

Academic Articles

Effective August 25, 2009

Preamble

These academic articles are written to enhance the capacity of the University to achieve its academic purposes. The articles define the structure of academic governance at the University, and the participation of faculty, students, and administrative officers therein, so that all who sustain the University's academic life may unite in cooperative understanding and effort.

The academic articles themselves result from mutual communication and shared action. The process of their writing has been open to the views of the community; it has drawn upon ideas and language proffered by officially constituted bodies of the University; and it has culminated in the decisions of the Academic Council, a body whose membership represents the scope of the University's academic concern. Founded on the principles of the previous manual, this document carries forward the cooperative will of the past, expresses that of the present, and assures cooperation for the future.

As accepted by the Board of Trustees, the final institutional authority of the University, the academic articles constitute the document by which academic government is entrusted to the faculty, the students, and the administrative officers. They thereby signify recognition by all groups of their interdependence and of the responsibility each bears to the others. In proposing academic policies, in considering their merits, and in deciding what policies shall be adopted for the University, trustees, administrators, faculty, and students recognize one another's proper share of responsibility and are alert to ways of enhancing their cooperative work.

The articles, however, can neither wholly embody nor effectively replace the deeper, more fundamental basis of successful governance: the community's mutual respect and common concern. The University will face contingencies far wider than any single document can anticipate. The University can meet the future only because it can draw upon the community's dedication to the well-being of its purposes and its people. The true basis of shared governance lies in the community's continually developing common life, to which these written articles give an outward form and a record for the time.

Article I, Executive Administration

Section 1/The Governance of the University

The governance of the University is vested in the Fellows and Trustees as provided in the original charter, and the statutes and bylaws of the University. Such matters in these academic articles as are dealt with in the statutes or bylaws are understood to derive from and accord with those documents. These academic articles are subject to the statutes and bylaws, and in the event of any inconsistency between these academic articles and the statutes or bylaws, the statutes or bylaws shall be controlling.

Section 2/The President

The President is elected by the Board of Trustees, after consultation with representatives of the faculty, from among the members of the Indiana Province of the Priests Society of the Congregation of Holy Cross

in the United States. The President is the first officer of the University and is vested with full and final authority over all matters pertaining to its government, except as limited by the original charter, and the statutes and bylaws of the University.

Ordinarily, the President is guided in setting policy and making decisions by consultation with the other officers, by the deliberations of the Academic Council, and by the recommendations of the Faculty Senate.

Section 3/The Acting President

In the absence of the President, the other officers serve as Acting President in the following order: Provost, Executive Vice President, Vice President and Associate Provost (in an order designated by the President), Vice President for Student Affairs, Vice President for Research, Vice President for University Relations, Vice President for Public Affairs and Communication, the Vice President for Finance, Vice President for Business Operations, and Vice President and General Counsel.

Section 4/The Executive Vice President

The Executive Vice President is elected by the Board of Trustees upon recommendation of the President and assists the President in the work of general administration in whatever way the President may desire.

Article II, Academic Officers

Section 1/The Provost

The Provost is elected by the Board of Trustees upon recommendation by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years.

When such an appointment is to be made, the President so advises the University through the Academic Council. The Council then elects five members from its elected faculty representatives and one member from its student representatives to constitute a committee chaired by the President. The President may also appoint to the committee up to three members from among the regular faculty and one student in order to ensure that a broad range of views and perspectives is represented on the committee. This committee receives and considers nominations from all sources. After consideration of each candidate and deliberation among all committee members, the members of the committee other than the President make a recommendation to the President. The President reports the results of the committee's deliberations and its recommendation to the Board of Trustees, along with a personal recommendation.

For the five-year review of the Provost, a committee is constituted similarly. The President may, in his discretion, serve on that committee. The President names the chair of the review committee from the elected members and may assign another person to assist the committee as a non-voting member. The five-year review of the Provost includes an overall review of the Provost's performance as well as that of the Associate Provosts. After receiving the report of the committee, the President forwards the recommendation of the committee to the Board of Trustees, along with a personal recommendation.

Within the framework of University policies and procedures, the Provost has responsibility, under the President, for the administration, coordination, and development of all the academic activities and functions of the University.

The Provost is assisted in the duties of office by the Vice President and Senior Associate Provost, the Vice Presidents and Associate Provosts, as described in section 2, and by Associate/Assistant Provosts who are appointed by the President. The Associate/Assistant Provosts perform such duties and exercise such authority as may be delegated by the Provost.

