

**ORGANIZATION OF THE FACULTY OF  
DARTMOUTH COLLEGE  
(OFDC)**

*This document is an abridged version of the OFDC containing  
those sections of the College document pertinent to the DMS  
Faculty*

**AUGUST 2010**

**HANOVER • NEW HAMPSHIRE**

# **ORGANIZATION OF THE FACULTY OF DARTMOUTH COLLEGE (RELEVANT TO DMS)**

## **Organization of the Faculty of Dartmouth College**

### **I The Charter of the General Faculty of Dartmouth College**

#### *A Definition*

As defined by the Board of Trustees, the General Faculty of Dartmouth College shall consist of the President, the Provost, the Faculty of Arts and Sciences, the Faculty of the Dartmouth Medical School, the Faculty of the Thayer School of Engineering, the Faculty of the Amos Tuck School of Business Administration, and such other persons as may be designated by the Board of Trustees to be members of the General Faculty. The Board may also designate members of the four separate Faculties, but each of these Faculties shall determine for its own membership qualifications to vote in its own meetings.<sup>1</sup>

#### *B Meetings*

The General Faculty shall meet in October of each year to hear the President's report on the state of the College. It shall also meet at such other times as it is called by the President or its own Steering Committee (see Section C, page 2) to consider and take action on matters that may be placed on its agenda. In addition the Steering Committee shall call a meeting of the General Faculty if asked to do so by a vote of two-thirds of those eligible to vote in any of the four constituent Faculties, or if petitioned to do so by seventy-five or more of the members of the General Faculty. Such a vote or petition must make clear the purpose of the proposed meeting of the General Faculty.

In meetings of the General Faculty all members shall have the right to vote. Resolutions passed by the General Faculty are advisory to but not binding on the four separate Faculties. The President shall be the presiding officer of the General Faculty; in his or her absence the Provost shall preside. The Steering Committee of the General Faculty shall be responsible for the minutes of the meetings of the General Faculty. These meetings shall be conducted according to the latest edition of Robert's *Rules of Order*. One hundred and fifty members of the General Faculty shall constitute a quorum.

#### *C The Steering Committee*

##### **1. Membership**

The Steering Committee shall consist of the President; the Provost; the Dean of the Faculty of Arts and Sciences; the Dean and one elected representative of each of the Faculties of medicine, engineering, and business administration; and six members of the Faculty of Arts and Sciences, two from each Division. Three of these six members shall be appointed for three year terms by the Committee on Organization and Policy, and three shall be selected by the Committee on Organization and Policy from its own membership. The President of the College shall be the Chair of the Steering Committee; in the absence of the President, the Provost shall serve as Chair. Newly elected and appointed members assume office on the first day of the summer term; those members chosen in a regular election or appointed for full three-year terms shall be ineligible to succeed themselves.

<sup>1</sup> Information regarding the organization of the Faculties of the Dartmouth Medical School, the Thayer School of Engineering, and the Amos Tuck School of Business Administration is in the documents of the individual schools.

## 2. Functions

- a. To call meetings of the General Faculty upon its own initiative, or upon petition by members of the General Faculty as explained in Section B above.
- b. To set the agenda for all meetings of the General Faculty.
- c. To transmit all communications on behalf of the General Faculty.
- d. To establish and eliminate *ad hoc* Committees of the General Faculty, and to appoint members thereto, to study and/or make recommendations on any matter of common concern to the faculties of this institution. Reports and recommendations from such *ad hoc* committees are received by the Steering Committee, which may then submit them for deliberation and/or action to the General Faculty, a Council of the General Faculty, or the separate Faculties.
- e. To prepare and to distribute the minutes of the meetings of the General Faculty.
- f. To provide a continuous assessment of the organization, membership, functions, and purposes of the General Faculty and to propose such modifications as may be in accord with the responsibilities of the General Faculty of this institution. Any amendments of the charter of the General Faculty will become effective upon ratification by the separate faculties of arts and sciences, medicine, engineering, and business administration.

### D Councils

The Councils of the General Faculty provide a forum for deliberation on matters of policy affecting the entire institution. They serve in a continuing advisory capacity to the President, the Provost and Board of Trustees, and report annually to the General Faculty. The President will appoint chairs of Councils normally from among the members who are not *ex officio*.

All faculty members of the Councils shall be elected or appointed for a period of three years. Members elected or appointed during the spring assume office on the first day of the summer term; those members elected or appointed to full three-year terms shall be ineligible to succeed themselves. Council meetings shall be conducted according to the latest edition of Robert's *Rules of Order*.

