

# TIMETABLE FOR PERIODIC EVALUATION AND PERFORMANCE REVIEW

## 2007/08

	WPAF DUE	PRE-REVIEW FOR COMPLETENESS		Candidate adds requested material no later than	PEER REVIEW COMMITTEE (PRC) REVIEW		Candidate picks up re-commendation no later than	End of rebuttal/response period *	End of PRC response period **	DEAN REVIEW		Candidate picks up re-commendation no later than	End of rebuttal/response period *	End of Dean's response period **	PROMOTION & TENURE (P&T) COMMITTEE REVIEW		Candidate picks up re-commendation no later than	End of rebuttal/response period *	End of P&T Committee response period **	PRESIDENT OR DESIGNEE REVIEW	
REVIEW		Begin	End		Begin	End				Begin	End				Begin	End				Begin	Decision
Periodic Evaluation (typically 1st, 3rd, and 5th year)	TUE JAN 22	WED JAN 23	WED JAN 30	WED FEB 06	THUR FEB 07	WED MAR 05	THUR MAR 13	THUR MAR 20	FRI MAR 28	TUE APR 01	TUE APR 29	WED MAY 07	WED MAY 14	THUR MAY 22	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2nd Year Retention	WED SEP 05	THUR SEP 06	THUR SEP 13	THUR SEP 20	FRI SEP 21	THUR OCT 11	FRI OCT 19	FRI OCT 26	MON NOV 05	TUE NOV 06	TUE NOV 27	WED DEC 05	WED DEC 12	THUR DEC 20	N/A	N/A	N/A	N/A	N/A	WED JAN 02	FEB 15
2nd Year Retention w/optional Tenure and/or Promotion Review	Use above timeline for 2nd Year Retention (including the Feb 15 final decision for retention) and continue with the following P&T Committee/President schedule:														MON FEB 18	THUR MAR 20	FRI MAR 28	MON APR 07	TUE APR 15	WED APR 16	TENURE JUN 01 PROMO JUN 15
4th Year Retention (3rd or 5th year for faculty off cycle)	MON SEP 17	TUE SEP 18	TUE SEP 25	TUE OCT 02	WED OCT 03	TUE NOV 06	WED NOV 14	WED NOV 21	FRI NOV 30	MON DEC 03	TUE JAN 15	WED JAN 23	WED JAN 30	THUR FEB 07	N/A	N/A	N/A	N/A	N/A	FRI FEB 08	JUN 01
4th Year Retention w/ optional Tenure and/or Promotion Rvw (3rd or 5th year for faculty off cycle)	MON SEP 17	TUE SEP 18	TUE SEP 25	TUE OCT 02	WED OCT 03	TUE NOV 06	WED NOV 14	WED NOV 21	FRI NOV 30	MON DEC 03	TUE JAN 15	WED JAN 23	WED JAN 30	THUR FEB 07	FRI FEB 08	THUR MAR 20	FRI MAR 28	MON APR 07	TUE APR 15	WED APR 16	RET/TEN JUN 01 PROMO JUN 15
Tenure and/or Promotion Review	MON SEP 17	TUE SEP 18	TUE SEP 25	TUE OCT 02	WED OCT 03	TUE NOV 06	WED NOV 14	WED NOV 21	FRI NOV 30	MON DEC 03	TUE JAN 15	WED JAN 23	WED JAN 30	THUR FEB 07	FRI FEB 08	THUR MAR 20	FRI MAR 28	MON APR 07	TUE APR 15	WED APR 16	TENURE JUN 01 PROMO JUN 15

### Holidays/Breaks:

Labor Day	SEP 03
Thanksgiving	NOV 22 - 24
Winter Holiday/Break	DEC 21 - JAN 15
Martin Luther King Jr.	JAN 21
Cesar Chavez Day	MAR 31
Spring Break	MAR 31 - APR 05

\* Candidate may submit a rebuttal/response within 7 days of receipt of the recommendation or by the end date listed on timeline - whichever comes first.

\*\* Reviewing committee/administrator may submit response to a candidate's rebuttal within seven days or by the end date listed on timeline - whichever comes first.

## **COURSE AND PROGRAM PROPOSING, CHANGING, AND APPROVAL FORMS: PROCEDURES OF APPROVAL FOR CHANGES**

**Definition:** This policy defines which office maintains curriculum forms, which Academic Senate committee has oversight of which forms, and specifies how existing forms can be changed and new forms created.

**Authority:**

Title 5, §40100	Authorization to Establish Curricula
Title 5, §40100.3	Authorization to Establish Teacher Education Programs
Title 5, §40101	Authorization to Recommend for Teaching Credentials
Title 5, §40300	Extension Courses. Establishment and Maintenance
Title 5, §40400	Procedure for Granting Diplomas, Certificates and Degrees
Executive Order 602	Delegation of Authority - Authority to Approve Option, Concentrations Special Emphases, & Minors in Designated Academic Subject Categories
Executive Order 806	Certificates and Certificate Programs

**Scope:** All forms required by Academic Senate committees and Academic Affairs in order to approve curricula.

Curriculum forms are created by Academic Senate committees and maintained by the Curriculum and Scheduling Office. A list of curriculum forms in use at the time that this policy is being updated, and the committee responsible for changing these forms is included below.

### **Academic Policy Committee (APC) Forms:**

- Extended Studies [regular] Course Form (E Form )
- Extended Studies [regular] Topics Form (E-T Form)
- Extended Studies [non-degree credit] Course Form (X Form)

### **Budget and Long-range Planning (BLP) Committee Form:**

- Abstract Form (A Form)

### **General Education Committee (GEC) Forms:**

- Lower Division General Education Area A Form (Form LDGE – A)
- Lower Division General Education Area B Form (Form LDGE – B)
- Lower Division General Education Area C Form (Form LDGE – C)
- Lower Division General Education Area D Form (Form LDGE – D)
- Lower Division General Education Area E Form (Form LDGE – E)
- Upper Division General Education Area B Form (Form UDGE – BB)

- Upper Division General Education Area C Form (Form UDGE – CC)
- Upper Division General Education Area D Form (Form UDGE – DD)

**University Curriculum Committee (UCC) Forms:**

- Course Creation Form (C Form)
- Course Creation Form (C-2 Form)
- Course Deletion Form (D Form)
- Special Topics Form (T Form)
- New Program Form (P Form)
- New Program Template\*
- Table I for New Program Template
- Table II for New Program Template
- New Minor-Option-Concentration-Credential Template
- New Certificate Template
- Program Change Form (P-2 Form)

\* Template must retain all items (with the original wording) on the template received from the Chancellor's Office, but clarification and additional requirements may be added.

The Curriculum and Scheduling Office may make non-substantive changes to curriculum forms (e.g., correction of typographical errors, renumbering of questions, adding check-boxes, etc.). Any such changes are to be reported to the Academic Senate committee that has jurisdiction over the form.

The Academic Senate committee that has jurisdiction over the form is responsible for any substantive changes (requests for additional information, signature lines, etc.). These changes will be reported to the Executive Committee of the Academic Senate, which will determine whether the changes are significant enough to warrant presenting the new forms to the Academic Senate as an action item, or whether they can simply be reported to the Senate.

Any new curriculum form must be approved by the Academic Senate. The form will be maintained by the Curriculum and Scheduling Office, and oversight will be assigned to the Academic Senate committee which created it – unless the Academic Senate directs that it be overseen by a different committee.

## GRADUATE AND POST BACCALAUREATE STUDENT COURSE REPEAT POLICY AND PROCEDURE

**Definition** Graduate and post baccalaureate students may repeat up to two (2) courses in order to meet graduation requirements. Repeating a course does not expunge the earlier attempt from the student's record, but it may improve the student's grade point average (GPA). ~~The This following policy, is~~ applicable only to non-thesis courses taken at CSU San Marcos, ~~will be followed when allowing graduate and post-baccalaureate students to repeat courses:.~~

**Authority** President of CSU San Marcos.

**Scope** Graduate and post baccalaureate students.

1. A course taken at CSU San Marcos in which a grade of B- (2.7 grade points) or less is received, may be repeated once for purposes of omitting ~~a prior~~ the original grade from the GPA calculation and satisfying GPA requirements. A course taken at CSU San Marcos in which a grade of NC is received may also be repeated. All course repeats should ~~be done in~~ involve consultation with the graduate program advisor.
2. When a course is repeated, both the original grade and the grade earned in the repetition will appear on the transcript.
3. If a course previously taken for ~~a point grade~~ a letter grade (including plus/minus grading) is repeated for a grade of CR/NC, the original grade(s) will ~~continue to be~~ calculated in the GPA.
4. Unless ~~the a~~ student submits a Graduate Student Course Repeat Request Form to ~~the Enrollment Services Information Center~~ Cougar Central, both grades will be used to calculate the student's GPA.
5. If a student submits a Graduate Student Course Repeat Request Form to ~~the Enrollment Services Information Center~~ Cougar Central, ~~then the original grade earned in the first course is will be ignored omitted from the GPA calculation for the purpose of calculating the GPA.~~ Since CR/NC grades do not enter into the GPA calculation, it is not necessary to submit this form when repeating a course in which a grade of NC was earned.
6. A Graduate Student Course Repeat Request Form cannot be filed until the student has completed the repeat. ~~—A Graduate Student Course Repeat Request Form cannot be filed if the student received a grade of CR, NC, F, I, RD, SP, or U, when the course was repeated.~~ WU, RP, W, or IC when the course was repeated.
7. A maximum of two (2) different courses may be repeated within an approved graduate plan of study at CSU San Marcos. The graduate program offering the degree is authorized to may approve substitute graduate-level courses that may be taken in lieu of a graduate-level course that the student wishes to repeat, when the original course is not

## GRADUATE AND POST BACCALAUREATE STUDENT COURSE REPEAT POLICY AND PROCEDURE

scheduled to be offered again within the term of the student's expected time to degree.  
The substitute course must be taken after completion of the original course.

8. ~~Transfer courses are not counted in the repetition limits subject to this policy?. If a student has taken courses at other institutions, the policies of those institutions will be used in computing the overall GPA.~~
9. ~~A course repeated at another institution will may not replace the a course taken earlier at CSU San Marcos in the institutional GPA computation. Both the original course and the repeated course must be taken at CSU San Marcos.~~

# POLICY ON FAIR USE OF COPYRIGHTED WORKS FOR EDUCATION AND RESEARCH

Definition: This document explains the principles underlying all decisions regarding copyright to be made on the CSUSM campus.

Authority: President of the university.

Scope: The fair use policy applies to all CSUSM ~~teaching faculty, and staff, and library faculty to resolve fair use questions in good faith and well informed manner.~~

~~California State University San Marcos~~

~~Policy on Fair Use of Copyrighted Works for Education~~

~~and Research~~

~~Statement of Supporting Principles~~

~~Prepared by the LAC Subcommittee on Copyright Issues  
Chuck Allen, Bonnie Biggs, Renée R. Curry, and Dawn Schmid~~

~~March 7, 1999~~

## PREAMBLE

This document explains the principles underlying all decisions regarding copyright to be made on this campus. Please note, however, that this document is not intended to be a tutorial about copyright and fair use. It should accompany the C.E.T.U.S. document, *Fair Use of Copyrighted Works* (1995), and a comprehensive education program must follow adoption of these principles.

**Principle 1: I.** An appropriate exercise of fair use depends on a case-by-case application and balancing of four factors as set forth in a statute enacted by Congress. A proper determination of fair use in daily practice and in the courts requires applying these four factors to the specific circumstances of the use:

- The purpose or character of the use;
- The nature of the copyrighted work being used;
- The amount and substantiality of the work being used; and
- The effect of the use on the market for or value of the original.

These factors must be evaluated to determine whether most of them weigh in favor of or against fair use.

## POLICY ON FAIR USE OF COPYRIGHTED WORKS FOR EDUCATION AND RESEARCH

**Principle 2: II.** Nonprofit educational purposes are generally favored in the application of the four factors, and a robust concept of fair use is crucial for advancing education and research. The educational purpose will usually weigh the first factor strongly in favor of fair use. Keep in mind, however, that a nonprofit educational purpose does not by itself make the use “fair.” One must always consider and weigh all four factors together.

**Principle 3: III.** Responsible decision making means that individuals within the university must know the fundamentals of fair use and understand how to apply them in typical situations. To that end, an individual designated by the University (~~LAC’s designation as of the 1999-2000 academic calendar~~) and the Copyright Guidance Council will provide information, answer questions, and conduct training in an effort to prepare ~~teaching faculty~~ and ~~staff, and library faculty~~ to resolve fair-use questions in a good faith and well-informed manner.

**Principle 4: IV.** The university is confident that its ~~teaching faculty, and staff, and library faculty~~ are able to make good faith decisions about fair use and that their decisions will best reflect the particular circumstances relevant to the decisions. Fair use depends on the facts and circumstances of the given situation. Therefore, the person closest to those facts is likely best suited to determine the law’s application. Thus, we do not mandate a particular decision, but instead we call on each member of the university to be responsible for the fair-use determinations with respect to the projects within their authority. The ~~Copyright Guidance Council~~ individual designated by the university will be available to assist with decisions.

**Principle 5: V.** Reasonable people—even those with significant legal expertise—can and will differ in their understanding of fair use. Copyright law rarely offers a definitive meaning of fair use for any specific application. Thus, the real meaning of fair use depends on a reasonable and responsible application of the four factors. One person’s judgment and situation may not match the next, and the differences may be based on variations in facts and circumstances. The ~~Copyright Guidance Council~~ individual designated by the university will help individuals to determine, based on precedence at our university, the unique qualities of particular cases.

**Principle 6: VI.** Because of the flexible and interpretive nature of fair use, Congress provided significant protection for educators. Not only does the law apply particularly to educational purposes, but it also limits the monetary liability that educators may potentially face, as long as they hold a reasonable and good faith belief that their activities are fair use in light of the four factors.

**Principle 7: VII.** Through educational efforts, the university should move over time toward common understandings of fair use for local needs, but such detailed interpretations ought not be a part of a formal policy statement. By keeping the policy itself concise, the university preserves the flexibility inherent in fair use law and preserves the opportunity to respond to a changing law and the changing demands of education and research.

**Principle 8: VIII.** Fair use is not determined by “guidelines” that purport to quantify the boundaries of fair use. In an attempt to clarify the meaning of fair use for common situations, various private parties have negotiated “guidelines,” but those externally developed guidelines are often inappropriate for the realistic application of fair use to higher education. Such guidelines are

## POLICY ON FAIR USE OF COPYRIGHTED WORKS FOR EDUCATION AND RESEARCH

1 too often an unduly narrow or rigid definition of fair use, and they usually impose additional  
2 restrictions and conditions that are not part of the law. No such guideline has been read into the law  
3 by Congress or the courts, and the guidelines are not binding. Fair use must be determined  
4 according to the circumstances of each situation.

5  
6 | **Principle 9-IX.** If a member of the CSUSM community acts in good faith and consistent with  
7 his or her university duties, protection may be offered by the CSU Risk Management Authority in  
8 the event of an infringement allegation. Good faith increases the likelihood that activities are in fact  
9 fair use. Good faith reduces the risks of liability in the event of infringement. Good faith is also  
10 important for securing the benefit of university assistance and support in the event that its ~~teaching~~  
11 faculty, ~~library faculty,~~ and staff may face infringement allegations, in accordance with the Errors  
12 and Omissions Liability Insurance, dated 1998-1999. Ultimately, good faith is best manifested  
13 through knowledge of, and reasonable application of, the four factors. In order to be certain that all  
14 members of the CSUSM community act with the knowledge that best facilitates good faith,  
15 attendance at education sessions will be mandated by the ~~CSUSM Provost and~~ Vice President for  
16 Academic Affairs. Signatures of attendance will be kept on file should the need to protect  
17 individuals against charges of infringement arise.  
18



# **RETENTION, TENURE, AND PROMOTION STANDARDS FOR THE SCHOOL OF NURSING**

## **I. DEFINITIONS OF TERMS AND ABBREVIATIONS**

- A. In the standards and procedures described by this document, “is” is informative, “shall” is mandatory, “may” is permissive, “should” is conditional, and “will” is intentional.
- B. The following terms, important to understanding faculty policies and procedures for retention, tenure, and promotion are herein defined.
1. Candidate - a faculty unit employee being evaluated for retention, tenure, or promotion.
  2. Evaluation – a written assessment of a faculty member’s performance.
  3. Peer Review Committee (PRC) – the committee of full-time, tenured faculty unit employees whose purpose is to review and recommend faculty unit employees who are being considered for retention, tenure, and promotion.
  4. Probationary Faculty – the term probationary faculty unit employee refers to a full-time faculty unit employee appointed with probationary status and serving a period of probation.
  5. Promotion – the advancement of a probationary or tenured faculty unit employee who holds academic or librarian rank to a higher academic or librarian rank or of a counselor faculty unit employee to higher classification.
  6. Recommendation – the written end product of each level of a performance review. A recommendation shall be based on the WPAF and shall include a written statement of the reasons for the recommendation. A copy of the recommendation and the written reasons for it is provided to the faculty member at each level of review.
  7. Retention – authorization to continue in probationary status.
  8. RTP – retention, tenure, and/or promotion
  9. Tenure – the right to continued employment at the campus as a faculty unit employee except when such employment is voluntarily terminated or is terminated by the CSU pursuant to the CBA or law.

