ATSU | A.T. Still University

FIRST IN WHOLE PERSON HEALTHCARE

University Faculty Handbook

7/1/2023

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Preface

This University Faculty Handbook (Handbook) is not a contract and shall in no event be construed as such. This Handbook is a compendium of policies, procedures, practices, and guidelines pertaining to, among other things, rights and responsibilities, appointments, promotions, grievance procedures, and benefits for faculty of A.T. Still University of Health Sciences (ATSU). Many policies and procedures pertinent to all employees, including faculty, are not contained in this Handbook, but are in the ATSU Policies Manual (on the ATSU portal at the Human Resources home page).

Policies and procedures pertaining to faculty function may change from time to time, and efforts are made to include in this Handbook current and relevant policies and procedures. However, the ATSU Policies Manual is the definitive source of all operating policies relating to faculty, and faculty are bound by the then current ATSU Policies Manual. In the event there are inconsistencies between the ATSU Policies Manual and this Handbook, the ATSU Policies Manual shall govern. The most current version of the ATSU Faculty Handbook is available on the ATSU portal.

References will be made in this Handbook to the ATSU Policies Manual, University Catalog, University Student Handbook, and other documents as they provide additional details that lend clarity to topics of concern.

In addition to the University Faculty Handbook, the Kirksville College of Osteopathic Medicine, the Arizona School of Health Sciences, and the School of Osteopathic Medicine in Arizona have their own internal rules, procedures, and policies outlined in each college's/school's faculty handbook (Appendices A-C). School/college faculty handbooks may supplement, but do not supersede or replace, policies, and procedures outlined in the University Faculty Handbook.

Changes to this Handbook are made by faculty through the University Faculty Senate, presented to the regional presidents, chief operating officer & general counsel, and chancellor for approval. Procedures for revision are covered in Chapter 5.

Acknowledgment

I have read in its entirety, the ATSU Faculty Handbook ("Handbook") which outlines the University's policies, practices, guidelines, and benefits. I understand provisions of the Handbook, and I will do my best to abide by and uphold them. I understand information contained in this Handbook is set out in greater detail in the ATSU Policies Manual, contents of which I have access to at any time on the ATSU portal.

I understand information contained in the Handbook is subject to change at the University's discretion, without notice to faculty, and such changes supersede, modify, or eliminate any or all of policies and benefits summarized in the Handbook.

I further understand policies, practices, guidelines, and benefits contained in the Handbook do not constitute an employment contract between the University and the faculty or imply existence of any contractual or other rights. I also understand nothing in any other electronic data or materials or written materials disseminated by or for the University, and nothing in any statement or actions by or on behalf of one of the University's representatives, constitutes an employment contract between the University and myself or implies existence of any contractual rights.

If I sign a separate written employment contract with the University, I understand and acknowledge such contract governs my employment with the University, but policies and benefits in the Handbook, or as later modified also apply to me.

By signing below, I acknowledge I have read this acknowledgement and I fully understand the faculty employment relationship as described above. In addition, I will abide by the ATSU mission and vision statements.

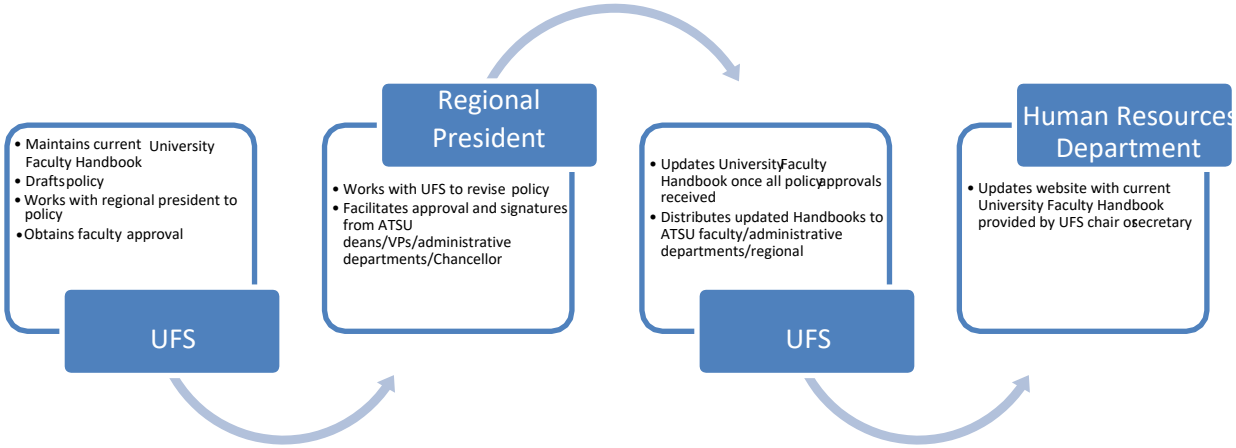
_____	_____	_____
Faculty Signature	*Print Name*	*Date*

Please return this signed acknowledgement to ATSU Human Resources.

Process for Updating University Faculty Handbook

(Effective 6/23/20)

University Faculty Senate (UFS) Constitution (Article 4, Section 4-3) and Bylaws (Article X) stipulate and outline a process whereby the UFS works with senior administration to review, revise and advise on issues related to the University Faculty Handbook. As such, UFS proposes to be the body responsible for maintaining and distributing the current University Faculty Handbook. A flowchart of this process is displayed below, whereby UFS works with college/school faculty and regional presidents for approvals, approved policies, signed by UFS chair, regional presidents, and chancellor, are returned to UFS chair/secretary, updates to University Faculty Handbook are made by UFS chair/secretary, and UFS chair/secretary distributes current University Faculty Handbook to ATSU faculty, regional presidents, administrative departments for circulation to ATSU community.



Chapter 1: About A.T. Still University of Health Sciences (ATSU)

Colleges and Schools

- Kirksville College of Osteopathic Medicine, est. 1892
- Arizona School of Health Sciences, est. 1995
- College of Graduate Health Studies, est. 1999
- Arizona School of Dentistry & Oral Health, est. 2003
- School of Osteopathic Medicine in Arizona, est. 2006
- Missouri School of Dentistry & Oral Health, est. 2013
- College for Healthy Communities, est. 2021

For more information on individual colleges and schools, please refer to Appendices A-C.

ATSU Mission

A.T. Still University of Health Sciences serves as a learning-centered university dedicated to preparing highly competent professionals through innovative academic programs with a commitment to continue its osteopathic heritage and focus on whole person healthcare, scholarship, community health, interprofessional education, diversity, and underserved populations.

ATSU Vision

To be the preeminent University for health professions

- Leading innovator in health professions education
- Superior students and graduates who exemplify and support the University's mission
- Osteopathic philosophy demonstrated and integrated
- Pioneering contributions to healthcare education, knowledge, and practice

ATSU Core Institutional Values

- Innovation
- Whole person healthcare
- Scholarship
- Leadership in community health
- Diversity

ATSU Core Professional Attributes

- Critical thinking
- Cultural proficiency
- Interprofessional collaboration
- Interpersonal skills
- Social responsibility

2021-28 Strategic Plan Themes

- Innovative education
- Mission-focused scholarship
- Engaged, diverse University community
- Beneficial partnerships
- Agile resource management

University History – Description

(See Appendices A-C for individual school/college history – description.)

A.T. Still University of Health Sciences, established by Andrew Taylor Still, DO, in 1892, began as the founding college of osteopathic medicine. ATSU has grown from a single-discipline school on one campus in Kirksville, Missouri, to a multidiscipline health sciences university with seven schools offering 51 health profession programs on three campuses in Kirksville, Mesa, Arizona, and San Luis Obispo, California, as well as a virtual campus.

For over 130 years, ATSU has instilled within students the compassion, experience, and knowledge required to address the whole person and shape healthcare in communities where needs are greatest. Inspired to influence whole person healthcare – body, mind, and spirit – ATSU graduates contribute to the future of integrated care while also leading in the communities they serve.

ATSU's first school, the Kirksville College of Osteopathic Medicine (KCOM), is the founding college of osteopathic medicine. In 1995, the Arizona School of Health Sciences (ASHS) was added, creating a second campus in Arizona. The online School of Health Management was established in 1999 on the Missouri campus, followed by the Arizona School of Dentistry & Oral Health (ASDOH) in 2003 and the School of Osteopathic Medicine in Arizona (SOMA) in 2006 – both on the Arizona campus. ATSU's sixth school, the Missouri School of Dentistry & Oral Health (MOSDOH), was established in 2012 on the Missouri campus. In 2014, the School of Health Management was renamed the College of Graduate Health Studies as ATSU combined all non-discipline specific online health studies programs within a single entity. The College for Healthy Communities, located in San Luis Obispo, California, opened its doors in 2021, becoming ATSU's seventh school.

Accreditation

(See Appendices A-C for individual school/college accreditation.)

ATSU is accredited by the Higher Learning Commission.

Higher Learning Commission 230 S. LaSalle Street, Suite 7-500
Chicago, IL 60604 Ph:
800.621.7440
https://www.hlcommission.org/

Introduction to University General Orders

ATSU's Policy Manual contains current and relevant policies and procedures, referred to as general orders. The ATSU Policy Manual is the definitive source of all operating policies relating to faculty, and faculty are bound by the current ATSU Policy Manual. The most current version of the ATSU Policy Manual is available on the ATSU portal at the Human Resources home page.

ATSU is committed to encouraging and maintaining a civil and respectful environment in which professionals at all levels interact with one another exhibiting a clear understanding and ownership of the values of ATSU and work together to enthusiastically advance the mission and vision of the institution. This introduction to general orders represents the way ATSU and its employees and students conduct business and the lens through which the general orders should be followed and enforced. Therefore, as a university community:

A. We value our mission to serve as a learning-centered university dedicated to preparing highly competent professionals through innovative academic programs with a commitment to continue its osteopathic heritage and focus on whole person healthcare, scholarship, community health, interprofessional education, diversity, and underserved populations.
B. We value cooperation and collaboration with each other to advance common University goals.
C. We value respectful and welcoming interactions that reflect kindness and courtesy.
D. We value the humble pursuit of advice from others and the exercise of wise judgment in decision- making and problem-solving.
E. We value thoughtful debate and constructive criticism of ideas to foster individual and group advancement and success, and we value engaging in compassionate conflict resolution.
F. We value a caring and nurturing environment that holds each other accountable in a humanistic way, and we rely on each other to honor professional commitments. G. We value all fellow employees and students as individuals.
H. We value the infectious positivity that mutual respect promotes and encourage student, faculty, and staff volunteerism to inspire such mutual respect in our communities.
I. We value reaching out to others to encourage a professional, civil, and compassionate climate; paraphrasing the words of Dr. Andrew Taylor Still, we value extending to each other the gentle touch of the soft hand of human kindness.

University Governance

(See Appendices A-C for individual school/college governance and organizational charts.)

ATSU is incorporated under the laws of the state of Missouri as a private, not-for-profit 501(c)(3) corporation. The Board of Trustees is the governing body and has control of the property and affairs of the University and exercises that control through the establishment of policies for the direction of the executive officer (i.e., president) in managing the affairs of the University. The internal University structure and organization is one of shared governance. Faculty are represented in the University's shared governance through the University Faculty Senate and specific University Standing Committees (ATSU Policy No. 10-221: University Shared Governance).

The unique organizational structure of each school/college is described in each school's handbook. All faculty members should be made aware of the organizational structure of their school, and each faculty member is entitled to an annual review from his/her supervisor in that structure.

University Faculty Senate

(See Appendices A-C for individual school/college faculty governing bodies.)

The ATSU University Faculty Senate is composed of two senators from each school/college within ATSU. Each senator is elected by faculty members of his/her respective school/college, according to specifications of the University Faculty Senate Constitution. The University Faculty Senate addresses issues of relevance to the entire faculty.

(See Appendix D for University Faculty Senate Constitution and Bylaws.)

Diversity Statement

A.T. Still University strives to create a culturally rich community which embraces all forms of differences, including but not limited to race, ethnicity, disability, sexual orientation, origin of birth, age, religious beliefs, political beliefs, socio-economic status, physical characteristics, military service, title, academic background, and professional experiences. Inherent in ATSU's mission is the belief excellence is inclusive— academic and intellectual, physical and physiological, cultural and social, spiritual and moral.

We believe these attributes are expressed in our acceptance of difference, and our collective appreciation provided by these differences guides us in the development of a campus community reflective of the global community of which we are all a part.

An authentic understanding and appreciation of difference are foundational to reaching cultural proficiency, which, at its core, is based upon the value each human being brings to our society and each person's access and opportunities to contribute to our University's cultural proficiency. The strength of our campus community as well as the potential of the global community is realized through this same understanding, affirmation, and value of human difference.

Notice of Nondiscrimination

(ATSU Policy No. 90-210: *Prohibition of Discrimination, Harassment, and Retaliation*)

ATSU does not discriminate on the basis of race, color, religion, ethnicity, national origin, sex (including pregnancy), sexual orientation, age, disability, or veteran status in admission or access to, or treatment or employment in its programs and activities. Sexual harassment, dating violence, domestic violence, sexual assault (e.g., non-consensual sexual contact/intercourse), stalking, harassment, and retaliation related to protected activity are forms of discrimination prohibited by ATSU.

Faculty are referred to the full ATSU Policy No. 90-210 in Appendix J and ATSU Employee Handbook for additional information.

Code of Ethical Standards

As a learning-centered university dedicated to preparing highly competent healthcare professionals, all members of the ATSU community must promote and adhere to the highest ethical standards of professional, academic, and community conduct. Employees should be aware of and comply with the expectations for conduct outlined in ATSU Policy No. 10-220: ATSU Code of Ethical Standards.

Chapter 2: Faculty Recruitment, Appointment, & Promotion

Recruitment and Initial Appointment

Recruitment of faculty shall be conducted in full compliance with ATSU's Equal Employment Opportunity Policy (ATSU Policy No. 90-100: Equal Employment Opportunity) and other applicable statutory laws and regulations. All recruitment will be done in conjunction with Department of Human Resources and appropriate school/college dean's office.

Recruitment of new faculty members is the responsibility of the dean working in conjunction with the supervisor in the area/department where the vacancy exists. Recruitment of faculty shall be coordinated by the appropriate supervisor with assistance from faculty and ATSU Human Resources. Requests for filling faculty vacancies must designate the requested rank and salary range.

After completion of interviews, review of references, licensure and background check, the appropriate supervisor shall forward his/her nomination(s) for hire with the proposed academic rank and credit towards tenure (if applicable) to the dean, who seeks approval from the regional presidents. The dean should request the school/college specific promotion (and tenure) committee to review the proposed academic rank and credit towards tenure (if applicable).

Faculty Contracts

(Effective 5/20/20)

Stability and productivity of the University's academic programs are fostered through a long-term mutual commitment between ATSU and faculty members who work professionally to fulfill the University's mission. Continuing multiyear contracts help strengthen this relationship.

The fundamental purpose of continuing multiyear contracts is to demonstrate to faculty they are valued. Continuing multiyear contracts also provide a measure of stability to productive faculty at ATSU while strengthening the University's capability to attract and retain superior educators and scholars as full-time faculty members.

Policies herein apply to all individuals who possess a full-time faculty appointment or are considered full-time faculty employees at ATSU (.75 FTE and above). Said appointment may involve a portion devoted to administrative duties specified within the individual's contract. Policies herein do not apply to individuals who possess full-time administrative appointments, are in grant-generated positions, or faculty members at the rank of "instructor."

Upon initial hire, all individuals employed as full-time faculty at ATSU will be extended contracts containing an end date. The president has final authority regarding faculty employment offers at ATSU. Salary and startup package will be negotiated with the dean(s) of the college/school to which the faculty candidate is appointed, and the candidate's supervisor(s)/department chair(s) before the offer is finalized.

Contracts for full-time assistant professors, associate professors, and professors will be three years in length.

A faculty member will be given at least twelve months' written notice regarding renewal or non-renewal of his/her contract. A faculty member issued a three-year contract will be formally reviewed by his/her

supervisor by May 15th of the contractual year. If a supervisor believes a remediation plan is warranted, s/he must provide a proposed remediation plan in writing to the faculty member, also by May 15th. Supervisor's review will be in writing and must be signed and dated by the supervisor indicating the evaluation has been discussed with the faculty member, and by the faculty member indicating the evaluation has been discussed with him/her. If the first-year supervisor review is satisfactory and accepted by the dean, the faculty member will be provided with a new three-year contract incorporating the last two years of the current contract with an additional contract year.

If at the end of the first contract year the supervisor's evaluation determines the faculty member's performance is unsatisfactory, the faculty member must be given a reason explaining the supervisor's evaluation. Deficiencies and reasons for non-renewal must be documented in writing in the signed faculty evaluation. Only reasons listed in the "Reasons for Non-renewal of Faculty Contracts" section of this document will be considered legitimate reasons for non-renewal of a faculty member's contract. By May 15th of the contractual year, the supervisor must provide the faculty member in writing a proposed remediation plan to remedy noted deficiencies that must be completed prior to the next annual evaluation. The faculty member must be provided with the necessary support and resources to reasonably accomplish the remediation plan prior to the next evaluation. The faculty member will continue working under his/her current contract.

At the end of the second contract year, a faculty member will again be evaluated by her/his supervisor by May 15th. If deficiencies or reason(s) for unsatisfactory performance identified in the remediation plan have been remediated to the satisfaction of the faculty member's supervisor, the supervisor will recommend the faculty member, at the end of the second contract year, be extended a new three-year contract incorporating the last year of the current contract with two additional contract years. If, however, at the end of the second contract year the faculty member has been unsuccessful in completing the remediation plan and/or in substantially correcting deficiencies noted at the time of the previous year's evaluation (above), the faculty member will be given feedback concerning his/her unsuccessful completion of the remediation plan. The supervisor's written feedback will be given to the faculty member, the dean, and the regional president. The faculty member may accept the supervisor's feedback in which case the faculty member's current contract will remain valid and in force until the expiration date contained therein.

In the event the faculty member meets his/her expectations during the contract's third year (after not meeting expectations in years one and two), the faculty member's supervisor reserves the right to recommend a new probationary one-year contract, pending approval of the faculty member's dean, the regional president, and the chancellor. If the faculty member then meets or exceeds his/her performance expectations during the probationary contract, s/he will be offered a new three-year contract.

Appeals Process

The faculty member may appeal the merits of any supervisor evaluation and/or remediation plan following the appeal process described below. A successful appeal will result in the faculty member being issued a new three-year contract encompassing the time remaining on the current contract. However, if the appeal is unsuccessful, the faculty member will not be issued a new three-year contract. The current contract will remain valid and in force until its expiration or is terminated as provided in the contract.

The faculty member must exercise his/her right to appeal in writing within 10 business days after receiving the written evaluation and/or remediation plan. Two pathways exist for faculty appeal:

1. The faculty member has the option of appealing directly to his/her respective dean (or regional president if a dean is the direct supervisor). Based upon merits of the appeal, the dean (or regional president if a dean is the direct supervisor) may either support or change the supervisor's recommendation and/or remediation plan. The decision of a dean may be appealed in writing to the regional president who will review all pertinent material and whose decision in this matter is final.
2. Alternatively, the faculty member has the option of appealing to a peer review panel chosen by the ATSU faculty senate chair that will consist of three full-time faculty (at least one must be from the respective college/school, at least one with the same rank or higher, and at least one from another ATSU college/school). Based upon merits of the appeal, the peer review panel may either agree or disagree with the supervisor's evaluation or remediation plan. Panel recommendation (with rationale) will be passed along to the respective dean (or regional president if a dean is the direct supervisor). The dean (or regional president if a dean is the direct supervisor) will consider merits of the appeal and panel recommendation and may either support or change the supervisor's evaluation and/or remediation plan. The decision of a dean may be appealed in writing to the regional president who will review all pertinent material and whose decision in this matter is final.

Reasons for Non-renewal of Faculty Contracts

Faculty contracts specify performance expectations for each faculty member. The faculty member's supervisor must provide a written annual evaluation of each faculty member. Any deficiencies in said faculty member's performance must be identified in writing from the list below, and accompanied with supporting documentation. The following reasons may also lead to non-renewal of a three-year contract. No other reasons for non-renewal of faculty contracts will be considered as grounds for non-renewal.

- Voluntary resignation or retirement;
- Failure to perform duties generally associated with the faculty member's current academic rank as assigned by his/her supervisor(s);
- Incompetence in fulfilling reasonable professional expectations for his/her given field of training. The term "incompetence" refers to failure, after relevant, targeted developmental opportunities and support have been provided to:
    1. perform required faculty duties as described in faculty member's contract and appointment letter; or
    2. meet relevant department(s)/program(s) written standards and criteria for acceptable faculty performance; or
    3. meet expectations associated with faculty member's specific assignment within his/her department(s)/program(s) as delineated in his/her appointment letter or other written agreement with the faculty member. Subject to the Family and Medical Leave Act (FMLA) regulations, there is a prolonged absence (greater than 12 weeks) due to certain family and medical reasons which prevent the faculty member from performing essential functions of his/her position. For FMLA, see policy 90-317 located at my.atsu.edu (see Human Resources Policies).
- Faculty member is unable to perform essential functions of his/her position with or without reasonable accommodations.
- Unethical behavior and/or misconduct as determined by a hearing spelled out in the University or respective college/school faculty handbook;
- Fiscal exigency. Fiscal exigency of a university or academic unit occurs when a significant gap between expected revenue and expenses can be projected for an extended fiscal period which would lead to a deleterious impact on the operations of a university or academic unit. Should fiscal exigency exist, there

should be transparent communication from the dean to all school/college stakeholders outlining the financial situation and what program, administrative, and faculty reductions are planned. This communication should take place at least one year prior to the annual contract renewal period.
Nonrenewal of faculty contracts based on fiscal exigency should be sought only as a last resort, after every effort has been made to meet the need in other ways and to find for the faculty other employment in the institution. Situations which made retrenchment of this sort necessary should preclude expansions in spending in that unit at the same time, except in extraordinary circumstances.

†from the AAUP definition and explanation of financial exigency and faculty role in budgeting: www.aaup.org/report/financial-exigency-academic-governance-and-related-matters

Conditions for Immediate Termination

In some instances, a faculty member may be terminated immediately. If this occurs, notice of termination will not require advance notice, and termination may begin immediately after the faculty member has been informed of his/her termination. Instances that may result in immediate termination of a faculty member include:

- Conviction of a felony;
- Gross misconduct;
- Refusal to perform reasonably assigned contractual duties;
- Displaying a pattern of breaking or disregarding ATSU general orders;
- Threat to the safety of others.