## 1 COUNCIL ON GRADUATE STUDIES

### a. Membership

The Council on Graduate Studies shall consist of the Dean of Graduate Studies, the Chair (or designate) of each of the degree-granting graduate programs, one member from each of the three Professional School faculties, and two graduate students.

The chair shall take the initiative in forming such special committees as are desirable for planning and coordinating interlocking interests of graduate programs with other activities of the various faculties, and with the responsibilities of existing committees of those faculties.

### b. Functions

- (1) To recommend to the faculties and the Trustees principles and policies governing all aspects of graduate education.
- (2) To review proposals for graduate degree programs and to forward them, with recommendation, to the appropriate faculty or faculties of the College. Council jurisdiction does not extend to those degree programs which are the exclusive responsibility of the faculties of the Professional Schools.
- (3) To certify to the appropriate faculties that candidates have met all requirements for the granting of graduate degrees.
- (4) To submit a report to the General Faculty at the end of each academic year.

## 2 COUNCIL ON THE LIBRARIES

### a. Membership

The Council on the Libraries shall consist of the Librarian of the College; the Provost or his or her representative; the Dean of College or his or her representative; six members of the Faculty of Arts and Sciences (two from each division, from different departments) appointed by the Committee on Organization and Policy); one member from each of the three Professional Schools; and three students, two undergraduates and one graduate. The Director of Academic Computing serves as a non-voting member.

### b. Functions

- (1) To represent the faculty in maintaining the excellence of the Library with respect both to its holdings and to its usefulness to the educational community.
- (2) To advise the Librarian of the College on formulation and implementation of policies for the acquisition, housing, and preservation of library resources, on development of library services for the benefit of the libraries' users, and on other matters of general library policy.
- (3) To assist in the apportionment of the acquisitions funds of the libraries, in keeping the Librarian of the College informed concerning library needs for programs of instruction and research, and in providing liaison between the Librarian of the College and the faculties of the College.
- (4) To submit a report to the General Faculty at the end of each academic year.

## 4 COUNCIL ON SPONSORED ACTIVITIES

### a. Membership

The Council on Sponsored Activities shall consist of the Provost, the Executive Vice President for Finance, the Director of Sponsored Projects, the General Counsel, the Deans of the Faculty of Arts and Sciences and the three Professional Schools or their duly appointed representatives, and two members appointed by the Steering Committee from the faculties of the Professional Schools, and two members from the Faculty of Arts and Sciences delegated from the voting membership of the Committee on the Faculty. The chair shall be appointed by the President from among the members.

### b. Functions

- (1) To propose and endorse internal policies regulating the activities sponsored by agencies outside the College.
- (2) To propose and endorse institutional positions in response to policies of external sponsoring agencies as they affect the College.
- (3) To review periodically the scope and impact of sponsored activities in relation to institutional purposes.
- (4) To propose and endorse institutional policies with regard to patents, copyrights, technology transfer, and the like.
- (5) To submit a report to the General Faculty at the end of each academic year.

## 5 COUNCIL ON COMPUTING

### a. Membership

The Council on Computing shall consist of the Provost, the Dean of the Faculty, the Dean of the College, the Executive Vice President for Finance (or their representatives); the Director of Computing; four members of the Faculty of Arts and Sciences (at least one from each division) appointed by the Committee on Organization and Policy; one member from each of the three Professional School faculties; two undergraduate students and one graduate student.

Non-voting members of the Council shall include: the Manager of Humanities Computing, the Manager of Social Science Computing, the Director of Computing for Mathematics and Computer Science, and the Director of Library User Services.

### b. Functions

- (1) To provide guidance to the Director of Computing on matters related to institution-wide use of the Computation Center.
- (2) To advise the General Faculty, the officers of administration, and the Board of Trustees on questions of policy

concerning the planning, allocation, and use of all computer resources.

- (3) To be a forum for the exchange of ideas for improving the effectiveness of the computing facilities.
- (4) To submit a report to the General Faculty at the end of each academic year.

## 6 COUNCIL ON BENEFITS

### a. Membership

The Council on Benefits shall consist of four members of the Faculty of Arts and Sciences (two drawn from the voting membership of the Committee on Faculty and two appointed by the Committee on Organization and Policy), one member from the Faculty of the Tuck School, one member from the Faculty of the Thayer School, two members from the Faculty of the Dartmouth Medical School, four representatives from API ranks and eight members from APII and non-union service employee ranks. Members shall serve on the council for a term of three years, with the terms of service staggered. The chair shall be appointed by the President from among the members. The Director of the Office of Human Resources, or his or her representative, shall be a non-voting member and serve as staff to the council.