## **II. PREAMBLE**

This document sets forth general standards and criteria for retention, tenure, and promotion of full-time faculty in the School of Nursing. The provisions of this document are intended to be implemented in conformity with University-wide Faculty Personnel Policy for Promotion, Tenure, and Promotion.

## **III. GUIDING PRINCIPLES**

- A. General Guiding Principles

## RETENTION, TENURE, AND PROMOTION STANDARDS FOR THE SCHOOL OF NURSING

- 38 1. All standards and criteria should reflect the University Mission Statement and  
39 advance the goals embodied in that statement, including the following:

40 As specified in the University Mission Statement:

- 41     ▪ CSUSM focuses on the student as an active participant in the learning  
42     process.
  - 43     ▪ Students work closely with a faculty of active scholars and artists whose  
44     commitment to sustained excellence in teaching, research, and community  
45     partnership enhances student learning.
  - 46     ▪ The university offers rigorous undergraduate and graduate programs  
47     distinguished by exemplary teaching, innovative curricula, and the  
48     application of new technology.
  - 49     ▪ CSUSM provides a range of services that responds to the needs of a  
50     student body with diverse backgrounds, expanding student access to an  
51     excellent and affordable education.
  - 52     ▪ As a public university, CSUSM grounds its mission in the public trust,  
53     alignment with regional needs, and sustained enrichment of the  
54     intellectual, civic, economic, and cultural life of our region and state.
- 55 2. The three performance areas that shall be evaluated, teaching, research, and  
56 service, are integral faculty activities. While recognizing instruction as a  
57 central institutional mission, the School and disciplinary standards and criteria  
58 should recognize the diversity of each faculty member's contribution to the  
59 University. While the School affirms the University-wide requirement of  
60 sustained high quality performance in all areas, it encourages flexibility in the  
61 relative emphasis placed on each of the three performance areas.
- 62 3. Methods of performance assessment for research, teaching, and service shall  
63 be clearly specified and uniformly applied to all faculty. Activities assessed  
64 in one area of performance shall not be duplicated in any other area of  
65 performance evaluation.
- 66 4. At all levels and stages of the RTP process, faculty have the right to clearly  
67 articulated performance expectations. The RTP process should be  
68 simultaneously evaluative and developmental and be carried out in a  
69 cooperative, collaborative environment.
- 70 5. Retention, tenure, and promotion decisions are made on the basis of the  
71 evaluation of individual performance. Ultimate responsibility for meeting all  
72 standards and criteria rests with the candidate.

### 73 B. Standards Applied in Different Types of Decisions

- 74 1. It is expected that candidates for retention at the rank of assistant professor  
75 will show effectiveness in each area of performance and demonstrate progress

## RETENTION, TENURE, AND PROMOTION STANDARDS FOR THE SCHOOL OF NURSING

toward meeting the tenure requirements in the areas of teaching, research, and service.

2. Promotion to the rank of associate professor requires an established record of effectiveness in teaching, research, and involvement in service activities that enhance the University and the profession.
3. Promotion to the rank of professor requires evidence of continued commitment to and effectiveness in instruction, evidence of substantial achievement in scholarly/creative activities, and service to the University and/or the profession.
4. The granting of tenure at any rank recognizes accomplishments and services performed during the probationary years. Further, the granting of tenure is an expression of confidence that the faculty member has both the commitment to and the potential for continued development and accomplishment throughout his/her career. Tenure will not be granted to an individual whose record does not meet the standards required to earn promotion to the rank at which the tenure will be granted.

### IV. STANDARDS AND CRITERIA

#### A. Teaching

1. A central mission of the faculty is to enable students to comprehend and to utilize knowledge through scholarly intellectual activity. Toward that end faculty are expected to continually learn about pedagogy and to carefully consider how to teach as well as what to teach. They are expected to set clear expectations of success and to instruct with the assumption that all students can learn. Faculty should involve students actively in the learning process and employ various instructional techniques. Faculty should adapt their instructional methods to reach and to encourage all segments of the student body.
2. Probationary and tenured faculty members are expected to continually strengthen their teaching skills and to demonstrate overall effectiveness in scholarly instruction at the undergraduate level as well as the graduate level in departments with graduate programs. Toward this end, faculty are encouraged in every way to cultivate and maintain useful, innovative, and stimulating instructional techniques.
3. Instructional activities include, but are not limited to:
  - Classroom teaching;
  - Clinical Laboratory teaching;
  - Seminars;
  - Curriculum development;

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- Program development;
- Supervision of fieldwork, independent research, and library research;
- Training and supervision of teaching and graduate assistants;
- Individual consultation with students concerning course related matters.

4. While the elements of instruction may vary among disciplines and candidates, the evaluations of instructional performance should consider the scholarly content and currency of courses, classroom performance, the incorporation of writing and critical thinking, efforts undertaken to improve instruction, the quality of advising, availability during office hours, interdisciplinary and multidisciplinary activities, participation in course or curriculum development, and pedagogical innovations.
5. Evidence of instructional performance should include, but is not limited to, the following: peer evaluations; student evaluations; a list of courses taught; samples of instructional materials such as syllabi, examinations, and other assessment tools, handouts; descriptions of new courses developed, and certificates of recognition for instruction.
6. Student evaluation of instructional performance is required for all didactic courses taught in the academic year and at least one clinical course if taught.

### B. Research

1. It is essential to the University's Mission that each faculty member demonstrate continued commitment, dedication, and growth as a scholar. In all cases, scholarship results in an original contribution to knowledge or understanding in the field through research and includes the dissemination of that knowledge beyond the classroom.
2. Scholarship and evidence of scholarly activities include, but are not limited to:
  - Papers published or accepted for publication in peer refereed journals
  - Books or original monographs
  - Published book chapters of original material
  - Papers published in high quality practitioner journals
  - Papers published in refereed proceedings
  - Refereed paper presentations at professional meetings including abstracts published in proceedings
  - Invited papers presented at professional meetings
  - Working papers/works in progress
  - Grant or contract research
  - Clinical simulation scenario development
  - Case studies
  - Maintaining clinical experience in an area of nursing specialization

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- 157 3. Measurement of scholarly achievements should always include evaluation by  
158 professional persons in a position to assess the quality of the contribution to  
159 the field. Professional evaluation includes, but is not limited to, acceptance of  
160 a scholarly work by a jury of peers or editorial board. In all cases, quality of  
161 scholarly achievements shall be evaluated.

### **C. Service**

- 163 1. The School views activities that enhance the institution and the profession,  
164 both locally and nationally, as integral components of faculty service. While  
165 the magnitude of service rendered may vary, in each instance the evaluation of  
166 service must be guided by the quality of that service and its relevance to the  
167 University's Mission.
- 168 2. Service activities may include, but are not limited to, the following:
- 169     ▪ Membership and offices held on committees, governing bodies, and  
170     task forces at the unit, college, and university level.
  - 171     ▪ Membership and offices held on committees, editorial boards,  
172     professional advisory boards, external review teams, governing bodies,  
173     and task forces at the local, national, and international level.
  - 174     ▪ Organizing regional or national conferences, workshops, or seminars.
  - 175     ▪ Service as faculty advisor to student organizations
  - 176     ▪ Mentoring of faculty.
  - 177     ▪ Administrative activities such as scheduling, program coordination, or  
178     other special assignments.
  - 179     ▪ Lectures, presentations, or programs given gratis to community groups  
180     or schools.
  - 181     ▪ Gratis professional consultants of service to the community.
- 182
- 183 3. Evaluation of service shall include: peer evaluation of the quality of service  
184 rendered, the extent to which the service rendered contributed to the  
185 University's Mission, and the appropriateness of the service to the faculty  
186 member's rank.
- 187 4. Documentation of service may include, but shall not be limited to, the  
188 following: a list & description of university, community, professional service;  
189 individual contributions to the committee, evaluation by fellow committee  
190 members regarding quality of service provided; documents, reports, or other  
191 materials produced; letters of invitation; programs; and newspaper clippings.

### **APC Academic Calendar Assumptions**

- The Fall semester begins on a Monday and contains fifteen weeks of instruction, but we lose four weekdays: Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving Day. There are thus 71 instructional days in the Fall.
- The Spring semester begins on a Monday (or the Tuesday after Martin Luther King, Jr. Day) and contains fifteen weeks of instruction and a Spring Break week (the same week as Cesar Chavez Day). We lose one weekday (for Martin Luther King, Jr. Day) which leaves 74 instructional days in the Spring.
- Summer session runs for either 12 or 11 weeks. Twelve weeks allows for two 6-week sessions; in the case of the 11-week Summer, the sixth week would be cut in half (different cuts depending on which day Independence Day falls on). In the 11-week session, the first day of instruction is sometimes a Saturday if the first half-session would otherwise have two fewer Saturdays than the second half-session; this is an "Independence Day effect."
- All grading is completed before Winter Break.
- There is an entire week set aside for final exams. It runs Monday through Saturday.
- There is a four day (Tuesday through Friday) faculty preparation period the week before class start in the Fall; Convocation is held during this period. There is a three-day (Wednesday through Friday) faculty preparation period for the Spring semester.
- There is a four day (Monday through Thursday, after Commencement weekend) grading period at the end of the Spring semester.
- There is no instruction in the week before the faculty preparation period, and Summer session grades are due the Thursday of that week (this allows working days for grading, as Summer session classes end the preceding week).
- There is one full week of "processing time" between the end of the Spring semester and the start of Summer session. APC has heard from Advising and Registration & Records that at least this much time is necessary for them to act on Spring grades for disqualification, etc.

## 2008-2009 ACADEMIC CALENDAR

### SUMMER 2008 Term

June 2 (Mon)	First day of classes for 10-week Summer classes and 5-week classes in first Summer block
July 3 (Thur)	Last day of classes for 5-week classes in first Summer block
July 4 (Fri)	Independence Day holiday - campus closed
July 7 (Mon)	First day of classes for 5-week classes in second Summer block
August 1 (Fri)	Initial Period for filing applications for Spring 2008 begins
August 9 (Sat)	Last day of classes for all 10-week Summer classes and 5-week classes in second Summer block
August 14 (Thur)	Grades due from instructors; last day of Summer term

### FALL 2008 Semester

August 19-22 (Tue-Fri)	Faculty pre-instruction activities
TBD	<i>Convocation for faculty and staff</i>
August 25 (Mon)	First day of classes
September 1 (Mon)	Labor Day holiday— campus closed
October 1 (Wed)	Initial period for filing applications for Fall 2008 begins
October 11 (Sat)	Last day of class for first session of Fall half-semester classes*
October 13 (Mon)	First day of class for second session of Fall half-semester classes*
November 11 (Tue)	Veteran's Day — campus closed
November 27-29 (Thur-Sat)	Thanksgiving holiday — campus closed
December 6 (Sat)	Last day of classes
December 8-13 (Mon-Sat)	Final examinations
December 18 (Thur)	Grades due from instructors; last day of Fall semester
TBD	Staff accumulated holidays — campus closed

### SPRING 2009 Semester

January 14-16 (Wed-Fri)	Faculty pre-instruction activities
January 19 (Mon)	Martin Luther King Jr. Day – campus closed
January 20 (Tue)	First day of classes
March 14 (Sat)	Last day of class for first session of Spring half-semester classes*
March 16 (Mon)	First day of class for second session of Spring half-semester classes*
March 30-April 4 (Mon-Sat)	Spring break — campus closed March 31 (Cesar Chavez Day)
May 8 (Fri)	Last day of classes
May 9-15 (Sat-Fri)	Final examinations
May 16 (Sat)	Commencement
May 21 (Thur)	Grades due from instructors; last day of Spring semester

**(Note: This calendar is not intended to be construed as an employee work calendar.)**

*\*Some Fall and Spring semester classes meet in a half-semester term.*

## 2009-2010 ACADEMIC CALENDAR

### SUMMER 2009 Term

May 30 (Sat)	First day of classes for 11-week Summer classes and classes in first half-Summer block
July 3 (Fri)	Independence Day holiday (observed) — campus closed
July 7 (Tue)	Last day of classes for classes in first half-Summer block
July 8 (Wed)	First day of classes for classes in second half-Summer block
August 1 (Sat)	Initial Period for filing applications for Spring 2008 begins
August 15 (Sat)	Last day of classes for 11-week Summer classes and classes in second half-Summer block
August 20 (Thur)	Grades due from instructors; last day of Summer term

### FALL 2009 Semester

August 25-28 (Tue-Fri)	Faculty pre-instruction activities
TBD	<i>Convocation for faculty and staff</i>
August 31 (Mon)	First day of classes
September 7 (Mon)	Labor Day holiday — campus closed
October 1 (Thur)	Initial period for filing applications for Fall 2008 begins
October 17 (Sat)	Last day of class for first session of Fall half-semester classes*
October 19 (Mon)	First day of class for second session of Fall half-semester classes*
November 11 (Wed)	Veteran's Day — campus closed
November 26-28 (Thur-Sat)	Thanksgiving holiday — campus closed
December 12 (Sat)	Last day of classes
December 14-19 (Mon-Sat)	Final examinations
December 23 (Wed)	Grades due from instructors; last day of Fall semester
TBD	Staff accumulated holidays — campus closed

### SPRING 2010 Semester

January 13-15 (Wed-Fri)	Faculty pre-instruction activities
January 18 (Mon)	Martin Luther King Jr. Day — campus closed
January 19 (Tue)	First day of classes
March 13 (Sat)	Last day of class for first session of Spring half-semester classes*
March 15 (Mon)	First day of class for second session of Spring half-semester classes*
March 29-April 3 (Mon-Sat)	Spring break — campus closed March 31 (Cesar Chavez Day)
May 7 (Fri)	Last day of classes
May 8-14 (Sat-Fri)	Final examinations
May 15 (Sat)	Commencement
May 20 (Thur)	Grades due from instructors; last day of Spring semester

**(Note: This calendar is not intended to be construed as an employee work calendar.)**

*\*Some Fall and Spring semester classes meet in a half-semester term.*



## 2010-2011 ACADEMIC CALENDAR

### SUMMER 2010 Term

June 1 (Tue)	First day of classes for 11-week Summer classes and classes in first half-Summer block
July 5 (Mon)	Independence Day holiday (observed) — campus closed
July 7 (Wed)	Last day of classes for classes in first half-Summer block
July 8 (Thur)	First day of classes for classes in second half-Summer block
August 1 (Sun)	Initial Period for filing applications for Spring 2008 begins
August 14 (Sat)	Last day of classes for 11-week Summer classes and classes in second half-Summer block
August 19 (Thur)	Grades due from instructors; last day of Summer term

### FALL 2011 Semester

August 24-27 (Tue-Fri)	Faculty pre-instruction activities
<i>TBD</i>	<i>Convocation for faculty and staff</i>
August 30 (Mon)	First day of classes
September 6 (Mon)	Labor Day holiday — campus closed
October 1 (Fri)	Initial period for filing applications for Fall 2008 begins
October 16 (Sat)	Last day of class for first session of Fall half-semester classes*
October 18 (Mon)	First day of class for second session of Fall half-semester classes*
November 11 (Thur)	Veteran's Day — campus closed
November 25-27 (Thur-Sat)	Thanksgiving holiday — campus closed
December 11 (Sat)	Last day of classes
December 13-18 (Mon-Sat)	Final examinations
December 22 (Wed)	Grades due from instructors; last day of Fall semester
<i>TBD</i>	Staff accumulated holidays — campus closed

### SPRING 2011 Semester

January 12-14 (Wed-Fri)	Faculty pre-instruction activities
January 17 (Mon)	Martin Luther King Jr. Day — campus closed
January 18 (Tue)	First day of classes
March 12 (Sat)	Last day of class for first session of Spring half-semester classes*
March 14 (Mon)	First day of class for second session of Spring half-semester classes*
March 28-April 2 (Mon-Sat)	Spring break — campus closed March 31 (Cesar Chavez Day)
May 6 (Fri)	Last day of classes
May 7-13 (Sat-Fri)	Final examinations
May 14 (Sat)	Commencement
May 19 (Thur)	Grades due from instructors; last day of Spring semester

**(Note: This calendar is not intended to be construed as an employee work calendar.)**

\*Some Fall and Spring semester classes meet in a half-semester term.

