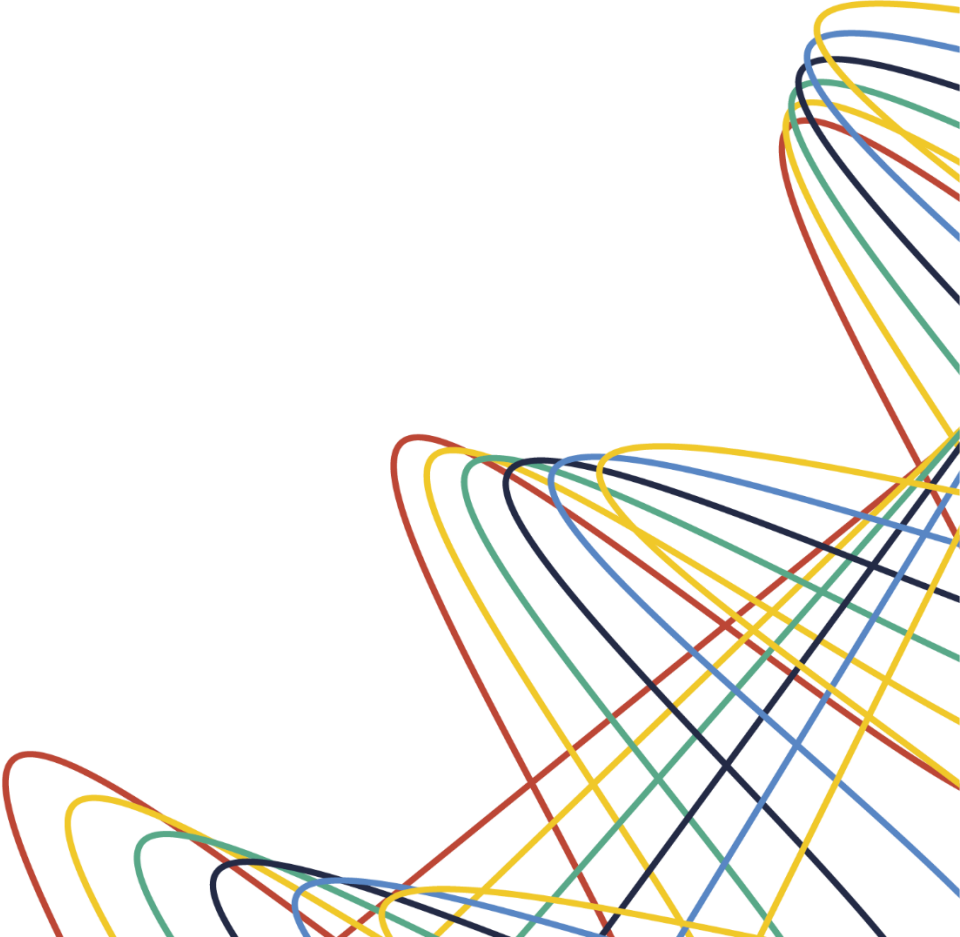


Faculty statute



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Title: *Faculty statute*

Status: (check only one)

- Public
- Available to Constructor Institute members only (on Intranet)
- Restricted availability, subject to approval

Related documents: Academic Staff Guidelines, CI-2023-001-ASG; Code of Academic Ethics, CI-2023-008-CAE; Quality Management Handbook, CI-2023-017-QMH. We gratefully acknowledge the influence of the ETH Zurich Professor Ordinance.

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1 General provisions

1.1 Scope and definitions

1.1.1 The present Faculty Statute (hereafter referred as “this Statute”) regulates the conditions of employment of the following members of **Constructor Institute Schaffhausen** (hereafter also just called “Constructor Institute”):

- 1) Full professors.
- 2) Associate professors.
- 3) Assistant professors.

In the text of this Statute, the terms “professors” and “faculty” denote Constructor Institute members in all three categories. The terms “senior professors” and “senior faculty” denote full and associated professors.