In ALL cases of immediate termination, the faculty member must be sent within five (5) business days at his/her last known address a written notification via certified mail of his/her termination from at least one of the following: his/her supervisor, his/her dean, regional president, or chancellor. Notification MUST include at least one of the reasons for termination described above. The faculty member may appeal the termination to senior administration or a peer review panel as detailed in Appeals Process above. The faculty member will continue to be paid during appeal process. The appeal must be filed within 10 business days after written notification is sent by certified mail to his/her last known physical address.

Code of Ethical Standards and Misconduct

ATSU faculty members must abide by the Statement of Professional Ethics of the American Association of University Professors (http://www.aaup.org/report/statement-professional-ethics), which is intended to give guidance to faculty members as they proceed with their academic activities. Faculty must also adhere to ATSU Policy No. 10-220: ATSU Code of Ethical Standards and ATSU Policy No. 20-113: Misconduct in Science, both of which may be accessed through the ATSU Human Resources website (hr.atsu.edu). Faculty who violate codes of ethical standards may have their employment terminated or be otherwise disciplined.

ATSU colleges/schools will require clinical faculty members to adhere to the code of ethics of their respective professions.

Faculty Classifications

Faculty shall be divided into the following classifications:

- Full-time faculty
- Part-time faculty
- Adjunct faculty

Full Time and Part-time Faculty

Full-time and part-time faculty are those persons whose primary function within the University is academic and who have a substantial responsibility to a specific area within a school/college. Full-time and part-time faculty status may only be granted to persons who will possess an academic rank and whose qualifications and primary functions within the school/college include teaching, research/scholarly activity, and professional service. Full-time faculty are faculty who have at least a .75 FTE appointment (30 or more hours per week).

Teaching includes such activities as:

- Student, trainee, and peer education
- Course or course materials development
- Presentation of enrichment programs (e.g., faculty / staff development programming, continuing education courses, and public outreach)
- Scholarly activity training and mentorship
- Clinical teaching and mentorship
- Administrative teaching leadership role

Scholarly Activity is defined to be "a creative work that is peer reviewed and publicly disseminated." The following forms of scholarship are *all* considered important to the mission of ATSU and may be used as faculty member demonstrations of productivity in scholarship (Boyer, 1990, O'Meara & Rice, 2005) (Refer to pages 22-23 for descriptions of scholarship):

- Scholarship of Teaching and Learning
- Scholarship of Discovery
- Scholarship of Practice
- Scholarship of Engagement
- Scholarship of Integration

Professional service specifically refers to contributions made to the academic mission of the University and/or school/college, and may include but is not limited to the following:

- Committee membership
- Recruitment, screening, or interviewing of applicants for admission to University programs
- Professional association membership and contributions
- Attendance at faculty meetings and formal University events
- Use of expertise to benefit the mission of the University at the local, state, or national level
- Administrative tasks as assigned

Full-time and part-time faculty positions shall not be granted to those who only incidentally contribute to instruction in the course of performing other functions. However, a dean and other administrators a dean recommends may be granted faculty status, even though their primary responsibilities are administrative.

All individuals granted full-time or part-time faculty status shall have a written contract which specifies duties, supervisor, salary, and fringe benefits.

Full-time and part-time faculty responsibilities may include administrative duties as determined by the faculty member's supervisor.

Adjunct Faculty
Adjunct faculty are fully qualified professionals who contribute to the education of students or who participate in graduate or research programs associated with a particular school/college. Adjunct faculty may also include professionals with an ongoing relationship with a school/college and who are committed to clinical education programs on and/or off-campus. Adjunct faculty participation in a school/college's teaching and research programs is considered part-time, whether with or without compensation. Adjunct faculty are responsible for the quality of their instruction as integrated into the curriculum. Detailed descriptions of adjunct faculty positions and their roles may be found in the school specific faculty handbooks.

The process of appointment to adjunct faculty status follows the same procedure cited for full-time and part-time faculty. Adjunct faculty members may be invited to faculty meetings throughout the year, but hold no voting privileges in the University Faculty Senate or school/college Faculty Assembly. Adjunct faculty shall be listed on the faculty roster, and faculty appointments shall be reviewed annually to determine the need for reappointment. Reappointment will be dependent on programmatic needs and the quality of instruction as it is integrated into the curriculum.

Academic Rank

Faculty shall be appointed to one of the following academic ranks:

Full-time faculty (also applies to part-time faculty)

- Professor
- Associate professor
- Assistant professor
- Instructor
- Assistant instructor
- Lecturer/facilitator

Adjunct faculty

- Adjunct professor
- Adjunct associate professor
- Adjunct assistant professor
- Adjunct instructor
- Adjunct assistant instructor
- Adjunct lecturer/facilitator

Individual school/college may have additional academic ranks; however, these academic ranks and criteria must be defined within each respective faculty handbook and approved, in advance, by the regional president(s) and chancellor.

Faculty Promotion Guidelines

(Effective 07/01/23)

ATSU does not use an *up or out* approach to promotion. Faculty members are encouraged to seek promotion in rank; however, if they are not awarded promotion, the faculty member is encouraged to remain at their current rank in a productive relationship with the University. It is a goal of ATSU to have faculty members productive in teaching, scholarship, service, and clinical practice when appropriate. Productivity is evaluated in cooperation with each faculty member's department chair/academic administrator and leads to progress in accomplishing ATSU's mission.

ATSU wants all faculty members to be active in scholarship. Productivity in this area will be assessed by each faculty member's department chair/academic administrator based on the faculty track (academic or clinical) to which they are assigned and noted on annual evaluations of faculty activity. As defined in these guidelines, faculty members may demonstrate scholarly productivity in a variety of ways. Faculty members seeking promotion should be productive in at least one form of scholarship. Faculty scholarship must lead to progress in accomplishing ATSU's mission or goals to be considered in promotion.

ATSU's faculty members demonstrate scholarship by involvement and reputation in the larger community of scholars. These scholarly communities may be local, regional, national, or international. As faculty members are promoted, the University anticipates they will be involved with scholarly communities having influence over larger and larger communities of scholars (e.g., assistant professor – community to state influence; associate professor – regional to national influence; professor – national to international influence). The University believes faculty member involvement in the larger community of scholars will benefit ATSU students and lead to accomplishing ATSU's mission.

ATSU faculty may choose to pursue either an academic faculty or, if they meet the criteria, a clinical faculty track toward promotion within the school/college. Faculty should select their track no later than one year prior to their application for promotion. Faculty may not change their track to promotion unless the change is approved by the program director and dean of the school/college.

Academic and clinical faculty in the same discipline and at the same rank are to be paid within the same salary range.

Definitions of faculty scholarship:
There are several forms of scholarship (Boyer, 1990, O'Meara & Rice, 2005). The following forms of scholarship are *all* considered important to the mission of ATSU and *should* aid faculty members in demonstrating productivity in scholarship and in gaining promotion in faculty rank: Scholarship of Teaching and Learning, Scholarship of Discovery, Scholarship of Practice, Scholarship of Engagement, and Scholarship of Integration (Boyer, 1990, O'Meara & Rice, 2005).

The following taxonomy of scholarship definitions should guide faculty members and their department chair/academic administrator in assessing productivity in scholarly activities. There is an abundance of overlap among forms of scholarship (Boyer, 1990, O'Meara & Rice, 2005). The category definitions are intended to help faculty members determine how they participate in scholarly activities at ATSU.

Scholarship of Teaching and Learning: the systematic study of teaching and learning processes including the public sharing of findings and the opportunity for application, utilization, and evaluation by others.

Scholarship of Discovery: original research that advances knowledge. This includes scientific investigations that are shared publicly and provide others with the opportunity to apply, use, and evaluate the findings.

Scholarship of Practice (Application): includes all aspects of healthcare delivery. Scholarship in this area should include evidence of a direct effect in solving healthcare problems or in defining the health problems of a community. This evidence should also be shared publicly and provide others with the opportunity to apply, use, and evaluate the findings.

Components of the scholarship of practice include:

- Development of knowledge, which includes systematic development and application of theoretical formulations and performance of applicable research and evaluation studies in areas of expertise
- Professional development, i.e., the elevation of personal competencies beyond those required for rudimentary performance in healthcare and faculty roles in that practice
- Application of technical or research skills that promotes studies about clinical knowledge and new practice strategies, evaluation of systems of care, evidence-based management, development of quality indicators of healthcare, and development of innovative healthcare delivery models
- Service directly related to the community-based (including professional association) activities of the faculty member and that comes directly from their professional activity
    - Examples include mentoring of professional staff and students, leadership roles in developing a practice and public health, development of clinical practice and management standards, and submission of grant proposals for the creation of delivery system models to improve healthcare.

Scholarship of Engagement: a faculty member may be doing research, teaching, and/or professional or public service in partnership with a community organization. This research, teaching, and service should also be shared publicly and provide others with the opportunity to apply, use, and evaluate the findings.

Components of the scholarship of engagement include:

- Engaged research occurs when a university-community partnership is employed to identify, evaluate, and solve a societal problem for mutual benefit of the university and the community. Outcomes of the research lead to improved evidence-based practice for the public good.
- Engaged teaching occurs when learning opportunities arise in community-based environments. This includes service learning, internships, clinical experience, field trips, or practicums to enhance a student's educational experience while simultaneously contributing to the public good.
- Engaged service occurs when a faculty member, as a subject matter expert, partners with a community organization for mutual benefit. This may include lending research expertise about a specific issue, serving on a board (private, public, or organizational), offering research-based policy recommendations to legislators at a committee hearing, or providing expertise through the media for the benefit of the public good.

Scholarship of Integration includes writings and other products using concepts and original works from two or more disciplines to create new patterns, place knowledge in a larger context, or illuminate data from

varied disciplines in a more meaningful way. The scholarship of integration emphasizes the interconnection of ideas and brings new insights to concepts and research. These writings or products should also be shared publicly and provide others with the opportunity to apply, use, and evaluate the concepts presented in the writings and/or products that have been developed.

Promotion in academic rank

Recommendations for promotion in academic rank shall be submitted once per academic year at the time designated by the appropriate dean and in response to the annual call for such recommendations by the chair of the school/college's Promotion Committee.

Recommendations for promotion of a faculty member to a new academic rank shall be initiated by the faculty member through their department chair/academic administrator. The faculty member should initiate these discussions in the fall prior to submitting a complete portfolio to the department chair/ academic administrator for a preliminary review. The department chair/academic administrator may indicate to the faculty member, in writing, if the portfolio is insufficient for consideration at this point in time and offer suggestions for strengthening the portfolio for submission at a later date. If the department chair/academic administrator feels the portfolio should be considered by the school/college's Promotion Committee, the portfolio, along with a formal recommendation from the department chair/ academic administrator shall be transmitted to the chair of the school/college's Promotion Committee. The school/college's Promotion Committee is advisory to the dean. Final decisions for promotion are made by the University president.

If the department chair/academic administrator indicates to the faculty member the portfolio should not be forwarded and the faculty member disagrees with this assessment, the faculty member may still submit the portfolio to the appropriate school/college's Promotion Committee. The portfolio, the written negative recommendation of the department chair/academic administrator, and a letter from the faculty member detailing why they disagree with the negative recommendation must be sent to the school/ college's Promotion Committee for review.

A faculty member seeking promotion in academic rank assumes responsibility for preparing a detailed portfolio summarizing and documenting professional credentials, academic accomplishments, scholarly activity, and professional service. After consultation with the faculty member's department chair/ academic administrator, the completed portfolio, with a cover letter formally requesting consideration for promotion (specifying the academic rank sought) must be submitted to the school/college's Promotion Committee. The applicant's portfolio should include, but is not limited to the following, if applicable: a current copy of the faculty member's resume or curriculum vitae; teaching responsibilities (lecture, lab, small group, advising, mentoring, preceptor teaching, etc.); teaching evaluations; awards; honors; sample publications; listings of presentations; committee service; supervisory activities and evaluations of these activities (e.g., student advising including chairing master's and doctoral committees); and contact information for external referees. The faculty member's portfolio shall be submitted no later than 5 p.m. MST-AZ the third Friday in January to the chair of the school/college Promotion Committee or their designee.

Upon receipt of a portfolio and recommendation from the department chair/academic administrator, the chair of the school/college's Promotion Committee shall make available all submitted material to all members of the Promotion Committee. The makeup of the school/college's Promotion Committee shall be in accordance with policy as specified within each school/college's faculty handbook and must consist of only full-time faculty members.

Upon receipt of a portfolio from the Promotion Committee chair, all representatives on the committee shall review the submitted material. The committee chair must convene a meeting of the committee within the fourth week following receipt of the promotion portfolio(s) for the purpose of discussing each faculty member and making a recommendation for or against promotion. The committee shall cast a confidential ballot that shall be tallied by the chair of the committee. The chair will prepare a report including the total committee vote and recommendation for or against promotion. This report will be circulated to all committee members for approval prior to transmission of the report and complete portfolio to the dean.

In the case of either a positive or negative promotion recommendation, Promotion Committee members *may* wish to include a *dissenting/minority report* as part of the Promotion Committee report. Decisions regarding promotion should be rendered by the Promotion Committee and sent to the dean no later than 5 p.m. MST-AZ the third Friday in March.

If a simple majority of the Promotion Committee thinks a positive promotion recommendation should be made, such recommendation shall be forwarded to the dean. If the dean *agrees* with the Promotion Committee's recommendation, they will communicate their decision to promote the faculty member to the regional president. If the dean *disagrees* with the Promotion Committee's decision to promote, the dean's decision to *not* promote the faculty member, along with their reasons to *not* promote, will be sent to the faculty member's department chair/academic administrator and to the faculty member. A negative decision is made without prejudice.

If a simple majority of the committee thinks the faculty member should *not* be recommended for promotion, the Promotion Committee shall prepare a report of such recommendation and shall forward the report to the dean. If the dean *agrees* with the Promotion Committee, the dean's denial of promotion of the faculty member, along with reasons for denial, will be sent to the faculty member's department chair/academic administrator and to the faculty member. A negative decision is made without prejudice. If the dean disagrees with the Promotion Committee's recommendation to not promote, the dean will communicate the decision to promote the faculty member to the faculty member's department chair/ academic administrator, the faculty member, and the regional president. In the case of a negative dean's decision, a report must include the rationale for the negative decision and include suggestions to help strengthen the faculty member's portfolio in the future.

A faculty member may wish to appeal the dean's decision to *not* promote to the regional president. Any appeal by a faculty member must be made within 15 working days of receipt of a negative decision from the dean. All portfolio and recommendation reports shall be forwarded to the regional president for use in rendering a decision. The regional president's appellate decision to promote or not to promote will be sent to the dean in a report. The dean will provide this report to the faculty member's department chair/academic administrator and the faculty member. A negative appellate promotion decision will not be sent to the president. A positive appellate promotion decision will be sent to the president. The regional president's appellate decision is *final* and without grievance or appeal. A negative decision is made without prejudice.

If the regional president recommends promotion in rank, the regional president shall make a recommendation to the chancellor. The chancellor may choose to grant or not grant promotion; and the chancellor's decision is *final***,** without grievance or appeal. The chancellor will send a report of the decision to the regional president and dean.

The dean shall inform the faculty member, in writing, of the final decision of the chancellor regarding promotion/tenure (if applicable). Promotions approved by the chancellor take effect July 1 of any given year. If promotion is denied, the dean shall provide a summary response to the faculty member detailing the reason(s) for denial. These notifications shall be copied to the appropriate department chair/ academic administrator and Promotion Committee. A negative decision is made without prejudice.

General criteria for advancement in rank for full-time faculty

The criteria for promotion in academic rank are generally contained in the broad categories of teaching, scholarship, service, and clinical practice when appropriate. An individual school/college may have additional academic ranks; however, these academic ranks and criteria must be defined within each respective faculty handbook appendix and approved, in advance, by the regional president and chancellor.

Scholarship dissemination guidelines:

In order to qualify as "scholarship," an endeavor must be systematic (methodologic in plan and procedure) and its product must be documented and disseminated beyond the ATSU community. If a product submitted in support of an application for promotion in rank is not peer-reviewed, a synopsis of the quality of the work and its impact on the community or profession should be provided. Each of the following should be addressed, if relevant:

- Overview of the goal or significance of this work
- Clarification of your role and contribution to the final product, particularly in scholarship with multiple authors
- The manner of dissemination and rationale for this selection, including the audience and potential influence
- Support for the impact and reach of the scholarship including numbers of viewers, listeners, readers, or individuals influenced by it
- Citation reports, commendations, or awards for scholarly works
- Statements of impact from consumers, community, or other stakeholders
- External reviews or student performance data for innovative instructional materials you developed or textbooks you wrote.

It is incumbent upon the applicant seeking promotion to document and explicate the evidence provided in support of their application.

Academic Faculty Track

Teaching, scholarship, and professional and public service are important means of accomplishing the University's mission. Superior achievement in all three of these areas will be assessed by each faculty member's department chair/ academic administrator and noted on annual evaluations of faculty activity.

Academic faculty ranks are:

Instructor

Appointment or promotion to the rank of instructor generally requires a terminal degree equivalent to the degree offered in the academic program in which the instructor teaches.

Assistant professor

Assistant professors must possess a terminal degree equivalent to the degree offered in the academic program in which they teach. This individual is expected to teach courses as assigned by the appropriate department chair/academic administrator, as well as engage in independent scholarly activity and professional and public service.

Evidence submitted in support of an appointment at this level may include the following (these are examples and do *not* comprise a complete list of evidence a candidate may present for promotion to assistant professor):

- Teaching experience and teaching effectiveness as evidenced through student or peer evaluations
- Publishing original scholarly work in peer-reviewed professional publications (policy analysis, case studies, integrative reviews of the literature, technical applications, practice issues)
- Obtaining extramural support for his/her scholarly activity
- Obtaining special certifications, specialty credentials, or licensures
- A history of responsible positions in other academic institutions
- Presentations at state, regional, national, or international professional organizations (related to research/scholarship, clinical practice, integrative practice, or engagement activities)
- Service in professional organizations and societies
- A record of providing service of value to the program, department, school/college, or university
- Positive peer evaluations of contributions to integrative and engagement scholarship
- Reports of interdisciplinary programs or service projects
- Interdisciplinary grant awards
- Consultation reports, reports relating to practice, peer reviews of practice
- Grant awards in support of practice
- Reports compiling and analyzing patient or health services outcomes
- Reports of meta-analyses related to practice problems
- Reports of clinical demonstration projects
- Policy papers related to practice
- Policy papers designed to influence organizations, communities, or governments

Associate professor

Individuals considered for the rank of associate professor must have met the expectations of the rank of assistant professor for four or more years at the time of promotion taking effect. The rank of associate professor requires evidence of sustained academic accomplishment in teaching, scholarship, and service.

The faculty member must submit names and contact information of at least three faculty members (faculty referees) from ATSU or other institutions who may be contacted to attest to the contributions of the faculty member. All faculty referees must have at least achieved the rank of associate professor and at least one must be from an academic institution that is *not* part of ATSU. The chair of the Promotion Committee *may* contact the faculty referees to obtain letters of recommendation for promotion. Each school/college's faculty may add additional selection criteria for faculty referees.

Evidence in support of an appointment at this level may include sustained accomplishments in those sample accomplishment areas suggested for assistant professors above, and may also include the following (these are additional examples and do *not* comprise a complete list of the evidence a candidate may present for promotion to associate professor):

- A sustained record of publishing original scholarly work in peer-reviewed professional journals
- A sustained record of presenting scholarly work at regional and/or national meetings
- Acquiring extramural support for scholarly work
- Providing leadership in professional societies
- Obtaining additional special certifications, specialty credentials, or licensures
- Participating in professional development programs
- Developing new educational programs or teaching materials
- Continued record of service to the program, department, school/college, university, and/or community
- Copyrights, licenses, patents, or discipline-related products for sale
- Presentations at state, regional, national, or international professional organizations (related to research/scholarship, clinical practice, integrative practice, or engagement activities)
- A sustained record of providing service valuable to the program, department, school/college, or university
- Serving as an elected officer of a professional organization

Professor

Individuals considered for the rank of professor must have *consistently* excelled in meeting the expectations of the rank of associate professor for five or more years at the time of promotion taking effect. The rank of professor is reserved for those faculty members who have distinguished themselves as teachers, scholars, and service leaders at the national or international level.

The faculty member must submit names and contact information of at least three faculty members from institutions other than ATSU who *may* be contacted to attest to the contributions of the faculty member. At least two faculty referees *must* be a full professor. The chair of the Promotion Committee *may* contact the faculty referees to obtain letters of recommendation for promotion. Each school/college's faculty may add additional selection criteria for faculty referees.

The rank of professor requires sustained and meritorious performance in areas of teaching, scholarly activity, and service. Evidence of sustained activity must be presented in all three areas, and excellence is expected in at least two of the three major areas of academic activity. Examples of sustained and meritorious academic accomplishment; scholarly activity; and professional and public service may include those provided for associate professor and may also include the following (these are additional examples and do *not* comprise a complete list of the evidence a candidate may present for promotion to professor):

- Ongoing innovation in teaching resulting in improved student outcomes
- Acquiring sustained extramural support for scholarly activity
- Regularly making scholarly presentations at the regional, national, or international meetings of professional societies
- A continuing record of publishing original scholarly work in peer-reviewed professional journals
- Publication of a textbook, manual, or monograph by a nationally or internationally known publisher or professional organization

- Providing ongoing leadership in state, regional, national, or international professional societies
- Providing outstanding service to the program, department, school, or university
- Participating as an invited speaker or session convener at national or international symposia or meetings

Scholarship requirements for faculty seeking promotion in rank within the academic faculty track:
Scholarship is a required element for faculty appointments and promotion. While peer-reviewed scientific journal publications are the traditional standard, other meaningful scholarly products reflect overall scholarly contributions. Colleges set their own standards and may exceed the university standard. Minimum requirements on the University level are noted below:

Rank faculty member is seeking	Minimal scholarship requirements for promotion
Assistant professor	The candidate must meet the requirements for initial appointment to this rank as noted in the guidelines for promotion to assistant professor identified above
Associate professor	The candidate must meet the minimum expectation for scholarly activity with at least three peer-reviewed articles/reports. In lieu of one peer-reviewed article, one product from Academic Faculty Track Scholarly Criteria List 1 (see below) may be substituted if the product has been widely disseminated (*as detailed in the scholarship dissemination guidelines above*) to an audience outside of the ATSU community. Academic Faculty Track Scholarly Criteria List 1: · Reviews of the literature (including opinion pieces, white papers, non-systematic reviews) · Book chapters · Published works which are not peer-reviewed, but of substantial quality and impact · Publication of a new edition of a scholarly book, professional book, or textbook judged as significant by department peers and chair/director · Development of a patent · Funding of external research grants judged to be significant by departmental peers and chairs/directors
Professor	The candidate must meet the minimum expectation for scholarly activity with at least seven peer-reviewed articles; at least four articles must be since promotion to associate professor. In lieu of two of the seven products listed above, no more than two products from Academic Faculty Track Scholarly Criteria List 2 (see below) may be substituted if the product has been disseminated (*as detailed in the scholarship dissemination guidelines above*) to a wide audience outside of the ATSU community. Academic Faculty Track Scholarly Criteria List 2:

	· Publication of a new scholarly book, professional book, or textbook judged as significant by department peers and chair/director · Publication of instructional software judged as significant by department peers and chair/director · Funding of external research grants judged to be significant by departmental peers and chairs/directors · Development of a patent · Book chapters

Clinical Faculty Track

An eligible clinical faculty member must be a faculty member who holds at least a .75 FTE appointment or higher whose principal, if not exclusive, activity is to provide clinical instruction. Clinical faculty are eligible for tenure.