### b. Functions

- (1) To review with the President policies and decision-making processes which bear on the benefits program at Dartmouth College.
- (2) To review and evaluate the College's employee benefits program and to make recommendations to the President with regard to the modification of existing employee benefit plans and the design of any new benefit programs
- (3) To receive from the Office of Human Resources on at least an annual basis a report, complete with appropriate data and comparative information, regarding 1) responsiveness of the benefit plan to the needs of faculty and staff, 2) competitiveness with the plans of other institutions, and 3) cost effectiveness of Dartmouth's benefit plan.
- (4) To advise its constituent groups whenever appropriate on changes being contemplated before the deadline for finalizing them.
- (5) To submit a report to the General Faculty and other interested parties at the end of the academic year.

## 7 COUNCIL ON ACADEMIC FREEDOM AND RESPONSIBILITY

- (1) The Council will consist of eighteen members.
- (2) Elections will be conducted annually in the spring term by a two-stage preferential mail ballot. The names of all full-time members of the General Faculty, including those on leave, but excepting those holding administrative offices other than department or program chair, will appear on the first-stage ballot. Each voter will select twelve names. The names of twenty-four persons receiving the highest number of votes will appear on the second ballot. Each voter will select and rank six of these twenty-four names. The six persons receiving the highest number of votes on the second-stage ballot will become members of the Council for a full three-year term. Vacancies on the Council will be filled by appointment in descending order of number of votes received by the first twelve persons on the most recent second-stage ballot. Further vacancies will be filled in the same manner from the next most recent second-stage ballot, and so forth, all such appointments to be valid only until the next spring term elections. The above procedures will be modified if necessary, to ensure that all faculties are represented on the Council.
- (3) All full-time members of the General Faculty, including those on leave, will be eligible to vote in Council elections.
- (4) Five members of the Council will constitute the Panel for any case brought before it. Selection of the five Panel members shall be by drawing of lots. Upon challenge or withdrawal of Panel members, under rules set forth in Section 7 of the Agreement Concerning Academic Freedom, Tenure, and Responsibility of Faculty Members, alternate members of the Panel shall likewise be drawn by lot.
- (5) If the entire membership of the Council available for an individual case should be exhausted by voluntary withdrawals and/or challenges, the Council shall be replenished in the manner described in (2) for purposes of that case only.
- (6) The Council will have a secretary, to be appointed each spring from the membership of the Council by the President for a one-year term. The secretary will receive charges inaugurating Council proceedings, will supervise drawings by lot, will preside over any challenge procedures, and will record voluntary withdrawals

by Council members.

- (7) After challenges and voluntary withdrawals are completed in any individual case, the five member Panel which will hear that case will elect its own Panel chair.

*Agreement Concerning Academic Freedom, Tenure, and Responsibility of Faculty Members Voted by the Board of Trustees (January 15, 1971) after approval by the Faculty (October 19, 1970) as amended June 12, 2009.*<sup>2</sup>

- 1 The Trustees and Faculty of Dartmouth College agree that the principle of academic freedom is fundamental to the life and work of the institution and of all who serve it in the responsible performance of teaching and scholarly pursuits.

The Trustees and Faculty accept the principle of academic tenure as a means conducive to that independence of mind and speech essential to higher learning in a free society. Academic tenure is a status which presupposes rigorous, sustained, professional preparation and performance, and the obligation on the individual's part to work according to the spirit and methods of responsible inquiry and teaching.

