

MEMORANDUM

To: Ed McCann & David Cruz
From: Eric Talley, Chair of Handbook Committee, 2002-03
Re: Handbook Revisions
Date: September 15, 2003 (First Draft, May 14, 2003)

(A) Redesign of the Handbook

During the 2002-03 academic year, the handbook committee attempted to further its predecessor's first steps in making the Faculty Handbook more efficient to use. Starting with the template provided by last year's committee, we were able to engineer a complete reorganization of the handbook (described in greater detail below). While doing so, we developed several proposals for small substantive improvements as well. Due to time constraints on this job, only a small fraction of our proposals were actually put before the Faculty Senate this year. However, we feel that the current status of the draft revision will make it possible for the coming year's committee to put an entire revision before the Senate, perhaps as early as December 2003.

The rationale behind the redesign is simple: The current version of the faculty handbook contains a number of incremental contributions which have been added over the years, some of which are redundant or even inconsistent with one another. This is particularly true of Section 3, which is currently 71 pages by itself, and is difficult to navigate. Starting from a rough template provided by last year's committee, we went about redesigning the handbook from the ground up. Our final template mapping out our proposed structure is attached as appendix A to this memorandum.

From a global perspective, our main accomplishment has been to redesign sections 3 through 5 of the current handbook, fitting them into scattered parts of six new sections. Sections 1 and 2 of the current handbook have not been altered. In making these changes, we kept a number of important desiderata in mind. First, our over-arching organizational approach was to organize each section around a "cluster" of related topics. After significant discussions, we settled on a proposed organizational structure containing separate sections on:

- Faculty Rights and Responsibilities
- Faculty Appointments, Promotion and Tenure
- Policies Pertaining to Research
- Integrity of the Academic Environment
- Faculty Grievances
- Faculty Dismissals

The above organizational scheme enabled us to realize the second of our desiderata: reducing the size of some sections that are replicated either in other sections of the handbook or elsewhere. Thus, for example, the material in current sections 4 and 5 consists of rules that are made by other USC bodies. We have reduced their presence here

to concise statements of general principles along with cross-references and/or hyperlinks to the other USC publications that give the current specifics.¹ Finally, we have explicitly attempted to outline coherent structures for describing rights and procedures pertaining to both tenured/tenure-track faculty and non-tenure-track faculty. We have folded them together when they are coterminous, and placed them in parallel structure where there are differences. We believe that this change has the beneficial effect of avoiding the appearance that non-tenure-track faculty are a type of afterthought for the handbook.

We look forward to the consummation of these changes by next year's committee, should they approve of them.

(B) Substantive and Editorial Changes

As noted above, in addition to its reorganization changes, the committee recommends the following textual changes be made to the faculty handbook. The basis for these recommended changes is either substantive or editorial, and the committee recommends proceeding with them regardless of what happens with the organizational scheme of the handbook. Because the proposed changes are also part of the new proposed text, we delineate the appropriate cross-references for the substantive and/or editorial changes below. Note that the changes are organized below according by section in which they would appear in the proposed *revised* handbook. However, it may be more practically prudent to put the textual changes before the Senate as part of changes to the *current* handbook, and only then introduce a new structure on top of the whole thing. We leave it to next year's committee to decide this matter.

For convenience, the committee has designated changes which it thinks are likely editorial ones – and therefore not subject to Senate Approval – with an asterisk (*).

General

Terminology on “tenure-track”: In the proposed redraft of the handbook, the committee has used “tenure-track” as synonymous with “probationary.” The language in the current draft is consistent in this treatment. (It should be noted that in the Medical school, custom treats the two tracks in parallel, so that some on the tenure track are probationary and others are tenured).

Proposed Section 3-B (4) Current Section 3-2 (D)

The committee recommends adding “or letters” to all references to faculty contract, signifying the fact that a letter may constitute an annual contract (if not superceded by a formal contract). This change has already been approved by the faculty senate.

¹ By way of example, Section 4 on non-reappointment collects redundant material from multiple parts of Section 3 (3-7 and 3-4(C)(4)) dealing with non-reappointment of non-tenure-track faculty.

We have also suggested changing the delivery date of all contracts to the date of University Commencement rather than May 1, as currently suggested. This will allow the delivery of contracts/letters to be regularized against the academic calendar.