Faculty must meet various standards for professional employability and maintain a balance among teaching, scholarship, clinical care, and professional and public service different from those on the academic faculty track. Because there is generally less time for the traditional scholarly activity/research performed by academic faculty, scholarship of clinical faculty is usually focused on professional practice improvements or advancement of teaching in the professional setting. Clinical faculty may also engage in various types of scholarly activity/research projects that are directed toward advancing instruction, the profession, and/or practice. Demonstration of productivity in all four areas (i.e., teaching, scholarship, clinical care, service) and superior achievement in at least three of the four areas will be assessed by each faculty member's department chair/ academic administrator and noted on annual evaluations of faculty activity.

At the time of appointment, all faculty candidates must hold a minimum of a degree equivalent to the degree offered in the academic program in which they teach. Additionally, candidates, where appropriate, must have and maintain national certification and licensure or credentials as listed in the job description for their position. Promotions will require maintaining the expected certification and/or credentials.

Clinical faculty ranks are:

Clinical instructor

Appointment or promotion to the rank of clinical instructor generally requires a professional degree equivalent to the degree offered in the program in which the clinical instructor teaches. Appointment to this rank presumes licensure and/or certification in the area of specialization.

Assistant clinical professor

An assistant clinical professor must possess a terminal degree equivalent to the degree offered in the program in which they teach. Appointment to this rank presumes licensure and/or certification in the area of specialization, evidence of satisfactory teaching experience or clear promise as a teacher, and professional maturity suitable for collegial participation in the work of the particular school/college.

Associate clinical professor

An associate clinical professor must possess a terminal degree equivalent to the degree offered in the program in which they teach, and where appropriate licensure and/or certification in an area of specialization. A candidate for associate clinical professor will have a minimum of four years clinical experience as a full-time assistant clinical professor in the subject area by the time promotion takes effect. Appointment to this rank is based on actual achievement and not merely the promise of achievement. The faculty member must have a solid and documented record of effective teaching and collegial participation in relevant service activities both in professional societies and in the school/college.

The faculty member must submit names and contact information of at least three faculty members (faculty referees) from ATSU or other institutions who may be contacted to attest to the contributions of the faculty member. All faculty referees must have at least achieved the rank of associate professor and at least one must be from an academic institution that is *not* part of ATSU. The chair of the Promotion Committee *may* contact the faculty referees to obtain letters of recommendation for promotion. Each school/college's faculty may add other selection criteria for faculty referees.

Clinical professor

A clinical professor must possess a terminal degree equivalent to the degree offered in the program in which they teach, and where appropriate licensure and/or certification in the area of specialization. A candidate for clinical professor should have at least five years as an associate clinical professor by the time the promotion takes effect. Appointment to the rank of clinical professor requires substantial, commendable performance as a teacher, a practicing professional, and collegial participant in the academic community. In order to be appointed to this rank a faculty member must demonstrate a continued, active, and effective commitment to teaching and working with students. Furthermore, a demonstrated commitment to professional practice and development and a substantial and continuing record of collegial service is necessary.

The faculty member must submit names and contact information of at least three faculty members from institutions <u>other than</u> ATSU who *may* be contacted to attest to the contributions of the faculty member. At least two faculty referees *must* be a full professor. The chair of the Promotion Committee *may* contact the faculty referees to obtain letters of recommendation for promotion. Each school/college's faculty may add other selection criteria for faculty referees.

Evidence considered for promotion:

<u>Teaching</u>

Teaching includes not only formal classroom instruction, but also advising, remediation, and mentoring of students. Effectiveness in teaching is reflected by student learning and improvements in the learning environment and curriculum. Evidence of teaching effectiveness may include the following (these are examples and do *not* comprise a complete list of evidence a candidate may present for promotion):

- Honors or special recognitions for teaching accomplishments
- Development or significant positive changes in programs and courses, including online courses
- Preparation of innovative teaching materials, instructional techniques, curricula or programs of study
- Collaborative work on interdisciplinary courses within the program or the college
- Student evaluations and accomplishments.
- A list of courses and information from student questionnaires designed to reflect teaching effectiveness and creativity. Information for all courses taught in the previous three years that have been evaluated should be included unless a candidate seeks early promotion, in which case information for two years is

sufficient. The candidate should report quantitative data for items that provide summary evaluations of the course and instructor as collected by the program and reflected in the self-study. Data should include:

- Student comments that attest to a teacher's ability to stimulate student interest
- Evaluation by students regarding readiness for clinical training
- Graduate surveys from former students attesting to the candidate's instructional performance both within the traditional classroom setting and beyond
- Performance of students on uniform examinations or in standardized courses
- Promotion of student employment following graduation
- Successful direction of individual student projects and student seminars
- Effective advisement of students

- Peer evaluation of expertise in instruction
  - Evaluations by colleagues who are familiar with the candidate's teaching, used instructional materials designed by the candidate, or have taught the candidate's students in subsequent courses
  - Selection for teaching special courses or presentations outside the program
  - Participation in special teaching activities outside the school/college, including lectureships, panel presentations, and conference participation
  - Membership on bodies concerned with effective teaching, i.e., accreditation teams and special commissions
- Publication activities related to teaching and learning outcomes
  - Textbooks, published lecture notes, abstracts, articles, or reviews reflecting a candidate's teaching contributions and scholarship
  - Presentation of papers on teaching before professional associations
  - Published book reviews or case reports in teaching-related journals
- Grants related to teaching and learning
  - Receipt of competitive grants/contracts to fund innovative teaching activities or to fund stipends for students
  - Membership on panels to judge proposals for teaching grants/contracts programs
- Election to offices, committee activities, and other important service to professional associations including editorial work and peer review as related to teaching effectiveness
  - Reviewing articles, books or book chapters, and articles describing clinical instructional innovations, evaluation, or experience
  - Developing practice guidelines, treatment protocols, instructional standards, and policy statements governing instruction or treatment practice
  - Writing reports on program development and evaluation
- Departmental and institutional governance and academic policy and procedure development as related to teaching
- Successful integration of teaching and research or public service in ways benefiting students and the local community
- Development of new clinical practice sites
- Development and/or championing of clinical programs/projects that enhance clinical services at existing or new sites

The evidence listed above will be evaluated with respect to the individual's budgeted time commitments. For joint instructional endeavors, the evidence should specify the extent of the applicant's contribution.

Service

Service to community refers to the application of academic expertise to the direct benefit of external audiences in support of the program, school/college, and university missions. Service to the school/college refers to activities that support, enhance, or extend the work of the university. This includes, but is not limited to, participating in departmental, school/college committee work, contributing to administrative support, and developing, implementing, or managing academic projects. Service to the profession refers to activities that support, enhance, or improve the profession, whether defined as clinical work or teaching. Service to the profession includes, but is not limited to, offices held, and committee assignments performed for professional associations, development and organization of professional conferences, editorships and review of publications in professional associations, and review of grant applications. A faculty endeavor may be regarded as service for purposes of promotion if the following conditions are met:

- The activity achieves the goals of the faculty member's service assignment
- The activity utilizes the faculty member's academic and professional expertise
- There is a direct application of knowledge to improve significant community needs and societal problems, especially in medically underserved populations and areas
- There is a clear relationship between the activities and an appropriate program, school/college mission

Evidence of the effectiveness of service to society, the University, and the profession may include the following (these are examples and do *not* comprise a complete list of evidence a candidate may present for promotion):

- Honors, awards, and special recognition for public service activities
- Program and project development and other creative activities
    - Overview of needs assessment, and the objectives, methods and target audience
    - Description of how the activity is compatible with the program and school/college missions
    - Description of the role of the candidate's professional expertise in the design and implementation of the activity. Did the activities demonstrate or test the applicability of the candidate's discipline to societal/human problems, require integration with other disciplines, and/or generate new knowledge for the discipline and/or community?
    - Description of the impact of the project and identification of the direct and indirect beneficiaries
- Consultation and technical assistance in program or activity development
- Public service products
    - Publications relating to public service including books, book chapters, articles, and scholarly papers
    - Electronic or other media products (e.g., computer programs, websites, CDs, podcasts, apps, DVDs, video, or multimedia programs)
- Other public service activities
    - Selection for special service activities with professional organizations or associations
    - Securing competitive grants/contracts to finance development and delivery of educational materials to the community
    - Performing clinical activities in various community settings (i.e., community health clinics, government agencies, schools, churches, hospitals, and other community-based sites)

- Documentation of applicant's role in:
  - Committee work at departmental, school/college levels
  - Development, implementation, or management of academic programs or projects
  - Professional and learned societies, including election to offices, committee activities, editorial work, peer review, and other important service
  - Development and organization of professional conferences
  - Reviewing grant applications
  - Editing and reviewing manuscripts for professional association and learned societies' publications
- Documented effectiveness as a faculty advisor to student organizations
- Mentoring junior faculty
- Education to the community at large
- Community program development
- Serving on professional or community boards
- Developing assessment processes for community programs
- Serving in activities that promote the program, school/college, or university mission

Scholarship

Scholarship of clinical track faculty will not be evaluated in the same way as for academic track faculty in that establishment of an independent research program is not expected. Scholarly activities for clinical track faculty may be more directly related to clinical and professional issues.

Evidence of scholarship may include the following (these are examples and do *not* comprise a complete list of evidence a candidate may present for promotion):

- Record of participation in seminars and workshops related to professional field
- Description of outreach or other activities in which there was significant use of candidate's expertise (e.g., consultant, journal editor, reviewer for medical or scientific journal, guest speaker, and service to professional associations)
- Description of new courses and/or programs developed, including service-learning and outreach courses where research and new knowledge are integrated
- Lists of grants and contracts for improvement of instruction, with a description of the candidate's role in preparing and administering grants and contracts
- Research and other scholarly publications
- Election to offices, committee activities, and important service to professional associations and learned societies, including editorial work and peer review as related to research and other creative activities
- Funded projects, grants, commissions, and contracts (include source, dates, title, and amount) completed or in progress
- Presentation of research papers before conferences/professional meetings
- List of honors or awards for scholarship
- Students' scholarly achievements (e.g., publications, awards, grants)
- Invited lectureships to present research and creative activities. Invited to present as a continuing education provider
- Development of instructional materials that have been adopted by other programs or institutions

Scholarship requirements for faculty seeking promotion in rank within the clinical faculty track:
Scholarship is a required element for faculty appointments and promotion. While peer-reviewed scientific journal publications are the traditional standard, other meaningful scholarly products reflect overall scholarly contributions. Colleges set their own standards and may exceed the university standard. Minimum requirements on the University level are noted below:

Rank faculty member is seeking	Minimal scholarship requirements for promotion
Assistant clinical professor	The candidate must meet the requirements for initial appointment to this rank as noted in the guidelines for promotion to assistant clinical professor identified above
Associate clinical professor	The candidate must meet the minimum expectation for scholarly activity with at least three products from Clinical Faculty Track Scholarly Criteria List 1 (see below). Evidence that the products were widely disseminated (*as detailed in the scholarship dissemination guidelines above*) to an audience outside of the ATSU community) must be provided: Clinical Faculty Track Scholarly Criteria List 1: · Participation in collaborative research · Supervised quality improvement projects (systematic activities organized and implemented by an organization to monitor, assess, and improve the quality of its health care) · Participation in clinical trials or clinical investigations · Development of innovative teaching/educational practices · Development of professional quality guidelines and initiatives that have regional or national impact · Creation and dissemination of innovative approaches to clinical care, national or international · Generation of performance data and performance goals through learning collaboratives · Development of best practices or innovative methods of care adopted outside of ATSU · Development of a patent · Documented contribution to the development or enhancement of a model program that is integral to the success of the department/program/college · Documentation of a program that expands the services, productivity, revenue, and reputation of the department/program/college · Formal presentation (platform or poster) at a national, regional, or state meeting. In lieu of one of the three products from Clinical Faculty Track Scholarly Criteria List 1 (see above), one product from Clinical Faculty Track Scholarly Criteria List 2 (see below) may be substituted and will count for two products: Clinical Faculty Track Scholarly Criteria List 2: · Publication of an acceptable peer-reviewed journal manuscript · Reviews of the literature

	· Book chapters · Editorials (with scholarly bibliography) · Publication of original research that is not peer-reviewed, but of substantial quality and impact
Clinical professor	The candidate must meet the minimum expectation for scholarly activity with at least seven products from Clinical Faculty Track Scholarly Criteria List 1 (see above); at least four products must be since promotion to associate clinical professor. Evidence that the products were widely disseminated (*as detailed in the scholarship dissemination guidelines above*) to an audience outside of the ATSU community) must be provided. In lieu of one of the seven products from Clinical Faculty Track Scholarly Criteria List 1, one product from Clinical Faculty Track Scholarly Criteria List 2 (see above) may be substituted and will count for two products.

Tenure

(Effective 7/1/2018)

The award of tenure at A.T. Still University represents a mutual, long-standing commitment by both the University and the faculty member. Faculty awarded tenure shall demonstrate long-term quality contribution and commitment to the University and its students for the purposes of promoting an optimal academic environment for improved student learning outcomes. Tenure is a fundamental component of the academy supporting and providing basic protections of academic freedom, allowing faculty to express and pursue academic agendas without concern of retaliation, retribution or reprisal. ATSU's commitment to awarding tenure to its faculty serves to support current faculty, retain faculty, and attract new faculty. At ATSU, tenure does not guarantee one's academic position or length of employment contract. Instead, tenured faculty are eligible for specific privileges, outlined within this policy, for a ten-year period in which faculty members receive support for continued faculty development and performance. Tenure is earned by demonstration of achievements and ongoing activities consistent with expectations of one's faculty rank.

Application for tenure is a voluntary process for full-time faculty members who meet the minimum criteria outlined below. The initial award of tenure at ATSU is for a 10-year period. Faculty may renew their tenure status by reapplying and undergoing review based on established criteria (see below, how "Tenure is achieved and operationalized at ATSU," criterion #4, "Re-application for renewal of tenure"). Privileges provided by ATSU to faculty members who achieve tenure include:

1. An individualized "Tenured Faculty Professional Development Fund" (Fund) in an amount of $2,000.00 annually for the duration of the tenure award period
    a. The Fund is intended to provide additional resources to tenured faculty for the purposes of professional growth. While latitude shall be given to how a tenured faculty member chooses to spend his/her Fund, the expectation is the Fund will be used to support the tenured faculty member in maintaining continuity in performance expected of those in his/her academic rank.
    b. The Fund must be used within the given fiscal year and cannot be rolled over, nor will the Fund be available upon ending employment at ATSU.

c. The Fund is separate, and in addition to, the faculty member's annual professional development funds.
2. Eligibility for sabbatical.
3. Consideration given for situations such as office space allocation, positions on advisory committees, and available departmental funds.

Tenure is achieved and operationalized at ATSU as follows:

1. After a minimum of seven (7) years of full-time service (or the equivalent) as a faculty, ATSU full-time faculty become *eligible* to apply for tenure.
   a. The minimum 7 years of service to be eligible to apply for tenure could be years as a faculty member at ATSU or may include up to 4 years of prior full-time equivalent faculty experience at another institution of higher education.
   b. In exceptional cases, the minimum years of full-time academic service either at ATSU or in total may be waived by the regional president in order to recruit a faculty member of extraordinary qualifications and value to the University. The president, based on the recommendation of the regional president, shall have the discretion to award faculty tenure to individuals regardless of prior period(s) of service.
   c. Full-time service does not have to be a continuous seven (7) years; the seven (7) years equivalency must occur over no more than 12 years duration.
      [Note: The reasons for "equivalency" must be explained by the faculty member when applying for tenure. For example, need for reduction to a half-time appointment for a period of time for raising one or more children; military service deployment; catastrophic events impacting capacity to maintain full-time employment; reduction in student enrollment resulting in ATSU reducing employment commitment, etc.]
2. Only full-time faculty applying for, or currently at the rank of associate professor or above, are eligible to apply for tenure at ATSU.
   Note: Application for tenure may be made along with application for promotion to the rank of associate professor or professor if the seven-year minimum criterion has also been met.
3. The process for applying for tenure at ATSU is similar to that of applying for promotion at ATSU:
   a. The faculty member must prepare a portfolio highlighting teaching, scholarship, and service that demonstrates sustained faculty performance and commitment to ATSU. Note: Review ATSU Guidelines for Promotion (effective 07.01.2021). If applying for a promotion in rank, the request to be considered for tenure at the same time as the application for promotion in rank may also be included and explained; a separate portfolio application is not required and should not be submitted.
   b. If the faculty member has applied for and been granted promotion at ATSU to the rank of associate professor prior to being eligible for tenure, (e.g., due to having insufficient years at ATSU to make him/her eligible for tenure (and has received that promotion), then the portfolio submitted for tenure consideration must include evidence of continuity of performance (i.e., teaching, scholarship, and service) associated with the individual's current faculty rank.
4. Re-application for renewal of tenure should be made during the ninth year of the individual's current tenure period.
   a. Renewal of tenure is judged on the basis of continuity in terms of the productivity associated with the faculty member's current rank.
   b. If tenure is not awarded, the faculty member may re-apply in a subsequent year once continuity of performance at the individual's current rank has been re-established.

c. If a tenured faculty member is promoted in faculty rank during his/her tenure award period (e.g., associate to full professor), at renewal of tenure the faculty member must demonstrate and be reviewed on his/her continuity of performance (teaching, scholarship, and service) for the amount of time at the higher rank.

Faculty contracts specify performance expectations for each faculty member. To maintain tenured status, tenured faculty members must meet conditions specified in their faculty employment contract. Failure to meet performance expectations commensurate with their faculty rank may lead to revocation of tenure. The faculty member's supervisor must provide a written request to the dean of their school/college, identifying in writing with supporting documentation, the justification for making the revocation request. The dean, if in agreement, makes recommendation to the regional president, forwarding the written documentation and justification to the regional president. The regional president, if in agreement with the dean, will then forward his/her recommendation to the chancellor of ATSU. The chancellor makes the final decision as to whether or not to revoke the faculty member's tenure.

Faculty Evaluation

(Effective 2/1/2018)

Faculty evaluations are an integral part of the university's ongoing efforts to encourage faculty to a higher level of achievement and service. Each college/school is responsible for developing its own annual full- time faculty assessment process that must meet the following minimum requirements:

- The faculty member and his/her supervisor establish and document mutually-agreed upon goals in the areas of teaching, scholarly activity/research, service, and, if appropriate, clinical practice and administrative roles for the upcoming performance evaluation period.
- The faculty member and his/her supervisor collaborate to identify how the faculty member can progress toward these goals, including the percent time allocation for teaching, service, scholarship, clinical practice (if applicable), and administrative role (if applicable).
- The faculty member's key professional development goals and related accomplishments during the performance evaluation period are described.
- The faculty member's skills and/or career interests as they relate to his/her position are described.
- The supervisor provides an assessment of the faculty member's progress towards annual goals, professional development goals, and promotion (if applicable).
- The comments and signatures of the faculty member, the supervisor and subsequently the dean are recorded when the evaluation is finalized. The faculty member's signature only denotes acknowledgment that he/she has reviewed the evaluation and discussed the content with his/her supervisor.

Attainment of, and/or progress towards meeting mutually agreed upon goals are important considerations for supervisors determining full-time faculty member's annual performance. In addition, changes in faculty status or role during the previous academic year are also important considerations for performance. Any issue arising between a faculty member and their supervisor about an unsatisfactory annual evaluation that affects the term of the faculty member's employment contract should follow the appeal process outlined in the multiyear contract policy. Issues regarding the annual evaluation that do not impact the faculty member's contract shall be appealed to the supervisor of faculty member's supervisor (department chair, dean, or regional president) for resolution.

Professional Development

(Effective 2/1/2018)

All faculty are expected to maintain educational and scholarly competence in their discipline. Faculty with significant administrative responsibility are similarly expected to maintain contemporary knowledge of administrative techniques and related, current, educational theories, techniques, policies and procedures. By continuing to grow and develop in all aspects of their academic functioning, faculty members enhance their own professional development, perform their duties more effectively, and further the reputation of the University. Although not an exclusive list, the following are examples of the continued professional growth in which all faculty members should engage:

1. Faculty members are expected to participate in appropriate professional organizations by attending and presenting at their respective professional meetings.
2. Faculty members should avail themselves of opportunities for leadership in their professional organizations.
3. Faculty members should read, study, present papers, publish articles in and explore the subject matter that they teach in order to ensure that what they teach represents the accurate, contemporary content of their discipline.
4. Faculty members are expected to actively participate in faculty development programs and to maintain competence about the essential issues of higher education in order to facilitate student learning.

Full-time faculty will receive an annual faculty development allowance to help defray the costs of professional development, which may include, but is not limited to continuing education courses and resources, attendance at professional meetings, and the associated travel. These funds may also be used to help pay for license renewal, and/or professional association membership dues, if funds are not already designated for this purpose by the faculty member's department or school. The minimum allowance per faculty member beginning in the 2017-2018 fiscal year will be $2500. The amount will be reviewed annually. This review will include, but is not limited to, analysis of similar institutions, student tuition, inflation, and faculty surveys.