1.1.2 The general spirit of the present Statute is to ensure that Constructor Institute, its professors, its students and society can benefit from education, research, technology transfer and other academic contributions pursued at the highest level, in conditions comparable to the highest standards of excellent universities in Switzerland and abroad.

1.1.3 The application of the present Statute is subject to the general conditions of the Constructor Institute Governance, in particular, for their definitions of such roles as President and Provost of Constructor Institute.

1.1.4 This Statute is not intended for other personnel that Constructor Institute may employ, in research or education capability or both, without one of the above professor titles. For such personnel (with titles such as research assistant, PhD student, postdoctoral student, instructor, senior researcher and others), the Provost and President are responsible for defining any specific regulations.

1.1.5 The contract of employment concluded between Constructor Institute and individual Professor under private law shall incorporate the provisions of the present Statute. Any exceptions to the clauses of this Statute shall be mentioned explicitly as such in the individual contract of employment.

1.1.6 The term “unit” as used in the present Statute denotes any defined element of the Constructor Institute academic structure, such as a school, department, chair, research group, laboratory or educational program (such as a master program).

1.2 Other applicable documents

1.2.1 The present Statute takes into account the following Constructor Institute documents (see “Related documents” on page 2 for the precise document references).

1.2.2 Organization and Governance (for the definition of the management structure, including the President, the Provost and the Board of Directors). The terms “President”, “Provost” and “Board of Directors” in the present Statute refer to the corresponding roles at Constructor Institute, as defined in the Governance document.

1.2.3 Code of Academic Ethics (for the definition of applicable ethical standards).

1.2.4 Quality Management Handbook (for the definition of quality control measures controlling academic processes).

1.3 Competence

1.3.1 The Provost is responsible for decisions on issues relating to the employment of professors unless otherwise expressly regulated in this Statute.

1.3.2 The Provost is responsible for regulating the required details unless otherwise stipulated in this Statute.

1.4 Appointment of professors

- 1.4.1 Constructor Institute professors shall be nominated by the Provost, with appointment subject to approval by both the President and the Board of Directors.
- 1.4.2 Constructor Institute shall offer conditions of employment that can compete overall with those offered by the world's leading universities. Professors with any citizenship may be hired, subject to Swiss employment regulations and receipt of appropriate visas and work permits from legal authorities.
- 1.4.3 In the search for professors to nominate, the Provost shall take all the necessary steps to ensure that the nominated professors are scientists from within and outside Switzerland whose education, research and services meet the highest internationally recognized quality standards and who can guarantee continuity and excellence in teaching and research.
- 1.4.4 As a general rule, a search committee shall assist the Provost in the search for suitable candidates. The search committee shall include representatives from the Constructor Institute faculty (both within the position's areas of expertise and in other Constructor Institute areas), researchers and students, and representatives of other universities and relevant industry. If the search is only for assistant professors, representatives of Constructor Institute faculty shall be senior professors only. The composition of the committee shall be proposed by the head of the concerned area of expertise (e.g. department head) and approved by the Provost.
- 1.4.5 In exceptional situations, the Provost shall be able, with explanation of the exceptional circumstances, to propose to the President and Board a professor for appointment without the help of a search committee.
- 1.4.6 In conducting faculty searches, the Provost shall rely on all the necessary expertise and take advantage of advice from the search committee if any, as well as expert opinion from other institutions. The criteria of performance appraisals for Constructor Institute faculty, as set forth in 2.4.4. below, shall apply to evaluation of candidates.
- 1.4.7 The present section only applies to the hiring of professors. The appointment of a new president or provost shall be the responsibility of the Board of Directors, which shall define the corresponding rules.

1.5 Adjunct professors

- 1.5.1 Professors may have the status of “adjunct”, indicating that their employment at Constructor Institute is part-time and comes in addition to possible duties at other institutions. Contracts for Adjunct professors may specify exceptions to the clauses of the present Statute, particularly employment-related matters and other conditions defined in the Constructor Institute HR Development Plan. The Provost may issue a specific addendum to the present Statute or specific regulations pertaining to Adjunct professors.
- 1.5.2 In academic matters other than participation in the Academic Senate, the provisions of the present Statute shall by default apply to Adjunct professors. In particular, an Adjunct professor shall, like other faculty members, be appointed at one of the defined ranks of Assistant, Associate and Full.
- 1.5.3 The employment contract of every adjunct professor shall include an employment ratio, in the form of a percentage, used in particular to determine voting rights in the Academic Senate (section 1.6).

