
Model statement of criteria and procedures for appointment, promotion in academic rank, and tenure for college and university librarians

Prepared by the ACRL Academic Status Committee

Keith Cottam, Chair

A revision of the 1973 model statement.

The following statement is a revision of the Model Statement first issued by ACRL in 1973. Revised by the Academic Status Committee, the new statement was approved for publication by the Board of Directors of the Association of College and Research Libraries on January 20, 1987, during the Midwinter Meeting in Chicago. The previous version, published in *C&RL News* in September and October 1973, was rescinded.

Introduction

This Model Statement of Criteria and Procedures is intended for use within the context of two ACRL policy statements on faculty status for academic librarians^{1a}, as well as related statements issued by the American Association of University

^{1a}“Standards for Faculty Status for College and University Librarians,” adopted by the Membership of the Association of College and Research Libraries, Dallas, Texas, June 26, 1971; “Joint Statement on Faculty Status of College and University Librarians,” drafted by a committee of the Association of American Colleges (AAC), the American Association of University Professors (AAUP) and the Association of College and Research Libraries (ACRL) on April 26, 1972; endorsed by ACRL Membership, Chicago, Illinois, June 26, 1972, and by AAUP Membership, St. Louis, Missouri, April 1973.

Professors.^{1b} The objective of this Model Statement is to propose criteria and procedures for appointment, promotion in academic rank and tenure for use in academic libraries which will insure that the Library Faculty and, therefore, library services, at an institution utilizing these criteria and procedures will be of the highest quality possible, consistent with the goals and resources of the institution. These criteria are intended to be minimal only. These procedures may need to be adjusted in minor detail to conform with existing institutional procedures for other faculty. If there are contractual procedures in existence, they must be observed.

^{1b}“1982 Recommended Institutional Regulations on Academic Freedom and Tenure,” *AAUP Policy Documents & Reports* (1984 ed.), pp. 21-30. Much of the present document has been drawn from this statement. In particular, the following sections have been adopted nearly in their entirety: section IV (Termination of Appointments); VI (Dismissal Procedures); VII (Action by the Governing Board); VIII (Procedures for Imposition of Sanctions Other Than Dismissal); IX (Terminal Salary or Notice); X (Academic Freedom and Protection Against Discrimination); XI (Complaints of Violation of Academic Freedom or of Discrimination in Nonreappointment); XII (Administrative Personnel); XIII (Political Activities of Faculty Members).

I. Appointment

A. General Policies

1. Appointment of librarians shall follow the same procedures that are established for appointing all faculty. Any librarian appointed to a college or university Library Faculty shall have the appropriate terminal professional degree.² Appointment to any rank shall meet the criteria appropriate to that rank.

2. To insure that only candidates of the highest quality are appointed to the Library Faculties of colleges and universities, there shall be a committee or committees, representative of the Library Faculty and appropriately selected, which shall review all candidates for appointment to the Library Faculty. This committee (or these committees) shall screen the candidates, participate in the interview process, and make recommendations to the appropriate administrative officer of the library concerning appointment and initial assignment of rank.

3. The terms and conditions of every appointment to the Library Faculty shall be stated and confirmed in writing, and copies of all relevant documents, including the official document of appointment, shall be given to the faculty member. Subsequent extensions or modifications of an appointment, and any special understandings or notices incumbent on either party to provide, shall be stated and confirmed in writing and copies shall be given to the faculty member.

4. Copies of the appointment document, countersigned by the appropriate institutional officer and the faculty member, shall be held by both the institution and the individual when an appointment becomes effective.

B. Probationary Appointments

1. Probationary appointments may be for one year, or for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of continuous tenure shall not exceed ___ years,³ and may include previous full-time service with the rank of instructor or higher in other institutions of higher learning (except that the probationary period may extend to as much as four years, even if the total full-time service in the profession thereby exceeds seven years; the terms of such extension shall be stated in writing at the time of initial appointment).⁴ Scholarly leave of absence for one year or less shall count as part of the probationary period as if it were prior service at another institution, unless the individual and the institution agree in writing to an exception to this provi-

²See the "ACRL Statement on the Terminal Professional Degree for Academic Librarians."