Student Course Evaluation

All non-exempted ATSU courses will be evaluated by students. At a minimum, the evaluation will consist of the nine ATSU Student Course Evaluation Core Questions (Appendix F). Each program may supplement the core questions with qualitative and quantitative questions to optimize student feedback. Exempted courses may include field placement courses, clinical internship courses, and terminal projects (e.g., dissertation, thesis, and capstone courses). Administration and use of course evaluations must follow the approved ATSU guidelines.

Grievance Procedure

The institution recognizes the right of faculty to express grievances and to seek solutions to problems arising from complaints; disagreements with students, colleagues or administrators; or different interpretations of institutional policy. These concerns may involve procedures, policies, conduct; or other concerns (including violations of the code of ethical standards, ATSU Policy No.10-220: ATSU Code of Ethical Standards. Grievance and conflict resolution should follow ATSU Policy No.90-209: Employee Problem Solving Procedure and/or the procedures set forth in each individual school's faculty handbook (See Appendices A-F.).

Faculty Grievance Policy

(Approved 6/21/2021) **Purpose:**

This ATSU Faculty Grievance Policy addresses faculty grievances related to a violation, misinterpretation, or misapplication of existing ATSU policies especially those related to faculty rights. This policy is intended to provide a fair, internal process for resolving employment related disputes that arise between faculty or academic staff members and administrators that do not have formal resolution processes. The formal procedures described in this policy are intended to be used only for matters lacking a formal dispute resolution in policy and when matters cannot be resolved informally. A faculty or academic staff member who feels aggrieved should first seek an informal resolution at the unit, department, or college level before filing a formal grievance under this policy. The procedures contained in this policy are not intended to be used to challenge the desirability of university policies. In addition, please note:

- this policy does not address grievance related to discrimination, harassment, and retaliation. Refer to ATSU Policy No. 90-210: Prohibition of Discrimination, Harassment, and Retaliation for procedures.
- this policy also has to be sought only for faculty issues not covered under ATSU Policy No. 90-209: Employee Problem Solving.

Policy:

Any ATSU faculty member may initiate a grievance procedure alleging a violation, misinterpretation, or misapplication of existing policies. This policy is also intended to protect a faculty member from a charge of violation against him/her.

This policy describes **academic due process** *'referring to procedures designed to resolve personnel issues in a clear, fair, and orderly manner. Due process consists of*

- *A grievance/appeals policy that permits faculty members to present their concerns to a committee, with the complaining faculty member carrying the burden of proof.*
- *Hearing procedure for severe sanctions, where the administration has the burden of demonstrating adequacy of cause for its proposed action'*.[1]

A. Faculty Grievance Hearing:

The first step is always to resolve the grievance by informal means by following the supervisory chain: direct supervisor (chair) and/or dean (ATSU Policy No. 90-209: Employee Problem Solving). If a faculty member is not satisfied with the outcome of informal ways to resolve the grievance, a formal hearing request can be made to University Faculty Senate (UFS). The request can be sent to the UFS chair and officers. The contact information of UFS chair and officers can be found at: *https://sites.google.com/a/atsu.edu/universityfaculty-senate/.* The grievance must be submitted in writing by the faculty and should have in detail the violation, misinterpretation, or misapplication of existing policies and the resolution being sought. If multiple faculty would like to file the same grievance, they may elect to request a joint grievance hearing request.

B. Grievance Hearing Committee (GHC):

Upon receipt of an allegation and a hearing request, UFS, in consultation with the Chief Operating Officer & General Counsel, will verify if the filed grievance is indeed alleging a violation, misinterpretation, or misapplication of existing policies ("Allegation"), there is no other University policy under which the grievance should be addressed, and consideration of the grievance under this policy is proper. UFS will facilitate selection and appointment of an ad hoc GHC to hear the Allegation. The GHC will be composed of a representative from the UFS, a representative from the university administration, a representative from

[1] https://www.aaup.org/i-need-help/informal-glossary-aaup-terms-and-abbreviations).

Human Resources, and two additional faculty members. All GHC members would undergo appropriate training utilizing expert resources within the University. Consultation with both the person who brought the Allegation (from here on referred to as the claimant) and the individual accused in the Allegation (from here on referred to as the respondent) will be made to determine any potential conflict of interest with the GHC members to prevent bias and create a neutral environment in hearing so due process may occur. However, this may not be possible in all situations, and GHC members will be approved by UFS. Also, either party could submit a request to UFS chair to not have a specific faculty on the GHC. The GHC shall not contain any members previously involved in hearing the Allegation, namely the chair, dean and/or the regional president. The GHC chair shall request the respondent's response to the charges in writing. The GHC shall make a written recommendation on the matter to the regional president within 3 weeks of the hearing. The regional president will then have 5 business days to make a final decision and inform the involved parties. Academic due process requires an adequate statement of charges, a reasonable time to prepare a defense, and the opportunity to present the defense. For protection of academic due process, and of all concerned parties, all public statements about a matter before the GHC must be avoided. Any announcement of the final decision shall include a statement by the regional president or GHC.

C. Confidentiality:

Confidentiality/privacy will be always maintained, and all parties must sign an attestation acknowledging their duty to maintain confidentiality of the hearing before the hearing is scheduled. Grievance proceedings will be treated with the greatest degree of confidentiality possible. However, confidentiality can only be respected insofar as it does not interfere with the University's obligations to investigate allegations that require it to take corrective action or to fulfill duties imposed by law.

D. Conduct and Decision of Hearing:

1. UFS shall be responsible to designate a faculty member or administrator to serve as the chair. The GHC chair will be responsible for the entire conduct of the hearing and will designate a secretary from among the GHC members.
2. The claimant and respondent should be aware ATSU does not allow for legal counsel in administrative proceedings unless the law requires such.
3. The claimant and respondent are responsible to notify the GHC if they plan to present other ATSU individuals as witnesses to support the Allegations as necessary at least 10 business days prior to the scheduled hearing.
4. The claimant is responsible to submit the Allegations in writing to the chair and officers of the UFS.
5. The GHC secretary shall read the Allegations brought forth by the claimant against the respondent.
6. The claimant shall present testimony, witnesses, and/or other evidence to support the Allegations.
7. The respondent shall have the right to question all witnesses brought forth by the claimant.
8. The respondent shall present testimony, witnesses, and/or other evidence to refute the charges.
9. The claimant bringing the charges shall have the right to question all witnesses brought forth by the respondent.
10. The GHC shall withhold its witness questions until both parties have presented and questioned the witness.
11. The GHC chair shall dismiss all persons except those members of the GHC for deliberation and to reach a recommendation.
12. The GHC chair shall then submit the GHC's written recommendation to the regional president who will then make a final decision.

Emeritus Policy

(Effective 1/1/17)

Purpose

Conferral of emeritus status is an honor granted by the chancellor of the University, to an employee with recommendation by the dean of the person's school/college, upon retirement to recognize distinguished and meritorious service to his/her school/college.

Procedure

Nominations for emeritus status must be initiated no more than six months before and no more than two years after retirement from a full-time position at ATSU. The title "posthumous emeritus" may also be awarded to faculty who die before retirement. Nominations for "posthumous emeritus" must be initiated within ten years after death. Appointment to emeritus status is intended to be a lifetime appointment granted in recognition of distinguished and meritorious service to ATSU, including contributions in at least one of the following: teaching, research, scholarship, clinical practice, or leadership. To be eligible for emeritus status, the person must satisfy the following requirements:

1. Faculty at the rank of associate professor or full professor, or administrators at the rank of director, chair or above and
2. At least ten years of full-time service to ATSU, although in some cases, exceptional senior faculty may be recognized with fewer than 10 years of service, and
3. Retirement or disability from ATSU.

Process

The candidate's department chair/supervisor, dean, an associate dean, or full professor may initiate nomination for emeritus status. With a majority recommendation from faculty of the same or higher rank as the candidate of their school/college, the affirmative recommendation will be forwarded to dean of the nominee's school/college. If the dean supports the recommendation, it will be forwarded to regional president, who will make recommendation to the chancellor.

The department chair/supervisor shall be informed in writing of approval or non-approval of emeritus status. Emeritus status, if awarded, will become effective following the living nominee's consent upon his/her retirement. Emeritus status will not be given if the living nominee does not consent. Consent will not be required to award posthumous emeritus status. The title of emeritus at ATSU does not confer any retirement (e.g., associate professor emeritus, professor emeritus, chair emeritus, director emeritus, president emeritus, vice president emeritus, dean emeritus).

Activities

1. Faculty with the emeritus designation are entitled to attend his/her school/college faculty meetings with voice but without vote; to march in academic processions (e.g., commencement and white coat ceremony); to avail themselves of library resources; to be listed in the University faculty directory and website; to maintain their University email address and internet access; to receive, on application, a faculty parking permit; and, in general, to take part in the social and ceremonial functions of the University.

2. Additionally, faculty with the emeritus designation, through the discretion of his/her department chair/supervisor or at the request of the school/college dean's office, may, in so far as reasonably possible:
   a. Participate in scholarly activities such as, but not limited to, teaching, research, publishing, writing, and/or presenting at regional and/or national meetings;
      1) Work Space: The depth of participation at this level may necessitate awarding the emeritus faculty office space, access to laboratories, computer, and/or comparable facilities requisite to his/her continued scholarly work or mutually-agreed-upon task on a contractual or volunteer basis.
      2) Communications services: Access to mail, telephone, and other routine office services (e.g., copying and secretarial) may be awarded to emeritus participating in these activities. b. Maintain library privileges.
   c. Have access to University recreational facilities (e.g., Thompson Campus Center).
   d. Submit proposals for sponsored research and advise graduate/postdoctoral students or research associates according to University rules and policies.
   e. Perform service to the University or the community through consultation/advisory roles, participation in retirement seminars, judge student research projects, and provide courses for community groups;
   f. Participate in regular weekly or monthly programs, mentoring faculty and/or students;
   g. May represent the University at academic ceremonies of other institutions;
   h. Communicate with other emeritus faculty, administrators and alumni through newsletters, annual reports, websites, and fundraising.

Withholding or Withdrawal of Emeritus Status

Emeritus status may be subject to withholding or withdrawal if the chancellor receives a recommendation with evidence to either withhold or withdraw emeritus status based on particular circumstances. If the chancellor, upon review of the recommendation, is considering withholding or withdrawing the title, the chancellor will provide to the faculty or retired administrator notice and an opportunity to be heard. After the faculty member's or retired administrator's opportunity to be heard, the chancellor will make a decision with regard to withholding or withdrawal of the emeritus title.

Dual Relationships

Certain kinds of dual relationships carry potential for exploitation, loss of objectivity, or conflicts of interest, and may undermine the optimal progress of learners and integrity of the University.

Examples of dual relationships with great potential for harm include sexual relationships; business relationships; relationships involving exchange of money or other forms of payment; contracting as a personal therapist; or serving on the doctoral committee of a spouse, relative, or job supervisor/supervisee.

Relationships may change during the course of employment; and all constituents must be aware of possible compromises to themselves, the University, and community. Full disclosure and discussion of pre-existing or changed relationships enable the University to take appropriate measures to safeguard the school/college and their programs. Please review in relation to "Code of Ethical Standards" on page 9 and ATSU Policy No. 90-105: Nepotism and Employment of Relatives.

Every employee of the University is prohibited from and obligated to refrain from such relationships while engaged in their respective roles as employees of ATSU.

Oral Assurances

No individual or committee may give oral assurances of appointment, promotion, tenure, or salary. Any such assurances shall not be binding or used as the basis of grievance either within or outside the University.

No implied or de facto claims to appointment, promotion, tenure, or salary shall be construed based on custom, longevity, personal reading of bylaws, or past actions. All such claims shall be based on written documentation and policies approved by the president.

Chapter 3: Faculty Rights & Responsibilities

General Responsibilities

When full-time faculty appointments are extended, it is anticipated the faculty member will participate in the total development of the school/college and the University. Faculty members are expected to support the goals of the school/college and University in their individual faculty roles. Depending upon ability and interest, faculty members may be called upon to serve on duly-established committees, interview student applicants, develop curriculum, attend faculty meetings, and represent their school/college and the University in other capacities. Efforts will be made to assure such assignments do not compromise basic responsibilities.

Faculty members have the responsibility of being alert and ready to respond in emergency situations affecting fellow employees, students, and visitors. Emergency response procedures are described in the ATSU Emergency Operations Plan or at www.atsu.edu/security Procedures address a variety of crisis situations involving public safety and health and provide guidelines for dealing with possible emergency situations in four primary areas: infrastructure, serious accidents, crimes, and administrative operations. Faculty members are encouraged to become familiar with the contents of these manuals.

Accommodations for Students with Disabilities

Faculty and staff members should be aware of the process whereby students with disabilities may seek accommodations under federal law and ATSU policy. Accommodations are provided for qualified ATSU students with disabilities to ensure academic requirements do not have discriminating effects. Any student seeking accommodations due to a documented disability is required to register with ATSU Accommodation Services. Faculty should not provide disability-related accommodations without referral to and notice from ATSU Accommodation Services. Students seeking accommodations must begin the process by contacting ATSU Accommodation Services at accommodations@atsu.edu.

Please see ATSU's Policy and Procedures for Students with Disabilities for more information.

Relationship to Students

A primary responsibility of faculty members is to promote an academic environment conducive to the maximum development of students. Faculty members are encouraged to be familiar with, and support, those policies directly affecting students. These policies are described in the University Catalog, especially under the sections titled “Professional Rights, Responsibilities, and Conduct” and “Academic Standards, Guidelines, and Requirements.” The University expects faculty, staff, students, and administration to exhibit professional behavior at all times. The University believes an atmosphere of mutual trust and respect is essential to a healthy learning environment. Faculty must follow the ATSU Code of Ethical Standards (ATSU Policy No. 10220: ATSU Code of Ethical Standards) in all interactions with students. Faculty engaged in unethical conduct are subject to the normal disciplinary procedures which may include dismissal. In addition, such behavior may constitute sexual harassment as defined in the prohibition of discrimination, harassment, and retaliation policy (ATSU Policy No. 90-210: Prohibition of Discrimination, Harassment, and Retaliation).

Committees, Boards, & Councils

It is a requirement of all full-time faculty to provide service to the University. Committees, boards, and councils exist to facilitate work of the faculty, their school/college, and the University. In addition to standing committees and other groups of long-term activity, ad hoc committees are sometimes established as required by special needs. Refer to Appendices A-F for school/college specific committees, responsibilities, and expectations and ATSU Policy 10-203: Meetings and Committee Assignments.

Academic Freedom

ATSU supports the academic freedom of its faculty. Faculty members are free to

1. Teach and discuss in courses any accepted aspect of a topic pertinent to understanding the subject of the course that they are teaching;
2. Conduct research and publish results subject to acceptable performance of academic duties and applicable federal, state, local, and University regulations and any contractual agreements with an industrial sponsor;
3. Act and speak in their capacities as educators, healthcare professionals and as citizens without institutional censorship or discipline. As persons of learning, faculty members should recognize the public may judge their profession and the University by their statements. Hence, faculty members should show respect for opinions of others and make every effort to indicate they, as faculty members, are not necessarily institutional spokespersons.
4. For more information regarding academic freedom, faculty are referred to the AAUP's statement on Academic Freedom (https://www.aaup.org/report/1940-statement-principles-academic-freedom-andtenure)

Licensing and Verification

Human Resources will conduct annual professional license verification. Results will be sent to the respective dean. It is up to the discretion of the respective dean to determine the process for review if there is a reported complaint and/or disciplinary actions and orders.

Certain positions require a license or certification. Human Resources must receive proof of proper license upon employment, and, if required by law, proof of renewal.

Key Control

Faculty members will be supplied with keys providing access to necessary areas of the University complex. Authorization for key issuance must be obtained from supervisors. Proper control of issued keys will be responsibility of the individual obtaining the keys from Campus Safety. Duplication of keys, except as directed by Campus Safety, is prohibited. Keys must be surrendered upon termination or loss of need for access.

Telecommuting

General Order 90-106: Employee Work Location Policy outlines the institution's policy regarding employee requests for telecommuting privileges. Telecommuting may be a viable alternative work arrangement in cases where individual, job, and supervisor characteristics are best suited to such an arrangement. Telecommuting allows employees to work at home part of their regular workweek. Telecommuting is a voluntary work alternative, which may be appropriate for some employees and some jobs. It is not an

entitlement, it is not a company-wide benefit, and it in no way changes the terms and conditions of employment with ATSU. This policy applies to employees whose primary work space is on-campus.

Remote Work

Faculty members are responsible for understanding University guidelines for approval to working remotely on a regular basis. ATSU Policy No. 90-106: Employee Work Location Policy defines the remote work option and approval process. This policy only applies to faculty who have an on campus workspace and request to relocate to a remote-based workspace on a permanent basis.

Faculty Separation

Upon separation from the University, ATSU faculty are required to surrender all University property both physical and intellectual. All personal property belonging to the faculty member will be surrendered back to the faculty member on or before the day of separation.

Education General Orders

20-100 Faculty Credentials

ATSU employs competent faculty members qualified to accomplish the mission of the University. When determining acceptable qualifications of faculty, ATSU gives primary consideration to the highest degree earned in a discipline. ATSU also considers competence and effectiveness, including, as appropriate: undergraduate, graduate, and/or professional degrees; work related-experiences in the field; professional licensure, certifications, and continuing education documentation; honors, awards, continuous documented excellence in teaching; and other demonstrated competencies and achievements contributing to effective teaching and student learning outcomes.

20-102 Service Members' Tuition Assistance

20-104 Tuition Discounts for Online Courses.

This general order states (ATSU policy relative to ATSU online programs' tuition discounts for ATSU employees, legally recognized spouses and children of employees, residential students and their legally recognized spouses, ATSU preceptors, and ATSU graduated alumni.

20-105 Posthumous Degree

20-106 Tuition Remission

20-108 Off Campus Consultation

20-109 Honoraria for ATSU Faculty Members Participating in ATSU CME Programs

20-110 Technical Standards and Accommodations

20-111 On Campus Consultation

20-112	Grants and Research Reinvestment Policy
20-113	Misconduct in Science Policy
20-115	Additional Compensation for Faculty and Staff
20-116	Institutional Review Board Fees
20-117	Financial Conflict of Interest (FCOI) in Research
20-118	Disbursement of Clinical Research Income
20-119	Proposal Classification Policy
20-120	Research Participant Compensation

Chapter 4: Faculty Benefits

An overview of benefits may be accessed at the Human Resources benefits page, found on the ATSU portal. Information includes dental insurance, disability insurance, flexible spending accounts, health insurance, life insurance, Medicare, and retirement plan. In addition, this same webpage allows faculty to access all relevant forms. University policy supersedes any discussion below. Faculty should become familiar with all of the policies including, but not limited to, the following:

Technology Resources and Office Space for Full-Time Faculty Policy

(Effective 7/1/2020)

Resources for Residential Faculty

Residential faculty are provided with computer equipment (desktop or laptop) that is expected to last 4- 6 years. Monitors and other peripheral equipment (keyboards, mice, headsets, web cameras, scanners) are replaced on an as-needed basis. Internet, printing and copying services are provided as a shared resource.

Residential faculty are provided a phone handset and voicemail connected to the university's central phone service. Departments/Schools are allocated the cost of long-distance service, which is outlines in ATSU Policy No. 50-102: Cell Phone/Smartphone Allowance.

The software and services provided to residential faculty are broken into three categories: 1) standard suite, as established by Information Technology Services (ITS) (https://its.atsu.edu/), which all residential employees receive; 2) role-specific university-provided; and 3) department or school- purchased.

Resources for Distance Faculty

While the university does not provide full-time distance faculty with physical equipment, distance faculty receive an annual allowance from the university to defray costs associated with computer equipment (desktop, laptop, keyboards, mice, headsets, web cameras, printers/scanners), software, and services (internet) incurred by the faculty member to fulfill their teaching, scholarship, and service responsibilities. The allowance amount is based on the estimated cost of the standard equipment, software, and services provided to residential faculty, as established by ITS (https://its.atsu.edu/). The annual allowance amount shall be $500. The annual allowance requested by faculty will be taxable according to ATSU policies and regulations. Every four years, the Office of Academic Affairs, in collaboration with ITS, distance faculty, Council of Deans and chancellor, reviews the allowance amount and the current standard equipment, software, and services as established by ITS, and adjusts the amount as needed.

The software provided to distance faculty are broken into three categories: 1) standard suite, as established by Information Technology Services (ITS) (https://its.atsu.edu/), which all distance employees receive; 2) role-specific university-provided; and 3) department or school-purchased.

Office space

All residential faculty will have access to adequate desk workspace that accommodates their university-provided computer equipment. This desk workspace should be in a private office, when available. If private office space is not available, faculty will have access to private space for meetings with students, faculty, and/or staff.

Distance faculty generally work remotely, so do not routinely have dedicated desk workspace on campus. When distance faculty visit campus for teaching, scholarship, or research purposes, they have access to meeting rooms and space to accommodate their needs.

Web-based University Portal System

All faculty have access to the web-based university portal system that provides access to resources including, but not limited to: Human Resources, Information Technology Service Desk, Teaching & Learning Center, Research Support and A. T. Still Memorial Library services.

Grants and Research Reinvestment Policy

Of interest to researchers is the Grants and Research Reinvestment Policy outlined in ATSU Policy No. 20-112: Grants and Research Reinvestment. If faculty members are full-time faculty, the policy provides an opportunity for separate accounts to be established for the proportion of grant monies received by the University, which are attributable to the time faculty members devote to extramurally-supported research. Additionally, alternatives are provided to investigators as to the dispersion of funds for additional salary, purchase of equipment, attendance at scientific meetings, etc. The policy applies only to research grants and not to educational or service grants. Classroom teaching assignments may not be reduced as a result of participation in this policy except to meet departmental needs.

Intellectual Property Policy and Procedures

ATSU Policy No. 10-208: Intellectual Property Policy and Procedures provides faculty with appropriate information related to protecting intellectual property of the University, its affiliates, and employees as well as a means of commercially exploiting any such property. The University is especially interested in guaranteeing inventions or other discoveries made by its employees are quickly and successfully transferred to the general public. This policy applies to all intellectual property conceived, first reduced to practice, written, or otherwise produced by any covered individual of the University.

Moving Expenses

ATSU may share allowable and appropriate moving expenses of new salaried employees as set forth in ATSU Policy No. 50-103: Moving Expenses for New Salaried Employees if verifiable documentation exists and a discussion of moving expenses with the appropriate school dean takes place prior to the move.