Section 2/The Vice Presidents and Associate Provosts

The Vice Presidents and Associate Provosts are elected by the Board of Trustees upon recommendation of the President. The Provost may, at his or her discretion, designate a Vice President and Associate Provost to serve as Vice President and Senior Associate Provost.

When the appointment of a Vice President and Associate Provost is to be made, the Provost consults with the Provost's Advisory Committee and reports the complete results of this consultation to the President, along with a personal recommendation. The President reports these findings to the Board of Trustees, along with a personal recommendation.

In the absence of the Provost, the Vice President and Senior Associate Provost acts as Provost. In the absence of the Provost and the Senior Associate Provost, a Vice President and Associate Provost so designated by the Provost or the President acts as Provost. The Vice Presidents and Associate Provosts assist the Provost in whatever way the Provost may desire.

Section 3/The Vice President for Research

The Vice President for Research is elected by the Board of Trustees upon recommendation by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an election is to be held, the Provost so advises the faculty through the Academic Council. In a joint session, the Academic Council and the University Committee on Research and Sponsored Programs then elect five members from the regular faculty of the University and one member from the advanced graduate and professional students of the University to constitute a committee chaired by the Provost. The Provost may appoint to the committee up to two additional members from among the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The committee receives and considers all nominations, including those received from the faculty. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation. The President reports these recommendations to the Board of Trustees, along with a personal recommendation.

For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The Provost reports the recommendation of the committee to the President, along with a personal recommendation.

Within the framework of University policies and procedures, the Vice President for Research has responsibility, under the Office of the Provost, for the general supervision, administration, and development of research activities, including all sponsored programs, conducted by the University and its faculty.

The Vice President for Research is assisted in the duties of office by Associate and Assistant Vice Presidents, who are appointed by the President and who perform such duties and exercise such authority as may be delegated to them by the Vice President for Research.

Section 4/Deans of Colleges

The Dean of a College is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made, the Provost so advises the College of the pending appointment through the College Council. The Council then elects five members from the tenured faculty of the College and one student from the student members of the College Council to constitute a committee. The committee is chaired by the Provost, who may appoint to the committee up to two additional members from the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The committee receives and considers nominations, including those received from the faculty of the College. Before making any recommendation to the Provost, the committee shall consult with the faculty and students of the College. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation. In addition, the President receives nominations from appropriate sources, both within and without the University.

For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The Provost reports the recommendations of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendations with the Dean and, in the case of the retention of the Dean, the faculty shall be informed of the reasons for retention.

Within the framework of University policies and procedures, a Dean has responsibility, under the Office of the Provost, for the administration, well-being, and development of the College, its faculty, its courses of study, and its other activities. The Dean is, in particular, charged with the interpretation and administration of the academic regulations of the College.

The Dean of a College is assisted in the duties of office by Associate and/or Assistant Deans of the College, who are appointed by the Dean upon approval of the Provost and who perform such duties and exercise such authority as may be delegated to them by the Dean.

Section 5/Dean of the Law School

The Dean of the Law School is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, the Provost consults formally with all regular faculty members of the school. A committee comprised of four tenured faculty of the Law School and one student elected by the regular faculty of the law school shall be established to facilitate either a search or a review. When a Dean is to be appointed, the Provost chairs the committee. In either case, the Provost may appoint to the committee up to two additional members from the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. Before making any recommendation to the Provost, the committee shall consult with the faculty and students of the Law School. In appointment and review cases, the Provost gives the President a full account of all consultations with the faculty. The Provost reports the recommendations of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendation with the Dean and, in the case of retention of the Dean, the faculty shall be informed of the reasons for retention.

Within the framework of University policies and procedures, the Dean has responsibility, under the Office of the Provost, for the administration, well-being, and development of the Law School, its faculty, its courses of study, its library, and its other activities. The Dean is, in particular, charged with the interpretation and administration of the academic regulations of the Law School.

The Dean of the Law School is assisted in the duties of office by the Associate and/or Assistant Deans, who are appointed by the Dean upon approval of the Provost and who perform such duties and exercise such authority as may be delegated to them by the Dean.

Section 6/Dean of the School of Architecture

The Dean of the School of Architecture is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, the Provost consults formally with all regular faculty of the school. A committee comprising four tenured faculty members elected by the regular faculty of the School of Architecture shall be established to facilitate either a search or a review. When a Dean is to be appointed, the Provost chairs the committee. In either case, the Provost may appoint to the committee one additional member from the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. Before making any recommendation to the Provost, the committee shall consult with the faculty and students of the School of Architecture. In appointment and review cases, the Provost gives the President a full account of all consultations with the faculty. The Provost reports the recommendations of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendations with the Dean and, in the case of retention of the Dean, the faculty shall be informed of the reasons for retention.