³This period will not normally exceed seven years.

⁴The exception here noted applies only to an institution whose maximum probationary period exceeds four years.

sion at the time the leave is granted.

2. The faculty member shall be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting renewal and tenure. Any special standards adopted by the library shall also be transmitted. The faculty member shall be advised of the time when decisions affecting renewal or tenure are ordinarily made, and shall be given the opportunity to submit material believed to be helpful to an adequate consideration of the faculty member's circumstances.

3. Regardless of the stated term or other provisions of any appointments, written notice that probationary appointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment, as follows: (a) Not later than March 1 of the first academic year of service if the appointment expires at the end of that academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (b) not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (c) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution shall normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case shall such information be given later than _____.⁵

4. When a faculty recommendation or a decision not to renew an appointment has first been reached, the faculty member involved shall be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision; the faculty member shall be advised upon request of the reasons which contributed to that decision. The faculty member may request a reconsideration by the recommending or deciding body.

5. If the faculty member so requests, the reasons given in explanation of the nonrenewal shall be confirmed in writing.

6. Insofar as the faculty member alleges that the decision against renewal by the appropriate faculty body was based on inadequate consideration, the committee which reviews the faculty member's allegation shall determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. The review committee shall not substitute its judgment on the merits for that of the faculty body. If the review committee believes that adequate consideration was not given to the faculty member's qualifications, it shall request reconsideration by the faculty body, indicating the respects in which it believes

⁵April 15 is the recommended date.

the consideration may have been inadequate. It shall provide copies of its findings to the faculty member, the faculty body, and the president or other appropriate administrative officer.

II. Promotion in academic rank

A. General Professional and Scholarly Qualifications of the Library Faculty

The librarian's academic preparation for an appointment to the Library Faculty is established on the basis of the terminal professional degree. The basic quality which must be evident for promotion in academic rank is the ability to perform at a high professional level in areas which contribute to the educational and research mission of the institution, such as: reference service, collection development, bibliographic organization and control.

Evidence of this level of performance may be adduced from the judgments of colleagues on the Library Faculty, from members of the academic community outside the library, and/or from professional colleagues outside the academic institution.

Additional evidence for promotion in rank may include:

1. Contributions to the educational function of the university: for example, teaching, not necessarily in a classroom situation; organization of workshops, institutes or similar meetings; public appearances in the interest of librarianship or information transfer. Evaluation of such activities may be on the basis of the judgment of those who are instructed and by the considered opinion of colleagues.

2. Contributions to the advancement of the profession: for example, active participation in professional and learned societies as a member, as an officer, as a committee member, or as a committee chairperson.

3. Activities related to inquiry and research: for example, publications, such as in professional and scholarly journals; presentation of papers; reviews of books and other literature; grants; consulting; service as a member of a team of experts task force, review committee or similar body. Such activities shall be judged by professional colleagues on and/or off the campus on the basis of their contribution to scholarship, the profession of librarianship, and library service.

B. Criteria for Promotion to Specific Ranks

Promotion to the ranks of assistant professor, associate professor, and professor requires a record of successful fulfillment of criteria at the lower level.

Instructor—Appointments at this rank shall require expectation of successful overall performance and the potential for a promising career in librarianship.

Assistant professor—Promotion to this rank shall require evidence of significant professional contributions to the library and/or to the institution.

Associate professor—Promotion to this rank

shall require evidence of substantial professional contributions to the library and to the institution as well as attainment of a high level in bibliographical activities, in research, or in other professional endeavors.

Professor—Promotion to this rank shall require outstanding achievements in bibliographical activities, in research, or in other professional endeavors.