Vacation Benefits

Vacation benefits as well as faculty responsibility are outlined in ATSU Policy No. 90-309: Vacation Benefits. Department chairpersons are responsible for approving all vacation and leave in their departments. Accounting of vacation and leave is accomplished through the ATSU Payroll Department. Review ATSU Policy No. 90-309: Vacation Benefits for information on the procedure to request leave.

Library, Printing, and Multi-media Services

A.T. Still Memorial Library (ATSMLib) provides library and multimedia resources and services to support the A.T. Still University of the Health Sciences' schools and programs on both the Missouri and Arizona campuses. The ATSMLib provides an array of evidence-based resources and services that support both the students in their educational activities and the faculty in their teaching and research. It takes advantage of the electronicbased information resources that have developed since the emergence of the Internet. The

ATSMLib's collections are a blending of print and electronic resources that bring access to evidence/information into the curriculum and clinical rotations of the students.

The Library has set up liaison librarians who work specifically with each school.

Access to and use of the ATSMLib's electronic resources is facilitated through its web site (www.atsu.edu/atsmlib) and it's Still OneSearch which is a single search box that searches all of the Library ebooks and e-journals and many of its databases. The web site provides access to and facilitates use of over 20,000 electronic, full text clinical journals, over 160,000 e-books including over 20,000 full text medical and dental books and an array of web-based health information-based vendors. In addition to providing an extensive, web-based digital library, both ATSMLib Missouri and Arizona provide a full range of mediated services, including training and assistance in subject searching, strong document delivery and interlibrary loan services, and one-on-one, small-group and classroom training in effective use of the ATSMLib's resources and collections.

The Library's Educational Technology Development Center (ETDC) supports faculty's use of ATSU's educational technology by providing one on one assistance to faculty in using these resources and platforms. The ETDC also has a Creation Station computer station that faculty may use in creating digital content with, if needed, assistance from the ETDC staff.

- A.T. Still Memorial Library Website: http://www.atsu.edu/atsmlib
- About AZ Library: http://www.atsu.edu/atsmlib/about.asp
- Educational Technology Development Center: http://guides.atsu.edu/academictechtools
- Library Quick Links: http://www.atsu.edu/atsmlib/databases.asp
- Library Site Map: http://www.atsu.edu/atsmlib/siteindex.asp
- Library Database Help Page: http://www.atsu.edu/atsmlib/databasehelp.asp

Copyright Policy

Faculty members are responsible for adhering to guidelines for copying and use of copied materials. ATSU Policy No. 10-206: Copyright defines the University's copyright policy and ATSU Policy No. 10-207: Copying and Use of Copyrighted Materials defines copying and use of copyrighted materials. Faculty members are advised to use the copyright guidelines provided in the A.T. Still Memorial Library Copyright Policy of Course Readings and Reserves to ensure compliance with copyright law. For more in-depth information, click here .

Faculty members are recommended to use the following statement in all course syllabi: "The copyrighted materials available in this class are for educational use only. One copy per student is permitted for educational purposes. Redistribution is not permitted."

ATSU libraries observe the Fair Use Guidelines for the Educational Use of Copyrighted Materials. ATSU libraries generally recommend copyright permission be sought when:

1. The material is NOT owned by the ATSU libraries and is being used by the same instructor for the same course for more than one semester.
2. The amount of material used from a book or single journal issue exceeds what is deemed to be within Fair Use.

It is the instructor's responsibility to obtain permission, but the ATSU Libraries will assist faculty if needed. All copyrighted material is password-protected to ensure it is restricted to class members only. Materials should not be used to create, or to replace or substitute for anthologies, compilations, or collective works.

Chapter 5: Procedure for revision of the Faculty Handbook

The Faculty Handbook will be reviewed for updates no less than once every five years by the Faculty Handbook Subcommittee of the University Faculty Senate. This review will be coordinated with human resources to ensure the Handbook is in agreement with the current ATSU Policies Manual. Approval of minor changes in the Handbook, including updates of ATSU policies and general orders, requires a simple majority of voting members of the University Faculty Senate. Addition of new Handbook documents or revision of previously approved Handbook documents will require review and approval in accordance with article XI of the UFS bylaws.

Approvals (signatures and dates)

ATSU Faculty Senate: Randy Danielsen Date: March 20, 2023

SVPAA: Date: March 20, 2023

President: Date: March 30, 2023

APPENDIX A

KIRKSVILLE COLLEGE OF OSTEOPATHIC MEDICINE

APPENDIX B

ARIZONA SCHOOL OF HEALTH SCIENCES

APPENDIX C

SCHOOL OF OSTEOPATHIC MEDICINE IN ARIZONA

APPENDIX D

UNIVERSITY FACULTY SENATE CONSTITUTION & BYLAWS Revised 6/23/20

Article 1: Purpose

Faculty members of A. T. Still University of Health Sciences require a forum to discuss common challenges and potential solutions related to their academic responsibilities. The University Faculty Senate (UFS) will serve as an advocate for university faculty as a whole and for effective student learning and achievement. Subject to provisions of this Constitution, UFS will be the faculty voice that provides ATSU senior administration (e.g., chancellor, regional president) input concerning university-wide faculty challenges and solutions. UFS works with senior administration to formulate, review, provide input, and approve (on behalf of faculty) policies and solutions pertaining to faculty. Such input will be given independently, coherently, rationally, and with mutual respect.

Article 2: Function and Duties of the UFS

UFS encompasses a representative faculty body, consisting of elected senators from each college or school, that serves as the voice and advocate for all university faculty and for effective student learning and achievement. UFS will meet regularly with senior administration to provide advice about issues of concern to faculty. Senators will meet regularly with their school or college faculty bodies to disseminate information and discuss faculty concerns.

Duties of UFS are to represent faculty to the senior administration, and may be requested by senior administration to represent senior administration to faculty. Responsibilities and powers of the faculty remain with the faculty as a whole; however, faculty opinion with regard to university-wide issues will normally be articulated through UFS as provided in this Constitution.

UFS will assist the senior administration in formulation of policies and to review decisions made pursuant to University Faculty Handbook and general orders pertinent to faculty. UFS will serve as a faculty voice on pertinent committees.

Article 3: Membership of the UFS

UFS is a representative body of all ATSU faculty and consists of senators elected from the University faculty as specified in Article 3, Section 1. University faculty is defined as faculty members eligible to serve on their respective college/school assembly, council, or senate who do not hold an administrative position (defined as persons with the following title(s); chancellor, vice-chancellor, regional president, dean/vice/associate/assistant). UFS consists of voting representatives (senators) elected by the university faculty of their respective college or school.

Section 3-1: Election of University Faculty Senators

Two faculty members from each college or school shall be elected and serve as senators. UFS will request each college and school of ATSU to conduct nominations and elections of their nominees from those eligible to serve on their assembly, council, or senate. The term of the senators will begin July 1 of each year. Senators

may be added or eliminated in the event the University creates or eliminates a college or school. Senators shall be elected to UFS as determined by each college or school's faculty assembly, council, or senate*. If a university faculty member has an appointment with two or more of the colleges and schools at ATSU, s/he may not be a senator for any of the colleges or schools if they hold any of the administrative titles listed above. Eligible faculty members with joint appointments may serve as Senator for only one college or school at a time.

*Colleges or schools that have yet to form an assembly, council, or senate will have two non- voting faculty representatives on UFS. These representatives will be elected by the faculty at their college or school and shall not be appointed by their administration.

Section 3-2: Terms of University Faculty Senators

All senators will serve two-year terms and may not serve more than three consecutive full two-year terms without an intervening two-year absence. Terms of office of the first UFS will be determined as follows: by random draw, be designated to serve a one-year term and the other from each school or college will be designated to serve a two-year term. Thereafter, one senator from each college or school will be elected on add years and one senator will be elected on even years.

Section 3-3: Officers of the UFS

UFS will elect a chairperson, vice chairperson, and secretary as officers, for terms of two years.

Section 3-4: Election of UFS Officers.

All officers will be elected by UFS. Any member of UFS may make nominations. Voting will occur at any regularly scheduled meeting of UFS. A majority vote of senators is needed to elect. The outgoing chairperson, if not a continuing member of UFS, will serve as a non-voting advisor to the UFS for one year. See Article 7 for replacement of UFS officers in the event of a vacancy, recall, or removal.

Article 4: Responsibilities of the UFS

Responsibilities of UFS relate to policy, curriculum and programs, the University Faculty Handbook, promotion and tenure, faculty evaluation, grievances, unethical/unprofessional conduct, university faculty votes, and other issues not heretofore mentioned.

Section 4-1: Policy

UFS shall be the representative body of the faculty to discuss and propose academic and faculty policies to the senior administration.

Section 4-2: Curriculum and Programs

UFS will review and assist the senior administration in facilitating major changes in academic or research programs that are of an inter-college or inter-school nature or which have significant inter-college or inter-school impact. Changes in academic and research programs within a particular school or college are

considered a matter for each school or college's faculty to discuss with the chief academic officer of their respective college or school.

Section 4-3: University Faculty Handbook

UFS members will review and advise senior administration concerning contents of the University Faculty Handbook subject to provisions within general orders which shall take precedence.

Section 4-4: Promotion and Tenure

UFS will review and make recommendations to senior administration about policies and procedures regarding faculty promotion/tenure having significant inter-college or inter-school impact. However, subject to provisions within the general orders, UFS will not act on issues concerning an individual's promotion or tenure.

Section 4-5: Faculty Evaluation

UFS may develop and approve instruments in conjunction with senior administration used in evaluation of faculty performance and assure standardized practices across the University.

Section 4-6: Grievances

UFS shall have a representative on any peer review panel, which involves resolution of faculty grievances having a significant inter-college or inter-school impact. Subject to provisions within the Faculty Handbook and general orders which shall take precedence, UFS may review and make recommendations related to procedures regarding resolution of faculty grievances at a particular college or school.

Section 4-7: Unethical/Unprofessional Conduct

UFS will review and make recommendations about standards for ethical and professional conduct of the faculty. UFS shall have a representative on any peer review panel, which involves a charge of unethical/unprofessional conduct having significant inter-college or inter-school impact. Subject to provisions within the Faculty Handbook and general orders, which shall take precedence, UFS may participate in any peer review panel for faculty charged with unethical or unprofessional conduct at a particular college or school.

UFS shall have a representative on any group hearing appeals of adverse decisions regarding unethical/unprofessional conduct if the appeal has significant inter-college or inter-school impact. Subject at all times to provisions within the Faculty Handbook and general orders which shall take precedence, UFS may also hear appeals of adverse decisions regarding unethical/unprofessional conduct at a particular college or school. The chairperson of the UFS will inform the senior administration of its recommendation in these appeals.

Section 4-8: University Faculty Votes

Occasionally, UFS or senior administration may request input of all the University faculty in such a way that a ballot is required. UFS, as the faculty voice of the colleges and schools of ATSU, will assume responsibility for distributing ballots, tabulating results, and making results known to appropriate parties. Some faculty votes may require anonymity of the faculty and UFS will serve to maintain confidentiality of the faculty in these instances.

Section 4-9: Other Faculty Issues

Unless otherwise limited or restricted by a faculty handbook, general orders, or this Constitution, UFS will review and make recommendations to senior administration about any issue of substance brought to the UFS attention by faculty at the colleges and schools.

Article 5: Meetings and Rules of Procedure

There are two types of UFS meetings: regular and emergency. Robert's Rules of Order (Revised) will be used in the conduct of all business at any meeting of UFS. UFS shall permit any or all of its senators or their alternates (as defined in Article 5, Section 1, paragraph 3) to participate in a regular or emergency meeting by, or conduct the meeting through the use of, any means of communication by which all senators or their alternates participating may simultaneously hear each other during the meeting. A senator or his /her alternate participating in a meeting by this means is deemed to be present in person at the meeting.

Section 5-1: Regular Meetings

UFS will meet regularly but not less than six times per year, at a time convenient to the majority of its members.

One meeting each year will be a face-to-face meeting with all senators who can attend meeting at the same location. The senior administration will be informed of the place and time of the face-to-face meeting and will have the right to change the location of the meeting due to budgetary considerations.

If a senator is unable to attend a regular or emergency meeting of UFS, he/she may designate an alternate to temporarily represent the college or school in the senator's absence. In such case, the senator shall provide the UFS chairperson the name of the alternate prior to the meeting of UFS. Alternates shall have the same voting rights as the absent senator. Alternates may not hold an administrative position.

Section 5-2: Emergency Meetings and Alternate Members

Either the chairperson or a simple majority of senators acting in concert may call an emergency meeting of UFS. If elected senators are available, alternates will not be included in the simple majority needed to call an emergency meeting of UFS. The person or group requesting the emergency meeting of UFS must provide an agenda for the meeting, and give all senators a minimum of 48 hours advance notice. All emergency meetings are considered closed meetings.

Section 5-3: Quorum

Presence of a simple majority of the duly elected voting senators of UFS shall constitute a quorum. A majority of this quorum must vote affirmatively to validate any UFS action.

Article 6: Repeal of UFS Action

Any action of UFS may be voided by a simple majority vote of the colleges and schools. To void a UFS action, each college or school is given one vote. A vote to void a UFS action must result from a majority of faculty at that school or college voting affirmatively to void a UFS action. The college or school's assembly, council, or senate will send out the ballot, collect votes, and calculate results of the university faculty vote at their respective school or college. The vote to void a UFS action will then be sent by each school and college to senior administration. Votes will be counted and results of the vote will be sent by senior administration to UFS and the University faculty at each school and college.

Article 7: Recall and/or Removal of UFS Officers and Vacancies

Any officer may be removed from office upon a two-thirds majority vote of the full UFS. A vote shall not be taken unless a petition signed by at least 40% of the senators has been filed with one of the UFs officers and is attached to the agenda for the meeting at which the vote shall be taken.

If an office other than chairperson is vacated by recall, resignation, or other cause, UFS shall elect at its next meeting a successor for the unexpired term. If the office of chairperson becomes vacant, the vice chairperson will assume the office of chairperson for the unexpired term. UFS shall elect a new vice chairperson at its next regularly scheduled meeting.

Section 7-1: Recall and/or Removal of Senators

Senators may be removed from office either by resignation or recall. Recall shall be for cause, defined as:

- three absences from regularly scheduled meetings without reasonable cause and without assigning an alternate during a single year. The responsibility of reporting cause to the chairperson lies with the senator.
- sustained failure to represent the stated interests of the faculty of the college or school from which the senator originates. In this case, a recall petition must be submitted to the chairperson of the UFS from two-thirds of the members eligible to serve on their college or school's assembly, council, or senate. This college or school vote to remove a senator must be conducted by the faculty assembly, council, or senate of that college or school.

Article 8: Reports and Minutes of the UFS

Actions of UFS will be recorded by the secretary. Minutes shall be approved in an open meeting. Approved minutes of these meetings shall be made available to all members of the University faculty.

The UFS chairperson or his/her designee will communicate with senior administration regularly and upon request concerning the activities of UFS. UFS, through its chairperson, shall upon request of the senior administration provide a written report on both its activities and the general state of the University faculty for the Board of Trustees' annually. These reports will be completed not less than three (3) weeks prior to

the Board of Trustees meeting, and be provided to senior administration and the University Faculty. If authorized by the Board of Trustees, the UFS shall have the right to address the Board during the Board's regularly scheduled meeting.

Article 9: Committees and Subcommittees of the UFS

UFS may establish standing committees, special committees, or ad hoc committees as it deems necessary to fulfill its function. Senators or members of the University faculty as designated by UFS may staff these committees. Committees will report matters of current concern within their respective jurisdictions to UFS on their own initiative or pursuant to specific procedural instructions as described by UFS.

Article 10: Empowering Procedure

This Constitution shall become the governing document of UFS upon 1) formation of a faculty assembly, council, or senate at each of the two colleges and four schools of ATSU (A faculty assembly, council, or senate will be considered formed after having written a constitution approved by at least a simple majority of its college or school faculty and by senior administration.), 2) approval by each college and school at ATSU (A college or school will have approved the constitution following a two- thirds vote of approval of the University faculty who are present and vote at each college and school by secret ballot), and 3) approval by senior administration of the University. Senators serving to create the UFS Constitution shall administer a secret ballot for their respective college or school and tabulate results for their college or school. Senators shall then convene a meeting to determine if each college and school of the university has approved the UFS Constitution. Approval carries with it intent of both UFS and the senior administration to cooperate in matters relevant to the faculty and University.

Article 11: Amendment Procedure

The UFS Constitution is intended to be a dynamic document. As such, amendments may be proposed as the need arises. An amendment to the UFS Constitution may be proposed through a petition to the UFS chairperson that must be signed by the chairperson of one of the college or school's assembly, council, or senate indicating the petition was approved by a majority vote of that college or school's faculty assembly, council, or senate; or by at least 10 members of the University faculty (as defined in Article 3: Membership of the UFS) or by a majority vote of the UFS present to vote.

The proposed amendment to the Constitution must then be approved by a majority vote of the entire UFS. Once approved, the proposed amendment to this Constitution shall be distributed to the University faculty and senior administration of the University at least four weeks prior to its consideration at a meeting of the University faculty at their respective colleges or schools. The University faculty senators will call these meetings, preside over meetings, distribute ballots, and tabulate results for their respective college or school. The senators will then present results of the vote from their college or school at a meeting of UFS. (Each college or school is given one vote.) Results will be tabulated and passage of any constitutional amendment shall be by a simple majority of the colleges and schools of the university voting in favor of the amendment. A college or school is considered to be in favor of the constitutional amendment if at least two-thirds of its faculty who vote is in favor of the amendment. Any constitutional amendment approved by the majority of the colleges and schools of the university must also be approved and signed by senior administration.

Proposed revisions by UFS to ATSU administration: December 16, 2019

Approval: Vineet Singh June 23, 2020
Chair, University Faculty Senate Date

Approval: June 23, 2020
Senior Vice-President, Academic Affairs Date

Approval: June 26, 2020
President, A.T. Still University Date

APPENDIX E: 2021-2028 ATSU Strategic Plan

APPENDIX F: ATSU Student Course Evaluation Core Instrument

The following nine questions will be used in all end-of-course student course evaluations. Exempted courses may include field placement courses, clinical internship courses, and terminal projects (e.g., dissertation, thesis, and capstone courses).

A. Student Course Evaluation Core Questions:

Course Design:

1. Course expectations were clear.
2. The course was well organized.
3. Learning activities were aligned with course objectives/competencies.
4. Assessments of learning were aligned with course objectives/competencies.
5. Overall, this course enhanced my learning of the content area.

Instruction:

6. The instructor(s) demonstrated knowledge of the subject matter.
7. The instructor(s) was/were available to assist students.
8. The instructor(s) provided constructive feedback to enhance learning.
9. The instructor(s) provided timely feedback consistent with course policies.

B. Response Scale:

The instrument uses a 4-point Likert scale as illustrated below:

○ Strongly Agree ○ Agree ○ Disagree ○ Strongly Disagree

C. Additional Considerations

1. Colleges/schools/programs/departments should use a course evaluation instrument that combines the core items above (as Items #1 through #9) with additional qualitative and quantitative questions (beginning with item # 10) appropriate to their own needs in order to optimize student feedback.
2. When using this tool to evaluate courses taught by multiple faculty members, the colleges/schools/programs or departments shall implement the parts of the tool appropriate for each faculty member's role in the course (i.e. course director vs. lab instructor).
3. EvalKit software should be used to administer end of course evaluations. Training and assistance for using EvalKit is readily available through the university office of Assessment and Accreditation (OAA) in Academic Affairs.

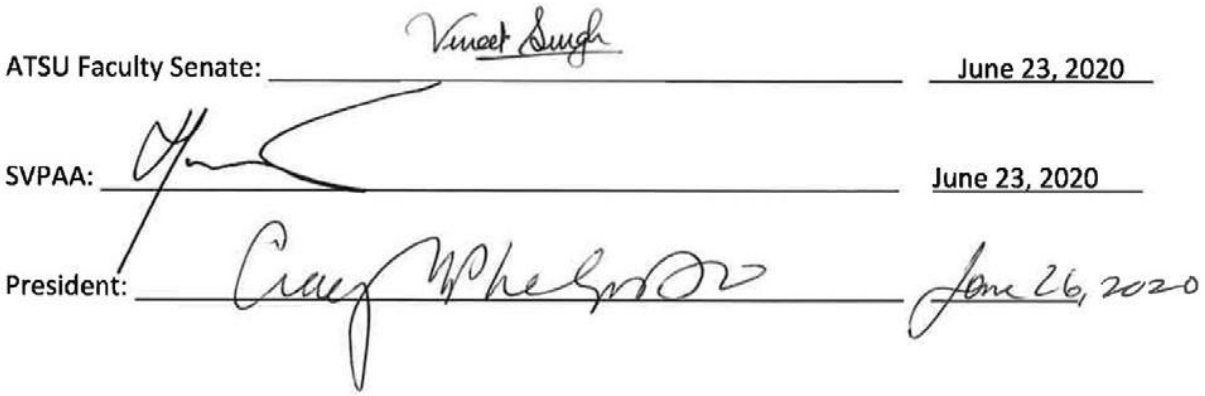
D. Policies on Administering Student Course Evaluations

1. The course evaluation should be administered near the end of the course, but before the final exam.

2. The questionnaire used for each student course evaluation will include the core instrument items plus the individual college/school or department qualitative and quantitative questions.
3. Student course evaluations will be completed online in a process that will ensure student anonymity.
4. The instructor must not be present while the evaluations are being completed.
5. The evaluation administrator should instruct students not to communicate with each other while completing the evaluations.
6. The final results of the evaluation will not be provided to the instructor until after the final grades are submitted.

E. Policies on Use of the Results of the Student Course Evaluation
1. Student course evaluations shall not be used as the primary indicator of faculty performance.
2. The response to a single question on a student course evaluation shall not be used as the primary indicator of faculty performance.
3. The faculty member's direct supervisor should meet with faculty to review and interpret student course evaluations at least annually.
4. The review should focus on parts of the course evaluation that are in accordance with the faculty member's role in the course (i.e. faculty members should not be evaluated on course design if they did not have a role in designing the course).