Within the framework of University policies and procedures, the Dean has responsibility, under the Office of the Provost, for the administration, well-being, and development of the School of Architecture, its faculty, its courses of study, and its other activities. The Dean is, in particular, charged with the interpretation and administration of the academic regulations of the School of Architecture.

The Dean of the School of Architecture is assisted in the duties of office by the Associate and/or Assistant Deans, who are appointed by the Dean upon approval of the Provost and who perform such duties and exercise such authority as may be delegated to them by the Dean.

Section 7/Dean of the First Year of Studies

The Dean of the First Year of Studies is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made, the Academic Council elects five tenured faculty members of the University and one undergraduate student from student government to constitute a committee chaired by the Provost. The Provost may appoint to the committee up to two additional members from among the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The committee receives and considers nominations, including those received from the faculty. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation. For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member.

The Provost reports the recommendation of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendations with the Dean, and in the case of retention of a Dean, the faculty shall be informed of the reasons for the retention.

Within the framework of University policies and procedures, the Dean of the First Year of Studies has responsibility, under the Office of the Provost, for the administration, well-being, and development of the First Year of Studies. The Dean is, in particular, charged with the interpretation and administration of the academic regulations of the First Year of Studies.

The Dean of the First Year of Studies is assisted in the duties of office by Associate and/or Assistant Deans, who are appointed by the Dean upon approval of the Provost and who perform such duties and exercise such authority as may be delegated to them by the Dean.

Section 8/Dean of the Graduate School

The Dean of the Graduate School is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made, the Provost advises the Graduate Council, which then elects five members from the tenured faculty of the University and one member from its student representatives to constitute a committee chaired by the Provost. The Provost may appoint to the committee up to two additional members from among the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The committee receives and considers nominations, including those from the faculty. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation.

For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The Provost reports the recommendation of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendations with the Dean, and in the case of retention of a Dean, the faculty shall be informed of the reasons for the retention.

Within the framework of University policies and procedures, the Dean of the Graduate School has responsibility, under the Office of the Provost, for the development and well-being of all students enrolled in the Graduate School and for the administration of the Graduate School, its programs, courses of studies, fellowships, and its other activities. The Dean, in particular, is charged with the interpretation and administration of the academic regulations of the Graduate School.

The Dean of the Graduate School is assisted in the duties of office by Associate and/or Assistant Deans, who are appointed by the Dean upon approval of the Provost and who perform such duties and exercise such authority as may be delegated to them by the Dean.

Section 9/Chairpersons of Departments

The chairperson of a department is appointed by the President or his designee for a stated term, usually three to five years, and may be reappointed. When an appointment is to be made, the Dean of the College consults formally with all regular faculty of the department. The Dean of the College reports their recommendations to the Provost, along with a personal recommendation. Procedure for reappointment is the same as for appointment.

Within the framework of University policies and procedures, the chairperson of a department has responsibility, under the Dean of the College, for the administration, well-being, and development of the department, its faculty, its courses of studies, and its other activities.

The chairperson of a department may be assisted in the duties of office by associate and/or assistant chairpersons, who are appointed by the chairperson upon approval of the Provost or the Provost's designee and who perform such duties and exercise such authority as may be delegated to them by the chairperson.

Section 10/Directors of University Institutes and Centers

Institutes and Centers are academic organizations devoted to research, scholarship, teaching, training, or service. Directors of such organizations are appointed in a manner consistent with the Guidelines for University Centers and Institutes approved by the Academic Council. The reporting responsibilities of directors shall also be determined in a manner consistent with these guidelines.

A University Institute is a major academic organization designated by the President or his designee. University Institutes are governed by the Guidelines for University Centers and Institutes approved by the Academic Council, which may be supplemented by special statutes for the Institute that are approved by the Provost or his/her designee.

Within the framework of University policies and procedures, the director of a University Institute has responsibility, under the Provost and in cooperation with other appropriate academic officers, for the administration, well-being, and development of the Institute, its faculty, staff, programs, and other activities.

Section 11/Director of University Libraries

The director of University Libraries is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When an appointment is to be made, the library faculty elects three of its members, and the University Committee on Libraries elects two members of the teaching and research faculty, to constitute a committee chaired by the Provost. The Provost may appoint up to two additional members to the committee from among the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The committee receives and considers nominations, including those received from the faculty. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation.