C. Procedures for Promotion to Specific Ranks

1. All those below the rank of professor shall be reviewed for promotion according to the procedures of the institution.

2. Candidates from the Library Faculty for promotion in academic rank shall be considered by a standing or ad hoc peer review committee formed in accordance with appropriate institutional regulations. In the absence of specific regulations, such a committee could be selected by the Library Faculty or appointed by the chief administrative officer on the basis of recommendations from the Library Faculty.

3. Recommendations for promotion in academic rank may be made by the appropriate library department head, the appropriate assistant or associate director, or a member of the Library Faculty. The candidate shall receive copies of any recommendations or evaluations by the department head, appropriate assistant or associate director, and the chief administrative officer of the library. These statements shall become part of the permanent record.

4. Documentation in support of candidates for promotion in rank shall include evaluations from the appropriate library department head, assistant or associate director. Additional documentation may include letters from colleagues, copies of publications and/or reviews, records of committee activity and the like.

5. The ad hoc or standing committee (see C-2) shall transmit its recommendations to the chief administrative officer of the library for all candidates together with all supporting documentation.

6. The chief administrative officer of the library will receive the recommendation of the committee, will make his/her decision, and so notify the committee. If the chief administrative officer of the library does not concur in any particular recommendation, he/she may, after consultation with the committee, note such disagreement before notifying the candidate of the recommendations. The chief administrative officer of the library shall inform the committee and the candidate in writing of the recommendations before transmitting the recommendations of the committee and the chief administrative officer of the library to the appropriate institutional officer. The candidate will then have the opportunity to respond in writing to the recommendations. After this, the chief administrative officer of the library will submit his/her recommendation, the recommendation of the committee, and any responses from these parties or from

the candidate, to the appropriate institutional officer.

7. If a member of the Library Faculty believes there are substantial grounds for disagreement with a denial of promotion, appropriate institutional regulations shall be provided so that the case may be properly reviewed.

III. Tenure (continuous appointment)

A. Tenure is defined as an institutional commitment to permanent and continuous employment to be terminated only for adequate cause (for example, incompetence; moral turpitude; retirement for reasons of age, mental or physical disability; bona fide financial exigency) and only after due process. Tenure (continuous appointment) shall be available to librarians in accordance with the tenure provision of all faculty of the institution.

B. The criteria for tenure are closely allied to the criteria for promotion in academic rank. The relationship between tenure and rank shall be the same for Library Faculty as for other faculty in the institution. These criteria include:

1. *effectiveness of performance* as a librarian;
2. *quality of scholarship*;
3. *effectiveness of professional service*.

C. A member of the Library Faculty who is a candidate for tenure shall be reviewed according to procedures set forth in established institutional regulations as applied to other faculty on the campus. These procedures shall be similar to those described above for promotion in academic rank.

IV. Termination of appointments

A. Faculty members may terminate their appointments, provided they give notice in writing at the earliest possible opportunity, or 30 days after receiving notification of the terms of appointment for the coming year. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

B. Termination of Appointments by the Institution

1. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may be effected by the institution only for adequate cause.

2. If termination takes the form of a dismissal for cause, it shall be pursuant to the procedure specified in section VI below.

C. Financial Exigency

1. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.

[NOTE: Each institution in adopting regulations on financial exigency will need to decide how to share and allocate the hard judgments and decisions that are necessary in such a crisis.

As a first step, there shall be a faculty body which participates in the decision that a condition of financial exigency exists or is imminent, and that all feasible alternatives to termination of appointments have been pursued.

Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including affirmative action, as well as of faculty status; and shall therefore be the primary responsibility of the faculty or of an appropriate faculty body. The faculty or an appropriate faculty body shall also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. The criteria may appropriately include considerations of age and of length of service.

The responsibility for identifying individuals whose appointments are to be terminated shall be committed to a person or group designated or approved by the faculty. The allocation of this responsibility may vary according to the size and character of the institution, the extent of the terminations to be made, or other considerations of fairness in judgment. The case of a faculty member given notice of proposed termination of appointment will be governed by the following procedure.]