Approvals **(signatures and dates)**



APPENDIX G: ATSU POLICY NO. 90-210

ATSU POLICY NO. 90-210: PROHIBITION OF DISCRIMINATION, HARASSMENT, AND RETALIATION

APPROVAL DATE: OCTOBER 14, 2026 **SIGNATURE: *Signature on file with HR***

Purpose

The purpose of this general order is to provide an employment and learning environment at A.T. Still University of Health Sciences ("ATSU" or "University") free from discrimination, harassment, and retaliation and ensure compliance with Title IX of the Education Amendments Act of 1972, Violence Against Women Act Reauthorization of 2013, Clery Act, Title VI and Title VII of the Civil Rights Act of 1964, Pump Act, Pregnant Workers Fairness Act, and all other applicable national, state, and local laws.

Discrimination, harassment, or retaliation by anyone – managers, administrators, supervisors, co-workers, students, or non-University personnel, including clients, vendors, and suppliers – on the basis of race, color, religion, ethnicity, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status, or any other status protected by applicable law is a violation of University policy and prohibited by ATSU. Any member of the ATSU community whose acts deny, deprive, or limit the educational, employment, and/or social access, benefits, and/or opportunities of any member of the ATSU community, guest, or visitor based on that person's actual or perceived protected characteristics is in violation of this policy. This policy and excerpts from it appear in many ATSU publications, both online and in print. For the most up-to-date version of this policy, refer to atsu.edu/prohibition-of-discrmination-harrassment-and-retaliation.

Policy

ATSU does not discriminate based on race, color, religion, ethnicity, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status, or any other status protected by applicable law. Dating violence, domestic violence, sexual assault, stalking, harassment, and retaliation related to protected activity under this policy are forms of discrimination prohibited by ATSU.

Any person who witnesses or has knowledge of incidents of discrimination, harassment, retaliation, or any other situation prohibited by this policy, should report such information to persons listed in this general order. Employees, excluding confidential employees, must report to those identified in this policy. All students are encouraged to report. Reports of inappropriate behavior not related to class-based harassment, discrimination, or retaliation will be handled through supervisory response or through Human Resources (for employees) and the University Student Handbook or promotion boards and/or committees (for students).

All who make a good faith report of discrimination or harassment are protected from adverse action or retaliation under provisions of this policy and by ATSU Policy No.10-216: Whistleblower Policy. Good faith reports, even if erroneous, will not result in punitive action. Deliberately false and/or malicious accusations of discrimination and harassment are just as serious an offense as discrimination or harassment and will be subject to appropriate disciplinary action.

If ATSU has actual knowledge of reports from multiple individuals regarding discrimination, harassment, or retaliation by the same respondent, the Title IX coordinator (or designee) may initiate an investigation into those reports, regardless of the participation level of one or more reporting parties.

This policy outlines two processes for addressing formal complaints of discrimination. The Title IX grievance process addresses formal complaints of sex-based discrimination protected and defined under Title IX regulations. The general discrimination grievance process addresses all other allegations of discrimination.

This policy applies to all employees, students, and other individuals, including applicants, who are participating in or attempting to participate in ATSU's educational programs or activities, including employment.

Internal complaints regarding potential violations of the Clery Act, Title IX, or Title VII
To report violations of ATSU's nondiscrimination policies, to request information, or for assistance filing a police report, all ATSU community members may contact:

John Gardner, PhD, Title IX and civil rights coordinator, 800 W. Jefferson St., Kirksville, MO 63501
660.626.2113 or johngardner@atsu.edu

Alternately, the following deputy Title IX coordinators are available at ATSU campuses.

	Mesa, Arizona, campus	**Kirksville, Missouri, campus**	**San Luis Obispo, California, campus**
Students	Michael Zajac Associate VC, Student Affairs Deputy Title IX Coordinator 5845 E. Still Circle Mesa, AZ 85206 480.219.6026 michaelzajac@atsu.edu	John Gardner Title IX and Civil Rights Coordinator 800 W. Jefferson St. Kirksville, MO 63501 660.626.2113 johngardner@atsu.edu	Dianne Korth Director Student Affairs Deputy Title IX Coordinator 651 Tank Farm RD San Luis Obispo, CA 93401 805.621.7681 diannekorth@atsu.edu
Employees, members of the public, or beneficiaries should contact:	Tonya Fitch Director, Human Resources Deputy Title IX Coordinator 5845 E. Still Circle Mesa, AZ 85206 480.219.6007 tfitch@atsu.edu	Donna Brown Assistant Chief, Human Resources & Deputy Title IX Coordinator 800 W. Jefferson St. Kirksville, MO 63501 660.626.2792 dbrown@atsu.edu	Tonya Fitch Director, Human Resources Deputy Title IX Coordinator 5845 E. Still Circle Mesa, AZ 85206 480.219.6007 tfitch@atsu.edu

To report situations or behavior prohibited by this policy anonymously and confidentially, call the 24-hour hotline at 1.855.FRAUD-HL or use the secure online reporting form at fraudhl.com. When making a report, reference the company ID ("ATSU").

Crime reporting options

Facility		Emergency	Campus Safety	Police
Mesa, Arizona, campus	Off-campus	911	480.341.9075	480.341.9075, opt. 2
	On-campus	911	*7	
Kirksville, Missouri, campus	Off-campus	911	660.349.9513	660.785.6945
	On-campus	9-911	33	
San Luis Obispo, California, campus	Off-campus	911	805.245.6221	805.781.7317
	On-campus	911	805.245.6221	
St. Louis Dental Center	Off-campus	911	314.833.2744	314.231.1212
	On-campus	2744	314.833.2744	

If you are in an area without an identified ATSU facility, please call 911 to report a crime or request police assistance.

On-campus, confidential resources available for students

ATSU Behavioral Health & Wellness Counseling Services (atsu.edu/counseling services)

Mesa, Arizona, campus	Kirksville, Missouri, campus	San Luis Obispo, California, campus	St. Louis Dental Center

Karen Taylor, MS, LPC, NCC Behavioral Health & Wellness Counselor 480.219.8069 karentaylor@atsu.edu Timely Care 833-4-TIMELY	Sarah Thomas, EdD, MSW, LCSW Director - Behavioral Health & Wellness 660.626.2751 snthomas@atsu.edu Timely Care 833-4-TIMELY	Karen Taylor, MS, LPC, NCC Behavioral Health & Wellness Counselor 480.219.8069 karentaylor@atsu.edu Timely Care 833-4-TIMELY	Sarah Thomas, EdD, MSW, LCSW Director - Behavioral Health & Wellness 660.626.2751 snthomas@atsu.edu Timely Care 833-4-TIMELY

Regulatory complaints regarding potential violations of the Clery Act, Title IX, or Title VII may be directed to:

Location	Title IX and Clery Act	Title VII
Missouri	U.S. Department of Education One Petticoat Lane 1010 Walnut Street, Suite 320 Kansas City, MO 64106 816.268.0550 816.268.0559 fax OCR.kansascity@ed.gov	U.S. Equal Employment Opportunity Commission Robert A. Young Federal Building 1222 Spruce Street, Room 8100 St. Louis, MO 63103 800.669.4000 314.539.7894 fax 800.669.6820 TTY
Arizona	U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204 303.844.5695 303.844.4304 fax OCR.Denver@ed.gov	U.S. Equal Employment Opportunity Commission 3300 North Central Avenue Suite 690 Phoenix, AZ 85012 800.669.4000 602.640.5071 fax
California	U.S. Department of Education 915 Second Avenue, Room 3310 Seattle, WA, 98174 206.607.1600 206.607.1601 fax OCR.SanFrancisco@ed.gov	U.S. Equal Employment Opportunity Commission 450 Golden Gate Avenue 5 West P.O. Box 36025 San Francisco, CA 94102 800.669.4000 415.522.3415 fax

Resources

Off-campus counseling and victim support are available through:
National Sexual Assault Hotline - 800.656.4673
Mesa Victim Services Unit (Arizona) - 480.644.4075
San Luis Obispo Crisis Center Hotline (Lumina Alliance) - 855.886.7473
St. Louis Regional Sexual Assault Hotline (Missouri) - 314.531.7273

Employees may access the Employee Assistance Program (EAP) by calling 800.999.7222 or by visiting www.anthemEAP.com (enter code: ATSU).

Policy definitions

For purposes of this policy, the terms defined herein shall have the specific meanings assigned to them. These definitions are intended to be precise and controlling and shall apply regardless of any common, dictionary, or informal usage. No interpretation outside the definitions provided in this policy shall be used to modify or expand the term's meaning. Any terms not specifically defined within this policy shall be given their plain, ordinary, and common meaning within the context of higher education and applicable federal and state law. In the event of ambiguity, the Title IX coordinator (or designee) shall have the final authority to interpret the term in a manner consistent with the purpose of this policy.

Actual knowledge – When ATSU receives notice of sexual harassment or allegations of sexual harassment to the institution's Title IX coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution.

Advisor – A person selected by the complainant or respondent, or appointed by the University, to be present during investigation proceedings, including interviews or the hearing process, to advise the party.

Appeal decision-maker – An appeal decision-maker is the person or panel designated by the institution to review a party's request for an appeal. The appeal decision-maker accepts or rejects a submitted appeal request, determines whether any of the approved institutional appeal grounds are met, and directs responsive corrective actions or remands accordingly.

ATSU community member – A person participating in or attempting to participate in an ATSU education program as an employee, student, prospective student, alumni, or similarly positioned individual.

Challenge – A written request by either a complainant or a respondent to the Title IX coordinator (or designee), to seek modification, reversal, or denial of ATSU's decision to provide, deny, modify, or terminate supportive measures that directly impact the party.

Coercion (sexual) – Sexual coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors including the type and/or extent of the pressure used to obtain consent. When someone makes clear they do not want to engage in certain sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Coercion (general) – General coercion is any unreasonable pressure, manipulative demand, or implied/express threat used to compel an individual to engage in an action or participate in an activity against the person's will. This includes, but is not limited to, using administrative, grading, or supervisory authority to force participation in noneducational or nonconsensual activities (e.g., mandated religious practices, forced organizational rituals, or personal services). Conduct is evaluated objectively based on whether a reasonable person under similar circumstances would feel autonomy or freedom of choice was significantly compromised.

Complainant – An ATSU community member who is alleged to have been subjected to conduct that could constitute class-based (race, sex, gender, other protected characteristics, etc.) discrimination under this policy and who was participating or attempting to participate in ATSU's education program or activity (including employment) at the time of the alleged discrimination.

Confidential employee – An ATSU employee whose communications are privileged or confidential under federal or state law or by virtue of licensure or position. The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of the duties to which privilege or confidentiality applies. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about

discrimination in connection with providing those services. ATSU employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination are also considered confidential employees. ATSU only defines confidential employees as Behavioral Health & Wellness counselors or healthcare providers who are acting in the role of a counselor or healthcare provider. A physician, dentist, physical therapist, or anyone else acting in a role other than a provider (faculty member, committee member, organization advisor, etc.) must report all known information related to discrimination or harassment.

Consent (sexual) – Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Affirmative consent is affirmative, conscious, and voluntary agreement to engage in sexual activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss the person back (if you want to) without the need to explicitly obtain that person's consent to being kissed back. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time. Consent to some sexual contact (including kissing or fondling) cannot be presumed to be consent for other sexual activity (including intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Consent (general) – Outside of sexual misconduct, consent means an individual's willing, uncoerced, and voluntary agreement to participate in an activity, practice, or program. Where a power imbalance exists (e.g., faculty to student, supervisor to employee), apparent acquiescence or compliance does not automatically equal consent. If an individual participates in a nonmandatory, noneducational, or nonoperational activity (e.g., a religious practice, personal errand, or social ritual) solely due to fear of academic reprisal, employment retaliation, or systemic exclusion, such participation is deemed nonconsensual.

Dating violence – Violence committed by a respondent who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Dating violence is distinguished from domestic violence solely by the nature of the relationship between the parties, rather than the specific acts committed.

Directly related evidence – Evidence connected to the allegations but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and which cannot be relied upon by decision-makers. Evidence may be redacted.

Disciplinary sanctions – Consequences imposed on a respondent following a determination of a violation of ATSU Policy No. 90-210 and associated policies.

Discrimination – Different treatment with respect to a person's employment or participation in an education program or activities based upon the person's actual or perceived protected characteristics.

Dismissal – Dismissal of formal complaints from the Title IX Grievance Process to the General Discrimination Process within this policy, dismissal from this policy to another, or complete dismissal from HR-related policies.

Domestic violence – Violence committed by a respondent who is a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under domestic or family violence laws, or by any other person against an adult or youth complainant who is protected from that person's actus under

domestic or family violence laws. Domestic violence is distinguished from dating violence solely by the nature of the relationship between the parties, rather than the specific acts committed.

Education program or activity – Locations, events, or circumstances where ATSU exercises substantial control over the context in which the discrimination, harassment, or retaliation occurs. This also includes any building owned or controlled by a student organization that ATSU officially recognizes.

Evaluation – ATSU's decision whether to dismiss or investigate a formal complaint of discrimination.

Family status – The configuration of one's family or one's role in a family.

Final determination – A conclusion by the standard of evidence that the alleged conduct did or did not violate the policy.

Finding – A conclusion by the standard of evidence that the conduct did or did not occur as alleged (as in a "finding of fact").

Fondling – The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation by the respondent or the respondent causing or directing the complainant to touch the respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts without the consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This act includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. (Note: The terms "fondling" and "criminal sexual contact" may be used interchangeably.)

Force – Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, nonconsensual, but nonconsensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of nonconsent.

Formal complaint – A complaint, made in writing, that informs the University the complainant would like to initiate an investigation or other appropriate resolution process. A complainant may initially make a report and decide later to make a formal complaint.

Title IX grievance process – ATSU's method of formal resolution to address Title IX sexual harassment allegations, which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act amendments to the Clery Act (34 C.F.R. § 668).

General discrimination – Class-based discrimination or harassment not defined or covered under Title IX regulations but covered under the Title IX grievance process.

General discrimination process – ATSU's method to resolve formal complaints related to protected characteristics that do not meet the definitions of the Title IX grievance process.

Grievance and Equity Response Team (GERT) – A team of qualified ATSU employees who serve as advisors, investigators, hearing panel members, and appeals decision-makers in the grievance processes. GERT membership is maintained and instructed by the Title IX coordinator (or designee). GERT members

receive annual instruction specific to their respective role(s) in the resolution process, as well as Title IX-specific instruction upon hire/membership to GERT and annually thereafter.

Hearing panel – A group of qualified ATSU employees from the GERT and/or third-party consultant(s) who hear and conduct a proceeding to determine a finding regarding a formal complaint of discrimination in the Title IX grievance process.

Impact and mitigation statement – Complainants may submit a written statement describing the impact of discrimination, harassment, or retaliation on the complainant. Respondents may submit a written statement explaining any factors the respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. Impact and mitigation statements are shared with the decision-maker(s) for sanctioning purposes if the decision-maker(s) determines there was a policy violation.

Impermissible evidence – Evidence relating to a complainant's sexual interests or prior sexual conduct is excluded unless the evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct. It is also permitted if it is evidence about specific incidents of the complainant's prior sexual conduct with the respondent offered to prove consent. Impermissible evidence also includes previous disciplinary action of any kind involving the respondent unless there is an allegation of a pattern of misconduct.

Incapacitation – A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of the sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition or disability, involuntary physical restraint, and/or the consumption of incapacitating drugs. Incapacitation should be evaluated from the ability of the respondent to know of the incapacitation.

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.

Informal resolution – A resolution agreed to by the parties and approved by the Title IX coordinator (or designee) that occurs prior to a final determination in the resolution process.

Investigation – A process conducted by unbiased investigators to gather and synthesize evidence while providing analysis of the credibility of evidence. In the general discrimination grievance process, investigator(s) will make a determination of "in violation" or "not in violation" of policy. In the Title IX grievance process, the investigator(s) will not make a determination of in violation or not in violation, but instead, determine the facts to be considered by the hearing panel.

Investigation report – The investigators' written summary of all relevant evidence gathered during the investigation. Variations include the evidence summary report, the draft investigation report, and the final investigation report.

Jurisdiction – This policy applies to ATSU's education programs and activities, including employment.

Title IX regulatory jurisdiction: This policy applies to allegations of Title IX sexual harassment that occur within an ATSU education program or activity against a person in the United States. An education program or activity includes locations, events, or circumstances over which ATSU exercises substantial

control over both the respondent and the context in which the misconduct occurs, as well as any building owned or controlled by an ATSU-recognized student organization.

Institutional/off-campus jurisdiction: Conduct that occurs outside the United States or outside an official ATSU education program or activity is not subject to the Title IX formal grievance process. However, ATSU retains disciplinary authority and jurisdiction under the general discrimination process over off-campus and/or online misconduct when the conduct affects a substantial ATSU interest. A substantial ATSU interest includes, but is not limited to, any action that constitutes a criminal offense under applicable law; any situation in which the respondent is determined to pose an immediate threat to the physical health or safety of any student, employee, or other individual; any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, or causes social disorder; or any situation that substantially interferes with ATSU's educational interests or programmatic mission.

Nonaffiliated/unknown respondents: If the respondent is unknown or is not a member of the ATSU community (such that they are not subject to ATSU's primary disciplinary jurisdiction), ATSU cannot pursue disciplinary sanctions. In all such cases, the Title IX coordinator (or designee) will implement appropriate nonpunitive supportive measures for the complainant and provide assistance in identifying external local, legal, and institutional support options.

Mandated reporter – An ATSU employee who is obligated by policy or law to share knowledge, notice, and/or reports of discrimination, harassment, and/or retaliation with the Title IX coordinator or designee. All employees, with limited exceptions (see confidential employee), are mandated reporters.

Marital status – A person's state of being single, married, separated, divorced, or widowed.

Notice – When an employee, student, or third party informs the administrator or any ATSU official who has authority to take corrective measures on behalf of the University of an alleged occurrence of discrimination, harassment, retaliation, and/or other prohibited conduct.

Party – A complainant or respondent. Parties is the collective term for the complainant(s) and respondent(s) involved in a formal complaint.

Parental status – The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is any of the following: a biological parent; an adoptive parent; a foster parent; a stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy or related conditions – Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preponderance of evidence – The standard of evidence used in this policy. This standard indicates it is more likely than not that a policy violation occurred.

Protected characteristic – A specific personal attribute that is legally shielded from discrimination.

Quid pro quo – An act in which a university community member conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

Rape – Penetration, no matter how slight, of the vagina or anus of a person with any body part or object or oral penetration of a sex organ of the complainant, or by the respondent's sex organ, or by a sex-related

object without the consent of the complainant, including instances when the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Reasonable person – A reasonable person under similar circumstances and with similar identities to the complainant.

Recipient – The institution receiving federal funding. In this policy, the recipient is ATSU.

Relevant evidence – Evidence in an investigation that has bearing on the determination as to whether a policy has been violated. This could be documentary evidence, including emails, text messages, videos, transcriptions of interviews, etc. Relevance is subject to mandatory regulatory exclusions, including but not limited to rape shield protections, legally privileged information, and nonconsensual medical/psychological records (see impermissible evidence). Evidence may be redacted.

Remedies – Measures provided, as appropriate, to a complainant or any other person ATSU identifies as having had their equal access to ATSU's education program or activities, including employment, limited or denied by discrimination, in order to restore or preserve access to the education program or activities after a determination of discrimination.

Report – A report provides notice to ATSU of an allegation or concern about discrimination, harassment, or retaliation and allows the Title IX coordinator (or designee) to provide information, resources, and supportive measures. A complainant may initially make a report and decide later to make a formal complaint. A report carries no obligation to file a formal complaint.

Resolution – The result of an informal or formal grievance process.

Resolution process – The investigation and resolution of allegations of prohibited conduct under this policy, including informal resolution and formal resolution (Title IX grievance process and general discrimination grievance process).

Respondent – Party accused of violating ATSU policy.

Retaliation – Retaliation includes taking or attempting to take materially adverse action by intimidation, threats, coercion, or discrimination against any person by ATSU, a student, an employee, or another person for the purpose of interfering with any right or privilege under this policy or because the person has reported information, made a formal complaint, testified, assisted, participated, or refused to participate in any manner in an investigation or proceeding in the grievance process. The University reserves the right to pursue disciplinary action against those who knowingly make materially false statements in bad faith during a resolution process under this policy. Such disciplinary action shall not constitute retaliation on the part of the University. A determination of "no responsibility," by itself, is not sufficient to conclude any party has made a materially false statement in bad faith.

Sanction – A consequence imposed on a respondent who is found to have violated this policy.

Sex – Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy (or related conditions), marital or family status, and sexual orientation.

Sexual assault with an object – Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the oral, genital, or anal opening of the body of the complainant without the complainant's consent, including instances where the complainant is incapable of giving consent because of age or a temporary or permanent mental or physical incapacity.

Sexual exploitation – Any person taking nonconsensual or abusive sexual advantage of another that does not constitute sexual harassment (see definitions), for their own benefit or for the benefit of anyone other than the person being exploited. Examples of sexual exploitation include, but are not limited to:

- **Sexual voyeurism:** Observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts, without the consent of the person being observed.
- **Nonconsensual intimate imagery:** Distributing, displaying on a device, or transmitting (e.g., via Airdrop, Snapchat, or other software) authentic or synthetic intimate, nude, or sexually explicit photos, videos, or audio recordings of an individual without their consent.
- **Synthetic media creation (deepfakes):** Creating or disseminating synthetic or digitally manipulated media that represents an individual doing or saying sexually related things that never happened or placing identifiable real people in fictitious pornographic situations without their consent.
- **Identity misappropriation:** Misappropriating another person's identity on apps, websites, or other online venues designed for dating or sexual connections (e.g., spoofing).
- **Exceeding boundaries:** Exceeding the established boundaries of consent, such as secretly allowing another person to hide in a space (e.g., a closet) to observe sexual activity.
- **Induced incapacitation:** Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity.
- **Sextortion:** The act of obtaining—or attempting to obtain—money, property, services, sexual conduct, or an image of an intimate body part from an individual by the wrongful use of force, coercion, or fear. This includes threatening to disclose, distribute, publish, or share private, sexually explicit, or intimate media (including authentic, modified, or synthetic/AI-generated representations) without the individual's consent.
- **Technology-Facilitated Sexual Harassment:** Any form of unwelcome sexual advance, request for sexual favors, non-consensual sharing or manipulation of sexually explicit content, or other verbal, visual, or physical conduct of a sexual nature that is committed, assisted, exacerbated, or amplified through the use of electronic technology, digital communication channels, or online platforms.

Sexual Harassment – Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct, including battery, violence, and exploitation, of a sexual nature that violates institutional standards or applicable law. The specific definitions of prohibited conduct are included in the Title IX Prohibited Conduct and Grievance Process and the General Discrimination Prohibited Conduct and Grievance Process sections of this policy.