## **Guide to Proposed RTP Amendments from FAC, April 19, 2007**

### **[Revised following EC and AS meetings April 18, 2007]**

1. **Throughout:** Change “rebuttal” to “rebuttal or response” throughout the document to reflect the CBA. Rebuttals “oppose” and responses “clarify” in reaction to the letters that a candidate receives. The existing document is not consistent in using “rebuttal or response” in all places where the candidate has an opportunity to react to a letter.

2. **Throughout:** Add “School of Nursing” or “School” in all relevant places where Colleges/Depts/SSP,ARs are noted.

3.. **Lines 107-109 and 704-706:** Add a faculty member from the School of Nursing to the Promotion and Tenure Committee when there is a candidate for P&T from Nursing.

4. **Lines 151-152:** To reflect ongoing practice, “administrators and administrative staff” is changed to “individuals.”

5. **Lines 263-267:** To reflect changed practice in receiving an electronic version of student evaluations of teaching, there is no need to have “all comment sheets” (that is, copies of the student-written papers) included in the WPAF. Rather, the faculty member will include the “complete university-prepared report (containing numerical summaries and student comments).”

18 6. **Line 560:** ~~To reflect ongoing practice, the Peer Review Committees may decide on their own if they will have a chair or work as a committee without a chair. To eliminate duplication of language in this section, the final sentence is deleted.~~

7. **Lines 644-651 and 828-832:** To reflect ongoing practice, it will be the responsibility of the Custodian of the File (office of AVPAR Mary Elizabeth Stivers) to distribute the RTP documents to faculty...not the dean/director’s responsibility.

8. **Line 791:** To reflect ongoing practice, the President will “announce” (instead of “establish”) the RTP timetable.

9. **Line 838-839:** To reflect ongoing practice, the Custodian of the File (office of AVPAR Mary Elizabeth Stivers) date stamps the initial page of the file but not subsequent additions (which are accompanied by a letter of notification to all parties in the review).

10. **Appendix C External Review, page 22 of 23 (page 61 in AS packet): II.C.2.**

To reflect ongoing practice, the external reviewer will hold a professional affiliation approved by the Peer Review Committee. ~~The department chair will not be involved. The reference to the “chair” is unclear (department chair or PRC chair?) and the chair of the PRC is already a member of the PRC. For clarity, delete the reference to “chair” and continue ongoing practice of having the PRC approve the professional affiliation of the external reviewer.~~

11. **Appendix C External Review, page 22 of 23 (page 61 in AS packet): II.D.**

To reflect ongoing practice, the external reviewer will be asked to submit a review “in a timely matter” rather than in time for “the PRC review of the WPAF.” Sometimes the external review happens after the PRC review. Whenever it is requested, the Custodian of the File (office of AVPAA Mary Elizabeth Stivers) will ask that it be submitted in time for the next level of review.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

### 1. DEFINITION OF TERMS AND ABBREVIATIONS

- A. In the policies and procedures prescribed by this document, “is” is informative, “shall” is mandatory, “may” is permissive, “should” is conditional, and “will” is intentional.
- B. The numbers in parentheses refer to sections of the Collective Bargaining Agreement (in effect at the time of the adoption of this document) between the Board of Trustees of The California State University and the California Faculty Association.
- C. The following terms, important to understanding faculty policies and procedures for retention, tenure, and promotion, are herein defined:
  1. Administrator – an employee serving in a position designated as management or supervisory in accordance with the Higher Education Employer-Employee Relations Act. (2.1)
  2. Candidate – a faculty unit employee being evaluated for retention, tenure, or promotion. (15.1)
  3. CBA—Collective Bargaining Agreement between the California Faculty Association and the Board of Trustees of the California State University for Unit 3 (Faculty).
  4. CFA – The California Faculty Association or the exclusive representative of the Union. (2.7)
  5. College/Library/School/SSP, AR - College of Arts and Sciences, College of Business Administration, College of Education, Library. School of Nursing, and Student Services Professional, Academic Related.
  6. Confidentiality – confidential matter is private, secret information whose unauthorized disclosure could be prejudicial. Given the RTP Procedure, confidentiality applies to the circle of those reviewing a file in a given year.
  7. CSU – The California State University.
  8. CSUSM – California State University San Marcos
  9. Custodian of the File (COF) –the administrator designated by the President who strives to maintain accurate and relevant Personnel Action Files and to ensure that the CSUSM RTP Timetable is followed. (11.1, 15.4)
  10. Day – a calendar day. (2.11)
  11. Dean/Director – the administrator responsible for the college/unit.
  12. Department – the faculty unit employees within an academic department or other equivalent academic unit. (2.12)
  13. Department Chair – the person selected by the president or designee, based on faculty recommendation, to serve as the director /coordinator of the faculty unit employees within an academic department or other equivalent academic unit. (20.32).
  14. Equivalent Academic Unit – any unit that is equivalent to an academic department or library unit for purposes of this document, but not recognized under the CBA.
  15. Evaluation – a written assessment of a faculty member’s performance. An evaluation shall not include a recommendation for action.
  16. Faculty Unit Employee – a member of bargaining Unit 3 who is subject to retention, tenure, or promotion. (2.13) See also Candidate.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

17. Librarian – those individuals who have achieved the rank of full Librarian.
18. Merit awards – in various CBAs, the CSU and CFA have agreed upon different terms and different names for merit awards, such as Merit Salary Adjustments, Performance Step Salary Increases and Faculty Merit Increases. If they are in effect during a review, merit awards are separate from the Retention, Tenure, and Promotion process, and thus have no bearing on the set of policies and procedures that follows.
19. Peer Review Committee (PRC) – the committee of full-time, tenured faculty unit employees whose purpose is to review and recommend faculty unit employees who are being considered for retention, tenure, and promotion. (15.35)
20. Performance Review – the evaluative process pursuant to retention, tenure, and/or promotion. (15.32)
21. Personnel Action File (PAF) – the one official personnel file containing employment information and information relevant to personnel recommendations or personnel actions regarding a faculty unit employee. (2.17)
22. President – the chief executive officer of the university or her/his designee. (2.18)
23. Probation, Normal Period of – the normal period of probation shall be a total of six (6) years of full-time probationary service and credited service, if any. Any deviation from the normal six (6) year probationary period, other than credited service given at the time of initial appointment, shall be the decision of the President following her/his consideration of recommendations from the department or equivalent unit, Dean/Director, appropriate administrators, and the Promotion and Tenure Committee. (13.3)
24. Probationary Faculty – the term probationary faculty unit employee refers to a full-time faculty unit employee appointed with probationary status and serving a period of probation. (13.1)
25. Professor – those individuals who have achieved the rank of full professor.
26. Promotion – the advancement of a probationary or tenured faculty unit employee who holds academic or librarian rank to a higher academic or librarian rank or of a counselor faculty unit employee to higher classification. (14.1)
27. Promotion, Early consideration for – in some circumstances, a faculty unit employee may, upon application and with a positive recommendation from her/his Department or equivalent academic unit, be considered for early promotion to Associate Professor or Professor, Associate Librarian or Librarian, SSP II AR or SSP III AR prior to the normal period of service. (14.2-14.4)
28. Promotion and Tenure Committee (P&T Committee) – an all-University committee composed of full-time, tenured Professors and a Librarian elected according to the faculty constitution. The University charges the P&T Committee to make recommendations for tenure and promotion. When School of Nursing faculty or SSP, ARs are under review, ~~a SSP-III AR~~ an SSP-III AR faculty member from the School of Nursing or SSP, AR III will be added to the P&T Committee for the School of Nursing or SSP, AR review only.
29. Rebuttal/Response– a written statement intended to present opposing or clarifying evidence or arguments to recommendations resulting from a performance review at any level of review. ~~(14.4)~~ (15.5)
30. Recommendation – the written end product of each level of a performance review. A recommendation shall be based on the WPAF and shall include a written statement of the

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

reasons for the recommendation. A copy of the recommendation and the written reasons for it is provided to the faculty member at each level of review. (15.40, 15.12c, 15.5)

31. Retention – authorization to continue in probationary status.
32. RTP – retention, tenure, and/or promotion.
33. RTP Timetable – A timetable that lists the order of review and establishes dates for the review process at each level for a particular year. This calendar is based on the approved academic year calendar. The President, after consideration of recommendations of the appropriate faculty committee, shall announce the RTP Timetable for each year. (13.5)
34. Service Credit – the President, upon recommendation of the Dean/Director after consulting with the relevant department or equivalent unit, may grant to a faculty unit employee up to two (2) years service credit for probation based on previous service at a post-secondary education institution, previous full-time CSU employment, or comparable experience. (13.4)
35. Tenure – the right to continued permanent employment at the campus as a faculty unit employee except when such employment is voluntarily terminated or is terminated by the CSU pursuant to the CBA or law. (13.13)
36. Working Personnel Action File (WPAF) – that portion of the Personnel Action File specifically generated for use in a given evaluation cycle. The WPAF shall include all forms and documents, all information specifically provided by the candidate, and information provided by faculty unit employees, students, and academic administrators. It also shall include all faculty and administrative level evaluations, recommendations from the current cycle, and all rebuttal statements and responses submitted. (15.8)

### II. PERSONNEL FILES

#### A. Personnel Action File (PAF): Definition

1. Each faculty member shall have a Personnel Action File (PAF). This is a confidential file with exclusive access of the faculty member and designated ~~administrators and administrative staff~~ individuals. (11)
2. The President of the University designates where such files will be kept and who will act as custodian of the file (COF). The COF will keep a log of all requests to see each file. The COF shall monitor the progress of all evaluations ensuring that she/he gives proper notification of each step of the evaluation to the Candidate, each committee and administrator as specified in these procedures. (11)
3. The PAF is the one official personnel file for employment information relevant to personnel recommendation or personnel actions regarding a Candidate. Faculty members may review all material in their PAF, including pre-employment materials. Faculty members may submit rebuttals to any item in the file, except for pre-employment materials. Faculty may request the removal of any letters of reprimand that are more than three years old. (18) Material submitted to the PAF must be identified by the source generating the information. No anonymously authored documents shall be included in the file. (11)

#### B. Personnel Action File (PAF): Contents of File

The PAF contains the following materials:

1. All recommendations and decision letters that have been part of the RTP process.
2. All indices of all WPAFs.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

3. The file concerning initial appointment.
4. A curriculum vitae from each review.
5. The Candidate's summaries for each RTP-related review.
6. All rebuttals and responses.
7. Letters of commendation.
8. Letters of reprimand, until removed under 18.7.
9. All fifth year post-tenure reviews.
10. Documentation of any merit awards or salary adjustments.<sup>1</sup>

### C. Working Personnel Action File (WPAF): Definition

1. During periods of evaluation, the Candidate shall create a WPAF specifically for the purpose of evaluation. This material amplifies the PAF. It shall contain all required forms and documents and all additional information provided by the Candidate. The WPAF is deemed to be part of the Personnel Action File (PAF) during the period of evaluation. (11) Material submitted to the WPAF must be identified by the source generating the information. No anonymously authored documents shall be included in the file.
2. The WPAF is part of the review process. All parties to the review shall maintain confidentiality regarding this file. (15)
3. The Candidate, appropriate administrators, the President, Peer Review Committee members, Department Chair (only if she/he completes a separate Department Chair review), and Promotion and Tenure Committee members, Custodian of the File and designated individuals shall have access to the file. (15)
4. The WPAF shall be complete by the deadline announced in the RTP Timetable. Any material added after that date must have the approval of the Peer Review Committee and must be material that becomes available only after the closure date. New materials must be reviewed, evaluated, and commented upon by the Peer Review Committee and the Department Chair (if applicable) before consideration at subsequent levels of review. (15)

### D. Guidance on the WPAF:

1. An item in the WPAF may be included in whichever category the Candidate sees as the best fit. However, a single item may not be inserted in two different categories.
2. The emphasis of the WPAF will be on the accomplishments of the Candidate since her/his last university-level review. For retention review, the emphasis will be on the time period since the last retention review. For promotion or tenure to Associate Professor /Associate Librarian/SSP II AR, the emphasis will be on the time period since hiring. For promotion or tenure to Professor/Librarian/SSP III AR, the emphasis will be on the time period since the review for the Candidate's last promotion.
3. If service credit was awarded, the Candidate should include evidence of accomplishments from the other institution(s) for the most recent years of employment.

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<sup>1</sup> Documentation of any merit awards or salary adjustments is an optional element in a PAF and WPAF except as required by previous contracts.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

4. This procedures document does not specify standards. Each Department may develop its own standards, including guidance on criteria in that unit. It is the responsibility of the Candidate to seek out and understand these standards. See V.A.1. and V. B. 4. below.
  5. There are many creative ways to document scholarly performance in the WPAF, but the potential for a lack of selectivity and coherence is great. Assembling the WPAF (the Candidate's responsibility) and giving due consideration to the WPAF (the reviewing parties' responsibility) is made more time-consuming and difficult when the file is disorganized and/or too large. In presenting the WPAF, the Candidate should be selective, choosing documents, texts, or artifacts that are most significant and representative of their work. The WPAF should be focused and manageable. Statements such as "Documentation available on request" are encouraged.
  6. The evidence of success in Teaching, Research/Creative Activity and Service shall consist of up to 30 items total in the WPAF. The types of items included may vary. The candidate will determine how to distribute the items among the three categories; however, each category will contain evidence.
  7. The reflective statements included in the WPAF shall not exceed 15 pages in combined length. The Candidate will determine how many pages to devote to each statement. The statements will describe the Candidate's contributions in the areas of Teaching, Research/Creative Activity, and Service.
  8. Electronic documentation is also acceptable, although the same principle of selectivity applies in this case.
  9. The Candidate shall be notified of the placement of any material in her/his WPAF, and shall be provided with a copy of any material to be placed in the WPAF at least five days prior to such placement.
    - a. Material inserted into the WPAF by reviewing parties is subject to rebuttal or request for removal by the faculty member undergoing review.
    - b. Required or additional material relevant to the review may be added during the initial period of "review for completeness" by the faculty member undergoing review or other parties to the review.
- E. The WPAF, when submitted by the Candidate, shall contain:
1. A current curriculum vitae.
  2. A reflective statement for each section: Teaching, Research/Creative Activity, and Service. (See II.D.7. above.)
  3. Evidence of teaching success (for all faculty unit members who teach) and equivalent professional performance based on primary duties assigned in the job description (for non-teaching faculty).<sup>2</sup>
    - a. The reflective statement on teaching.
    - b. Student evaluations from courses taught, in compliance with the CBA. ~~University-prepared numerical summaries and all comment sheets of course evaluations shall be included for each course submitted.~~ The complete university-prepared report (containing numerical summaries and student comments) shall be included for each course submitted.
    - b. Selected items representing teaching, such as:

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<sup>2</sup> Non-teaching faculty include librarians and SSP, ARs.  
AS 1<sup>st</sup> Reading 05/02/2007

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

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- Peer evaluation
  - Self-evaluation
  - Videotape of class session
  - Instructional materials (e.g., syllabi, lesson plans, lecture notes, multimedia presentations, course assignments)
  - Product of your teaching/Evidence of student learning (e.g., completed student assignment, paper, thesis, exam, project, performance)
  - Teaching award, fellowship or honor
  - Other relevant items chosen by the faculty member
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4. Evidence of success in research and creative activity (for teaching faculty and librarians) and continuing education/professional development (for SSP, ARs).
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- a. The reflective statement on research and creative activity.
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- b. Selected items representing research and creative activity, such as:
- Publications
  - Publications in press or under review (with documentation)
  - Creative performances (dance, music performance art, theatre), exhibits, videos, slides, recordings, CD-ROMS, multimedia, performance texts, installations, photographs, musical scores, directing or choreography, curating, producing
  - Presentations at professional meetings
  - Funded grants
  - Research/creative activity in progress
  - Instructional material development
  - Applied research/scholarship
  - Invited address
  - Research/creative activity award, fellowship or honor
  - Editing of a journal, book, or monograph
  - Unpublished research
  - Unpresented/unperformed creative activity
  - Unfunded grant proposal
  - Refereeing of a book, journal article, monograph, conference paper
  - Other relevant items chosen by the faculty member
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5. Evidence of success in service.
- a. The reflective statement on service.
- b. Selected items representing service to the campus, system, community, discipline, and/or profession, such as:
- Committee activity
  - Consultantship to community organizations
  - Advising a student group
  - Mentoring of faculty and/or students
  - Office held and participation in professional organizations
  - Service award, fellowship or honor
  - Editing of a journal, book, or monograph
  - Refereeing of a book, journal article, monograph, conference paper
  - Other relevant items chosen by the faculty member
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6. For faculty applying for periodic reviews; retention, tenure, or tenure and promotion, all personnel reviews since hire. For faculty applying for promotion after the award of tenure (or tenure and promotion), all personnel reviews beginning with the tenure (or tenure and promotion) review. Personnel reviews (including recommendations, rebuttals and responses) are defined as periodic reviews; retention, tenure and promotion reviews; and five-year post-tenure reviews.



## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

7. Department/Unit/College/Library/School/SSP,AR standards for retention, tenure and promotion.
8. A complete index of the material contained in the WPAF.
- III. REVIEW PROCESS SCHEDULE
- A. Tenure and Promotion to the Rank of Associate Professor/Associate Librarian/SSP II AR.
1. All probationary (nontenured) faculty members shall undergo annual review. The normal review process schedule depends on the probationary status of the Candidate. If the Candidate's initial appointment is on the tenure track at the rank of Assistant Professor, Senior Assistant Librarian (which normally requires a doctorate or other appropriate terminal degree), or SSP I AR without credit for prior years of service, the review process schedule is as follows:  
  
First, third, and fifth years: PRC level and Dean/Director review  
Second and fourth years: PRC, Dean/Director and President review  
Sixth year: Mandatory review for promotion and tenure by Department Chair<sup>3</sup>, Peer Review Committee, Dean, and Promotion and Tenure Committee with a recommendation to the President
  2. Tenure-track probationary faculty may be given credit for a maximum of two years of service at another institution. The amount of credit allowed shall be stipulated at the time of employment and documented in a letter to the faculty member. This letter should be included in the file. If one or two years of credit are given, the review process begins with the first year level review. The mandatory promotion and tenure decision is shortened by the number of service credit years given. (13.4)
  3. If a probationary faculty member without a doctorate or appropriate terminal degree is hired at the rank of Instructor, Assistant Librarian, or SSP I AR, the Candidate may choose not to count the time as Instructor/ Assistant Librarian/SSP I AR toward the mandatory sixth year tenure and promotion review. The Candidate must stipulate her/his choice at the time of initial appointment to a tenure track position.
  4. Normally, a probationary faculty member shall not be promoted during the probationary period of six years of full-time service. (13.3, 14.2) At the request of the Candidate or on the initiative of the Department, a Candidate may be considered for Promotion and Tenure prior to the sixth year of service. In that event, the sixth-year-level review substitutes for the annual review. Candidates for promotion before the mandatory sixth-year review may withdraw from consideration without prejudice at any level of review. (14.7)
  5. Mandatory sixth-year consideration entails recommendations to the President for the Candidate's tenure and promotion. Normally, award of tenure to probationary faculty members also entails promotion. (14.2) Probationary faculty members shall not be promoted beyond the rank of Associate. (14.2)
- B. Tenure for Probationary Faculty Hired at the Ranks of Associate Professor/Associate Librarian/SSP II AR and Professor/Librarian/SSP III AR.
1. Nontenured Associate Professors/Professors, Associate Librarians /Librarians, and SSP II AR/SSP II ARs shall be reviewed annually according to the following schedule:  
  
First, third, and fifth years: PRC level and Dean/Director review  
Second and fourth years: PRC, Dean/Director and President review

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<sup>3</sup>In cases when the Department Chair elects to make separate recommendations on the Candidates in her/his Department.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

Sixth year: Mandatory review for tenure by the Department Chair,<sup>4</sup> Peer Review Committee, Dean, and Promotion and Tenure Committee recommendation to the President.

2. Tenure-track probationary faculty may be given credit for a maximum of two years of service at another institution. The amount of credit allowed shall be stipulated at the time of employment. The letter shall be included in the file. (13.4)
  3. Normally, a probationary faculty member shall not be promoted during the probationary period of six years of full-time service. (13.3, 14.2) At the request of the Candidate or on the initiative of the Department, a Candidate may be considered for Promotion and Tenure prior to the sixth year of service. In that event, the sixth-year-level review substitutes for the annual review. The President may award tenure to a faculty unit employee before the normal six year probationary period. (13.18) Candidates for promotion before the mandatory sixth-year review may withdraw from consideration without prejudice at any level of review. (14.7)
  4. Tenure review for probationary Associate Professor /Associate Librarian/SSP II AR is separate and distinct from review for promotion to the rank of Professor /Librarian/SSP III AR. Probationary faculty shall not be promoted beyond the rank of Associate. (14.2) In other words, Associate Professors/Associate Librarians/SSP II ARs must be awarded tenure before they are eligible to apply for promotion to full Professor/Librarian/SSP III AR.
- C. The President may extend a faculty member's probationary period for an additional year when a faculty member is on Workers' Compensation, Industrial Disability Leave, Nonindustrial Disability Leave, leave without pay, or paid sick leave for more than one semester or two consecutive terms. (13.7)
- D. Review of Tenured Faculty at Rank other than Professor/Librarian/SSP III AR ranks.
1. Except for early promotion considerations, review for promotion to the rank of Professor, Librarian, or SSP III AR follows the standard sequence of review for tenure: Department Chair (at Department Chair's discretion) and Peer Review Committee, Dean/Director, Promotion and Tenure Committee making recommendations to the President.
  2. Only tenured faculty unit employees with rank of Professor /Librarian/SSP III AR can make recommendations regarding promotion to these ranks. (Professors/Librarians/SSP III ARs may make recommendations for promotion across these positions.)
  3. The promotion of a tenured faculty unit employee normally shall be effective the beginning of the sixth year after appointment to her/his current academic rank/classification. In such cases, the performance review for promotion shall take place during the year preceding the effective date of the promotion. This provision shall not apply if the faculty unit employee requests in writing that she/he not be considered. (14.3)
  4. The promotion of a faculty unit member to the rank of Professor, Librarian, or SSP III AR that will be effective prior to the start of the sixth year after appointment to his/her current academic rank/classification is considered an 'early promotion.' An early promotion decision requires that the applicant receive a positive recommendation from his/her department or equivalent unit. In cases where the department or equivalent unit does not make a positive recommendation, no further levels of review take place and the promotion is not considered (14.3, 14.4).
- E. Except for denial of tenure in the mandatory sixth-year review, denial of tenure and/or promotion does not preclude subsequent review. Probationary faculty denied tenure prior to the sixth year may be considered in any subsequent year through the mandatory sixth-year review. Tenured Assistant/Associate Professors, Senior Assistant/Associate Librarians, and SSP I/II ARs denied promotion may be reviewed in any subsequent year.

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<sup>4</sup> In cases when the Department Chair elects to make separate recommendations on the Candidates in her/his Department.

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### IV. RESPONSIBILITIES OF THOSE INVOLVED IN THE REVIEW CYCLE

#### A. Responsibilities of the Candidate

##### 1. Preparation of the WPAF

- a. Prior to the beginning of the review process, the Candidate shall be responsible for reviewing the Department/Unit/College/Library/School/SSP,AR evaluation criteria and review procedures that have been made available, including the CSUSM RTP timetable.
- b. Prior to the beginning of the review process, the Candidate shall be responsible for consulting campus resources relevant to the review process (e.g., the CBA, Academic Affairs, Faculty Center resources and workshops, and colleagues).
- c. Prior to the beginning of the review process, the Candidate shall be responsible for the identification of materials she/he wishes to be considered and for the submission of such materials as may be accessible to her/him (15.12.a).
- d. The Candidate shall be responsible for the organization and comprehensiveness of the WPAF.

##### 2. Submission of the WPAF

- a. The Candidate shall be responsible for indicating clearly in a cover letter the specific action she/he is requesting: consideration for retention, tenure, and/or promotion.
  - b. The Candidate is responsible for submission of the WPAF in adherence to the RTP Timetable.
3. The Candidate is responsible for preparing, as necessary, a timely rebuttal or response at each level of the review according to the RTP Timetable.
  4. The Candidate is responsible for requesting a meeting, if wanted, at each level of the review according to the RTP Timetable. No formal, written response is required subsequent to this meeting.
  5. The Candidate may request and shall approve of external review and reviewers (15.12.d). See Appendix C.

#### B. Responsibilities of Department Chairs and Faculty Governance Units

1. In academic units with a Department Chair, the Chair shall ensure that there is an election of a PRC. This entails: identifying eligible members of the Department or equivalent academic unit, College/Library/School, or the entire University faculty, when necessary, who are willing to serve; consulting with faculty in the Department about names to place on the ballot; sending out the ballot one week before the election date; ~~specified in the RTP Timetable~~; ensuring that ballots are counted by a neutral party; and announcing the results to the Department and to the Candidates. The Department Chair shall convene the first meeting of the PRC and ensure that a chair is elected.
2. In academic units with no Department Chair, the appropriate faculty governance group shall ensure that there is an election of a PRC. This entails: identifying eligible members of the Department or equivalent academic unit, College/Library/School, or the entire University faculty, when necessary, who are willing to serve; consulting with faculty in the Department about names to place on the ballot; sending out the ballot one week before the election date; ~~specified in the RTP Timetable~~; ensuring that ballots are counted by a neutral party; and announcing the results to the Department and to the Candidates. The appropriate faculty governance group shall convene the first meeting of the PRC and ensure that a chair is elected.

## FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

3. The Department Chair may submit a separate recommendation concerning retention, tenure, and/or promotion under the following conditions: The Department Chair must be tenured and the Department Chair must be of equal or higher rank than the level of promotion requested by the Candidate.<sup>5</sup> The Department Chair's review runs concurrently with the PRC review. When a Department Chair chooses to make a separate recommendation in a given year, she/he must do so for all Candidates in the Department in that year for which she/he is eligible to submit a recommendation. In this case, Department Chairs shall have the additional responsibilities indicated below. If the Department Chair is a member of the PRC, she/he may not make a separate recommendation.
- a. During the time specified for this activity, the Department Chair shall review the file for completeness. Within seven days of the submission deadline the Department Chair shall:
    - 1) Submit a letter to the Custodian of the File outlining material that is lacking. The custodian notifies the faculty member.
    - 2) Add any existing material missing from the file that the faculty member did not add. The Department Chair must add the required evidence, but may choose not to add the non-mandatory additional evidence requested.
  - b. The Department Chair may determine whether to request external review of the file. In the case of external review request, see Appendix C for responsibilities and timetable.
  - c. Consistent with the CBA, the Department/Unit/College/Library/School/ SSP, AR RTP documents and the RTP Timetable, the Department Chair shall review and evaluate the WPAF of each candidate for retention, tenure, and promotion.
  - d. The Department Chair may write a recommendation with supporting arguments to "The file of [the faculty member under review]." The Department Chair's recommendation is a separate and independent report from that of the PRC.
    - 1) The recommendation shall be based on the contents of the WPAF (15.12.c).
    - 2) The recommendation clearly shall endorse or disapprove of the Candidate's retention, tenure, and/or promotion.
  - e. The Department Chair shall submit the recommendation to the Custodian of the File by the deadline specified in the RTP Timetable.
  - f. The Candidate may request a meeting with the Department Chair within seven days of receipt of the Department Chair's recommendation (15.5). If a meeting is requested, the Department Chair shall attend the meeting. No formal, written response is required subsequent to this meeting.
  - g. The Department Chair may respond to a Candidate's written rebuttal or response within seven days of receipt ~~of rebuttal~~. No formal, written response to a candidate rebuttal or response is required.
  - h. Should the P&T Committee call a meeting of all previous levels of review, the Department Chair shall attend and revise or reaffirm her/his recommendation. The Department Chair shall then submit in writing her/his recommendation to the Custodian of the File consistent with the RTP Timetable.

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<sup>5</sup> When the Department Chair is eligible to write recommendations for some Candidates and not others (e.g., Department Chair is a tenured Associate Professor eligible to submit separate recommendations for tenure and promotion to Associate Professor, but not for full Professor/Librarian), the Department Chair will notify the Custodian of the File. The Custodian of the File will insert a letter into the WPAF of those Candidates for whom the Department Chair is ineligible to make recommendations that explains the reason that no Department Chair letter was submitted to the file.

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- i. The Department Chair shall maintain confidentiality of the file, of deliberations and recommendations. (15.10 and 15.11)
    - j. When Department Chairs submit a separate recommendation for Candidates in their Departments, they are ineligible to serve on Peer Review Committees in their respective Departments, but may serve on PRC's in other Departments. Department Chairs, like other parties to the review, may not serve at more than one level of review.
  4. If a Department Chair chooses not to make a separate recommendation, then she/he may serve on any Peer Review Committees within her or his academic unit.
  5. If any stage of a Performance Review has not been completed according to the RTP Timetable, the WPAF shall be automatically transferred to the next level of review or appropriate administrator and the Candidate shall be so notified. (15.41)
- C. Election and Composition of the Peer Review Committee (PRC)
1. The Department or appropriate academic unit is responsible for determining the size and election conditions of the PRC. The Department Chair shall ensure that there is an election of a PRC. Where no Department Chair exists, the department or appropriate faculty governance unit will ensure that there is an election of a PRC. (See IV.B.1. and 2. above.)
  2. The PRC shall be composed of at least three full-time tenured faculty elected by tenure-track faculty in the Candidate's department (or equivalent), with the chair elected by the committee. That is, if there are enough eligible faculty members in a department or program, members of the Peer Review Committee are elected from these areas. If not, the department or program shall elect Peer Review Committee members from eligible university faculty in related academic disciplines (15.35). ~~The PRC shall elect its own chair.~~
  3. In the case of a faculty member with a joint appointment, the Peer Review Committee shall include when possible representatives from both areas with a majority of members on the committee elected from the Department or program holding the majority of the faculty member's appointment. If a faculty member holds a 50/50 joint appointment, the committee will have representatives from both departments.
  4. Peer Review Committee members must have higher rank/classification than those being considered for promotion.
  5. Candidates for promotion are ineligible for service on promotion or tenure Peer Review Committees.
  6. Each College/Library/School/SSP, AR shall adopt procedures for electing a Peer Review Committee from the eligible faculty. These procedures must follow the guidelines of the CBA. (15.35).
- D. Responsibilities of the Peer Review Committee (PRC)
1. The PRC shall review the WPAF for completeness. Within seven days of the submission deadline the PRC shall:
    - a. Submit a letter to the Custodian of the File outlining material that is lacking. If no WPAF has been submitted, the PRC shall submit a letter to the Custodian of the File within the same deadline indicating that the WPAF is lacking.
    - b. Add any existing material, required or additional, missing from the WPAF that the Candidate has not added via the COF (15.12).
  2. The PRC shall determine whether to request external review of the WPAF. In the case of an external review request, see Appendix C for responsibilities and timeline.

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3. Consistent with the CBA, the Department/College/Library/School/SSP,AR RTP standards/documents and the RTP Timetable:
    - a. The PRC shall review and evaluate the WPAF of each candidate for retention, promotion, and tenure.
    - b. Each committee member shall make an individual evaluation prior to the discussion of any specific case.
  4. The PRC shall meet as an entire committee face-to-face. In these meetings, each member shall comment upon the candidate's qualifications under each category of evaluation.
  5. The PRC shall write a recommendation with supporting arguments to "The file of [the faculty member under review]" [see Appendix E]. The PRC's recommendation is a separate, independent report from that of the Department Chair.
    - a. The recommendation shall be based on the contents of the WPAF (15.12.c).
    - b. The recommendation clearly shall endorse or disapprove of the retention, tenure, and/or promotion.
  6. Each recommendation shall be approved by a simple majority of the committee. To maintain confidentiality, the vote for recommendations shall be conducted by printed, secret ballot. (See Appendix D.) The report of the vote shall be anonymous. Committee members may not abstain in the final vote. The vote tally shall not be included in the letter. Dissenting opinions shall be incorporated into the text of the final recommendation. When the vote is unanimous, the report shall so indicate. All members of the committee shall sign the letter. (See Appendix E.)
  7. The PRC shall submit the recommendation to the Custodian of the File by the deadline specified in the RTP Timetable.
  8. Should the candidate call a meeting within seven days of receipt of the PRC's recommendation, the PRC shall attend the meeting (15.5). No formal, written response is required subsequent to this meeting.
  9. The PRC may respond to a candidate's written rebuttal or response within seven days of receipt of rebuttal. No formal, written response to a candidate rebuttal or response is required.
  10. Should the P&T Committee call a meeting of all previous levels of review, the PRC shall attend and revise or reaffirm their recommendation. The PRC shall then submit in writing their recommendation to the Custodian of the File consistent with the RTP Timetable.
  11. The PRC shall maintain confidentiality of the file, of deliberations and recommendations, pursuant to articles 15.10 and 15.11 of the CBA.
  12. If any stage of a Performance Review has not been completed according to the RTP Timetable, the WPAF shall be automatically transferred to the next level of review or appropriate administrator and the faculty unit employee shall be so notified. (15.41)
- E. Responsibilities of the Dean/Director
4. ~~The Dean/Director shall receive, early in the fall semester from the Custodian of the File, the currently approved Department/Unit/College/Library/SSP, AR and University RTP documents. The Dean/Director immediately shall distribute these documents to Department Chairs and to all members of the PRC committee. Each new faculty unit employee also shall be provided no later than fourteen days after the start of the semester written notification of the evaluation criteria and procedures in effect at the time of her/his initial appointment. In addition, pursuant to CBA~~