Proposed Section 3-B (5)
Current Section 3-2 (E)

This section would be simpler to administer if it said "August 15 through May 15" instead of the floating reference to registration and Commencement. (The calendars for the next five years show those dates work pretty well.) This makes it possible to coordinate grant proposals that call for work during the summer.

Proposed Section 3-C
Current Section 4

The committee recommends replacing this section with a list of principles and cross-references. A referencing table has been suggested in place of the current text.

Proposed Section 3-D (1)
Current Section 3-20 (A & B)

The committee suggests removing the procedures regarding payroll for the general University, and to refer readers to the web site of the University Payroll office. This recommendation is to ensure that the information provided in the handbook does not replicate other, more current documents available elsewhere in the university.

Proposed Section 3-D (2)
Current Section 3-20 (C)

In paragraph 2, delete "their dean" and substitute "the Provost"

Proposed Section 3-E
Current Section 3-19

After one-sentence introductory paragraph at the beginning of this section, add a sentence specifying conditions under which the Provost may terminate employment after more than two years on leave of absence.

Proposed Section 3-E (3)
Current Section 3-19 (C)

(* Change to first sentence in third paragraph to the active voice: "The Provost may place on special leave without pay to ..."

Proposed Section 3-E (6)
Current Section 3-19 (F)

The committee recommends the addition of language placing some time restrictions on jury duty, at least when such service causes the professor to be away from the classroom for more than two weeks. New language has been suggested to this end.

Proposed Section 3-E (7)

Currently not in handbook, but logically after Current Section 3-19(F)

A paragraph has been added to account for vacation policy at the University, noting that there is a seven week maximum for compliance with state and federal law.

Proposed Section 3-I (2)

Current Section 3-15(B)

(*) Delete the word “such” in two places for clarity.

Proposed Section 3-J

Current Section 3-16

We recommend softening the language of this section to preclude only tuition assistance for faculty members seeking degree candidacy at USC. We have, however, retained the existing prohibition on seeking a degree within own department, and a general prohibition on tenure-track, assistant professors seeking candidacy anywhere in the University.

The committee concluded that this relaxation of language is in the interests of the faculty, but many on the committee also believe that next year’s committee should consider possible steps for liberalizing this section even further (e.g., allowing at least some tuition assistance for faculty seeking degrees in other departments). Such liberalization would be consistent with the University’s commitment to more interdisciplinary scholarship.

Proposed Section 4-A

Current Section 3-3

(*) The committee recommends clarifying language on the delegable authority of the President, and derivatively, the Provost.

Proposed Section 4-B

Current Sections 3-1 (B) and (C)

The committee recommends organizing the various faculty designations into *four* (rather than two) groups: Tenure and tenure-track; non-tenure track; librarians; and “special” designations. Our assessment is that this set of designations is more representative of current practice, and does not suffer from a “lumping” effect that the current handbook illustrates: I.e., lumping tenure/tenure-track faculty in one group, and everyone else in another.

(* The language “upon recommendation of” should be deleted for AFFILIATED ACADEMIC STAFF designations, and replaced simply with “by”.

The committee recommends that the handbook also add a sentence allowing AFFILIATED ACADEMIC STAFF designations to be given to existing faculty members as a form of honorific.

(* In subsection 4-B (5) (former 3-7(C)), the language regarding limitations on untenured faculty should be changed to “maintain”. Also, the term “basic” should be changed to “principal”. Both changes are for greater precision.

Proposed Section 4-C (1)
Current Section 3-4(A)

(* The committee recommends adding “service during” the academic or fiscal year in order to account for the fact that many faculty are on nine-month appointments.

In the Associate Professor paragraph, a cross-referencing link to the section dealing with the length of the probationary period is recommended.

The committee has also recommends replacing the 3-year tenure review requirement with one that is rooted in established policy, so as to allow greater tailoring within departments. A similar cross references is recommended here as well.

Proposed Section 4-D (1)
Current Section 3-4(C)

For early tenure review procedures, we recommend replacing “line administrators” with “the dean” to correspond with current practice.

Proposed Section 4-D (2)
Current Sections 3-2(D) and 7-7(G)

(* For clarity, we have replaced “unless rescinded by a later written agreement” with: “and the appointment will expire at the end of its term, unless there is a written renewal.”