Sodomy – Oral or anal penetration of the complainant by the respondent without the consent of the complainant, including instances when the complainant is incapable of giving consent because of age or a temporary or permanent mental or physical incapacity.

Stalking – A respondent engaging in a course of conduct on the basis of sex, directed at the complainant, that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

· Course of conduct means two or more acts, including but not limited to acts in which the respondent directly, indirectly, or through third parties by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

· Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Statutory rape – Sexual intercourse with a person who is under the statutory age of consent in the state. For the purposes of this policy, allegations of statutory rape will be evaluated in strict alignment with applicable state law, including any close-in-age exemptions established by state law. Consensual conduct that is legally exempt from criminal prosecution under applicable state age-gap laws shall not constitute a violation of this policy.

Student – A person who has gained admission to an ATSU program. A person remains a student after admission until they withdraw, are dismissed, graduate from an ATSU program, or otherwise leave ATSU's educational program or activity. For the purposes of this policy, an individual maintains an ongoing educational relationship and remains defined as a student during any period of approved leave of absence, institutional suspension, or while a formal appeal of an academic or disciplinary dismissal is actively pending resolution through official university channels.

Supportive measures – Individualized measures offered to restore or preserve a party's access to ATSU's education program or activity and provide support during grievance processes. Supportive measures must be provided without fee or charge to its parties, be reasonably available, not create an unreasonable burden on either the complainant or respondent, and not be applied for punitive or disciplinary reasons.

Title IX coordinator – Official designated by ATSU to ensure ultimate oversight of compliance with Title IX and ATSU's Title IX program. References to the Title IX coordinator throughout the policy may also encompass a designee of the Title IX coordinator for specific tasks.

Title IX discrimination – Discrimination that meets the definition of prohibited conduct under the Title IX process.

Preliminary processes

The following processes apply to all reports of prohibited conduct. These processes occur upon receipt of a report and before the commencement of a formal investigation under either the Title IX grievance process or the general discrimination grievance process.

A. Initial assessment – The Title IX coordinator (or designee) conducts an initial assessment when receiving a report of prohibited conduct. The initial assessment typically includes:
    1. Notifying the complainant, or the person who reported the allegations, of the available resolution options.
    2. Notifying the respondent of the available resolution options if a formal complaint is made.
    3. Offering and coordinating supportive measures for the parties.
    4. Determining whether the complainant wishes to file a formal complaint.
    5. Assessing whether the reported conduct may reasonably constitute a policy violation.
    6. Determining whether ATSU has jurisdiction over the reported conduct.

B. Formal complaint evaluation – Formal complaints of discrimination and harassment made under this policy will be evaluated to determine the following:

    1. Whether the formal complaint is sex-based in nature (sex, gender, pregnancy, pregnancy-related condition, sex stereotypes, sex characteristics, sexual orientation) and meets the threshold to be considered under the Title IX grievance process.
    2. Whether the sex-based discrimination formal complaint(s) falls under the Title IX final rule originally published in the Federal Register, May 19, 2020, and reinstated on January 31, 2025.
    3. Mandatory dismissal of a Title IX sex-based formal complaint is required if:
        a. The alleged conduct would not constitute Title IX sexual harassment even if proven.
        b. The sex-based conduct did not occur in ATSU's education program or activities (including buildings or property controlled by recognized student organizations), including employment.
        c. ATSU does not have jurisdiction over the respondent.
        d. The sex-based conduct did not occur in the United States.
    4. A formal complaint may be dismissed at the Title IX coordinator or designee's discretion if:
        a. A complainant notifies the Title IX coordinator in writing that they withdraw the formal complaint or any allegations therein. Complainants may later request to reinstate or refile the formal complaint.
        b. The respondent is no longer participating in ATSU's education programs or activities, including employment.

c. Specific circumstances prevent ATSU from gathering evidence sufficient to reach a determination as to the formal complaint.
d. Formal complaint alleging sex-based prohibited conduct when the complainant is not participating in or attempting to participate in ATSU's education programs or activities at the time of filing the formal complaint.

5. If a sex-based discrimination formal complaint is dismissed as a potential policy violation under the Title IX grievance process, it will be reviewed as a potential policy violation under the general discrimination grievance process.
6. Whether the formal complaint is based on a different protected class (e.g., race, religion, disability status, etc.) and meets the threshold to be considered under the general discrimination grievance process.
7. If, following initial evaluation of the formal complaint, it is determined that even if the alleged incident details were true, there would still be no policy violation, the complaint will be dismissed from ATSU Policy No. 90-210. The Title IX coordinator (or designee) will then issue a notification of dismissal decision and produce a report stating this conclusion.

C. Appeal of dismissal – Parties may appeal a decision to dismiss their formal complaint. All dismissal appeal requests must be filed within five business days of the notification.
1. A formal complaint dismissal may be appealed on the following grounds:
a. Procedural irregularity affected the outcome of the matter.
b. New evidence not available at the time the determination regarding dismissal was made that could affect the outcome of the matter.
c. The Title IX coordinator (or designee) had a conflict of interest or bias for or against complainant(s) or respondent(s) generally or the specific complainant or respondent that would have affected the outcome of the matter.
2. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met.
3. If the appeal request does not provide information meeting the grounds for appeal, the dismissal appeal decision-maker shall deny the request and notify the party in writing of the denial and the rationale.
4. If any of the asserted grounds in the appeal satisfy the grounds described in the policy, the dismissal appeal decision-maker(s) shall notify the appealing party, as well as the Title IX coordinator, of their decision and rationale in writing. The effect will be to reinstate the formal complaint.
5. In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds.
6. The dismissal appeal decision-maker has 15 business days to review and decide on the appeal. Extensions may be granted at the Title IX coordinator's discretion, and the parties will be notified of any extension.
7. Appeal decisions are deferential to the original determination, with changes made only if there is a compelling justification to do so.

8. The dismissal appeal decision-maker(s) may consult with the Title IX coordinator (or designee) and/or legal counsel for technical or procedural support, if needed. This consultation is strictly administrative and procedural. Under no circumstances shall technical assistance be advisory regarding the outcome, substitute the judgment of the appeal decision-maker(s), or influence the substantive evaluation of the merits or grounds of the appeal. The Title IX coordinator (or designee) is required to maintain contemporaneous written documentation of all such consultations, including the dates, specific procedural questions asked, and technical support provided.
9. If an appeal is granted for a dismissal from the Title IX grievance process or the general discrimination grievance process, the appeal decision-maker(s) may:
a. Remand the allegations to a different reviewer.
b. Send the allegations directly to investigation.

D. Emergency removal – ATSU can act to remove a respondent from its education program or activities on an emergency basis.

1. ATSU will use an individualized safety and risk analysis, conducted by a team of qualified employees, including but not limited to representatives from Campus Safety, the Title IX team, Student Affairs, and/or Human Resources, to determine whether an immediate threat to the physical health or safety of any ATSU community member justifies removing a respondent. The University may include other ATSU employees in the threat assessment to gain additional context. to gain additional context.
2. Student respondents may be partially or entirely removed based on the safety and risk analysis. Employees are subject to existing processes for interim actions and administrative leave per ATSU policies, the ATSU Employee Handbook, and the University Faculty Handbook.

E. Federal timely warning – ATSU must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the ATSU community. ATSU will provide enough information for community members to make safety decisions but not disclose a complainant's name or other identifying information. See ATSU Policy No. 95-114 Emergency Notification and Timely Warning.

F. Supportive measures – ATSU may provide appropriate and reasonable supportive measures to one or both parties upon notice of alleged discrimination, harassment, and/or retaliation. Supportive measures include, but are not limited to, academic, clinical, housing, co-curricular activity, and employment adjustments; temporary no-contact directives; and other steps to stop the behavior and prevent its recurrence in the interim.
   1. Supportive measures are individualized, nondisciplinary, nonpunitive, reasonably available, and offered without fee or charge.
   2. Supportive measures are intended to restore or preserve access to ATSU's education program or activities; protect the safety of all parties and the educational environment; and deter discrimination, harassment, and/or retaliation.
   3. Supportive measures may not unreasonably burden either party.
   4. Parties have the right to request a modification or reversal of an ATSU decision to provide, deny, modify, or terminate supportive measures applicable to them. Challenges to supportive measure decisions will be reviewed by an impartial employee (e.g., a trained GERT member) or third-party consultant who did not make the initial decision and who has the authority to modify or reverse the decision. The review of supportive measures through a challenge will be based on whether the supportive measure creates an unreasonable burden to either party. The employee who made the initial decision cannot review the challenge.
      a. If a challenge is granted to a supportive measure, the reviewer may:
         1. Revoke the supportive measure.
         2. Remand the review of supportive measure back to the Title IX coordinator or designee.
   5. At the time supportive measures are offered, if a formal complaint has not been filed, the Title IX coordinator (or designee) will inform the complainant in writing that they may file a formal complaint either at that time or in the future.
   6. ATSU will not disclose information regarding supportive measures unless necessary to provide supportive measures or to restore or preserve a party's access to the education program or activities.
   7. Violations of temporary no-contact directives or other restrictions may be referred to student or employee disciplinary processes for enforcement or added as collateral misconduct allegations to an ongoing resolution process under this policy.

G. Advisors – Both complainants and respondents may have an advisor (who may be, but is not required to be, an attorney) of their choosing for all Policy 90-210 related processes.
   1. The Title IX coordinator (or designee) can provide an advisor for a party if the party so desires. A party may request from the Title IX coordinator (or designee) an additional support person if there is a support need, including a disability accommodation or translation services. Evidence from a healthcare professional (or similarly situated expert) of a support need may be required.
   2. Advisors provided to parties by ATSU will be provided free of charge. If the Title IX coordinator (or designee) provides an advisor to one party, an advisor shall be offered to the other party or parties.
   3. ATSU cannot guarantee equal advisory rights, meaning if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, ATSU is not obligated to provide an attorney to advise that party.

4. A party may elect to change advisors during the process and is not obligated to use the same advisor throughout the resolution process. Parties are expected to provide the Title IX coordinator (or designee) with timely notification if they change advisors.
5. Advisors shall not answer questions on behalf of their party.
6. Advisors shall not contact the other party.
7. Advisors will present themselves in a professional manner.
8. Advisors shall not be disruptive during any hearings or other proceedings.
9. ATSU officials may remove an advisor from any part of the grievance process if the advisor's behavior is abusive, belligerent, or otherwise inconsistent with a professional nature. A party will be able to replace the advisor if the advisor is removed.

H. Unauthorized disclosure – Parties and advisors are prohibited from unauthorized disclosure of information shared by ATSU through the resolution processes (formal and informal), to the extent the information is the work product of ATSU (meaning it has been produced, compiled, or written by ATSU for purposes of its investigation and resolution of a formal complaint). Examples of work products that cannot be shared include, but are not limited to, formal complaint evaluation reports, investigative reports, evidence summaries, evidence, etc. It is also a violation of ATSU policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation of this policy is subject to significant sanctions.

I. Disability accommodations – ATSU is committed to providing reasonable accommodations and support to qualified individuals to ensure equal access to the resolution process. Individuals needing accommodations or support to access the grievance process should contact the Title IX coordinator (or designee), who will work with ATSU's Learning Resources & Accommodation Services or Human Resources to review the request and, in consultation with the individual requesting the accommodation(s), determine which accommodations are appropriate and necessary for full process participation.

J. Other support – ATSU will also address reasonable requests for support for the parties and witnesses, including:
1. Language services/interpreters.
2. Access to and guidance regarding use of technology throughout resolution processes.
3. Other support as deemed reasonable and necessary to facilitate participation in resolution processes.

K. Promotion and progress boards are not involved in the investigation, sanctioning, or appeal process of formal complaints, discrimination, harassment, or retaliation under this policy.

L. Investigative timeline – The length of an investigation depends on several factors, including the nature and detail of the formal complaint received, complexity of the investigation, and level of cooperation from parties and witnesses.

M. The following figures are estimates based on history.
1. Evaluation of allegations typically takes five business days.
2. Investigations typically take 30-60 business days.
3. Review of challenges to supportive measures typically takes five business days.
4. Appeal of dismissal typically takes 10 business days.
5. Appeal of determination typically takes 15 business days.

N. Collateral misconduct – Collateral misconduct includes potential violations of other University policies occurring in conjunction with alleged violations of this policy, or that arise during the course of the investigation, for which one resolution of the allegations is a reasonable manner of adjudication.
1. Collateral allegations may be charged along with potential violations of this policy to be resolved jointly under this policy's process.
2. Collateral misconduct can include instances of failure to comply or process interference, including:
    a. Intentional failure to comply with the reasonable directives of the Title IX coordinator (or designee) in the performance of their official duties, including with the terms of a no-contact order.
    b. Intentional failure to comply with emergency removal or interim suspension terms.
    c. Intentional failure to comply with sanctions.
    d. Intentional failure to adhere to the terms of an agreement achieved through informal resolution.
    e. Intentional failure to comply with mandated reporting duties as defined in this policy.
    f. Intentional interference with the resolution process (formal or informal), including, but not limited to:

1. Destruction of or concealing of evidence.
2. Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence.
3. Intimidating or bribing a witness, party, or others involved in the grievance process.

3. The Title IX coordinator (or designee) may consult University officials who oversee the item(s) of collateral misconduct to solicit input as needed on what charges should be filed. However, the exercise of collateral misconduct charges under this process is within the Title IX coordinator's (or designee's) discretion.
4. All other allegations of misconduct unrelated to incidents covered by this policy will typically be addressed separately through other University policies and processes.

O. Consolidated formal complaints – The University may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.
P. Procedural transfer – Based on evidence acquired during the investigative phase, the allegations may be reclassified and transferred to the appropriate resolution process (e.g., from Title IX process to general discrimination process or a separate Human Resources process) to ensure the matter is addressed under the correct administrative framework.

Informal resolution process

A. Once a formal complaint has been filed, evaluated for standing, and both parties have been notified of the investigation and allegations, either party may request to utilize an informal resolution process to address the formal complaint. The informal resolution process is not available for allegations between students and employees.
    1. The complainant and respondent must agree to an informal resolution process in writing.
    2. An informal resolution is available to the parties at any time up until a determination has been made through a formal process.
    3. Any party involved in an informal resolution process may, prior to the point at which an informal resolution has been agreed upon, discontinue the informal resolution process and request formal resolution.
    4. The requirements of the informal resolution process include:
        a. An agreement reached through the informal resolution process precludes a party from initiating a grievance related to the same allegations.
        b. The terms that may be requested or offered in an informal resolution are binding only on the parties.
        c. Any information shared during the informal resolution process considered relevant evidence will be maintained in the event the parties shift from an informal to a formal resolution process.
        d. Both parties may have an advisor of their choice present for the informal resolution.
        e. Sanctions and remedies are determined by the parties through dialogue and not by ATSU. ATSU must agree to the resolution agreement.
        f. The parties will reach a written resolution that will be maintained on record by the Title IX coordinator.
        g. Parties who begin an informal resolution and request to return to a formal resolution for any reason will not be able to return to the informal resolution process.
        h. Parties who reach an agreement through an informal resolution waive their appeal rights.
B. All resolutions reached through the informal resolution process shall be binding and shall include a nondisclosure agreement applicable to all parties. Either party who violates the resolution may be in violation of ATSU Policy No. 90-210: Prohibition of Discrimination, Harassment, and Retaliation; ATSU Policy No. 10-220: ATSU Code of Ethical Standards; the ATSU Student Handbook; or other ATSU policies. Once the agreement is made, both parties waive their right to a formal resolution process.

Title IX prohibited conduct and grievance process

This process applies to ATSU community members participating in, or attempting to participate in, ATSU's educational program or activities, including employment. If, through this process, any University employee or student is found in violation of this policy, they will be subject to corrective action, up to and including termination or dismissal. University employees or students may be disciplined, up to and including termination or dismissal, for engaging in behavior that is disrespectful, disruptive, or otherwise prohibited by this policy, regardless of whether such behavior constitutes harassment prohibited by law. Patient complaints related to discrimination or harassment will be addressed under ATSU Policy No. 30-103: Patient Complaints.

Prohibited conduct under Title IX

Prohibited conduct includes unwelcome conduct, whether verbal, nonverbal, physical, or visual, including online and/or electronic manifestations of any prohibited conduct, based on or related to an individual's sex (including pregnancy) or sexual orientation that occurs within the U.S. as a part of the recipient's program or activities (including employment), directed toward a person who participates in a recipient's program or is attempting to participate in a recipient's program, and that has the effect of creating a hostile environment, constitutes quid pro quo harassment, or constitutes sexual assault, dating violence, domestic violence, or stalking.

A. Sexual harassment (hostile environment) – Unwelcome conduct that, based on the totality of the circumstances, is determined by a reasonable person to be so severe, pervasive, and objectively offensive it effectively denies a person equal access to the recipient's education program or activity or alters the conditions of employment from a subjective (the alleged victim's) and an objective (a reasonable person's) viewpoint.
    1. Whether a hostile environment has been created is a fact-specific inquiry, which includes consideration of the following:
        a. The degree to which the conduct affected the complainant's ability to access ATSU's education program or activity (including employment).
        b. The type, frequency, and duration of the conduct.
        c. The parties' ages, roles within ATSU's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
        d. The location of the conduct and the context in which the conduct occurred.
        e. Other sex-based harassment in ATSU's education program or activity.
    2. Quid pro quo harassment (see policy definitions)
    3. Sexual assault (see policy definitions)
    4. Rape (see policy definitions)
        a. Sodomy (see policy definitions)
        b. Sexual assault with an object (see policy definitions)
        c. Fondling (see policy definitions)
    5. Incest (see policy definitions)
    6. Statutory rape (see policy definitions)
    7. Dating violence (see policy definitions)
    8. Domestic violence (see policy definitions)
    9. Stalking (see policy definitions)
    10. Additional sex-based formal complaints of discrimination or harassment, which are mandated by state law, federal court decisions, or state court decisions to have a hearing as a part of the grievance process, will follow the Title IX prohibited conduct and grievance process.
B. Title IX grievance process
    1. Any individual who feels they have witnessed or experienced behavior prohibited by this policy or who has questions, concerns, or information regarding violations of this policy, should immediately report the circumstance(s) or incident(s) to their supervisor or one of the contact persons described in this policy. Once a report is shared with the Title IX coordinator or deputy Title IX coordinator, the complainant will be notified in writing of their ability to file a formal complaint. All University employees are required to report any knowledge of a violation of this policy, with the limited exception of licensed professional mental health counselors and other persons with a professional license requiring confidentiality who are working within that license.

a. If a complainant does not wish for a formal complaint to move forward, the Title IX coordinator (or designee) may move forward and submit a formal complaint if there is a compelling risk to the health or safety of individuals or the community based on a risk assessment. The risk may be based on a pattern, predatory behavior, abuse of minors, use of weapons, violence, and/or other compelling rationale.
b. A formal complaint must be made in writing to the Title IX coordinator (or designee) or a deputy Title IX coordinator to initiate a formal complaint evaluation, which may lead to an investigation (see formal complaint evaluation).
c. A complainant may receive supportive measures without filing a formal complaint or proceeding to an investigation (see supportive measures).

2. If the formal complaint is moved to the formal resolution process, the parties will receive notice of investigation and allegations, including:
   a. Applicable policies with specific sections of alleged violations identified.
   b. Notice of details of allegations, if known.
   c. Identities of parties involved, if known.
   d. Date(s) of incident(s), if known.
   e. Location(s) of incident(s), if known.
   f. Right to have an advisor of the party's choice.
   g. A statement that the respondent is presumed not in violation of policy.
   h. Access to applicable policies.
   i. A reminder of the expectation for truthfulness in the process.
   j. The ability to review and inspect directly related evidence at the conclusion of the investigation.
   k. A statement regarding the prohibition of retaliation.

Title IX formal resolution process

The formal resolution process includes investigation by unbiased investigators and a hearing before neutral, impartial panel members, subject to appeal and final determination. Remedies to restore those impacted will be implemented upon a final determination of a policy violation.

Investigation

A. Investigations will be completed within a prompt and reasonable timeframe dependent on the context and facts related to the formal complaint.
B. Parties will be regularly updated as to the projected timeline for completion of the investigation. During the process, parties will:
   1. Be given timely notice of any meetings at which either or both may be present.
   2. Have equal opportunity to present witnesses and provide evidence.
   3. Have the opportunity to have an advisor of their choice.
      a. If either party does not have an advisor during the investigative process, ATSU will, if requested, provide an advisor for the party.
      b. During the hearing process, an advisor is required and will be provided to the parties if they do not have one.
      c. It is advised that supervisors of the parties should not serve as advisors. If a respondent's supervisor is the advisor of choice for either party, the supervisor will not be involved in the sanctioning process.
      d. Parties' advisors may not contact investigators, the Title IX coordinator, hearing panel members, or appeal decision-makers directly. All contact should be initiated and carried out by the parties themselves.
C. Investigators will be assigned from GERT in an effort to provide a fair and impartial process. In some circumstances, investigators may be third-party consultants.
D. If a respondent separates from the University during the investigation process, the respondent may not be permitted to rejoin the University until disposition of the formal complaint, and a notation will be placed on their transcript or employment record. ATSU may continue the formal resolution process even if the respondent separates from the University.

E. After the notice of investigation and allegation is provided to both parties, the investigators will meet with both parties to provide information about the process, answer questions about the allegations, and gather evidence and witness lists. Parties will be able to present witness lists at this time and during their initial interview. The parties will be expected to provide a rationale for why a witness should be interviewed and what information they may have about the allegations. Character witnesses are generally not permitted. Investigators will determine who to interview based on potentially relevant information about the allegations.
F. Investigators will then interview parties and witnesses. Investigators will record interviews and create a transcript from each interview. The transcripts will be shared with the parties and witnesses, who will have a time period determined by the investigators of no less than five days to review and confirm the transcript's accuracy. Parties and witnesses may be requested to participate in multiple interviews.
G. Investigators will collect additional evidence (see definitions) from parties, witnesses, and University sources.
H. The investigators will only consider evidence deemed relevant and not otherwise impermissible (see definitions).
I. At the conclusion of the investigation process, the investigation report and evidence collected will be submitted to the Title IX coordinator (or designee) to share the report with the parties and provide the report and evidence to the hearing panel.
    1. A draft of the investigative report and access to evidence will be provided to the parties. The parties will have 10 business days to respond in writing to the draft report. Parties will have continuous access to the evidence throughout the 10-day review period.
    2. After receiving responses to the draft report and evidence, or after 10 business days if there is no response, investigators will review additional material provided by the parties and compile the final investigation report.
    3. The final investigation report and evidence will be provided to the parties, who will have 10 business days to respond in writing to the final investigative report before the hearing process begins. The parties will have access to the evidence through the appeal period to enable proper review for question development for the hearing and preparation of an appeal. Parties will have continuous access to the evidence throughout the five-day appeal time frame.
    4. Once the final investigation report and evidence have been shared with the parties, the Title IX coordinator will refer the matter for a hearing.