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~~provision 15.3, the faculty unit employee shall be advised of any changes to those criteria and procedures prior to the commencement of the evaluation process. (12.2)~~

1. The Dean/Director shall review the file for completeness. Within seven days of the submission deadline, the Dean/Director shall:
  - a. Submit a letter to the Custodian of the File outlining material that is lacking.
  - b. If the requested missing material is not added, the Dean/Director shall have the COF insert that material (15.12).
  - c. The Custodian of the File shall notify the faculty member of any material added to the file.
2. The Dean/Director shall determine whether to request external review of the file. In the case of an external review request, see Appendix C for responsibilities and timeline.
3. The Dean/Director shall review and evaluate the WPAF of each candidate for retention, tenure, and/or promotion, consistent with the CBA, Department/Unit/College/Library/School/SSP, AR RTP document and the RTP Timetable.
4. The Dean/Director shall write a recommendation with supporting arguments addressed "To the file of [the name of the Candidate]".
  - d. The recommendation shall be based on the contents of the WPAF (15.12 c).
  - e. The recommendation shall clearly endorse or disapprove retention, tenure and/or promotion.
5. The Dean/Director shall submit the recommendation to the Custodian of the File by the deadline specified in the RTP Timetable.
7. Should the candidate call a meeting within seven days of receipt of the Dean/Director's recommendation (15.5), the Dean/Director shall attend the meeting. No response is required.
8. Should the candidate submit a rebuttal or response, the Dean/Director may respond to the rebuttal in writing within seven days of receipt. No formal, written response to the candidate's rebuttal or response is required.
9. Should the Promotion and Tenure Committee call a meeting of all the previous levels of review, the Dean/Director shall attend and revise or reaffirm her/his recommendation. The Dean/Director shall then submit, in writing, her/his recommendation to the Custodian of the File.
10. The Dean/Director shall maintain the confidentiality of deliberations and recommendations pursuant to articles 15.10 and 15.11 of the CBA.
11. If any stage of a Performance Review has not been completed according to the RTP Timetable, the WPAF shall be automatically transferred to the next level of review or appropriate administrator and the faculty unit employee shall be so notified. (15.41)

### F. Composition of the Promotion and Tenure (P&T) Committee

1. The University Promotion and Tenure Committee shall be composed of seven members: six full-time tenured Professors and one full-time tenured Librarian elected in accordance with the rules and procedures of the Academic Senate. Candidates for election to the Committee shall be voting members of the Faculty as defined in the by-laws of the CSUSM Academic Senate.
2. The six Professors shall be elected as follows: One from the College of Education; one from the College of Business Administration; three from the College of Arts and Sciences (these three must come from at least three of the four Divisions within the College: Humanities, Social Sciences,

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Sciences and Interdisciplinary Studies); and one university-wide at-large member. The faculty members of the Library shall elect the Librarian member. When School of Nursing faculty or SSP, ARs are under review, ~~an SSP III AR~~ faculty member from the School of Nursing or SSP, AR III will be added to the P&T Committee for the School of Nursing or SSP, AR review only.

3. For various reasons of ineligibility, the Promotion and Tenure Committee may lack the full set of seven members. If Committee membership falls below five, the Senate shall hold a replacement election or an at-large election as appropriate to ensure a minimum of five members for the Committee. Faculty with specified roles in assessing, directing, or counseling faculty in relation to their professional responsibilities are ineligible for service (e.g., ~~Coordinator~~ Director of General Education, Director of the Faculty Center).
4. Each year, the members of the Committee shall elect the Chair. They will hold this election during the spring semester preceding the year of service on the Committee.
5. Members of the Promotion and Tenure Committee are ineligible to serve at any other level of review. That is, they cannot make recommendations as Department Chairs or members of Peer Review Committees for any candidates during their term as members of the Promotion and Tenure Committee.

### G. Responsibilities of the Promotion and Tenure Committee

1. The P & T Committee shall review for completeness each file from all candidates for promotion and/or tenure. In order to complete this review within seven days of the submission deadline, the Chair shall assign two members of the Committee to each file. These members will report their findings to the Chair within the specified deadline.
2. The P & T Committee shall identify, request and provide existing materials related to evaluation which do not appear in the file. In cases where the Committee members request that the candidate add material to the file, this request shall be made in writing to the Custodian of the File within the specified deadline. In cases where the Committee members add material to the file via the COF, they shall do so within the specified deadline. The Custodian of the File shall inform the candidate of this addition.
3. The P & T Committee shall determine whether to request external review. The members assigned to review each file for completion shall arrive at an independent assessment of the need for external review. The full Committee shall meet at the end of this initial review period to determine the need for external review. The Committee shall conduct a simple majority vote to determine whether or not an external review shall be requested. In the case of external review, see Appendix C for External Review.
4. The P & T Committee shall review and evaluate the WPAF of each candidate for tenure and/or promotion. Each committee member shall make an individual assessment prior to the discussion of any specific case.
5. The P & T Committee shall meet as an entire committee face-to-face concerning each of the WPAFs. In these meetings, each member shall comment upon the candidate's qualifications under each category of evaluation.
6. The P & T Committee shall write a clear recommendation, addressed "To the file of [the candidate]" with supporting arguments [Appendix E]. Each recommendation shall be approved by a simple majority of the committee. The Chair shall vote. Because the CBA states that "[t]he end product of each level of a Performance Review shall be a written recommendation," (15.40) a report of a tie vote does not constitute an acceptable action of the Committee. The P&T Committee must recommend for or against promotion and/or tenure.
7. The report of the vote shall be anonymous. Committee members may not abstain in the final vote. The vote tally shall not be included in the letter. Dissenting opinions shall be incorporated into the



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text of the final recommendation. When the vote is unanimous, the report shall so indicate. All members of the committee shall sign the letter.

8. The P & T Committee shall provide a copy of the recommendation to the Custodian of the File by the deadline specified in the RTP Timetable.
9. Should the candidate call a meeting within seven days of receipt of the P & T Committee's recommendation, the P&T Committee shall attend the meeting (15.5). No formal written response is required subsequent to this meeting.
10. Should the candidate submit a rebuttal or response, the P&T Committee may respond to the rebuttal or response in writing within seven days of receipt. No formal written response to the candidate's rebuttal or response is required.
11. When there is disagreement in the recommendations at any level of review, the P & T Committee shall call a conference involving all levels of the review, i.e., the Department Chair, the Peer Review Committee, the Dean, and the Promotion and Tenure Committee itself. The P & T Committee shall schedule this meeting within seven days after the designated deadline for the candidate to respond to the Promotion and Tenure Committee's recommendation. All members of the P & T Committee shall attend this meeting.
12. Subsequent to such a meeting, the P & T Committee shall revise or reaffirm their recommendations. The P & T Committee shall then submit in writing their recommendation to the Custodian of the File consistent with the RTP Timetable.
13. The P & T Committee shall maintain confidentiality of the file, of deliberations and recommendations, pursuant to articles 15.10 and 15.11 of the CBA.
14. If the P & T Review has not been completed according to the RTP Timetable, the WPAF shall be automatically transferred to the next level of review and the faculty unit employee shall be so notified. (15.41)

### H. Responsibilities of the President or Designee<sup>6</sup>

1. The President shall ~~establish~~ announce the RTP Timetable after recommendations, if any, by the appropriate faculty committee. (14.4, 15.4)
2. The President shall follow the specific deadlines outlined for various personnel actions in provisions 13.11, 13.12, 13.17, and 14.9 of the CBA.
3. The President shall consider a decision in relation to external review. Both the President and the faculty member undergoing review must agree to external review.
4. The President shall review and consider the Performance Review recommendations and relevant material and make a final decision on retention, tenure, or promotion. For probationary employees holding a joint appointment in more than one Department, the President shall make a single decision regarding retention, tenure, or promotion. (13.10, 13.15, 14.8, 15.42)
5. The President shall review and consider the Performance Review recommendations, relevant material and information, and the availability of funds for promotion. (14.8)
6. Should the President make a personnel decision on any basis not directly related to the professional qualifications, work performance, or personal attributes of the individual faculty

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<sup>6</sup> In the text that follows, "the President" should be understood to mean "the President or her/his designee." The designee must be an Academic Administrator (15.2). In the case of an SSP, AR review, the designee may be the Vice President of Student Affairs.

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member in question, those reasons shall be reduced to writing and entered into the Personnel Action File and shall be immediately provided the faculty member. (11.9)

7. The President shall provide a written copy of the decision with reasons to the Custodian of the File, who will provide it to the faculty member undergoing review and to all levels of review.
8. The President shall maintain confidentiality of the file, of deliberations and recommendations, pursuant to articles 15.10 and 15.11 of the CBA.

### I. Responsibilities of the Custodian of the File

1. The Custodian of the File shall notify all Candidates, Department Chairs, and Deans one semester in advance of the scheduled required reviews for retention, reappointment, tenure and/or promotion. In May, the COF shall notify all faculty members and the Deans/Director of the CSUSM RTP Timetable for the following academic year. The COF shall notify all Candidates that the Faculty Center, the Deans, Department Chairs or equivalents and other appropriate resources are available to provide advice, guidance, and direction in constructing their WPAF.
2. ~~AT the first of the fall semester, the COF shall provide all Deans involved in the process with copies of the approved University and Department/Unit/College/Library/SSP, AR RTP documents and the RTP timetable. The Deans/Director will forward the documents immediately to the reviewing parties within the college. The COF shall provide each new faculty unit employee also~~ shall be provided no later than fourteen days after the start of the fall semester written notification of the evaluation criteria and procedures in effect at the time of her/his initial appointment. In addition, pursuant to CBA provision 15.3, the faculty unit employee shall be advised of any changes to those criteria and procedures prior to the commencement of the evaluation process. (12.2)
3. The COF shall receive the initial file, and date and stamp the initial page of the file. ~~And each subsequent incoming piece of documentation.~~
4. The COF shall maintain confidentiality of the files.
5. Only when dire circumstances exist may a WPAF be turned in late. The COF will determine what constitutes dire circumstances.
6. Within two working days of the end of the review for completeness, the COF shall notify the Candidate that she/he needs to add required and additional documentation requested by the Department Chair, review committee chairs, or administrators. If the Candidate fails to submit the required materials and a reviewing party submits the materials, the COF will notify the Candidate of materials that others add to the file.
7. In cases where the Department Chair wishes to submit a separate recommendation, but is ineligible to make recommendations for all Candidates, the Custodian of the File will place a form letter into the WPAF of the Candidates not receiving a separate recommendation that explains the reason that no Department Chair letter was submitted to the file.
8. The COF shall notify the Candidate of any other additional items to be added to the file along with the Candidate's right to rebut or request deletion.
9. If a Candidate scheduled for review submits no WPAF, the COF shall place a letter in a file folder stating that no file was submitted. A copy of the letter will be sent to the appropriate Dean and the Candidate.
10. The COF shall ensure that all who review a file sign in each time they review the file. The COF shall maintain a log of action for each file.
11. If any party of the review process, including the Candidate, indicates that they want an external review, the COF shall administer the process as outlined in the CBA (Article 15) and the

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University Retention, Tenure, and Promotion (RTP) documents. That is, the COF shall advise the President of the request and obtain the consent of the Candidate. If both are in agreement to have an external review, the Custodian of the File shall administer the process.

12. The COF shall receive, process, and hold all recommendations and responses and/or rebuttals during each step of the process.

13. The COF shall monitor the progress of all evaluations ensuring that proper notification is given to the Candidate, each committee, and the appropriate administrators as specified in these procedures. The COF shall provide copies of the evaluations and recommendations to the candidates and the reviewing parties. The COF shall document each notification.

### V. PRINCIPLES FOR THE REVIEW PROCESS

#### A. General principles

1. Faculty shall be evaluated in accordance with the Unit 3 CBA as well as standards approved for their Departments or equivalent units (when such standards exist), standards approved by their College/Library/School/SSP, AR, and in accordance with this policy. In case of conflict between the Department and College/Library/School/SSP, AR standards, the College/Library/School/SSP, AR standards shall prevail. The policies and procedures in this document are subject to Board of Trustees policies, Title 5 of the California Administrative Code, California Education Code, the Unit 3 CBA, and other applicable State and Federal laws.
2. Faculty members will present the relevant evidence in each category of performance. Each level of review is responsible for evaluating the quality and significance of all evidence presented.
3. Everyone, at all levels of review, shall read the Candidate's file.
4. Committee members shall work together to come to consensus.
5. Retention, tenure, and promotion of a faculty member always shall be determined on the basis of professional performance as defined by the CBA (20) and the University and Department/Unit/College/Library/School/SSP, AR documents, demonstrated by the evidence in the WPAF. In the evaluation of teaching performance, student evaluation forms shall not constitute the sole evidence of teaching quality. No recommendation shall be based on a Candidate's beliefs, nor on any other basis that would constitute an infringement of academic freedom.
6. The Candidate shall have access to her/his WPAF at all reasonable times except when the WPAF is actually being reviewed at some level.
7. Prior to the final decision, candidates for promotion may withdraw, without prejudice, from consideration at any level of review.
8. Maintaining confidentiality is an extremely serious obligation on the part of committee reviewers and administrators. All parties to the review need to be able to discuss a Candidate's file openly, knowing that this discussion will remain confidential. All parties to the review shall maintain confidentiality, respecting their colleagues, who, by virtue of election to a personnel committee, have placed their trust in each other. Deliberations and recommendations pursuant to evaluation shall be confidential (CBA, 15). There may be a need for the parties to the review to discuss the Candidate's file with other levels of review when all levels do not agree. Also, the Candidate may request a meeting with parties to the review at any level. These particular discussions fall within the circle of confidentiality and comply with this policy. Otherwise, reviewing parties shall not discuss the file with anyone. Candidates who believe that confidentiality has been broken may pursue relief under the CBA. (10)
9. Service in the personnel evaluation process is part of the normal and reasonable duties of tenured faculty, Department Chairs, and administrative levels of review. Lobbying or harassment of parties to the review in the performance of these duties constitutes unprofessional conduct. Other University

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policies cover harassment as well. The statement here is not intended to restrict the University in any way from fulfilling the terms of other policies that cover harassment.

10. When a probationary faculty member does not receive tenure following the mandatory sixth year review, the University's contract with the individual shall conclude at the end of the seventh year of service, unless the faculty member is granted a subsequent probationary appointment by the President. (13.17)

### B. Standards Applied in Different Types of Decisions

#### 1. Review for Retention of Probationary Faculty

- a. Whenever a probationary faculty member receives reappointment, CSUSM shall provide to the Candidate a review that identifies any areas of weakness.
- b. To the extent possible and appropriate, the University should provide opportunities to improve performance in the identified area(s).

#### 2. Review for Granting of Tenure

- a. The granting of tenure requires a more rigorous application of the criteria than reappointment.
- b. A Candidate for tenure at CSUSM shall show sustained high quality achievement in support of the Mission of the University in the areas of teaching, research and creative activity, and service (for teaching faculty and librarians) or in the primary duties as assigned in the job description, continuing education/professional development, and service (for SSP,ARs).
- c. Normally, tenure review will occur in the sixth year of service at CSUSM or one or two years earlier in cases where the Candidate has been granted service credit. Tenure review prior to the normal year of consideration requires clear evidence that the Candidate has a sustained record of achievement that fulfills all criteria for tenure as specified in University, College/Library/School, and Department standards.
- d. An earned doctorate or an appropriate terminal or professional degree that best reflects the standard practices in an individual field of study is required for tenure. In exceptional cases, individuals with a truly distinguished record of achievement at the national and/or international level will qualify for consideration for purposes of granting tenure. An ad hoc committee consisting of three members jointly appointed by the Chair of the Promotion and Tenure Committee and the Department Chair shall judge all exceptions. This ad hoc committee shall make a recommendation to the President for or against awarding tenure.

#### 3. Review for Promotion

- a. Promotion to Associate Professor, Associate Librarian or SSP II AR requires a more rigorous application of the criteria than reappointment.
- b. Promotion to the rank of Professor, Librarian or SSP III AR shall require evidence of substantial and sustained professional growth at the Associate rank as defined by University, College/Library/School/SSP, AR, and Department standards.
- c. In promotion decisions, reviewing parties shall give primary consideration to performance during time in the present rank. Promotion prior to the normal year of consideration requires clear evidence that the Candidate has a sustained record of achievement that fulfills all criteria for promotion as specified in University, College/Library/School, and Department standards.

#### 4. College/Library/School/SSP,AR Standards

- a. A College or equivalent unit shall develop standards for the evaluation of faculty members of that College or equivalent unit.

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- b. College or equivalent unit standards shall not conflict with law or University policy. In no case shall College standards require lower levels of performance than those required by law or University policy.