Proposed Section 4-E (1)
Current Section 3-6

We recommend limiting any reduction in core salary for tenured faculty members through disciplinary proceedings to ten percent of core salary. This is a protection we suggest in concert with introducing demotion as one of the list of possible sanctions under the sexual harassment section (new Section 6, *infra*).

In the language in paragraph 5 pertaining to applying for disability, we recommend changing language to include both tenured and untenured faculty.

In the same paragraph, the penultimate sentence should read, “If the faculty member does not return to active service after one year’s absence (see Section 3-E (3)), the Provost may terminate his or her appointment.” This is to make this section consistent with the analog (old Section 3-19(C)) section on unpaid leaves.

Proposed Section 4-F
Current Section 3-4 (C)(2)

When a non-tenure-track professor is asked to cease working early, we inserted language to the effect that not only salary but also benefits will be paid throughout the notice period

Proposed Section 4-G (1)
Current Section 3-4(B)

We recommend for the APT panel composition language to be changed to “at least” six panels, in order to provide added flexibility for large workload years.

(*) We also recommend excising “or divisional” from the language pertaining to faculty committees in larger schools.

Proposed Section 4-H
Section Current 3-6 (D)

The committee has proposed the introduction of new language regarding a financial exigency. We discussed the executive board’s memo of September 24, 2002, regarding the redrafting of Section 3-6 of the faculty handbook, and we have approved the language currently given in 4-H. By way of giving some background, the bullet points below help to provide some explanation to the Handbook Committee’s responses to the Executive Committee’s suggestions.²

- We have altered Proposed Section 4-H(1)(a) (Current Section 3-6(D)(1)(a)) to reflect the changes on composition and consultation the executive committee requested in that memo. One item that we excluded from consideration is the provision for a dissenting report by a 20% minority of committee members. After considerable discussion, the committee was of the opinion that nothing prohibited individuals from authoring dissenting reports under existing language, and that explicitly providing for such reports would likely have the unintended effect of encouraging them.
- We have responded in part to the executive committee’s concerns about the precise definition of “financial exigency.” In our view, the existing language is too vague to be helpful. We also think, however, that the AAUP definition suggested in the

² A version of this explanation, along with the same proposed revision, was forwarded to the executive committee in late December. Because we have not heard definitively from the committee on this re-draft, we include the same explanations once again.

executive committee's memorandum is a poor fit, as it would apply asymmetrically to large and small departments. Consider, for example, an extremely small department with only a handful of faculty. It is hard to imagine that such departments could ever imperil the financial health of the University. Under the AAUP definition, the President would never have authority to discontinue such a unit. Rather than adopting either of these extreme rules, our proposed compromise is to define financial exigency as a standard rather than a rule, but to provide an illustrative example that is phrased in a conjunctive – i.e., a situation that imposes financial distress on the unit and either financial or academic reputational distress on the University.

- In Proposed Section 4-H(1)(b) (Current Section 3-6(D)(1)(b)), we initially deleted program from the text of the section as per your request. However, we have recently learned that the University may begin to make tenured appointments in programs as part of its inter-disciplinary initiative. Thus, the language was reinstated to reflect this prospective possibility. We have also attempted to tighten up the language dealing with non-financial exigency discontinuances, and the language now reads: “continuance of the unit would be inconsistent with the goal of academic excellence throughout the University”.
- We have retained the reference to re-naming and mergers so as to indicate clearly that this section does not govern those processes.

Proposed Section 5-A
Current Section 3-10

(*) The first sentence of this subsection should have the word “made” inserted.

The committee also recommends that the language regarding the procedure governing research proposals be eliminated and replaced with a cite to the Department of Contracts and Grants website. The committee did discuss at some length the question of whether a more informal procedure might be available whereby faculty who are pursuing relatively modest grants could be exempted from the funding protocols in this section. We were not able to reach adequate closure on this issue, however.

Proposed Section 5-C
Current Section 3-12

(*) The term “IRBS” should be changed to “IRBs”.

(*) Also, the committee recommends adding a reference to the USC IRB's website for those accessing the handbook on line.

Proposed Section 6-C
Current Section 3-14(B)

In subsections (1) and (4), the language describing the office for the designated investigator has been changed to be the Office of Equity and Diversity, in order to comport with current practice. (Note that although the Designated Investigator now

comes from the office of Equity and Diversity, the reports envisioned by the handbook are still transmitted to the General Counsel's office).