2. If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member shall have the right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Section VI, but the essentials of an on-the-record adjudicative hearing shall be observed. The issues in this hearing may include:

a. The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.

b. The validity of the educational judgments and the criteria for identification for termination; but the recommendations of a faculty body on these matters shall be considered presumptively valid.

c. Whether the criteria are being properly applied in the individual case.

3. If the institution, because of financial exigency, terminates appointments, it shall not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure shall not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distor-

tion of the academic program would otherwise result.

4. Before terminating an appointment because of financial exigency, the institution, with faculty participation, shall make every effort to place the faculty member concerned in another suitable position within the institution.

5. In all cases of termination of appointment because of financial exigency, the faculty member concerned shall be given notice or severance salary not less than as prescribed in Section IX.

6. In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned shall not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

D. Discontinuation of a Program or Department Not Mandated by Financial Exigency

1. Termination of an appointment with continuous tenure, or a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures shall apply:

a. The decision to discontinue formally a program or department of instruction shall be based essentially upon educational considerations as determined primarily by the faculty as a whole or an appropriate committee thereof.

[NOTE: "Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.]

b. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution shall make every effort to place the faculty member concerned in another suitable position. If placement in another position is facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

[NOTE: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.]

c. A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Section VI but the essentials of an on-the-record

adjudicative hearing shall be observed. The issues in such a hearing may include the institution's failure to satisfy any of the conditions specified in this section. In such a hearing a faculty determination that a program or department is to be discontinued shall be considered presumptively valid, but the burden of proof on other issues shall rest on the administration.

E. Termination for Medical Reasons

1. Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, shall be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate shall be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence shall be reviewed by the appropriate committee before a final decision is made by the governing board on the recommendation of the administration. The faculty member shall be given severance salary not less than as prescribed in Section IX.

F. Review

In cases of termination of appointment, the governing board will be available for ultimate review.

V. Grievance

In the event that an amicable solution cannot be reached between the two parties, a grievance procedure shall be provided by the institution. The general criteria for a grievance procedure include:

A. The grievance procedure shall be equitable to the institution and to the individual.

B. The grievance procedure shall state clearly what is to be done, when, and by whom.

C. The term "grievance" shall be clearly defined. Any other terms which could be misunderstood shall also be defined.

D. Grievance procedures shall be easy to initiate and accessible to all members of the Library Faculty.

E. Steps in the grievance procedure shall be completed within specified time limits which do not allow either party to delay proceedings unduly. More time shall be allowed as the grievance moves to higher levels in the procedure.

F. There shall be effective safeguards against reprisal for initiating or participating in a grievance proceeding and against abuse of the procedures by the grievant or by the institution.

G. Excessive reliance on precedent is undesirable.

H. Any grievance procedure in a library must be consistent with applicable institutional regulations and contracts.

VI. Dismissal procedures

A. Adequate cause for a dismissal shall be related, directly and substantially, to the fitness of faculty members in their professional capacities as librarians. Dismissal shall not be used to restrain faculty members in their exercise of academic freedom or of other rights of American citizens.

B. Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, shall be preceded by:

1. discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;

2. informal inquiry by the duly elected faculty committee that may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings shall be undertaken, without its opinion being binding upon the president;

3. a statement of charges, framed with reasonable particularity by the president or the president's delegate.

C. A dismissal, as defined above, shall be preceded by a statement of reasons, and the individual concerned shall have the right to be heard initially by the elected faculty hearing committee.⁶ Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Each party shall have a maximum of two challenges without stated cause.⁷

1. Pending a final decision by the hearing committee, the faculty member shall be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the institution's hearing procedures, the administration shall consult with the appropriate committee concerning the propriety, the length, and the other conditions of the suspension. A suspension which is intended to be final is a dismissal, and shall be treated as such. Salary shall continue during the period of the suspension.

2. The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties to:

- a. simplify the issues;
- b. effect stipulations of facts;
- c. provide for the exchange of documentary or other information; and,
- d. achieve such other appropriate pre-hearing objectives as shall make the hearing fair, effective,

⁶This shall not be the same committee as constituted in section B above.