1.6 Academic Senate

- 1.6.1 The Academic Senate shall be a committee composed of professors as Voting Members, with observers as defined next.
- 1.6.2 The Voting Members of the Academic Senate shall be the following:
 - 1) All the Constructor Institute professors as defined under 1.1.1, except that adjunct professors (1.5) shall be Voting Members only if their specified employment ratio (1.5.3) is 50% or more.
 - 2) If Constructor Institute has six or more voting professors, a representative of the students.
 - 3) If Constructor Institute has six or more voting professors, a representative of the non-faculty staff.
- 1.6.3 In addition to its Voting Members, the Academic Senate may include observers. Any adjunct professor who is not a Voting Member per 1.6.2 shall be entitled to be an observer. In addition, each of the following categories may be granted a number of observer positions: undergraduate students, graduate (master) students, non-faculty researchers (including PhD students and postdocs), other personnel categories.
- 1.6.4 The Academic Senate shall be chaired by the Provost.
- 1.6.5 The Academic Senate shall meet at least once in the Fall and Spring semesters of every academic year. The Provost may, if needed, convene further meetings. All meetings involving votes shall be announced at least two weeks in advance. The Provost, if not available for a particular meeting, shall designate another Voting Member to chair the meeting.
- 1.6.6 Decisions of the Academic Senate, other than changes to the Academic Senate Statutes, shall be taken by a vote of the majority of Voting Members attending the meeting, on the condition that they make up at least half of all current Voting Members. Observers shall not take part in votes. If appropriate, the Provost or other meeting chair may ask observers to leave the meeting for specific discussions. In case a vote results in a tie, the Provost shall have the deciding vote.
- 1.6.7 Further details of the operation of the Academic Senate, such as the number of observers of each category and the length of their terms, shall be defined by the Statutes of the Academic Senate, to be adopted in a majority of two-thirds or more in an initial meeting of the Academic Senate attended by Voting Members only. Any subsequent revision of the Statutes shall be subject to a vote by a majority of two-thirds or more of the Voting Members in attendance, representing at least half of all current Voting Members.

2 Rights and obligations of professors

2.1 Principles

- 2.1.1 Professors are responsible for teaching and conducting research of international standing. They shall pursue excellence in all their endeavors, exert responsibility towards society and the environment, and help students and junior scientists develop their own talents and potential.
- 2.1.2 Professors are responsible for choosing their topics of research, within the general guidelines set by their employment contracts and Constructor Institute guidelines. In this choice they shall pay attention to the general advancement of scientific knowledge, the needs of industry and the general research orientations set by the Board of Directors. The Board of Directors may define specific areas (such as – hypothetical examples for illustration only – military applications or research involving human subjects) in which research endeavors are subject to prior approval by the Provost or the Board.
- 2.1.3 Professors shall, in all aspects of their activities, conform to the best practices of academic activities, including:
 - 2.1.4 Ethical conduct in all matters, in agreement with the Code of Academic Ethics.
 - 2.1.5 Fair treatment of all persons under their authority, without distinction of gender, nationality, religion or ethnic origin.
 - 2.1.6 Respect for all students, employees and other collaborators, excluding any abuse of authority and harassment of any kind.
 - 2.1.7 Principles of scientific ethics, excluding misrepresentation of results, plagiarism and other misbehavior, as described further in the Code of Academic Ethics.
 - 2.1.8 Professors shall strive to present a good image of Constructor Institute at all times. If expressing opinions or taking potentially controversial positions without clearance from the Provost or other Constructor Institute authorities, they shall make it clear that they are speaking in their own names and not Constructor Institute's.
 - 2.1.9 Professors shall support the periodic review of their performance by the Constructor Institute evaluation committees.