For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The Provost reports the recommendation of the committee to the President, along with a personal recommendation. The Provost shall also share the recommendations with the Director, and in the case of retention of a Director, the faculty shall be informed of the reasons for the retention.

The director of University Libraries has responsibility, under the Office of the Provost, for the administration, well-being and development of the University Libraries, its faculty and staff, collections of books, manuscripts, research materials, services and other activities. The director is a member of the University Committee on Libraries and, in particular, is charged with the interpretation and administration of the academic regulations of the University Libraries.

Section 12/Other Academic Administrators

The President or his designee appoints other academic administrators as necessary to manage an array of academic support services. These appointments include a University Registrar and an Assistant Provost for Enrollment.

Article III, The Faculty

Section 1/Membership

The faculty consists of the President; the academic officers identified in Article II; the teaching and research faculty; the research faculty; the library faculty; the special professional faculty; and other faculty as designated in subsection (f).

Members of the clergy and of religious orders are appointed to the faculty on the same basis as all other members of the faculty, and all procedures and principles indicated in this article apply to them in their capacity as faculty.

Subsection (a) Teaching and Research Faculty

Members of the teaching and research faculty hold appointments in the academic departments of the University and have the ranks of professor, associate professor, assistant professor, and instructor.

Subsection (b) Research Faculty

Members of the research faculty have the ranks of research professor, research associate professor, research assistant professor, and research specialist. A member of the research faculty is a member of the faculty of the specific research organization to which an appointment is made as well as of the department that approves such an appointment. The approving department is indicated by title, e.g., research specialist in sociology, research associate professor in electrical engineering, research professor in microbiology.

Subsection (c) Library Faculty

Members of the library faculty have the ranks of librarian, associate librarian, and assistant librarian.

Subsection (d) Special Professional Faculty

Members of the special professional faculty have the ranks of professional specialist, associate professional specialist, and assistant professional specialist. Regardless of their rank, members of the special professional faculty may additionally be designated as teaching professor, clinical professor, or professor of the practice (with the appropriate rank) if approved as set forth in this subsection (d). Special professional faculty designated as teaching professor are engaged primarily in instruction. Special professional faculty designated as clinical professor are engaged in the instruction and supervision of students in training for professional practice. Special professional faculty designated as professor of the practice are normally engaged both in teaching and in research and other creative work.

In cases initiated by an academic department, if the chairperson approves such designation after consultation with the department, the chairperson sends a written recommendation to the Dean. If the Dean approves the designation, he or she sends a written recommendation to the Provost. The Provost or the Provost's designee renders the final decision. In cases initiated by the director of a University Institute

or any other academic organization authorized by the Provost to appoint special professional faculty, if the director approves such designation, the director sends a written recommendation to the Provost. The Provost or the Provost's designee renders the final decision after consultation with the appropriate academic department(s) or school(s).

Subsection (e) Regular Faculty

Members of the faculty described in subsections (a) through (d) are regular faculty. Normally, members of the regular faculty hold full-time appointments. Part-time appointments to the regular faculty may be made for persons who for appropriate reasons cannot serve full-time, provided the service is at least half-time and that the individual is not employed outside the University. The responsibilities and privileges of regular faculty members on part-time appointments are the same in nature as, but on a proportionate scale to, those for members on full-time appointments.

Subsection (f) Other Faculty

Besides the regular faculty, other members of the faculty include visiting, adjunct, concurrent, guest, and retired faculty. Time spent on the faculty in any of these categories does not count for purposes of tenure. Faculty members with these appointments have a voice in meetings of the faculty, but do not vote.

Other faculty are defined as follows:

Visitor: A visitor is a faculty member who assumes duties similar to those of a regular faculty member with an analogous title. A visiting faculty member normally has a full-time appointment in an academic department, Institute, Center, or program. A visiting appointment is always for a fixed term, typically one academic year. Normally a visiting appointment does not exceed two years.

Adjunct: An adjunct faculty appointment is a part-time position within an academic department; the appointment carries assigned teaching responsibilities that normally do not exceed two courses per semester. An adjunct appointment is for a fixed term up to one academic year and may be renewed. An individual may hold adjunct appointments in more than one department. An individual holding a full-time faculty or staff position in another unit at the University normally would receive a concurrent appointment rather than an adjunct appointment.