⁷Regulations of the institution shall provide for alternates, or for some other method of filling vacancies on the hearing committee resulting from disqualification, challenge without stated cause, illness, resignation or other reason.

and expeditious.

3. Service of notice of hearing with specific charges in writing shall be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal shall evaluate all available evidence and rest its recommendation upon the evidence in the record.

4. The committee, in consultation with the president and the faculty member, shall exercise its judgment as to whether the hearing shall be public or private.

5. During the proceedings the faculty member shall be permitted to have an academic advisor and counsel of the faculty member's choice.

6. At the request of either party or the hearing committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

7. A verbatim record of the hearing or hearings shall be taken and a typewritten copy shall be made available to the faculty member without cost, at the faculty member's request.

8. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

9. The hearing committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

10. The faculty member shall be afforded an opportunity to obtain necessary witnesses, documentation, or other evidence. The administration shall cooperate with the hearing committee in securing witnesses and making available documentation and other evidence.

11. The faculty member and the administration shall have the right to confront and cross-examine all witnesses. Where the witnesses cannot or shall not appear, but the committee determines that the interests of justice require admission of their statements, the committee shall identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.

12. In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.

13. The hearing committee shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort shall be made to obtain the most reliable evidence available.

14. The findings of fact and the decision shall be based solely on the hearing record.

15. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and public-

ity about the case by either the faculty member or administrative officers shall be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The president and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

16. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it shall so report to the president. If the president rejects the report, the president shall state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal is more appropriate, it shall so recommend, with supporting reasons.

VII. Action by the governing board

If dismissal or other severe sanction is recommended, the president shall, on request of the faculty member, transmit to the governing board the record of the case. The governing board's review shall be based on the record of the committee hearing, and it shall provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives. The decision of the hearing committee shall either be sustained, or the proceeding returned to the committee with specific objections. The committee shall then reconsider, taking into account the stated objections, and receiving new evidence if necessary. The governing board shall make a final decision only after study of the committee's reconsideration.

VIII. Procedures for imposition of sanctions other than dismissal

A. If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Section VI shall govern such a proceeding.

B. If the administration believes that the conduct of a faculty member justifies the imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction shall not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Section V, petition the faculty grievance committee for such action as may

be appropriate.

IX. Terminal salary or notice

If the appointment is terminated, the faculty member shall receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration of the first year of probationary service); at least six months if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the faculty hearing committee or the president, the governing board, in determining what, if any, payments shall be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

X. Academic freedom and protection against discrimination

A. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure," formulated by the Association of American Colleges and the American Association of University Professors.

B. All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance, including but not limited to race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference.

XI. Complaints of violation of academic freedom or of discrimination in nonreappointment

If a faculty member on probationary or other nontenured appointment alleges that a decision against reappointment was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference, the allegation shall be given preliminary consideration by the appropriate committee, which shall seek to settle the matter by informal methods. The allegation shall be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committee, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unre-

solved at this stage, and if the committee so recommends, the matter shall be heard in the manner set forth in Sections VI and VII, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof shall rest upon the faculty member. If the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision. Statistical evidence of improper discrimination may be used in establishing a prima facie case.

XII. Administrative personnel

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Administrators who allege that a consideration violative of aca-

demie freedom, or of governing policies against improper discrimination as stated in Section XI, significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Section XI.

XIII. Political activities of faculty members

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence shall be set forth in writing, and the leave shall not affect unfavorably the tenure status of a faculty member, except that time spent on such leave shall not count as probationary service unless otherwise agreed to. ■■

Copyright response

The ACRL Copyright Committee sent the following position paper to Ralph Oman, Register of Copyrights, on March 25, after approval by the ACRL Board of Directors.

The ACRL Copyright Committee is charged with the responsibility of eliciting the concerns of ACRL members concerning copyright and of gathering information about copyright issues that impinge upon academic libraries. Within that framework, we provide the following comments concerning the Copyright Office plans for the second five-year review of Section 108 of the Copyright Law.