- c. Written College or equivalent unit standards shall address:

- 1) Those activities which fall under the categories of Teaching Performance, Scholarly and Creative Activity, and Service;
- 2) A description of standards used to judge the quality of performance;
- 3) The criteria employed in making recommendations for retention, tenure, and promotion.

- d. These standards shall be reviewed by the Faculty Affairs Committee for compliance with university, CSU, and Unit 3 CBA policies and procedures. Once compliance has been verified, the College/Library/School/SSP, AR standards will be recommended to the Academic Senate for approval.

### 5. Departmental Standards

- a. A Department or equivalent unit may develop standards for the evaluation of faculty members of that Department or equivalent unit.

- b. Department or equivalent unit standards shall not conflict with law or University policy. In no case shall Department standards require lower levels of performance than those required by law or University policy.

- c. Written Department or equivalent unit standards shall address:

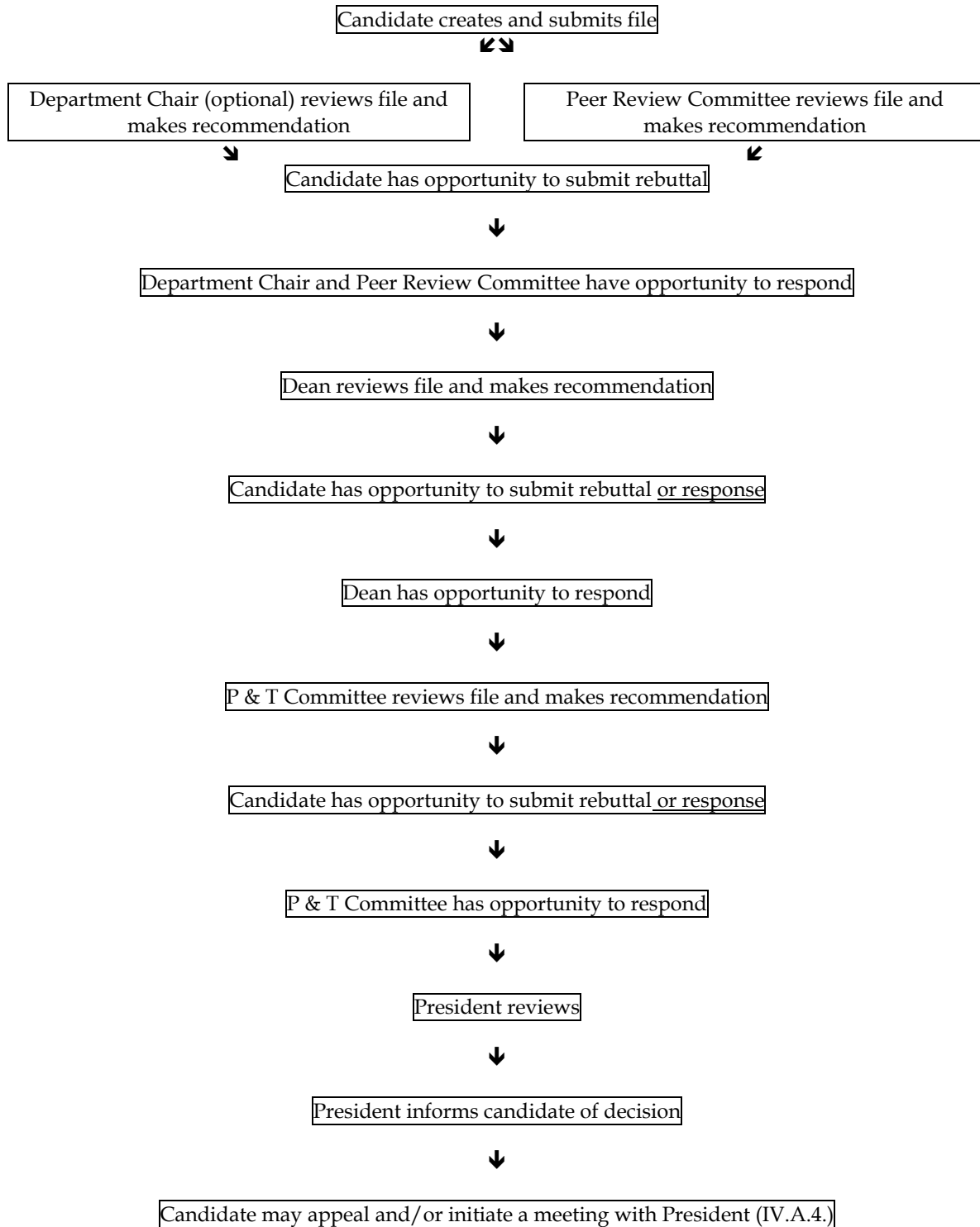
- 1) Those activities which fall under the categories of Teaching Performance, Scholarly and Creative Activity, and Service;
- 2) A description of standards used to judge the quality of performance;
- 3) The criteria employed in making recommendations for retention, tenure, and promotion.

- d. The Dean/Director of the College/Library/School/SSP, AR shall review the Department standards for conformity to College/Library/School/SSP, AR standards. If the Dean finds it in conformance, she/he will forward the Department standards to the Faculty Affairs Committee. The Faculty Affairs Committee has the responsibility to verify and ensure compliance with university, CSU, and Unit 3 CBA policies and procedures. Once compliance has been verified, the Department standards will be forwarded to the Provost for review. The Provost will provide the Faculty Affairs Committee with a recommendation (with explanation) regarding approval of the Department standards. The Faculty Affairs committee will base its approval of the standards on its own review and the recommendation of the Provost. Once approved, Department standards will be forwarded to Academic Senate as an information item. Departments or equivalent units shall follow this approval process each time they wish to change their standards.

# FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

## APPENDIX A

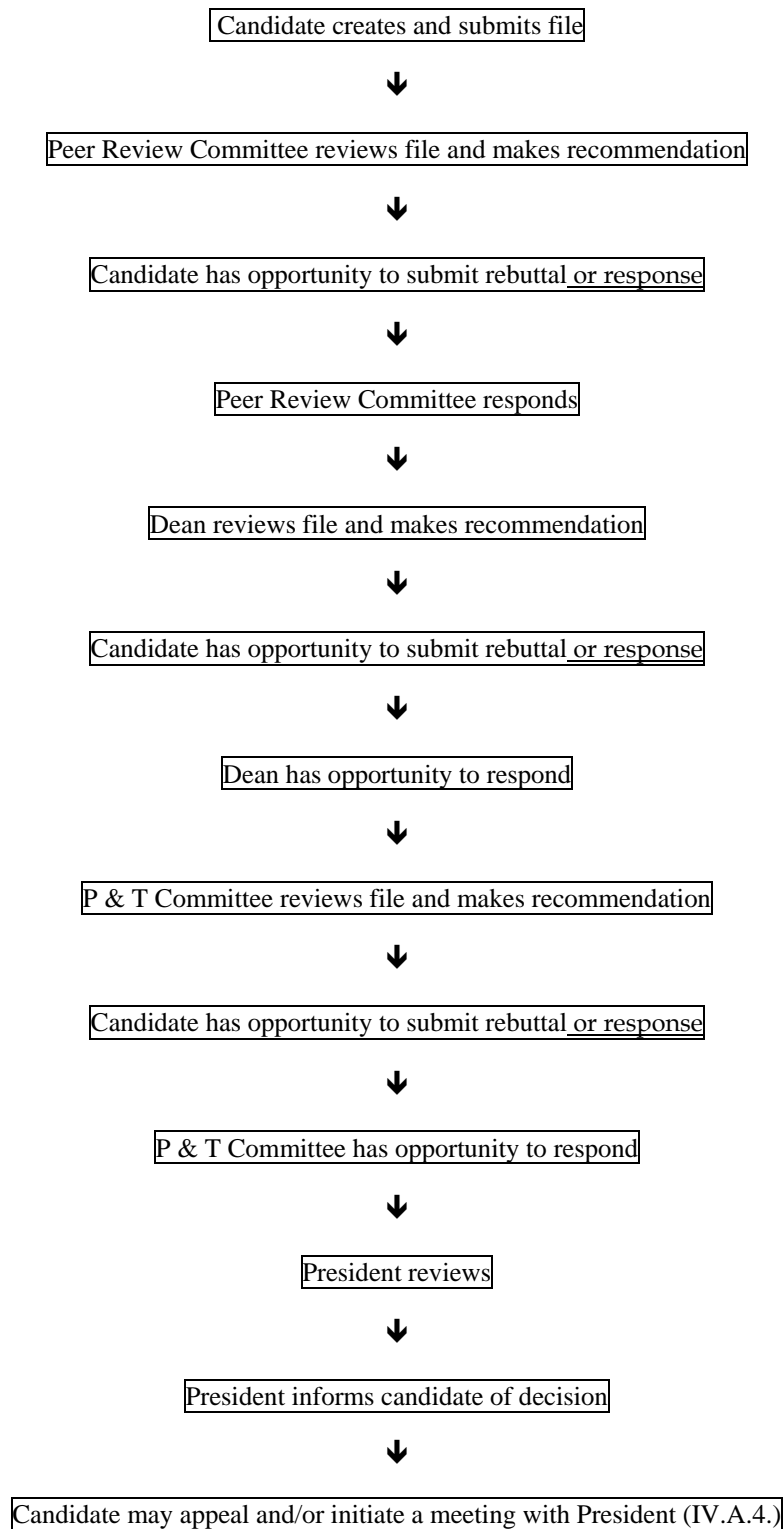
### STEPS IN THE RTP REVIEW PROCESS WHEN THERE *IS* A DEPARTMENT CHAIR



# FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

## APPENDIX B

### STEPS IN THE RTP REVIEW PROCESS WHEN THERE IS *NO* DEPARTMENT CHAIR



# FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

## APPENDIX C EXTERNAL REVIEW PROCESS

- I. Initiation of a Request for External Review.
  - A. A request for an external review of materials submitted by a Candidate for retention, promotion, and/or tenure may be initiated at any level of review by any party to the review, including the Candidate. Such a request shall document (1) the special circumstances which necessitates an outside reviewer, and (2) the nature of the materials needing the evaluation of an external reviewer. The request must be approved by the President with the concurrence of the faculty unit employee. (15.12d)
  - B. If any party of the review process, including the candidate, indicates that they want an external review, the COF shall administer the process as outlined in the CBA (Article 15.12d). The Custodian of the File shall administer the process.
- II. Procedure for Selection of External Reviewers
  - A. The faculty member being considered shall provide a list of five names of experts in the corresponding field of scholarly or creative inquiry. A brief description of the proposed evaluators' fields, institutional affiliations and professional records shall be included with the list.
  - B. The Peer Review Committee shall select the external reviewers. The PRC may accept the entire list of five names provided by the Candidate. Alternatively, the PRC may select only three of the names from the list of five. When it selects three names, the PRC also may choose to add up to two additional reviewers. Thus, the PRC shall select a minimum of three external reviewers provided by the Candidate and a maximum of two that it provides, forming a list of three to five external reviewers. When selecting reviewers other than those recommended by the Candidate, the PRC must justify that action in a written statement. Should the Candidate wish to challenge the choices, she/he may provide a written rebuttal. In such cases, the President shall decide on the final list of external reviewers.
  - C. Criteria for selection of external reviewers shall include the following. The reviewer must:
    - 1. Be active in the same specialized area of scholarly or creative work;
    - 2. Hold a professional affiliation approved by ~~the chair and~~ peer review committee;
    - 3. Be at a rank greater than the faculty member, if affiliated with an academic institution; and
    - 4. Be neither a collaborator nor co-author of any publication or funded research proposal, nor a close friend.
  - C. It is the responsibility of the Peer Review Committee to determine that criteria for selection of external reviewers have been satisfied.
  - D. The COF is charged with managing the process of external review. The COF shall solicit external reviews, receive the documents, and place them in the WPAF. The COF shall request external reviewers to respond in a timely manner. ~~Time for the PRC review of the WPAF.~~ When a solicited external review does not receive a timely response, the COF shall insert a letter into the file stating that the external reviewer did not respond by the requested time.



# FACULTY PERSONNEL PROCEDURES FOR RETENTION, TENURE, AND PROMOTION

## APPENDIX D: SAMPLE BALLOT FOR THE PRC

Candidate has requested consideration for the following action: Promotion to Associate Professor/Associate Librarian/SSP II AR; Promotion to Professor/Librarian SSP III AR; Tenure.

Please vote below on the appropriate action.

Promotion to Associate Professor/Associate Librarian/ SSP II AR \_\_\_\_\_ Yes \_\_\_\_\_ No

Promotion to Professor/Librarian /SSP III AR \_\_\_\_\_ Yes \_\_\_\_\_ No

Tenure \_\_\_\_\_ Yes \_\_\_\_\_ No

## APPENDIX E: MEMORANDUM

DATE: <date>

TO: WPAF for <Candidate's name>

FROM: Peer Review Committee <or P&T Committee>

<Committee members' names with initial line such as:>

Harvey Goodfellow \_\_\_\_\_  
Shirley U. Gest \_\_\_\_\_  
Betta B. Great \_\_\_\_\_

RE: Request for <retention, tenure, promotion, etc.>

The Committee <unanimously> or <by simple majority> <recommends/does not recommend> <name of Candidate> for <request>.

Attached please find the complete narrative portion of the recommendation.

## MEMORANDUM

**DATE:** April 3, 2007

**TO:** Gilbert Valadez  
Chair, Academic Senate

**FROM:** Marisol Clark-Ibáñez *MC*  
Chair, IRB

**SUBJECT:** Submission of Revision to Policy

On behalf of the Institutional Review Board (IRB) at CSUSM, I submit a revised draft, "Institutional Review Board for the Protection of Human Subjects Research Policy." The IRB deemed it necessary to revise our IRB in order to reflect current Federal regulations on the Protection of Human Subjects.

Our role as the IRB is to facilitate the ethical research practices for CSUSM faculty, administrators, staff, and students when they are supervising or conducting research involving human subjects. The Federal government requires our university to maintain a campus policy that accurately reflects the current Code of Federal Regulations. To this end, we have worked closely with the Federal Guidelines on the Protection of Human Subjects. The document is cited through out this policy as Code of Federal Regulations Title 45, Part 46 (CFR 46).

Gerardo González (Associate Vice President of Research), Linda Collins (Administrative Coordinator for the Office of Graduate Studies and Research), and I began to revise the policy in summer 2006. Through out the academic year, we worked on several drafts and received valuable feedback from IRB members. In addition, we have sought and received feedback from Dr. Joan Sieber, the editor of the Journal of Empirical Research on Human Research Ethics and Camille Nebeker, Director of the Division of Research Affairs at SDSU.

The revised policy meets Federal requirements and provides a general guideline for CSUSM researchers. In addition, this revised policy will provide a framework for the development of separate IRB Procedures that will adapt to the growing volume of IRB activities and applications.

I look forward to approval of the revised policy.

**The California State University**

Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles • Maritime Academy • Monterey Bay  
• Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus

## HUMAN SUBJECTS PROTECTION IN RESEARCH

**Definition:** The California State University, San Marcos (CSUSM) Institutional Review Board (IRB) implements a review process established within the Code of Federal Regulations (CFR) to ensure that human subject research complies with federal regulations, institutional policies, and ethical standards. The IRB serves to protect the rights and ensure the safety of people involved as participants in research. To this end, the IRB reviews research when procedures are proposed to obtain information from a living individual, for example, through the use of survey, interview, observation, ethnography, experimentation, or the analysis of human tissue, etc. Research involving human subjects must be reviewed and approved by the IRB prior to initiating the study.

**Authority:** **A.** Executive Order 890 Administration of Grants & Contracts in Support of Sponsored Programs; Code of Federal Regulations (CFR), Title 45, Public Welfare, Part 46, Protection of Human Subjects and related documents; Office of Human Research Protections, Federal-wide Assurance 00002662.

**B.** All relevant application forms and sample documents are available online at [www.csusm.edu/irb](http://www.csusm.edu/irb).

**C.** For guidance, concerned parties should consult (1) the Nuremburg Code, (2) the Belmont Report, and or 3) the Office for Human Research Protections (OHRP). Links to these documents are provided on the CSUSM IRB website. In addition, many professional organizations have their own policies on the protection of human subjects.

**D.** Where discrepancies occur, this policy shall be bound by the Code of Federal Regulations' Protection of Human Subjects, 45 CFR Part 46 (<http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm>)

**Scope:** The purpose of this policy is to provide a comprehensive human subjects policy that reflects current federal mandates for the protection of human subjects and ensures ethical research practices. This policy applies to all CSUSM faculty, administrators, staff, and students whenever they are supervising or conducting research involving human subjects, regardless of whether the subjects are members of the CSUSM community. This policy applies to human subjects research conducted at other institutions by CSUSM faculty, staff, and students, even if that institution has its own review process. Researchers not affiliated with CSUSM, but conducting research with a CSUSM population, must also be approved by this IRB.

