must not exceed fifteen working days. The President or Provost, however, may extend the suspension or exclusion if the original conditions warranting temporary suspension or exclusion continue to exist, but only upon consultation and in agreement with two-thirds of the members, present and voting, of SCAFR. In no instance should a temporary suspension or exclusion continue when the stated grounds for the suspension or exclusion no longer exist. Compensation of a faculty member shall not be discontinued as a result of a temporary suspension or exclusion.

Immediately upon invoking the powers of temporary suspension or exclusion, the President or Provost must inform the Chair of SCAFR that action has been taken under this provision. The President or Provost shall thereafter furnish the faculty member with a written explanation of the basis for the suspension or exclusion within two working days. The faculty member must also receive written notice and explanation for any extension of the temporary suspension or exclusion within two days of any such extension. The faculty member must be invited to respond in writing to any notification of suspension or exclusion, or any extension thereof, and should furnish SCAFR with a copy of such response.

II.E.19. Policy on Safeguarding University Assets

(Source: *Trustees Internal Audit Committee, March 13, 1995 and Policy 002 in the Human Resources Policy Manual (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/safeguarding-university-assets/>)*)

A. Introduction

University and Health System management at all levels are responsible for safeguarding financial and physical assets and being alert to possible exposures, errors and irregularities. Management must be aware of internal control weaknesses that can lead to or permit misuse, misappropriation or destruction of assets. The University policy regarding the safeguarding of assets and the investigating, processing and reporting of suspected misappropriations and similar irregularities applies to all areas of the University and Health System. These include the schools, service and resource centers, central administrative departments, auxiliary enterprises, subsidiaries, the Clinical Practices

(GPUP) and the Hospital (HUP), Clinical Care Associates (CCA), and any wholly-owned subsidiaries of the University.

B. Objectives:

- To ensure the protection of the University and Health System assets and to ensure that such assets are not misappropriated, misused, damaged or destroyed.
- To provide a policy for the investigations of known or suspected misappropriations and other irregularities.
- The objectives of investigating suspected misappropriations and similar irregularities are to determine whether the suspected irregularity occurred; to ascertain the source and the amount of funds involved; to identify the individual(s) responsible for the loss; to adequately document fraudulent activities; and, to provide a sound basis for any subsequent corrective action.

C. Responsibilities

All supervisors and managers should be familiar with the types of irregularities involving misuse of University and Health System resources that might occur in their respective areas and be alert for symptoms that an impropriety is or was in existence in their respective areas. Any individual who detects or suspects a misappropriation shall notify his/her supervisor immediately.

The Director of Internal Audit, has the primary responsibility for the investigation of all cases of misappropriation, fraud, and other misuse of University and Health System assets. The Director is available and receptive to relevant information concerning suspected fraudulent activities on a confidential basis. All audits shall be conducted in a thoroughly professional manner.

The Director of Internal Audit, shall consult with and coordinate the investigative activities with other University and/or Health System offices as appropriate. All University and Health System employees shall cooperate fully with and provide support to the Director as requested during such investigations and reviews.

The Internal Audit Department shall be given free, unlimited and unrestricted access to all books, records, files, property and to all personnel of the University and the Health System during such investigations. The Director of Internal Audit shall have the authority, after consultation with the Executive Vice President of the University, the Executive Vice President of the University for the Health System, when applicable, and with the Provost when a member of the faculty is thought to be involved and with other senior officials as appropriate, to:

1. Take control of and/or gain full access to all University and Medical Center premises, whether owned or rented; and
2. Examine, copy and/or remove all or any portion of the contents, physical or electronic, of all files, desks, cabinets and other storage facilities that are located on such premises without the prior knowledge or consent of any individual who may use or have custody of such premises or contents. When an auditor removes any files or materials from desks or offices, a record will be established and maintained. The record must be as complete as practicable, and a copy will be deposited with the Executive Vice President of the University and with the person from whose office the files or materials were removed.

The powers described in 1 and 2, above, shall be exercised with due regard for privacy, property, and academic freedom of the occupant of the premises, or the owner of the materials being searched. The Director,

moreover, will make every reasonable effort to confine the investigation to areas, files, and papers that seem likely to yield relevant evidence.

When a member of the faculty is thought to be involved, the Provost:

1. Shall inform the Chair of the Faculty Senate, if the Chair is available, prior to the search being undertaken, and seek the Chair's opinion.
2. Shall report the completion of the search and the justification for that search as soon as practicable after the event to the Chair, the Past Chair, and the Chair-Elect of the Faculty Senate.

D. Reporting

The results of investigations by the Internal Audit Department shall be disclosed only to those who have a legitimate need to know such results in order to perform their duties.

Internal Audit shall report the results of the investigation and/or audit to the General Counsel and the Executive Vice President of the University; the Executive Vice President of the University for the Health System when applicable, and to the Provost when a member of the faculty is involved. In addition, Internal Audit shall report the results as appropriate to the Executive Vice President of the University for the Health System, and to the Associate Vice President for Legal Affairs of the Health System. The Executive Vice President shall report all cases of fraud to the President. Copies of all investigation and/or audit reports shall be sent concurrently to the senior official responsible for the area.

All documented cases of fraud shall be reported to the Board of Trustees' Committee on Audit by the Director of Internal Audit.

To meet requirements of granting agencies or other external funding sources, the Director of Internal Audit shall, as appropriate, report information concerning misappropriations to granting agencies or other external funding sources.

Information concerning misappropriations may be released to the news media only as authorized by the President of the University.