- 2 Appointments and reappointments to the faculty shall ordinarily be made by the Trustees only after recommendation from the chairs of the departments concerned and the appropriate Deans.<sup>3</sup> The precise terms of every appointment shall be stated in writing to the appointee by an officer of the College, acting on the authority of the President and the Trustees. All appointments shall be for either a specified period of time or with indefinite tenure.
  - a. Appointments and reappointments to positions above the grade of Instructor, excepting initial appointment as Assistant Professor, shall be made only after consultation with the appropriate committee of the several faculties.<sup>4</sup> At the request of the Dean of the appropriate faculty, such consultation shall also take place in the event of a department's decision not to recommend reappointment.
  - b. Decisions on promotion from the grade of Assistant Professor will ordinarily be made between the fourth and sixth year in that rank; this time may include service at another institution.
  - c. Promotion into the rank of Associate Professor normally will be made with indefinite tenure. Under special circumstances, with specific approval of the Trustees, the Committee, and the individual, such appointments may be for a specified term. Initial appointments to the faculty in the rank of Associate Professor are normally for a specified term. Reappointment in this rank other than with indefinite tenure shall not be made unless specifically otherwise approved as above. [In the Medical School, appointments in the rank of Associate Professor are frequently for a definite term and may be renewed without awarding tenure.]
  - d. Appointment or promotion to the grade of Professor shall normally be with indefinite tenure, but under exceptional circumstances may be for a limited term. [In the Medical School, appointment, reappointment, or promotion to the grade of Professor may often be for a definite term.]
- 3 Except for adequate cause, as stated below, no member of the faculty of the grade of Instructor or above shall receive a notice that he or she will not be reappointed less than six months before the terminal date of his or her appointment; in the case of those faculty members who will have had at least three years' service in the College, one year's notice shall be given.

Members of the Faculty, recognizing the mutual equity in matters of appointment, accept the moral obligation not to ask release from their agreements under circumstances detrimental to the best interests of the College without according reasonable time for the College to make necessary readjustments.

<sup>2</sup> As used in this agreement, "faculty" refers to all members holding regular faculty appointments as Professor, Associate Professor, Assistant Professor, or Instructor, inclusive of research track faculty.

<sup>3</sup> For purposes of this Section, "Dean" includes the Associate Dean(s) of the respective Faculties.

<sup>4</sup> Medical School: Appointments, Promotions and Titles Committee and the Dean's Academic Board

- 4 If an academic appointee<sup>5</sup> alleges that his or her academic freedom has been violated, he or she may request of the Dean of the appropriate faculty that the appropriate committee<sup>6</sup> (hereafter, “the Committee”), and the Council on Academic Freedom and Responsibility in cases referred to the Council by the Committee, hear his or her complaint and consider his or her evidence pursuant to Sections 6(a)(iii) and 6(b)-(f).
- 5 Both the Faculty and the Trustees acknowledge their obligation to uphold the standards of academic excellence and responsibility. Disciplinary action against a faculty member thus requires cooperation between the Faculty and the Trustees and may be effected by the College only for adequate cause.

To show the existence of adequate cause for disciplinary action requires demonstration of the unfitness of the faculty member either in his or her professional capacity or in his or her behavior as a member of the Dartmouth community. In order to protect academic freedom, while at the same time serving the interests of the College as a community, the following procedures will be used to determine whether adequate cause exists for any disciplinary action:

- a. Disciplinary action in the form of termination of an appointment with tenure, termination of a nontenured appointment before the end of its specified term, or suspension without pay from College duties (except temporary suspension under Section 6(d)) may be taken only by the Board of Trustees pursuant to the procedures set forth in Sections 6(a)(ii), and 6(b) – (f). All other forms of disciplinary action against a faculty member may be taken by the Dean, and the faculty member shall have the right to have such action reviewed pursuant to the procedures set forth in Sections 6(a)(i) and 6(b) – (f).
- b. Allegations that adequate cause exists for disciplinary action shall first be considered by the Dean of the appropriate faculty. The Dean, or representative thereof, shall discuss the allegations with the faculty member concerned. In considering whether adequate cause exists for disciplinary action and the nature of such action, the Dean may, in his or her discretion, consult with the General Counsel and/or an advisory panel of faculty members selected by the Dean.<sup>7</sup>

In matters involving alleged violation of the College nondiscrimination policy, the Dean may also consult with the Director of Equal Employment Opportunity. Members of an advisory panel and other persons with whom the Dean consults shall meet the criteria stated in Section 7. All such discussions and consultations shall be confidential. If agreement on a mutually satisfactory disposition cannot be reached between the Dean and the faculty member, the Dean shall (i) in cases where the Dean recommends disciplinary action in the form of termination of an appointment with tenure, termination of a nontenured appointment before the end of its specified term, or suspension without pay from College duties (except temporary suspension under Section 6(c)) transmit the allegations to the appropriate Committee of his or her faculty<sup>8</sup> pursuant to Section 6(a)(ii); or (ii) in all other cases, inform the faculty member of the disciplinary action taken by the Dean and the faculty member’s right to have such action reviewed pursuant to Section 6(a)(i). In cases involving allegations against the Dean, the Dean’s responsibilities hereunder shall be exercised by the Provost or, if the Provost does not meet the criteria of Section 7, by another person selected by the President who meets the criteria of Section 7.