All research involving human subjects or personal data must be in compliance with this policy, including research classified as exempt. CSUSM accepts the responsibilities of sections below only if appropriate University policies are followed, including approval by the designated administrator and the IRB. CSUSM cannot accept responsibility for research conducted in violation of University policy and without required review and approval.

# HUMAN SUBJECTS PROTECTION IN RESEARCH

## I. DEFINITIONS (CFR 46.102)

### A. General Definitions

1. **IRB** in this document means the California State University, San Marcos Institutional Review Board established in accord with and for the purposes expressed in this policy.
2. **IRB Application** refers to the Review and Consent forms that the researcher must submit for approval before the research begins.
3. **IRB approval** means the determination of the IRB that the research has been reviewed and may be conducted at an institution within the constraints set forth by the IRB and by other institutional and federal requirements.
4. For the purposes of this IRB policy, **Research** means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes (e.g., pilot projects and service programs may include research activities).
5. **Research subject to regulation**, and similar terms are intended to encompass those research activities for which a federal department or agency has specific responsibility for regulating as a research activity (e.g., Investigational New Drug requirements administered by the Food and Drug Administration). It does not include research activities which are incidentally regulated by a federal department or agency solely as part of the department's or agency's broader responsibility to regulate certain types of activities whether research or non-research in nature (e.g., Wage and Hour requirements administered by the Department of Labor).
6. **Human subject** means a living individual about whom an investigator (whether professional or student) conducting research obtains either:
  - a. Data through intervention or interaction with the individual, or
  - b. Identifiable private information.
7. **Intervention** includes both physical procedures by which data are gathered (e.g., venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes. **Interaction** includes communication or interpersonal contact between investigator and subject.
8. **Private information** includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the

## HUMAN SUBJECTS PROTECTION IN RESEARCH

investigator or associated with the information) in order for obtaining the information to constitute research involving human subjects.

9. **Risk** means any physical, psychological, social, and/or economic effects that may arise as a result of the specified research.
10. **Minimal risk** means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.
11. **Legally authorized representative** means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedure(s) involved in the research.
12. **Certification** means the official notification by the institution to the supporting federal department or other funding agency, in accordance with the requirements of this policy, that a research project or activity involving human subjects has been reviewed and approved by the IRB in accordance with an approved assurance.
13. **Code of Federal Regulations (CFR)** is the guiding federal document for institutional policy and ethical standards related to research involving the use of human subjects.
14. **University** means California State University, San Marcos (CSUSM).
15. The **CSUSM Foundation** is a self-supporting auxiliary organization, recognized by the California State University and incorporated as a 501(c)(3) non-profit corporation, which generates and manages additional resources and assets in support of the University's existing and emerging programs.
16. **Federal Department or Agency Head** means the head of any federal department or agency and any other officer or employee of any department or agency to whom authority has been delegated.

### B. Additional definitions related to Children

1. **Children** are persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted.
2. **Assent** means a child's affirmative agreement to participate in research. Failure to object should not, absent affirmative agreement, be construed as assent.
3. **Permission** means the agreement of parent(s) or guardian to the participation of their child or ward in research.
4. **Parent** means a child's biological or adoptive parent.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

5. **Guardian** means an individual who is authorized under applicable state or local law to consent on behalf of a child to general medical care.

### II. RESPONSIBILITIES AND COMPLIANCE

A. CSUSM acknowledges and accepts its responsibilities for protecting the rights and welfare of human subjects of research covered by this policy statement. The institutional official specifically charged with this responsibility is the **Associate Vice President for Research** (AVPR). It is the responsibility of the AVPR, that office, and its staff:

1. To disseminate this policy and foster an atmosphere of respect for human subjects across the campus community.
2. To maintain the CSUSM Federal-wide Assurance (FWA) and comply with the requirements for documentation, reporting, and record maintenance.
3. To immediately report research-related problems to the appropriate funding agencies, and to work with the CSUSM Foundation in communicating with funding agencies with respect to necessary assurances and policies.
4. To provide administrative support to the IRB such as maintaining copies of all protocols, recording the minutes of IRB meetings, documenting IRB decisions, maintaining the IRB database, and other recordkeeping as specified in CFR 46.115. Said records shall be kept for a minimum of three years.
5. To work with the CSUSM Foundation and the IRB Chair to monitor changes in regulatory guidelines and to revise this policy accordingly.

B. It is the responsibility of the **IRB Chair** to convene meetings of the IRB, provide training for IRB members, oversee the reviewing of protocols, monitor changes in regulatory guidelines from federal departments and funding agencies, communicate IRB decisions to investigators, and provide opportunities for the campus community to be educated on the ethical treatment of human subjects.

C. It is the responsibility of **IRB members** to attend regularly convened meetings of the IRB, to review protocols as assigned in a timely manner, to know the federal guidelines on the protection of human subjects, to complete OHRP training before voting on or reviewing protocols, to participate in any other training necessary, and to act as a resource on issues pertaining to the protection of human subjects for members of the campus community.

D. It is the responsibility of **heads of departments**, colleges, programs, units, etc. to bring the existence of this policy to the attention of their faculty, staff, and students.

E. Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with **the individual investigator**. The investigator is also responsible for obtaining training in the protection of human subjects as required by the CSUSM IRB and by any funding agency.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

F. It is the responsibility of **Supervising Faculty** to help student investigators create a viable and sound IRB application. Supervising Faculty must provide continued support to the student to ensure that the student's research is carried out in an ethical manner. The supervising faculty is responsible for assuring that human subjects are fully protected.

G. All research conducted by **Student Investigators** must have a faculty supervisor.

### H. Additional Compliance Responsibilities

1. Compliance with this policy requires compliance with pertinent federal laws or regulations that provide additional protections for human subjects. (CFR 46.101e)
2. This policy does not affect any state or local laws or regulations which may otherwise be applicable and which provide additional protections for human subjects. (CFR 46.101f)
3. This policy does not affect any foreign laws or regulations which may otherwise be applicable and which provide additional protections to human subjects of research. (CFR 46.101g)
4. When research covered by this policy takes place in foreign countries, procedures normally followed in the foreign countries to protect human subjects may differ from those set forth in this policy. In these circumstances, the more protective procedures (university or foreign institution or agency) must be followed. (CFR 46.101h)
5. Federal funds administered by a federal department or agency may not be expended for research involving human subjects unless the requirements of this policy and the granting agency have been satisfied. (CFR 46.122)

## III. IRB COMPOSITION (CFR 46.107)

### A. The IRB shall be composed as follows:

1. The IRB shall have at least five faculty members with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution as specified below in Sections III.B through III.G. Members shall be recommended by the Nominations, Elections, Appointments, and Constitution Committee (NEAC) of the Academic Senate or, when needed to maintain compliance with federal regulations, appointed by the AVPR.
2. In addition there shall be:
  - a. one student representative recommended by Associated Students, Inc. (ASI);
  - b. one representative of the CSUSM Foundation,
  - c. at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution

## HUMAN SUBJECTS PROTECTION IN RESEARCH

(CFR 45.107.8) recommended by the Chair of the IRB and approved by majority vote of the committee.

3. The AVPR or designate shall act as the Institutional Official and the Human Protections Administrator. The AVPR is the only non-voting member.

**B.** The IRB shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members (including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes) to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects.

**C.** In addition to possessing the professional competence necessary to review specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. The IRB shall therefore include persons knowledgeable in these areas.

**D.** If the IRB regularly reviews research that involves a vulnerable category of subjects, such as children, prisoners, pregnant women, or persons with disabilities, consideration shall be given to the inclusion of one or more individuals who are knowledgeable about and experienced in working with these subjects.

**E.** The IRB shall make every effort to have a gender-balanced committee. Every nondiscriminatory effort will be made to ensure that no IRB consists entirely of men or entirely of women, including the institution's consideration of qualified persons of both sexes, so long as no selection is made to the IRB on the basis of gender. (CFR 46.107b)

**F.** The IRB may not consist entirely of members of one profession.

**G.** The IRB shall include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas. (CFR 45.107)

**H.** An IRB member may not participate in the IRB's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the IRB.

**I.** The IRB may, using discretion, invite individuals with competence in special areas to assist in the review of issues that require expertise beyond or in addition to that available on the IRB. These individuals shall not vote with the IRB.

### IV. FUNCTIONS AND OPERATIONS OF THE IRB

In order to fulfill the requirements of this policy the IRB shall:

**A.** Conduct "Full Reviews" at convened meetings at which a quorum of the voting members of the IRB are present, including at least one member whose primary concerns are in



## HUMAN SUBJECTS PROTECTION IN RESEARCH

nonscientific areas. In order for the research to be approved, it shall receive the approval of a majority the quorum. (CFR 46.108b)

**B.** Review and have authority to approve, require modifications in (to secure approval), or disapprove all research activities covered by this policy. (CFR 46.109a)

**C.** Require that information given to subjects as part of informed consent is in accordance with the Informed Consent section of this document (Section VII). The IRB may require that information, in addition to that specifically mentioned in the Informed Consent section, be given to the subjects when in the IRB's judgment the information would meaningfully add to the protection of the rights and welfare of subjects. (CFR 46.109b)

**D.** Require documentation of informed consent or waive documentation in accordance with Sections VII.D and VII.E. (CFR 46.109c)

**E.** Notify investigators and the institution in writing of its decision to approve or disapprove the proposed research activity or of modifications required to secure IRB approval of the research activity. If the IRB decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing. (CFR 46.109d)

**F.** Conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.

**G.** Under an expedited review procedure, have the review carried out by the IRB chairperson or by one or more experienced reviewers designated by the chairperson from among members of the IRB. In reviewing the research, the reviewers may exercise all of the authorities of the IRB except that the reviewers may not disapprove the research. A research activity may be disapproved only after review and majority vote at a convened meeting of the IRB.

**H.** Keeping members advised of research proposals which have been approved under the expedited procedure.

**I.** Have Exempt Applications reviewed administratively and approved by the IRB Chair.

**J.** Conduct reviews of submissions on Minor Modifications of Approved Research according to the same methodology used for the original review. Reviews of Minor Modifications will not extend the approval period.

**K.** Forward any appeals to the IRB Chair for resolution. The IRB Chair may consult with the AVPR in responding to such appeals.

**L.** The IRB does not have the authority to approve research retrospectively.

## V. IRB APPROVAL OF RESEARCH

## HUMAN SUBJECTS PROTECTION IN RESEARCH

### A. Criteria For Approval (CFR 46.111)

In order to approve research covered by this policy the IRB shall determine that all of the following federal requirements are satisfied:

1. Risks to subjects are minimized:

a. By using procedures which are consistent with sound research design and which do not unnecessarily expose subjects to risk, and

b. whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.

2. Risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of the knowledge that may reasonably be expected to result. In evaluating risks and benefits, the IRB should consider only those risks and benefits that may result from the research (as distinguished from risks and benefits of therapies subjects would receive even if not participating in the research). The IRB should not consider possible long-range effects of applying knowledge gained in the research (e.g., the possible effects of the research on public policy) as among those research risks that fall within the purview of its responsibility.

3. Selection of subjects is equitable. In making this assessment the IRB should take into account the purposes of the research and the setting in which the research will be conducted and should be particularly cognizant of the special problems of research involving vulnerable populations, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons.

4. Informed consent will be sought from each prospective subject or the subject's legally authorized representative, in accordance with, and to the extent required. (See Informed Consent, Section VII).

5. Informed consent will be appropriately documented, in accordance with, and to the extent required. (See Documentation of Informed Consent, Section VII.D).

6. When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects.

7. When needed, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

8. When subjects are minors, adequate provisions are made to secure child assent and parental consent as required in Section VII.I.C.

When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as students, employees, children, prisoners, pregnant women, persons with disabilities, or persons who are economically or educationally disadvantaged, additional safeguards must be included in the study to protect the rights and welfare of

## HUMAN SUBJECTS PROTECTION IN RESEARCH

these subjects. See Additional Protections (Section VII.I) for requirement on research involving certain populations.

### **B. Review by Institution (CFR 46.113)**

Research covered by this policy that has been approved by the IRB may be subject to further appropriate review and approval or disapproval by officials of the institution. However, those officials may not approve the research if it has not been approved by the IRB.

### **C. Suspension or Termination of IRB Approval of Research (CFR 46.113)**

The IRB shall have authority to develop and implement a written procedure for suspending or terminating approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the IRB's action and shall be reported promptly to the investigator, appropriate institutional officials, and the funding department or agency as appropriate.

### **D. Cooperative Research (CFR 46.114)**

Cooperative research projects are those projects covered by this policy which involve more than one institution. In the conduct of cooperative research projects, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with this policy. With approval, as appropriate, of the funding agency, an institution participating in a cooperative project may enter into a joint review arrangement, rely upon the review of another qualified IRB, or make similar arrangements for avoiding duplication of effort.

## **VI. RESEARCH NOT REQUIRING IRB REVIEW**

### **A. Research Conducted as a Normal Part of a CSUSM Course**

Research Training courses and classroom curricula projects in which students conduct research involving human subjects do not usually require review. This includes student feedback (evaluation) surveys, most classroom assessment techniques, and most exercises under the direct supervision of the instructor. Research training courses and classroom curriculum projects in which students conduct research involving human subjects need not be reviewed by the IRB if all four of the following conditions are satisfied:

1. the project(s) involves no more than minimal risk to subjects; and
2. the project(s) do not involve vulnerable populations; and
3. the results will not be presented, published or distributed outside the classroom and/or institutional setting; and
4. where subjects remain anonymous.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

Activities that are part of coursework but do not meet these conditions require a CSUSM Course, Exempt, or Expedited Review, as appropriate.

### **B. Program Evaluation, Needs Assessment and Quality Control**

Studies conducted for the purposes of program assessment, needs assessment, or quality control in which findings are solely intended for use in internal program planning and development and are not designed to contribute to generalized knowledge or for publication and presentation are not subject to IRB review.

## **VII. CATEGORIES OF REVIEW CONDUCTED BY THE IRB**

The following sections describe the categories of review, as stipulated by federal guidelines. Special considerations are required for prisoners, pregnant women and fetuses, children and wards of state (see Section VII.I.)

### **A. Exempt Review (CFR 46.101b)**

Unless otherwise required by federal department or agency heads, research activities in which the only involvement of human subjects will be in one or more of the following categories are exempt from this policy. A "Request for Exempt Status" must be submitted for review by the IRB Administrator and approved by the IRB Chair.

The following are categories of Exempt research:

1. Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (i) research on regular and special education instructional strategies, or (ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.
2. Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior only if:
  - a. research is completely anonymous (no links or identifiers to subjects) AND
  - b. there is NO risk of disclosure of the human subjects' responses outside the research which could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation

OR

- c. the human subjects are appointed public officials or candidates for public office

OR

## HUMAN SUBJECTS PROTECTION IN RESEARCH

361 d. federal statute(s) require(s) without exception that the confidentiality of the  
362 personally identifiable information will be maintained throughout the research  
363 and thereafter.

364 3. Research training courses and classroom curriculum projects in which students  
365 conduct research involving human subjects:

366 a. That involve no more than minimal risk to subjects,

367 b. where subjects remain anonymous,

368 c. and where results may be published, presented, and/or distributed outside the  
369 classroom or institutional setting.

370 A CSUSM class form may be used in lieu of individual exempt forms for each  
371 student as long as any presentations are specifically labeled as class projects.

372 4. Research and demonstration projects which are conducted by or subject to the  
373 approval of the federal department or agency heads, and which are designed to study,  
374 evaluate, or otherwise examine public benefit or service programs, procedures for  
375 obtaining benefits or services under those programs, possible changes in or  
376 alternatives to those programs or procedures, or possible changes in methods or levels  
377 of payment for benefits or services under those programs.

378 5. Research involving the collection or study of existing data, documents, records,  
379 pathological specimens, or diagnostic specimens, if these sources are publicly  
380 available or if the information is recorded by the investigator in such a manner that  
381 subjects cannot be identified, directly or through identifiers linked to the subjects.

382 6. Taste and food quality evaluation and consumer acceptance studies if:

383 a. wholesome foods without additives are consumed,

384 b. if a food is consumed that contains a food ingredient at or below the level and for  
385 a use found to be safe, or

386 b. agricultural chemical or environmental contaminant at or below the level found to  
387 be safe, by the Food and Drug Administration or approved by the Environmental  
388 Protection Agency or the Food Safety and Inspection Service of the U.S.  
389 Department of Agriculture.

390 There are several exceptions to the above policy on exemption.

391 1. Prisoners: The above exemptions do not apply to research involving prisoners.

392 2. Children: The exemption in Section VIII.A.2 does not apply to research with children  
393 where the researcher either a) participates in activities being observed, or b) conducts  
394 surveys, interviews or otherwise engages in direct interaction with children except for  
395 educational tests and normal educational practices which remain exempt.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

### **B. Expedited Review (CFR 46.110)**

Expedited review procedures for certain kinds of research involving no more than minimal risk, and for minor changes in approved research.