Hearing

A. The hearing cannot be held fewer than 10 days after the final investigation report is transmitted to the parties and the hearing panel.
B. The hearing will be conducted live. Hearings may be conducted virtually, in person, or in a hybrid format, depending on circumstances.
C. Parties will be notified of the hearing time and date no fewer than 10 business days in advance. Notification will include a description of policy violations; the date, time, and location of the hearing; the hearing rules; and the hearing panel members. Rescheduling the hearing is at the hearing panel chair's sole discretion. In the case of multiple respondents, there may be joint or separate hearings, and the notice will so indicate.
D. The hearing panel will be selected from GERT members who have not previously been involved in the case and have no known bias. ATSU may utilize third-party consultants as hearing panel members and chairs. Any objections to hearing panel members must be raised in writing to the Title IX coordinator (or designee) no fewer than five days prior to the hearing. Removal or changing of a hearing panel member is at the discretion of the Title IX coordinator (or designee).
E. The panel chair will conduct the hearing.
F. Prior to the hearing, a pre-hearing conference will be offered to both parties. In some circumstances, the pre-hearing conference may be offered to the complainant and respondent separately. The pre-hearing conference will discuss procedural expectations, answer questions, and resolve any contested aspects of the process. Issues of relevance regarding lines of questioning and evidence are best decided during

the pre-hearing conference rather than during the hearing. The pre-hearing conference will not be recorded.

G. The hearing panel will review witness testimony, the investigative report, and other submitted evidence to make a final determination as to whether the respondent is in violation.
H. The hearing will proceed at the scheduled time unless rescheduled by the panel chair. The absence of parties, witnesses, or advisors will not postpone a hearing.

I. Both parties may choose to submit an impact statement. The impact statement must be provided to the Title IX coordinator (or designee) at least one day before the hearing. The impact statements will be held by the Title IX coordinator (or designee). If the respondent is found responsible at the hearing, impact statements will be provided to the hearing panel for use during the sanctioning phase.
J. The hearing panel will begin the hearing with an assumption the respondent is not in violation. As evidence is introduced, the hearing panel will evaluate the credibility of the evidence until all evidence is presented, and a finding can be made.
K. The hearing panel will use the "preponderance of the evidence" standard of evidence when determining whether there is a violation of policy. The hearing panel's decision needs only a simple majority.
L. Order of the hearing (The chair may change the order of the hearing with notice to the parties):

    1. Welcome and explanation of the process.
    2. Presentation of the investigative report by the investigator (optional, at the chair's discretion).
    3. Witnesses for complainant and complainant's testimony.
    4. Witnesses for respondent and respondent's testimony.
    5. Witnesses requested by the hearing panel.
    6. Conclusion of the hearing and notification of timeline for finding.

M. The hearing panel may create time limits for different aspects of the hearing process, including how long an advisor has to question a party or witness, presentation of the investigative report, opening or closing remarks, etc. Time limits should be equal between the parties.
N. Investigators may present their investigation report during the hearing, if permitted by the chair. The investigative report will not make an indication of findings but will share evidence found during the investigation. Investigators are not to share an opinion regarding whether a violation occurred.
O. Parties are entitled to provide witnesses at the hearing. Parties may submit witness lists. Any witness lists must be submitted to the Title IX coordinator (or designee) no fewer than five business days in advance of the hearing. Witnesses not submitted five business days prior to the hearing may not be permitted to participate. The hearing panel chair will notify all parties of the shared witness list no fewer than two business days prior to the hearing. The investigator must have previously questioned all witnesses. It is the parties' responsibility to ensure their witnesses are present at the hearing.
P. The hearing panel will ask its questions of each witness prior to direct questioning and cross-examination by the parties' advisors. If a party's advisor does not arrive for the hearing, ATSU, under the direction of the Title IX coordinator (or designee), will provide an advisor to conduct direct and cross-examination questions provided by the party.
Q. Parties, through their advisors, may question their own witnesses and cross-examine witnesses submitted by a different party. Advisors for parties will conduct questioning, not the parties themselves. Advisors are to submit their questions from a seated position, except when an accommodation does not permit a seated position, and in a professional tone. Parties, witnesses, or advisors who behave in an unprofessional manner may be removed by the hearing panel chair.
R. Witnesses may only be present for the part of the hearing in which they are questioned. The decision-makers may consider testimony and evidence provided at the hearing or during the investigative process.
S. The hearing panel may consider evidence collected during the investigation, including interview summaries, transcripts, document evidence, or other evidence, regardless of whether a party or witness submits to direct or cross- examination. A party's or witness' willingness to submit to cross-examination or direct examination may impact the credibility analysis by the hearing panel.
T. The hearing panel chair will communicate a process to parties, advisors, and witnesses regarding whether a question is relevant and, therefore, whether a party should answer. The hearing panel chair has absolute discretion to determine which questions are relevant and may decline to pose or permit

certain questions based on relevance. Rationale for not permitting certain questions must be provided immediately, on record, before proceeding to the next question. Questions are usually not allowed because of lack of relevance, repetition, or because they are abusive in nature.

U. Parties and witnesses are encouraged to respond to the hearing panel chair's approved questions submitted by the advisors and hearing panel. A party does not need to be present for an advisor to ask direct and cross-examination questions of witnesses or other parties.

V. Each party also can refer the hearing panel to inculpatory evidence (evidence indicating the respondent violated policy) or exculpatory evidence (evidence indicating the respondent did not violate policy) that has already been submitted during the investigation. Evidence submitted during the investigation will be available to the hearing panel and does not need to be resubmitted during a hearing. Evidence should be submitted during the investigation period and not during the hearing period. The hearing panel chair may deny admission of evidence not submitted during the investigation or refer the case back to the investigation stage.

W. Unless the Title IX coordinator (or designee) determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless such incidents evidence a pattern; (2) the sexual history of the parties, though there may be a limited exception with respect to pattern, sexual history between the parties, or evidence regarding the complainant's sexual history that is offered to prove a person or persons who are not the respondent engaged in the reported misconduct, if relevant; or (3) the character of the parties. While previous conduct violations by the respondent are not generally admissible as information about the present allegation, investigators may supply the hearing panel with information about previous findings to consider as possible evidence of a pattern and/or predatory conduct.

X. There will be no observers of the hearing and no more than one advisor per party. If a party has need for a supplemental advisor related to disability or language translation, it may be allowed based on a review of documentation. The need for a support advisor related to a disability or language translation must be arranged prior to the hearing with the Title IX coordinator (or designee).

Y. The hearing will be recorded only by the Title IX coordinator (or designee) and only for potential use in appeals or report writing by the panel. There will be no other recordings by the parties or anyone else. If there is an appeal, the recording transcript may be reviewed by the parties and their advisors in a controlled setting to be determined by the Title IX coordinator (or designee). The recording will not be provided to the parties.

Z. Deliberations will occur with only the hearing panel and the Title IX coordinator (or designee) present. The Title IX coordinator (or designee) is only present to clarify questions. The hearing panel will make the final decision. Deliberations are not recorded.

AA. Simultaneous written notice to the parties describing hearing findings and final outcomes, including determination of responsibility, sanctions, and available appeal processes, will occur within five business days of the hearing. Any delay in the notification of findings and sanctions will be communicated to the parties simultaneously.

General Discrimination Prohibited Conduct and Grievance Process

This process applies to all ATSU community members participating or attempting to participate in ATSU's educational program or activities. If, through this process, a University employee or student is found in violation of this policy, they will be subject to corrective action, up to and including termination or dismissal. Patient complaints related to discrimination or harassment will be addressed under ATSU Policy No. 30-103: Patient Complaints. Engaging in behavior that is disrespectful, disruptive, or otherwise prohibited by this policy, regardless of whether such behavior constitutes harassment prohibited by law, could constitute a policy violation.

Prohibited conduct under general grievance

Prohibited conduct includes unwelcome conduct, whether verbal, nonverbal, physical, or visual, including online and/or electronic manifestations of any prohibited conduct, that is based on or relates to an individual's race, color, religion, ethnicity, national origin, age, disability, veteran status, or any other status protected by applicable law and has the effect of creating a hostile environment. Additionally, prohibited conduct under the general grievance process includes unwelcome conduct, whether verbal, nonverbal, physical, or visual,

including online and/or electronic manifestations of any prohibited conduct, that is based on or relates to sex, pregnancy, and sexual orientation not covered by the Title IX process and has the effect of creating a hostile environment. A hostile environment has the effect of unreasonably interfering with an individual's work or a student's performance or otherwise adversely affecting an individual's employment or educational opportunities.

A hostile environment is any situation in which there is harassing conduct sufficiently severe, or pervasive, or objectively offensive to alter the condition of employment, or limit, interfere with, or deny educational benefits or opportunities, from a subjective (the alleged victim's) and an objective (a reasonable person's standard) viewpoint.

Whether a hostile environment has been created is a fact-specific inquiry, which includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access ATSU's education program or activity, including employment.
- The type, frequency, and duration of the conduct.
- The parties' ages, roles within ATSU's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred.
- Other harassment in ATSU's education program or activity.

General discrimination grievance process

A. Any individual who feels they have witnessed or experienced behavior prohibited by this policy or who has questions, concerns, or information regarding potential violations of this policy should immediately report the circumstance(s) or incident(s) to their supervisor or one of the contact persons described within this policy. Once a report is shared with the Title IX coordinator (or designee) or deputy Title IX coordinator, the complainant will be notified in writing of their ability to file a formal complaint.
B. All University employees are required to report any knowledge of a violation of this policy, with the limited exception of confidential employees, including licensed professional mental health counselors and other persons with a professional license requiring confidentiality who are working within that license, as well as ATSU Institutional Review Board-approved researchers. Confidential employees must share the Title IX coordinator's contact information and how to make a report with anyone communicating potential violations under this policy.
C. If a complainant does not wish for a formal complaint to move forward into an investigation, the Title IX coordinator (or designee) may move forward and submit a formal complaint if there is a compelling risk to the health or safety of individuals or the community based on a risk assessment. This risk may be based on a pattern, predatory behavior, abuse of minors, use of weapons, violence, and/or other compelling rationale.
D. A formal complaint must be made in writing to the Title IX coordinator (or designee) or a deputy Title IX coordinator to initiate a formal complaint evaluation, which may lead to an investigation (see formal complaint evaluation).
E. A complainant may receive supportive measures without filing a formal complaint or proceeding to an investigation (see supportive measures).
F. If the formal complaint is moved to the formal resolution process, the parties will receive notice of investigation and allegations, including:
    1. Applicable policies with specific sections of alleged violations identified.
    2. Notice of details of the allegations, if known.
    3. Identities of parties involved, if known.
    4. Date(s) of incident(s), if known.
    5. Location(s) of incident(s), if known.
    6. Right to have an advisor of the party's choice.
    7. A statement that the respondent is presumed not in violation of policy.
    8. Access to applicable policies.
    9. A reminder of the expectation for truthfulness in the process.
    10. The ability to review and inspect directly related evidence at the conclusion of the investigation.
    11. A statement regarding the prohibition of retaliation.

General discrimination formal resolution process
The formal resolution process includes investigation and decision by unbiased investigators, subject to appeal, and final determination. Remedies to restore those impacted will be implemented upon the finding of a policy violation.

Investigation
A. Investigations will be completed within a prompt and reasonable timeframe dependent on the context and facts related to the formal complaint.
B. Parties will be regularly updated as to the projected timeline for completion of the investigation. During the process, parties will:
    1. Be given timely notice of any meetings at which either or both may be present.
    2. Have equal opportunity to present witnesses and provide evidence.
    3. Have the opportunity of an advisor of their choice.

        a. If either party does not have an advisor during the investigative process, ATSU will, if requested, provide an advisor for the party.
        b. It is advised that supervisors of the parties should not serve as advisors. If a supervisor of the respondent is the advisor of choice for either party, the supervisor will not be involved in the sanctioning process.
        c. Parties' advisors may not contact investigators, the Title IX coordinator, or appeal decision-makers directly. All contact should be initiated and carried out by the parties themselves.
C. Investigators will be assigned from GERT in an effort to provide the fairest and most impartial process. In some circumstances, investigators may be third-party consultants.
D. If a respondent separates from the University during the investigation process, the respondent may not be permitted to rejoin the University until disposition of the formal complaint, and a notation will be placed on their transcript or employment record. ATSU may continue the formal resolution process even if a respondent separates from the University.
E. After the notice of investigation is provided to both parties, the investigators will meet with both parties to provide information about the process, answer questions about the allegations, and gather evidence and witness lists. The parties will be expected to provide a rationale for why a witness should be interviewed and what information they may have about the allegations. Character witnesses are generally not permitted.
F. Investigators will only consider evidence that is deemed relevant and not otherwise impermissible (see definitions).
G. Investigators will interview parties and witnesses. A transcript will be created from each interview. Parties and witnesses will have five business days to review transcripts.
H. Investigators will conduct credibility assessments of relevant evidence, including interviews with parties and witnesses.
I. Investigators will determine the facts of the allegation, including agreed-upon information and disputed information.
J. Investigators will conduct an analysis, including evidence in support of and evidence contradicting the allegations, to determine if a policy violation has occurred.
K. ATSU uses the preponderance of the evidence standard of proof when determining whether a policy violation occurred (see definitions).
L. The final investigation report and final determination will be provided to the parties, who will have five business days to appeal (see appeals). If there is no appeal within five business days, the report, its findings, and any sanctions will be final. If there is an appeal, the appeal process will be followed.
M. In addition to the final report, parties will receive relevant and directly related evidence collected in the investigative process.

Sanctions

A. Sanctions are determined by the hearing panel within the Title IX grievance process or recommended by the investigators within the general discrimination grievance process, with approval by the Title IX coordinator.

B. Sanctions for student violations of ATSU Policy No. 90-210 include, but are not limited to, a reprimand, disciplinary warning to be added to the student's permanent file, educational sanctions, required counseling, limitations on activities, probation, suspension, dismissal, revocation of diploma, student organizational sanctions, and other context-appropriate sanctions.
C. Sanctions for employee violations of ATSU Policy No. 90-210 include, but are not limited to, a disciplinary warning to be added to the employee's permanent file, performance management improvement process, required counseling, probation, additional instruction, suspension with or without pay, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, dismissal, and other context-appropriate sanctions.
D. ATSU community members who share employee and student status may be sanctioned under either or both statuses. The status under which they are sanctioned depends on the context of the allegations.
E. Sanctions will be implemented as soon as feasible once a determination is final, either upon the outcome of any appeal or the expiration of the appeal window without an appeal being requested.
F. Failure to abide by the sanction(s)/action(s) imposed by the specified date, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, dismissal, or termination from ATSU.

Appeals

A. Parties will have the right to appeal, in writing, within five business days of receiving the outcome report of a hearing panel (Title IX grievance process) or investigation (general discrimination grievance process), a dismissal of allegations (Title IX grievance process or general discrimination grievance process), or a challenge to a supportive measure. If the appeal is untimely or not substantively eligible, the original decision will stand and be final. The party requesting the appeal must show an error that could have changed the outcome of the decision based on the grounds below. Sanctions are presumed to have been decided reasonably and appropriately. The only grounds for appealing a decision in a Title IX grievance process, general discrimination grievance process, or dismissal of allegations are:
    1. A procedural irregularity that would change the outcome.
    2. New evidence that would change the outcome and was not reasonably available when the final determination was made. A summary of this new evidence and its potential impact must be included. Evidence is deemed not "reasonably available" if, despite the party exercising objective due diligence and reasonable effort, the evidence could not have been discovered, secured, or produced before the close of the investigative or summary record.
    3. The Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
    4. The sanctions fall outside the range designated for this offense, considering the respondent's cumulative conduct/disciplinary record (applicable to sanctions of suspension, dismissal, or termination only).
B. Parties will be provided the evidence that is relevant or directly related to the finding in an electronic format. The evidence is not to be printed or transferred to other parties. The parties may request that their advisor receive access to the evidence as well.
C. Appeals must be submitted in writing to the Title IX coordinator (or designee) for review to determine standing. Appeals with standing will be forwarded to an appeal decision-maker or third-party consultant.
D. If an appeal is determined to have standing, the other party or parties will have the opportunity to review the appeal and provide a written response within three business days.
E. If some or all of an appeal is determined to not have standing, the appealing party will receive notice and an explanation. A decision to deny an appeal because of a lack of standing is not appealable.
F. Upon receipt of a written appeal, the Title IX coordinator (or designee) will select an appeal decision-maker consisting of up to three GERT members or third-party consultants to rule on the appeal. An appeal decision-maker can be as few as one person.
G. Appeal decisions are to be deferential to the original decision-maker(s), making changes to the final determination only where there is clear error and to the sanction only if there is a compelling justification

to do so. An appeal is not an opportunity for appeal decision-makers to substitute their judgment for that of the original hearing body or investigators merely because they disagree with the finding and/or sanctions.

H. Any sanctions, excluding termination, employment transfer, or expulsion, imposed at the conclusion of an investigation will remain in effect during the appeals process. Termination, employment transfer, expulsion, or dismissal will be treated as a suspension from the conclusion of the application of sanctions to the conclusion of the appeal process. If the appeal upholds employment termination, employment transfer, or expulsion, the sanction will be instituted immediately at the conclusion of the appeal.
I. The appeal decision-maker(s) will rule on the appeal within 15 business days. Any extension beyond 15 business days will be communicated to both parties, along with an updated timeframe for the ruling.
J. If an appeal is granted for a decision based on the Title IX grievance process or the general discrimination grievance process, direction will be provided by the appeal decision-maker(s) regarding next steps. Appeal decision-maker(s) may:
    1. Remand the case to the original hearing panel.
    2. Remand the case to a new hearing panel.
    3. Remand the case back to the original investigators.
    4. Remand the case to a new set of investigators.
    5. Make no change to the decision or sanction.
K. A notice of appeal outcome letter will be sent to all parties simultaneously. The appeal outcome letter will specify the finding on each appeal ground and any specific remand or reconsideration instructions.

L. When the appeal results in no change to the finding or sanction, that decision is final. When the appeal results in a remand to a hearing panel or investigators, appeal rights reset pending the new determination of the finding or sanction. If only a new sanction is considered, only the new sanction may be appealed. If both the finding and sanction are considered, all appeal rights reset. Appeal decisions for dismissals or challenges are final.

Amnesty

ATSU provides amnesty for drug/alcohol possession and consumption violations under this policy.

A. ATSU strongly encourages students and employees to report potential violations of this policy. Therefore, individuals who make a good-faith report to appropriate authorities regarding potential violations will not face University disciplinary action for their own drug/alcohol possession or consumption in connection with the reported incident.
B. Amnesty for persons making a report in good faith does not include exclusion from substance abuse counseling and/or rehabilitation, which may be necessary for employees or students with clinical responsibilities or patient contact.

Free speech and academic freedom

Faculty and other academic appointees, staff, and students of the University enjoy significant free speech protections guaranteed by the First Amendment of the U.S. Constitution.

A. This policy is intended to protect members of the University community from discrimination, not to regulate protected speech.
B. This policy will be implemented in a manner recognizing the importance of rights to freedom of speech and expression.
C. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech.
D. Consistent with these principles, no provision of this policy will be interpreted to prohibit conduct legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums.
E. Freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct violating federal or state anti-discrimination laws.

Record retention.

ATSU will maintain copies of the following documents/records relating to this policy for seven years, in accordance with ATSU's record retention schedule and applicable laws.

A. Each discrimination investigation report and evidence gathered.
B. Final determination letters and disciplinary sanctions imposed upon the respondent.
C. Audio or audiovisual recordings or transcripts of live interviews and hearings.
D. Remedies provided to the complainant to restore or preserve equal access to education programs or activities.
E. Any appeal and the result thereof.
F. Informal resolution agreements.
G. Supportive measures offered in response to a report or formal complaint of sexual harassment.
H. Written basis explaining ATSU was not deliberately indifferent in its response to reports for formal complaints of sexual harassment, which is often a conclusion of the investigation report and hearing panel report.
I. ATSU will retain all materials used to train Title IX coordinators (or their designees), investigators, and any person who facilitates an informal resolution process.
J. Documentation explaining why supportive measures were not provided and why it was reasonable in light of known circumstances.

Responsibility

A. All ATSU employees
    1. Nonconfidential employees are required to report instances of discrimination, harassment, or retaliation to the Title IX coordinator (or designee) or deputy Title IX coordinators and cooperate fully in an investigation when not named as a party. The mandatory reporting obligation applies strictly to third-party reports and observations. Employees retain full autonomy regarding whether to disclose or formally report conduct experienced directly by them.
    2. Employees are required to complete education at the time of hire and annually thereafter on ATSU's obligation to address discrimination, the scope of conduct constituting discrimination, including the definition of sex-based harassment, and notification and information sharing requirements.
B. All ATSU employees and students – Employees and students are required to comply with the requests of the Title IX coordinator (or designee) in implementing supportive or interim measures and sanctions. Employees and students who are not named as responding parties must cooperate fully with investigations.
C. All ATSU confidential employees – Employees designated as confidential (i.e., counselors and others working under a professional license that requires confidentiality) must share the Title IX coordinator's contact information and information on how to make a report with anyone communicating potential violations under this policy.
D. All ATSU researchers – Those doing confidential research approved by ATSU's Institutional Review Board are not required to report instances of harassment, discrimination, or retaliation reported to them within the specific scope of research. However, researchers must contact the Title IX coordinator to receive guidance on providing the research subject with information on reporting and access to supportive measures and remedies.
E. All ATSU employees serving as GERT members – GERT members are required to complete instruction on a regular basis.
F. Title IX and civil rights coordinator – Responding to and monitoring all formal complaints of discrimination, harassment, or retaliation from students, employees, members of the public, or beneficiaries is the responsibility of the Title IX coordinator (or designee). This employee is responsible for facilitating appropriate sex-based and gender-based harassment and discrimination awareness, prevention, education, monitoring, reporting, investigation, and resolution at ATSU.