6 This Section sets forth the procedures to be followed when the Dean takes or recommends disciplinary action pursuant to Section 5, or when an academic appointee alleges that his or her academic freedom has been violated pursuant to Section 4.

<sup>5</sup> For purposes of Sections 4 and 6, “academic appointee” means any person holding a teaching or research appointment.

<sup>6</sup> For purposes of Sections 4-6, “Committee” for DMS means: Dean’s Academic Board, or a subcommittee of the Dean’s Academic Board.

<sup>7</sup> Members of the advisory panel shall be selected from the following: Members of the Appointments, Promotions and Titles Committee (excluding current members of the Dean’s Academic Board) and former members of the Dean’s Academic Board, but excluding current members of the Council on Academic Freedom and Responsibility.

<sup>8</sup> See note 6.

Time limits set forth in Section 6(a) shall not include days between academic terms.

a. Committee Procedure:

(i) *Review of Dean's Disciplinary Action* - In cases where the Dean has taken disciplinary action under Section 5(a), the member of the faculty may request to have such action reconsidered, but only if one or more of the following criteria defining the grounds for reconsideration are met:

- The faculty member has new and material evidence that was not reasonably available to the faculty member or the Dean during the Dean's consideration and that would reasonably have affected the Dean's decision.
- The Dean materially failed to follow the procedures under the Agreement and the faculty member had called the error to the attention of the Dean or had reasonable grounds for not doing so.
- The Dean's action was arbitrary or capricious.

The burden shall be on the faculty member to prove the grounds for reconsideration.

The submission of a request for reconsideration shall stay the Dean's disciplinary action until the reconsideration request has been resolved.

The faculty member's request for reconsideration shall be made in writing to the Chair of the Committee within 15 days of the faculty member receiving notification of the Dean's decision. The request for reconsideration shall address how the request meets one or more of the criteria set forth above.

Within 30 days of receiving the faculty member's written request for reconsideration, the Committee shall conduct an initial review of the request.

- I. If, after initial review, the Committee finds that the request has not satisfied the criteria set forth above, it shall so advise the faculty member and the Dean, and the Dean's action shall stand.
- II. If, after initial review, the Committee finds that the request raises a substantial issue under the criteria set forth above, the Committee shall so advise the Dean, and the Dean may (but shall not be required to) respond in writing within 30 days.

If the Committee's initial review indicates that the faculty member's request for reconsideration raises a substantial issue, the Committee shall, within 75 days of the faculty member's initial request (and whether or not the Dean has elected to respond in writing), make a final decision on whether the faculty member has demonstrated grounds for reconsideration, under the criteria set forth above. If the Committee finds that the faculty member has demonstrated grounds for reconsideration, the Committee shall return the case to the Dean for reconsideration with an explanation of the reason for the Committee's action; otherwise, the Committee shall notify the faculty member and the Dean that the Dean's action shall stand. If the Committee returns the case to the Dean for reconsideration, the Dean shall within 30 days either reaffirm or modify his or her initial decision and report his or her decision upon reconsideration to the faculty member and the Committee. The decision of the Dean upon reconsideration shall be final.

(ii) *Review of Dean's Recommendation in the most serious Disciplinary cases* - In cases where the Dean recommends termination of an appointment with tenure, termination of a nontenured appointment before the end of its specified term or suspension without pay from College duties (except temporary suspension under Section 6(d)), the Committee shall within 45 days examine the allegations supporting the recommendation in preliminary proceedings. If agreement with the faculty member on a satisfactory disposition is not reached and the Committee finds the evidence warrants, the Committee shall state the allegations with reasonable particularity, citing their sources and the reasons why, if the allegations are substantially true, they might constitute adequate cause for the recommended disciplinary action.

This statement shall be transmitted to the Council on Academic Freedom and Responsibility for further action. If the Committee finds that the evidence does not support the action recommended by the Dean or that the allegations, if true, do not constitute adequate cause for the recommended disciplinary action, the Committee shall so inform the Dean and the faculty member and the Dean's recommendation shall not take effect. Such a decision by the Committee

shall not preclude the Dean from taking disciplinary action other than termination of an appointment with tenure, termination of a nontenured appointment before the end of its specified term, or suspension without pay from the College, against the faculty member regarding the same matter that gave rise to the earlier recommendation, and such action shall be subject to review as described in Section 6(a)(i).