2.2 Specific duties

- 2.2.1 Professors are responsible for the education of their students and for encouraging their staff to receive further training. They are responsible for supervising their doctoral students and shall make an active contribution to the design of teaching programs.
- 2.2.2 Professors are responsible for the conduct of applicable examinations. They shall evaluate the scientific work submitted for their area of teaching and research.
- 2.2.3 Professors shall structure, direct and develop their professorship in line with the needs of the teaching and research unit to which they belong. They shall discharge their supervisory responsibilities.
- 2.2.4 Professors shall promote their particular discipline through high-quality, scientific research and take part in the critical dialogue conducted by the world's leading experts. They are responsible for the dissemination of research results and shall take proactive steps to exploit rights arising from their research activities.
- 2.2.5 Professors shall participate in academic self-governance (2.3).

2.3 Academic self-governance

- 2.3.1 Professors are guaranteed academic freedom without unwarranted interference from non-scientific (for example, political or commercial) concerns.
- 2.3.2 Professors shall be solely responsible for all decisions of an academic nature, including education and research.
- 2.3.3 All academic decisions spanning the work of more than one professor shall be the responsibility of the Academic Senate at the institutional level and similar structures (such as a departmental faculty committee) at the level of individual units. Such committees shall define their own modes of operation, in line with accepted democratic procedures. They may include non-faculty members with observer status.

2.4 Performance appraisals (senior faculty)

- 2.4.1 The performance of full and associate professors with respect to the conditions defined in 2.2 in this document shall be subject to regular appraisal.
- 2.4.2 Performance appraisals are based on the principles of fairness and transparency. The results of performance appraisals may have an effect on the level of the endowment granted to a professorship.
- 2.4.3 The Provost shall decide, in agreement with the Board of Directors, the frequency and form of performance appraisals and how they are conducted. The Provost shall be responsible for conducting the assessment and submitting a report on the results to the Board of Directors.
- 2.4.4 Performance appraisal shall be based on the standards applied by the best world institutions and shall take into account a combination of criteria such as reputation and impact (as assessed by peer assessment), citations, patents, software produced, PhD theses directed, master's theses supervised, research and education awards, keynote invitations at major conferences, teaching performance and other generally recognized criteria. Any numerical metric (such as H-index or G-Index) shall be applied only as one element of a general set of assessment criteria such as the above, not as a decision element by itself, and shall be based on citation databases and criteria appropriate for the relevant scientific discipline and community.
- 2.4.5 The Board of Directors shall monitor the execution of the performance appraisals and the resultant actions.

2.5 Tenure-track and tenure process (assistant professors)

- 2.5.1 The employment of an assistant professor in that capacity at Constructor Institute, a period hereafter denoted "tenure track", shall be subject to an absolute maximum of 6 years.
- 2.5.2 Employment as a professor at Constructor Institute after the tenure-track period shall only be possible as senior faculty, subject to appointment as an associate or full professor, hereafter known as "tenure".
- 2.5.3 During the tenure-track period, the head of the corresponding unit, representing the Provost and hereafter known as "supervisor", shall be responsible for guiding the assistant professor through the tenure process. In particular:
- 2.5.4 The supervisor shall organize a performance review to be completed no later than two years after the start of the assistant's professor employment, to determine the chances of getting tenure. If at that stage the assessment clearly shows the impossibility of getting tenure, the supervisor may recommend terminating the assistant professor's employment three years from the original date, in accordance with the employment contract. If the chances are determined low, the supervisor shall meet with the assistant professor to assess the best course of action.