Colleges and universities and their libraries, using the American Library Association's Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use, have interpreted the Copyright Act in a manner that is in the spirit of the law and consistent with the rights and needs of both copyright proprietors and the academic community. The ACRL Copyright Committee wishes to encourage librarians to continue their good faith efforts to promote compliance with the law, particularly "fair use," within the context of higher education. Such efforts serve to promote educational values while balancing the interests of copyright owners and users of copyrighted materials. The language of the copyright statute is general; however, it will continue to produce uncertainty. While final decisions of statutory interpretation rest with the courts, the committee wishes to remind librarians that out-of-court settlements, such as the 1982 NYU settlement, do not set legal precedent and are not necessarily appropriate models for those other than the

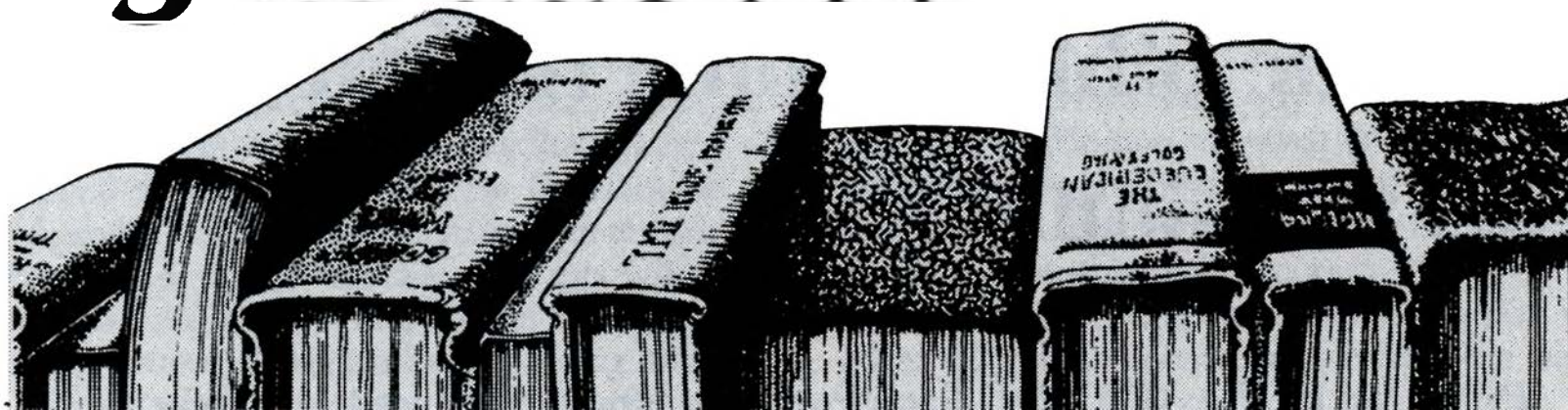
parties to these agreements.

It is the consensus of the ACRL Copyright Committee that the existing law adequately deals with printed matter. Therefore, the committee urges that this and future reviews focus on those non-print areas where guidance is especially needed. This committee has spent much of its energy, both in and out of formal meetings, dealing with the copyright implications of the acquisition and circulation of computer software and audiovisual materials. The committee urges that Congress amend the statute to include five-year reviews of copyright law as it relates to new technologies. Such regularly scheduled reviews of this area of the law might not only lead to voluntary agreement and clarification of the statute's meaning, but also would provide copyright owners, librarians, and educators a structured and public opportunity to discuss matters of concern relating to copyright and the new technologies as they emerge and develop. ■■

OPAC indexing

Dorothy McPherson of the UC Berkeley Office of Library Automation will be the lead speaker at the RASD Catalog Use Committee's discussion forum on Monday, June 29, 9:00-11:00 a.m. The forum, entitled "Do We Need Another Standard? Public Service Perspectives on OPAC Indexing," will explicate the problems encountered in querying multiple online catalogs due to variations in indexing particular fields or subfields.

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