(iii) *Academic Freedom Cases* – In cases where an academic appointee alleges that his or her academic freedom has been violated, the Committee shall, within 45 days, consider his or her complaint and evidence. If agreement with the appointee on a mutually satisfactory disposition is not reached and the Committee finds the evidence warrants, the Committee shall refer the matter to the Council on Academic Freedom and Responsibility for further action. In such cases, the appointee shall act as complainant. If the Committee finds that the evidence does not support the appointee's allegation that his or her academic freedom has been violated, it shall so inform the Dean and the appointee and the proceeding shall be concluded.

(iv) *Confidentiality; Conflicts of Interest* – Proceedings before the Committee shall be confidential. A member of the Committee who does not meet the criteria stated in Section 7 will remove himself or herself from consideration of the case either at the request of one of the parties or on his or her own initiative.

b. A matter forwarded to the Council shall be referred to as a "case." Parties to Council cases shall be designated as follows:

- *Decision on Dean's Recommendation for Discipline* – In cases where the Dean has recommended discipline under Section 6(a)(ii), the Dean is the "Dean" or "complainant" and the faculty member is the "respondent."
- *Academic Freedom Cases* – Where an academic appointee alleges under Section 6(a)(iii) that his or her academic freedom has been violated, the academic appointee is the "complainant" and the Dean is the "Dean" or "respondent."

c. Proceedings before the Council on Academic Freedom and Responsibility will begin with the Committee's delivery of the case to the complainant, the respondent, and the Secretary of the Council. The Secretary, who is not eligible to be a panel member, will select a Panel, consisting of five members, chosen by lot from the Council. A member of the Council who does not meet the criteria stated in Section 7 will remove himself or herself from the Panel either at the request of one of the parties or on his or her own initiative. In addition, each party will have the right to remove a maximum of three Council members from a Panel without stated cause. A removed Panel member will be replaced by lot from the remaining members of the Council. A presiding member will be elected for each case by the Panel members from among themselves. During the proceedings, both parties and the Panel shall be permitted counsel and academic advisers of their choice. The Secretary is empowered to employ legal counsel to advise the Secretary and the Panel. With the consent of the parties, the Secretary may arrange for a mediator or arbitrator to meet with the parties in an attempt to resolve the conflict.

d. The Dean may temporarily suspend a faculty member, pending the outcome of proceedings under Section 6(a)(i) or 6(a)(ii), where in the Dean's judgment such action is necessary to prevent the faculty member from inflicting harm on himself or herself or others or from interfering with the proper conduct of College business. Salary and usual benefits will continue during this period of suspension.

e. The respondent will respond in writing to the Secretary of the Council within ten days of receiving his or her copy of the complaint, either admitting or denying each particular allegation. Where a dispute exists in matters of fact, either party may request that the facts in the case be established by a board of three arbitrators, as provided in Chapter 542, New Hampshire R. S. A. (text attached hereto). Each party will choose one arbitrator, who will together appoint the third. The presiding member of the Panel has the responsibility and authority to frame the issues of fact to be determined after hearing each party with respect thereto. All facts, whether determined by a Panel or a board of arbitrators, must be established by a preponderance of the evidence. A preponderance of the evidence means proof by information that, compared with that opposing it, leads to conclusion that the fact at issue is more probably true than not. All findings of fact and the evidence and testimony on which the facts are established will be in writing and become part of the hearing record.

f. Hearings shall begin not earlier than twenty days and not later than forty days after the beginning of Council proceedings, except by agreement among the Panel and the parties. Where facts have been established by arbitration, hearings by the Panel shall begin not earlier than ten days and not later than thirty days following submission of the

arbitrators' report. The hearings shall be open to the College community at the request of the respondent in cases under Section 6(a)(ii), or at the request of the complainant in cases under Section 6(a)(iii), although the Panel shall be permitted to close portions of such hearings or limit the number of observers, at its discretion. A verbatim record shall be kept and made available to both parties in the proceedings and to the Panel. The record of the proceedings may be made public only with the permission of the respondent in cases under Section 6(a)(ii), or at the request of the complainant in cases under Section 6(a)(iii), although the Panel may, or at the request of the President must, make public a full account of its findings and recommendations. Public pronouncements by members of the Panel, the parties, or the arbitrators, except for notices of hearing time and place, will be prohibited during the full course of the Council proceedings.