- 2.5.5 If this initial assessment leads to a renewal of the employment contract for another period of up to 3 years, the supervisor shall meet with the assistant professor to advise on steps to be taken to improve the chances of tenure.
- 2.5.6 The supervisor shall assign to every assistant professor a senior professor as faculty mentor (who may, or not, be the supervisor). The mentor shall be responsible throughout the tenure-track period for advising the assistant professor on obtaining tenure.
- 2.5.7 More generally, Constructor Institute shall support assistant professors towards success in the tenure process and shall ensure in particular that assistant professors' teaching obligations are commensurate with the need to build up a successful research and publication record.
- 2.5.8 In tenure assessments, the criteria of 2.4.4 shall apply.
- 2.5.9 To organize the tenure process, the Provost shall appoint a tenure committee, which may define more precise regulations including those in the present Article.
- 2.5.10 Failure to obtain tenure at Constructor Institute shall be treated as confidential Constructor Institute-only information so as not to damage the career of the assistant professor. Constructor Institute in this case shall provide reasonable support to the assistant professor to obtain a position in another institution.

2.6 Activities outside Constructor Institute

- 2.6.1 Professors may carry out professional activities outside their employment with Constructor Institute in their own name, for their own account and at their own responsibility; in particular, they may act as experts provided that this activity does not have a detrimental effect on the discharge of their employment obligations at Constructor Institute.
- 2.6.2 Professors employed full time shall obtain approval from the President for activities outside Constructor Institute that exceed one working day per week.
- 2.6.3 Professors shall obtain approval from the President before taking up membership of a Board of Directors or Executive Management of a company. Approval is granted provided it is not contrary to the interests of Constructor Institute.
- 2.6.4 If professors use their resources such as laboratory equipment and secretarial support for paid activities outside Constructor Institute, a charge shall be due to Constructor Institute, according to regulations that shall be set by the Board of Directors.
- 2.6.5 In any outside activities, professors shall apply the same ethical behavior, including rules of the Code of Academic Ethics, as to their activity at Constructor Institute.
- 2.6.6 When requested to provide opinions or assessments outside of their duties at Constructor Institute, professors shall explicitly state that these opinions are their own and not those of Constructor Institute, unless as explicitly agreed with the Provost or President.
- 2.6.7 More generally, professors shall exercise caution when interacting with outside entities, particularly the press, and refrain from any statement that might reflect negatively on Constructor Institute. In particular, they shall exercise special caution in their interventions on social media.

3 Commencement, amendment, and termination of employment

3.1 Appointment of professors

- 3.1.1 The Board of Directors shall appoint professors on receipt of an application from the President and Provost.
- 3.1.2 The following documents shall be appended to the application:
- 1) A report on the candidate.
 - 2) A report on the selection process.
 - 3) A copy of the draft contract of employment following the pre-negotiations.
- 3.1.3 Following a professor's appointment, the Board of Directors shall conclude a written contract of employment with the professor. The President shall be responsible for discussing the details of the contract with the Board of Directors and the candidate. Contracts shall be drawn from general templates with specific adaptation to individual cases.
- 3.1.4 The contract of employment shall include, in particular, the following:
- 1) Outline of teaching and research area
 - 2) Initial salary
 - 3) Any other material elements such as initial research funding and initial number of supported positions.
- 3.1.5 The contract of employment shall regulate any contribution by the employer to the purchase of benefits in the relevant pension fund.

3.2 Term of employment

- 3.2.1 Contracts of employment with senior professors are concluded for an unlimited term.
- 3.2.2 In line with the tenure-track process described in 2.5 above, contracts of employment with assistant professors are concluded for a maximum of three years. A one-off extension of a further maximum of three years is possible. In the event of maternity leave, the period of employment is extended by a maximum of one year.
- 3.2.3 There is no probationary period.

3.3 Promotion

- 3.3.1 At the request of the Provost, the Board of Directors may promote an associate professor to full professor.
- 3.3.2 The appraisal results shall be appended to the request.
- 3.3.3 An associate professor may apply to the Provost for an appointment procedure to be initiated after a minimum of two years from the date of his or her nomination.

3.4 Termination of employment by the professor

- 3.4.1 Professors may terminate their employment subject to due notice of six months.
- 3.4.2 Notice shall be submitted in writing to the Provost for the attention of the Board of Directors.