Also, in this subsection, the committee recommends changes to subsections 6-C (7) and 6-C(8), detailing the possible sanctions associated with a finding of sexual harassment. Note that the committee has specifically suggested new language regarding possible sanctions available. The former language (which appeared in subsection 3-14 (B)7e) had few possible sanctions that lay in between rather minor disciplinary proceedings and termination. We have added a number of additional possible sanctions, ranging from denial/postponement of promotion, suspension of salary, and reduction of salary to provide other possible serious, but not draconian, sanctions. This is our response to a concern by the General Counsel's office that the current version of the document has insufficient "teeth" to accomplish its task.

In response to concerns raised earlier by the executive committee about the list of possible sanctions, the handbook committee was split on whether to continue to provide for demotion as a possible sanction. We have retained this as a "menu item," however, breaking it out into a separate subsection so as to facilitate its removal if the Senate so desires. We note, however, that demotion is *currently* one of sanctions provided for in the existing section 3-14; thus, the concern raised by the executive board on this issue does not squarely implicate our proposed new changes.

At the same time, the committee strongly agrees that the appropriate way to apply the list of possible sanctions should use a standards-based approach (where the hearing board is left to determine the appropriate sanction under the facts and circumstances in the case) over a rule-based approach (where those sanctions are pre-specified according to another menu of possible future offenses). Given that the hearing board consists of fellow faculty (solely so, in many cases), the protection afforded there was deemed sufficient.

Finally in this section, the committee recommends the elimination of the subsection regarding annual reports (old section 3-14(B)-9). The General Counsel's office is of the opinion that this provision serves no valid purpose today, and that under current law such a report can only serve to violate the legal rights to privacy that faculty, staff, and students enjoy. The independent Equity and Diversity Office now handles harassment complaints, and we should focus them on prevention and detection of sexual harassment. Our suggestion is that perhaps once a year the Senate, its Executive Board, or an appropriate committee should invite that office's director to summarize problems and trends, but that does not necessarily require a Handbook provision. Next year's committee may want to revisit this issue, however.³

Proposed Section 7-B
Current Section 3-8(A)

³ This conjecture may be particularly true in light of the Executive Committee's memorandum of 5/6/03 expressing misgivings about eliminating this section. The 2002-03 handbook committee members discussed these misgivings and are sympathetic to them, and we ultimately decided to maintain our recommendation provisionally, asking next year's committee to revisit this issue.

The procedure by which grievance hearings are scheduled has been changed. In the current handbook, the procedure calls for selecting a committee and then selecting a date for the hearing. This has not worked very well in the past, since committee members have schedules that are not always compatible. The new language calls for the date to be set *first*, with the committee composition to be chosen from the selected dates. This change better corresponds with current practice, which already endeavors to accommodate scheduling conflicts by a similar procedure. We also provide language whereby alternates might be chosen in the event that an unexpected event causes one of the chosen panelists to become unavailable.

Proposed Section 8-C
Current Section 3-9(C) et seq.

In step 1 of the section detailing dismissal procedures, the committee recommends changing the language “should ordinarily attempt to” to “shall attempt to” when discussing the duties of a dean or academic director in approaching a faculty member regarding a dismissal issue. The committee wished to place a stronger emphasis that a direct, informal meeting should be sought as a matter of policy (and thus the change to “shall”), but to allow for the possibility that the faculty member will refuse to meet with the dean (and thus the “attempt to” language).

(*) In section 8-C (3), we have added the language “except as provided for sexual harassment sanctions under Section 6-C (8)” to note the difference in procedures between ordinary and sexual harassment procedures for suspension.

Please feel free to contact me if you have any questions. I look forward to working with next year’s committee informally to consider these proposed changes and (hopefully) push them forward. Attached find the following seven appendices:

- [Appendix A: Matrix of Changes from Current to Proposed Handbook](#)
- [Appendix B: Proposed Section 3 \(with textual editorial changes included\)](#)
- [Appendix C: Proposed Section 4 \(with textual editorial changes included\)](#)
- [Appendix D: Proposed Section 5 \(with textual editorial changes included\)](#)
- [Appendix E: Proposed Section 6 \(with textual editorial changes included\)](#)
- [Appendix F: Proposed Section 7 \(with textual editorial changes included\)](#)
- [Appendix G: Proposed Section 8 \(with textual editorial changes included\)](#)