*g. Decision –*

(i) In cases under Section 6(a)(ii), the Panel will decide whether the facts, either agreed upon between the parties or determined by arbitration, constitute adequate cause for disciplinary action. In order to make this decision within the circumstances of the case, further testimony or statements, introduced by either party, shall be accepted if deemed pertinent by any Panel member. If the Panel finds that no adequate cause exists for disciplinary action it shall so state in its report to the President. If adequate cause is found, the Panel will recommend the appropriate action to be taken and report its findings and its recommendations to the President. The President will transmit the report of the Council Panel and the full transcript of the hearings to the Board of Trustees. Final action will be taken by the Trustees after reviewing the several documents.

(ii) In cases under Section 6(a)(iii), the Panel will transmit to the President, for his or her decision and appropriate action, the Panel's recommendation as to whether the facts, either agreed upon between the parties or determined by arbitration, constitute violation of the complainant's academic freedom.

*h. Council proceedings shall be completed within 60 days after delivery of the case to the Secretary of the Council.*

7. Reasonable precautions shall be taken to avoid bias and real or apparent conflicts of interest on the part of those involved in conducting proceedings hereunder. Specifically, reasonable steps shall be taken to ensure that members of Deans' advisory panels, review committees, the Council, and experts have no bias and no personal, professional or financial conflict of interest with respect to the parties or the case in question. In making this determination, consideration shall be given to whether the individual (or any members of his or her immediate family) has any of the following involvements with a party: kinship; assistance in preparation of a party's case; financial involvement; coauthor on a publication; collaborator or co-investigator; party to an academic controversy; supervisory or mentor relationship; other special relationship such as a close personal friendship or a physician/patient relationship. Consideration shall also be given to whether there is any other circumstance that might appear to compromise the individual's objectivity in reviewing the allegations. Parties shall have the right to comment on whether members of Deans' advisory panels, review committees, and the Council meet the above criteria. If a party makes a prompt, reasonable, objection to the Dean concerning a member of a Dean's advisory panel, or to the presiding officer concerning a member of a review committee or Council panel, the challenged person shall be replaced with another person who meets the stated criteria.<sup>9</sup> If the objection concerns an asserted conflict on the part of a dean or presiding officer, the challenge shall be decided by the Provost or, if the Provost does not meet the stated criteria, by another person selected by the President who meets the stated criteria. The decision of the Dean, presiding officer, Provost, or other designated person, as the case may be, regarding such a challenge, shall be final.

8. Time limits hereunder for action by a Dean, Committee, or Council Panel, may be extended for good cause by the Dean or the presiding member of the Committee or Council Panel, respectively.

9. This agreement shall become effective immediately, following its approval by the Faculty and Trustees of Dartmouth College, superseding the agreement of September 1, 1960.

<sup>9</sup> Arts and Sciences: The process for replacing a member of the Review Committee is described in part III, subpart A.6.a. of the description of the membership of the Review Committee.

**New Hampshire R.S.A.**  
**CHAPTER 542**  
**Arbitration of Disputes**

*542:1 Validity of Arbitration Agreements.*

A provision in any written contract to settle by arbitration a controversy thereafter arising out of such contract or an agreement in writing to submit to arbitration any controversy existing at the time of the agreement to submit shall be valid irrevocable and enforceable save upon such grounds as exist at law or in equity for the revocation of any contract. The provisions of this chapter shall not apply to any arbitration agreement between employers and employees, or between employers and associations of employees unless such agreement specifically provides that it shall be subject to the provisions of this chapter.

Sources: 1929, 147:1. RL 415:1. 1945, 191:1, eff. May 18, 1945.

*542:4 Appointment of Arbitrators.*

If no method of naming arbitrators be provided, or if for any other reason there shall be a lapse in the naming of arbitrators, then upon the application of either party to the controversy the court aforesaid or the court in and for the county in which the arbitration is to be held shall designate and appoint an arbitrator or arbitrators as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

Sources: 1929, 147:1. RL 415:4.

*542:5 Witnesses; .Summoning; Compelling Attendance.*

When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. Any person may be summoned as provided in chapter 516, RSA, to attend before the arbitrators as a witness and the fees for such attendance shall be the same as the fees of witnesses in the superior court. If any person or persons so summoned to testify shall refuse or neglect to attend, upon petition the court in and for the county in which such arbitrators are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided in chapter 516.

Sources: 1929, 147:1. RL 415:5.