3.5 Termination of employment by the Board of Directors

- 3.5.1 The Board of Directors may terminate the employment of a professor at the request of the President subject to a notice period of six months.
- 3.5.2 Prior to submitting the request, the President shall set up a committee to consider whether it is reasonable to terminate the employment and to issue a recommendation. The committee shall have a minimum membership of six, of which at least three shall not be members of Constructor Institute. Three of the members shall be proposed by the Constructor Institute faculty in agreement with the Provost.
- 3.5.3 Professors whose employment is terminated through no fault of their own are entitled to compensation. Compensation is a minimum of one month's and a maximum of one year's salary. Particular regard is given to the following when calculating the compensation:
 - a) Reasons for departure.
 - b) Age.
 - c) Professional and personal situation.
 - d) Length of service.
 - e) Any re-employment by an employer.
- 3.5.4 A percentage of the compensation is payable if the professor is employed by another employer within one year of the termination of his or her employment.

3.6 Continued use of the title of professor

- 3.6.1 At the request of the Provost, the Board of Directors shall decide whether in individual cases, full and associate professors may continue to use their title of Constructor Institute professor, with the qualification of "emeritus", after they have left Constructor Institute. This possibility is only open if the professor was employed by Constructor Institute for at least six years. If it is in the interests of Constructor Institute, the Board of Directors may deviate from this requirement.
- 3.6.2 Assistant professors may not continue to use their title.

4 Employment considerations

4.1 General conditions

- 4.1.1 The conditions of professors' employment shall be governed by the general employment conditions for Constructor Institute and the HR Development Plan. The sections of the present Part 4 define special rules applying to employees who are professors, which supersede the general regulations in this case.

4.2 Salaries

- 4.2.1 The starting salary on appointment shall be specified in each professor's contract and shall be between the minimum and maximum salaries for the relevant professorial category, as defined periodically by the Board of Directors.

4.3 Salary increments

- 4.3.1 Salary increments for full and associate professors are based on the performance appraisal specified in 2.4.
- 4.3.2 In individual cases, the Provost may increase salaries to:
- (a) a maximum of 110% of the relevant maximum (4.2.) in order to reward exceptional service by full and associate professors;
 - (b) a maximum of 125% of the maximum limit in order to retain full professors of particular standing.
- 4.3.3 The Board of Directors is informed of any salary increases awarded under 4.3.2.

4.4 Service allowances

- 4.4.1 The Board of Directors may award allowances to professors who exercise managerial functions with decision-making powers at Constructor Institute. The allowances may not exceed 15% of the maximum sum specified in 4.2. The President may award allowances to professors who have additional responsibilities, e.g. management of teaching and research units, management of major projects or chairing major committees. Such allowances may not exceed the service allowance for a Vice President of Constructor Institute.
- 4.4.2 Service allowances are not subject to cost of living increments.

4.5 Dual professorships

- 4.5.1 The Board of Directors shall determine, based on a request from the President, the salary and other employer benefits for any professors who are also employed at other teaching establishments.

4.6 Reimbursement of expenses

- 4.6.1 Professors are entitled to the reimbursement of expenses incurred during their professional activities, within the general provisions of the applicable Constructor Institute regulations.
- 4.6.2 Constructor Institute may reimburse the cost of transporting the household effects of newly appointed professors if relocation is required for professional reasons. The President shall be responsible for approving such costs.

4.7 Court fees and judicial proceedings

- 4.7.1 Constructor Institute shall reimburse court fees and judicial costs if professors are involved in civil, administrative, or criminal proceedings resulting from their professional activities or if they instigate such proceedings for legitimate reasons subject to the following conditions:
- (a) Constructor Institute has an interest in bringing the proceedings.
 - (b) Professors are not guilty of gross negligence and did not act with intent.
- 4.7.2 While the case is pending, Constructor Institute only guarantees an advance to cover costs.

4.8 Unpaid leave

- 4.8.1 The President may grant professors unpaid leave provided this is not counter to the interests of Constructor Institute.

4.9 Absence

- 4.9.1 The Provost shall be notified of any absence in excess of one week during a semester on the grounds of illness or accident.

5 Entry into force

5.1 Date of applicability

- 5.1.1 This Statute shall come into force on 1 July 2023.

C>ONSTRUCTOR INSTITUTE

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