Use the following criteria to determine an expedited review:

1. Research appearing on the list of specific criteria below and found by the reviewer(s) to involve no more than minimal risk.
2. Minor changes in previously approved research during the period (of one year or less) for which approval is authorized.
3. Continuing Reviews of research if:
  - a. previously approved under the expedited method and no adverse affects have been identified.
  - b. previously approved by the full (convened) committee only where items 8 or 9 in the specific list of categories below apply.
4. Research training courses and classroom curriculum projects in which students conduct research involving human subjects:
  - a. That involve no more than minimal risk to subjects,
  - b. where subject may not be anonymous but where confidentiality can be assured, and
  - c. where results may be published, presented, and/or distributed outside the classroom or institutional setting.

A CSUSM Course & Instructional IRB Review form may be used in lieu of individual exempt forms for each student as long as any presentations are specifically labeled as class projects.

#### Specific Categories for Expedited Reviews, (63FR60364-60367, Nov. 9, 1998):

1. Research, if not exempt, on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.
2. Collection of data from voice, video, digital, or image recordings made for research purposes.
3. Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:

## HUMAN SUBJECTS PROTECTION IN RESEARCH

- a. from healthy, non-pregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; or
  - b. from other adults and children, considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.
4. Prospective collection of biological specimens for research purposes by noninvasive means.
5. Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.)
6. Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. (45 CFR 46.101(b)(4)). This listing refers only to research that is not exempt.)
7. Clinical studies of drugs and medical devices only when condition (a) or (b) is met.
  - a. Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)
  - b. Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.
8. Continuing review of research previously approved by the convened IRB as follows:
  - a. where the research is permanently closed to the enrollment of new subjects; all subjects have completed all research-related interventions; and the research remains active only for long-term follow-up of subjects; or
  - b. where no subjects have been enrolled and no additional risks have been identified; or
  - c. where the remaining research activities are limited to data analysis.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

9. Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

### C. Full Review

If the research is not eligible for an exempt or expedited review, the protocol must be reviewed by the convened IRB meeting as a full review.

Any of the following criteria may determine a full review:

1. Research subjects at more than minimal risk.
2. Research involves subjects who are vulnerable to coercion or undue influence.
3. Confidentiality of a subject's responses cannot be assured.
4. Research involves the collection or recording of behavior which, if known outside the research, could reasonably place the subjects at risk of criminal or civil liability, be stigmatizing, or be damaging to the subjects' financial standing, employability, insurability, or reputation.
5. Research involves the collection of information regarding sensitive aspects of the subjects' behavior (e.g., drug or alcohol use, illegal conduct, sexual behavior) and the confidentiality of a participant's responses cannot be assured (e.g., audio or videotaped interviews, or a "key" which would allow someone to match a set of responses with a particular participant.)
6. Research involves prisoners, fetuses, pregnant women, the seriously ill, or adults who are mentally or cognitively compromised as subjects.
7. Research with children where research activity is outside of normal daily activities.
8. Research training courses or student research that may involve more than minimal risk to subjects or involve vulnerable populations.

### D. Additional Considerations for Research Under Review

1. Applications and Proposals for Grants or Contracts Lacking Definite Plans for Involvement of Human Subjects (CFR 46.118).

Certain types of applications for grants, cooperative agreements, or contracts are submitted to funding agencies with the knowledge that subjects may be involved within the period of support, but definite plans would not normally be set forth in the application or proposal. However, except for research exempted or waived under CFR 46.101, no human subjects may be involved in any project supported by these awards until the



## HUMAN SUBJECTS PROTECTION IN RESEARCH

project has been reviewed and approved by the IRB, as provided in this policy, and certification submitted when required, by the institution, to the funding agency.

### 2. Research is Undertaken Without the Intention of Involving Human Subjects (CFR 46.119).

In the event research is undertaken without the intention of involving human subjects, but it is later proposed to involve human subjects in the research, the research shall first be reviewed and approved by the IRB, as provided in this policy. As appropriate, a certification will be submitted, by the institution, to the funding agency, and final approval given to the proposed change by the funding agency.

### 3. Consultants

The IRB is required to review all research conducted by or under the direction of an agent of the institution unless the investigator is hired on his/her own time, does not utilize the institution's resources, and will not reference the institution in documents and publications associated with any reported outcomes. Projects are not subject to IRB review when a CSUSM employee consults on research but does not receive or possess identifiable or private information about the persons participating in the study.

### 4. Foreign Country

Research conducted in a foreign country by or under the direction of an investigator affiliated with CSUSM must be approved by the IRB and adhere to the university, federal, and state guidelines.

### 5. Pilot Studies

Pilot studies that meet the definition of research that involves human subjects must receive IRB review and approval prior to initiation. Pilot or feasibility studies may include as little as one person must adhere to the same federal, state, and institutional requirements to protect human subjects in research regardless of the number of subjects involved.

### 6. Classroom Assignments & Student Projects

When classroom assignments and student projects are for the purposes of training and not for published research or generalized knowledge, IRB may not be necessary. The course instructor is responsible for including information about the ethical research practices and providing direct supervision of each project. Projects conducted for this purpose should not exceed minimal risk, target special populations, and/or include sensitive subject matter.

- a. If a classroom project is presented at a conference, it must clearly indicate that it is a classroom project.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

- b. If the goal is publication and additional data will be gathered beyond the classroom project/time period, the student must file an appropriate IRB application.

### VII. INFORMED CONSENT

Regardless of research category, as presented above, every investigator involving a human being as a subject in research covered by this policy must obtain the legally effective informed consent of the subject or the subject's legally authorized representative. Exceptions to informed consent are when investigators apply for informed consent waivers or this requirement is modified by the IRB on a case-by-case basis.

#### A. General Requirements for Informed Consent

An investigator shall seek consent only under circumstances that:

1. Provide the prospective subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence.
2. Provide information given to the subject or the representative at a language level understandable to the subject or the representative and/or provide appropriate native language translation, should the subjects be non-English speakers and/or prefer to communicate in non-English language or dialect.
3. May not include any exculpatory language whether written or oral through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution or its agents from liability for negligence.

The informed consent requirements in this policy are not intended to preempt any applicable federal, state, or local laws which require additional information to be disclosed in order for informed consent to be legally effective.

Nothing in this policy is intended to limit the authority of a physician to provide emergency medical care, to the extent the physician is permitted to do so under applicable federal, state, or local law.

#### B. Basic elements of informed consent (CFR 46.16)

Except when waived or modified by the IRB, informed consent must provide the following information to each subject:

1. A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental;

## HUMAN SUBJECTS PROTECTION IN RESEARCH

2. A description of any reasonably foreseeable risks or discomforts to the subject;
3. A description of any benefits to the subject or to others which may reasonably be expected from the research;
4. A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject;
5. A statement describing the extent, if any, to which confidentiality of records identifying the subject will be maintained;
6. For research involving more than minimal risk, an explanation as to whether any compensation and an explanation as to whether any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained;
7. An explanation of whom to contact for answers to pertinent questions about the research and research subjects' rights, and whom to contact in the event of a research-related injury to the subject; and
8. A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

### **C. Additional elements of informed consent**

When appropriate, one or more of the following elements of information shall also be provided to each subject:

1. A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable.
2. Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.
3. Any additional costs to the subject that may result from participation in the research.
4. The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.
5. A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.
6. The approximate number of subjects involved in the study.

## HUMAN SUBJECTS PROTECTION IN RESEARCH

7. If involving voice recordings or images, subject should be informed about how the voice recording or images may be used within the consent document. If the investigator would like permission to present the recordings for the purpose other than the specific research for which the subject is consenting, an addendum to the consent is used to obtain this permission.

### **D. Modification or Waiver of Informed Consent**

1. The IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth above, or waive the requirement to obtain informed consent provided the IRB finds and documents that:
  - a. The research or demonstration project is to be conducted by or subject to the approval of state or local government officials and is designed to study, evaluate, or otherwise examine:
    - (i) public benefit or service programs;
    - (ii) procedures for obtaining benefits or services under those programs;
    - (iii) possible changes in or alternatives to those programs or procedures; or
    - (iv) possible changes in methods or levels of payment for benefits or services under those programs.
  - b. The research could not practicably be carried out without the waiver or alteration.
2. The IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth in this section, or waive the requirements to obtain informed consent provided the IRB finds and documents that all conditions below are satisfied:
  - a. The research involves no more than minimal risk to the subjects;
  - b. The waiver or alteration will not adversely affect the rights and welfare of the subjects;
  - c. The research could not practicably be carried out without the waiver or alteration; and,
  - d. Whenever appropriate, the subjects will be provided with additional pertinent information after participation.

### **E. Documentation of Informed Consent**

1. Except when waived or modified, informed consent shall be documented by the use of a written consent form approved by the IRB and signed by the subject or the subject's legally authorized representative. A copy shall be given to the person signing the form. The consent form may be either of the following:

## HUMAN SUBJECTS PROTECTION IN RESEARCH

- a. A written consent document that embodies the elements of informed consent required by CFR 46.116. This form may be read to the subject or the subject's legally authorized representative, but in any event, the investigator shall give either the subject or the representative adequate opportunity to read it before it is signed;

OR

- b. A short form written consent document stating that the elements of informed consent required by CFR 46.116 have been presented orally to the subject or the subject's legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Also, the IRB shall approve a written summary of what is to be said to the subject or the representative. Only the short form itself is to be signed by the subject or the representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary. A copy of the summary shall be given to the subject or the representative, in addition to a copy of the short form.

2. The IRB may waive the requirement for the investigator to obtain a signed consent form for some or all subjects if it finds either:

- a. That the only record linking the subject and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. Each subject will be asked whether the subject wants documentation linking the subject with the research, and the subject's wishes will govern; or
- b. That the research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required outside of the research context.

In cases in which the documentation requirement is waived, the IRB may require the investigator to provide subjects with a written statement regarding the research.

## IX. ADDITIONAL PROTECTIONS FOR RESEARCH SUBJECTS

### A. Pregnant women, human fetuses and neonates involved in research

All researchers using this population must comply with the additional protections for this population specified in 45 CFR 46 Subpart B (66FR56788, Nov. 13, 2001) unless otherwise noted.

### B. Biomedical and behavioral research involving prisoners as subjects

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All researchers using this population must comply with the additional protections for this population as specified in 45 CFR 46 Subpart C. (43 FR 53655, Nov. 16, 1978) unless otherwise noted.

### **C. Additional protections for children involved as subject in research**

This subpart applies to all research involving children as subjects, conducted or supported by the Department of Health and Human Services, as specified in 45 CFR 46.401 Subpart D (48 FR 9818, March 8, 1983) unless otherwise noted.

Unless exempt, this section clarifies and expands protections for children in research involving survey, interview procedures, or participant-observations. Note: This does not apply to exempt research -- when research involves observation of children's public behavior and/or when the investigator(s) do(es) not participate in the activities being observed.

#### **1. IRB duties regarding research with children**

In addition to other responsibilities assigned to IRB, the IRB shall review and approve research that satisfies the conditions of **all** applicable sections:

- a. No Greater than Minimal Risk. The IRB will approve research in which no greater than minimal risk to children is presented, only if the IRB finds that adequate provisions are made for soliciting the assent of the children and the permission of their parents or guardians as specified in Informed Consent (Section VII.). (CFR 46.404)
- b. Research involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects. The IRB will approve research in which it finds that more than minimal risk to children is presented by an intervention or procedure that holds out the prospect of direct benefit for the individual subject, or by a monitoring procedure that is likely to contribute to the subject's well-being, only if the IRB finds that: (CFR 46.405)
  - (i) The risk is justified by the anticipated benefit to the subjects;
  - (ii) The relation of the anticipated benefit to the risk is at least as favorable to the subjects as that presented by available alternative approaches; and
  - (iii) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians, as set forth in the requirements for Informed Consent (Section VII).
- c. Research involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subject's disorder or condition. The IRB will approve research in which it finds that more than minimal risk to children is presented by an intervention or procedure that does not hold out the prospect of direct benefit for the individual subject, or by a monitoring

## HUMAN SUBJECTS PROTECTION IN RESEARCH

procedure which is not likely to contribute to the well-being of the subject, only if the IRB finds that: (CFR 46.406)

- (i) The risk represents a minor increase over minimal risk;
- (ii) The intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, dental, psychological, social, or educational situations;
- (iii) The intervention or procedure is likely to yield generalizable knowledge about the subjects' disorder or condition which is of vital importance for the understanding or amelioration of the subjects' disorder or condition; and
- (iv) Adequate provisions are made for soliciting assent of the children and permission of their parents or guardians, as set forth in the requirements for Informed Consent (Section VII).

### 2. Requirements for permission by parents or guardians and for assent by children.

- a. In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the IRB the children are capable of providing assent. In determining whether children are capable of assenting, the IRB shall take into account the ages, maturity, and psychological state of the children involved. This judgment may be made for all children to be involved in research under a particular protocol, or for each child, as the IRB deems appropriate. If the IRB determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted or that the intervention or procedure involved in the research holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the research, the assent of the children is not a necessary condition for proceeding with the research. Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under circumstances in which consent may be waived in accord with the requirements for Informed Consent (Section VII).
- b. In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine, in accordance with and to the extent that consent is required by the requirements for Informed Consent, that adequate provisions are made for soliciting the permission of each child's parents or guardian. Where parental permission is to be obtained, the IRB may find that the permission of one parent is to be deemed sufficient for research to be conducted under Section VII.C.1.a or VII.C.1.b above. Where research is covered by VII.C.1.c and permission is to be obtained from parents, both parents must give their permission unless one parent is deceased, unknown, legally incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child.
- c. In addition to the provisions for waiver contained in Waiver of Consent (Section VII.E), if the IRB determines that a research protocol is designed for conditions or for a

## HUMAN SUBJECTS PROTECTION IN RESEARCH

subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects (e.g., neglected or abused children), it may waive the consent requirements in this section provided:

(i) an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted and

(ii) that the waiver is not inconsistent with federal, state, or local law.

The choice of an appropriate mechanism would depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the research subjects, and their age, maturity, status, and condition.

d. Permission by parents or guardians shall be documented in accordance with the requirements for Informed Consent (Section VII.A, B, and C).

e. When the IRB determines that assent is required, it shall also determine whether and how assent must be documented.

### 3. Wards

Children who are wards of the state or any other agency, institution, or entity can be included in research approved under CFR 46.406 or CFR 46.407 only if such research is:

a. Related to their status as wards; or

b. Conducted in schools, camps, hospitals, institutions, or similar settings in which the majority of children involved as subjects are not wards.

If the research is approved under this section, the IRB shall require appointment of an advocate for each child who is a ward, in addition to any other individual acting on behalf of the child as guardian or in *loco parentis*. One individual may serve as advocate for more than one child. The advocate shall be an individual who has the background and experience to act in, and agrees to act in, the best interests of the child for the duration of the child's participation in the research and who is not associated in any way (except in the role as advocate or member of the IRB) with the research, the investigator(s), or the guardian organization.



**INTERIM POLICY FOR INTEGRATING TEMPORARY FACULTY**

**POLICY**

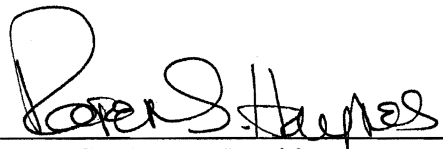
**Effective Date:** 02/01/07

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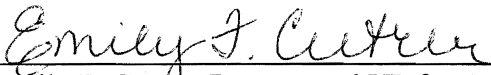
**Definition** A policy incorporating temporary faculty in the life of the campus.

**Authority** University President

**Scope** All Temporary Faculty

  
\_\_\_\_\_  
Karen S. Haynes, President

1/29/07  
\_\_\_\_\_  
Approval Date

  
\_\_\_\_\_  
Emily F. Cutler, Provost and VP for Academic Affairs

1/18/07  
\_\_\_\_\_  
Approval Date

**INTERIM POLICY FOR INTEGRATING TEMPORARY FACULTY****POLICY**

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Effective Date: 02/01/2007

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I.

A.

1. Where possible, temporary faculty should be offered their appointments as soon as possible before the semester.
2. Whenever possible, the same collegiality important to tenure-track faculty should be extended to temporary faculty.
3. Teaching supplies common to tenure-track faculty in each department should be provided for temporary faculty.
4. A college document of criteria that conforms to the CBA should be in place for the evaluation of temporary faculty.
5. When possible, temporary faculty names should be included in the schedule of classes.
6. Regular orientations should be held for department chairs regarding temporary faculty and temporary faculty issues, including copies of relevant documents and information about temporary faculty.
7. Temporary faculty should be invited to attend campus-wide events.