*C Appeal of Reappointment/Tenure/Promotion Decisions for Arts and Sciences Faculty*

The purpose of the appeal process for a reappointment/tenure/promotion decision in the Faculty of Arts and Sciences is to determine if there has been a violation of the College's non-discrimination or academic freedom policies, or if material procedural error took place when making these critical decisions.

There are three grounds for requesting that a case be reexamined:

- (1) There was an alleged violation of the College's non-discrimination policy;
- (2) There was an alleged violation of the faculty member's academic freedom;
- (3) There was alleged procedural error (e.g., failure to include proper information or facts that should have been made available under the submission and evaluation guidelines in the Faculty Handbook, or a failure to follow the procedures stipulated in the Faculty Handbook for considering a case) that could reasonably have affected the decision.

The substantive evaluation of a case is not subject to appeal unless the appeal is based on one or more of these three grounds.

Alleged violations of the College's non-discrimination policy will be reviewed by the Director of Equal Opportunity and Affirmative Action (EO/AA); alleged violations of academic freedom will be reviewed by the Council on Academic Freedom and Responsibility (CAFR) as indicated in the *Organization of the Faculty of Dartmouth College* (OFDC); alleged violations of procedural error will be reviewed by the Review Committee (RC).

## APPEAL PROCEDURE

A request for review must be made no later than 90 days after the date of written notification of the decision. Before formally initiating an appeal under any of the grounds described above, faculty members are encouraged to confer with the Dean of Faculty or a member of the Review Committee.

There are three ways that requests for review can be initiated by the faculty member whose reappointment / tenure / promotion has been denied:

- (1) Should the faculty member allege that a violation of the College's non-discrimination policy has taken place, s/he will submit a letter to the Director of EO/AA stating the grounds for appeal. The Director of EO/AA will conduct a factual review of the faculty member's claim within 45 days and provide the results of that review to the President, the Dean of Faculty, and Committee Advisory to the President (CAP). During this review he or she may choose to confer with members of the Review Committee or the Vice President for Institutional Diversity and Equity. If the review determines that discrimination has occurred the CAP will then review the case in the light of the new findings.
- (2) Should the faculty member allege that a violation of academic freedom has taken place, s/he will submit a letter to the RC stating the grounds for appeal. The RC will examine the case and within 45 days determine whether the case should be forwarded to CAFR. If the RC forwards the case to CAFR, CAFR will conduct a review of the case in accordance with the "Agreement Concerning Academic Freedom, Tenure, and Responsibility" as indicated in the OFDC and forward its report to the President, the Dean of Faculty, and the CAP. If CAFR determines that there was a violation of academic freedom the CAP will then review the case in light of the CAFR report.
- (3) Should the faculty member allege that procedural errors that could reasonably have affected the decision were made in the determination of the case, s/he will submit a letter to the RC stating the grounds for appeal. The RC will conduct an investigation within 45 days and report its findings to the President, Dean of Faculty, and CAP. If the RC determines there was procedural error that could reasonably have affected the decision then the CAP will review the case in light of the report of the RC.

In its review, the RC may find further review is warranted for reasons pertinent to non-discrimination or academic freedom. In this case the RC will forward the case to the Director of EO/AA (in cases involving possible discrimination) or the CAFR (in cases involving possible violation of academic freedom), who or which shall follow the procedures outlined above in sections (1) and (2), respectively.

If in any of the three cases described above the CAP reviews a case it will determine within 45 days if its original recommendation should be changed. The CAP will then report its conclusions to the President. Based on this report and the report from the Director of EO/AA, CAFR, and/or the Review Committee (as appropriate), the President will decide whether to recommend promotion or tenure to the Board of Trustees, or will make the final decision in the case of reappointment of an assistant professor.

Days during the summer term are not counted towards the 45 day limits given above. For good cause, the 45-day limits set forth above may be extended by the Director of EO/AA, the RC, or the CAP, as the case may be.

In reviewing a case, the Director of EO/AA, CAFR, and the Review Committee will seek to maintain confidentiality to the maximum extent consistent with obtaining information relevant to the case. The written request for appeal and other documents relating to an appeal under this procedure will form part of the faculty member's reappointment / tenure / promotion file but will not be placed in a general personnel file.

The Dean of Faculty will report annually to the COP on the number of appeals made, the grounds upon which the appeals were made, the number of cases that the CAP reconsidered, and the number of times that the initial CAP decision was changed. No details of the individual cases will be provided.