Concurrent: A concurrent faculty appointment is appropriate for staff or faculty members who hold full-time positions elsewhere in the University. Appointment to a concurrent position requires the recommendation of both the appointing department and the department in which the individual holds a full-time position.

Guest: A guest faculty appointment is normally an uncompensated position for an individual with an extended visit to campus to participate in research or other scholarly programs. A guest appointment provides identification and access to University facilities and services for the period of the visit. A guest appointment is inappropriate for an individual who will not be physically present on campus and requiring campus services. The appointment should be for the actual period of the visit, but typically no longer than one year. A guest appointment is renewable.

Retired Faculty: All retired faculty members have access to University facilities, including library and computer network identification. Upon retirement from a full-time position, a regular faculty member may be designated emerita or emeritus upon the approval of the Office of the Provost. If a retired faculty member will teach, submit grant proposals, manage research funds, or receive University compensation for scholarly activities, a letter of agreement defining the duties and expectations is necessary. The term of such an agreement normally coincides with the academic calendar and is renewable.

Subsection (g) Fellows of Institutes

Fellows of University Institutes are members of the faculty with a special relationship to University Institutes. Their rights and responsibilities are defined by the governing documents of those Institutes.

Section 2/Academic Freedom and Associated Responsibilities

Freedom of inquiry and freedom of expression are safeguarded by the University. The rights and obligations of academic freedom take diverse forms for the faculty, the students, and the administration; in general, however, these freedoms derive from the nature of the academic life and accord with the objectives of the University as a community that pursues the highest scholarly standards, promotes intellectual and spiritual growth, maintains respect for individuals as persons, and lives in the tradition of Christian belief.

Specific principles of academic freedom supported at the University include: freedom to teach and to learn according to one's obligation, vision, and training; freedom to publish the results of one's study or research; and freedom to speak and write on public issues as a citizen.

Correlative obligations include: respectful allowance for the exercise of these freedoms by others; proper acknowledgment of contributions made by others to one's work; preservation of the confidentiality necessary in personal, academic, and administrative deliberations; avoidance of using the University to advance personal opinion or commercial interest; and, in the course of one's utterances, work, and other conduct, protection of the basic mission of the University.

Section 3/Faculty Qualifications and Periods of Service

Subsection (a) Teaching and Research Faculty

The requirements for the rank of instructor are the same as those for assistant professor except that the instructor may not yet possess the terminal degree. The appointment is ordinarily for a one-year period, and may be renewed twice. If the University chooses to terminate the services of an instructor at the end of a contract period, the University will give three months' notice of such termination. If the instructor elects to terminate services, the University should be given three months' notice of such termination. Time spent at this rank does not count toward tenure.

The assistant professor should ordinarily possess the doctoral degree or its equivalent, or, in certain fields, the appropriate professional degree or license. The assistant professor should have demonstrated teaching ability, promise as a scholar, interest in students, and that genuine spirit of study necessary to keep courses current and to assure growth in knowledge and maturity. The initial appointment is ordinarily for a three-year period, but salary is reviewed each year. If the University chooses to terminate the services of an assistant professor at the end of a contract period, the University will give 12 months' notice of such termination. Such 12-month notice period shall commence at the end of the existing contract period. If an assistant professor elects to terminate services, the University should be given three months' notice of such termination, and the end of the notice period should coincide with the end of an academic year. An appointment as assistant professor may be made for a period of one academic year. Except when a one-year contract is an extension of a three-year contract, if the University chooses to terminate the services of the assistant professor at the end of a one-year contract period, the University will give three months' notice of such termination.

The associate professor should possess the doctoral degree or its equivalent or, in certain fields, the appropriate professional degree or license. The associate professor should have demonstrated excellence in teaching ability, growth in knowledge and maturity, salutary influence on students, and standing among colleagues. Notable achievement in scholarship, as shown by significant publication or its equivalent or, where appropriate, by meaningful contributions to public service, is ordinarily required for this rank. The salary of an associate professor is reviewed each year. If the University chooses to terminate the services of an associate professor without tenure at the end of a contract period, the University will give 12 months' notice of such termination. Such 12-month notice period shall commence at the end of the existing contract period. If an associate professor elects to terminate services, the University should be given three months' notice of this termination, and the end of the notice period should coincide with the end of an academic year.

The professor should possess the qualifications required for appointment as associate professor, should have maintained excellence in teaching, and should have gained widespread recognition as a scholar. Holders of endowed chairs at the rank of full professor are normally expected to exhibit a level of distinction in research above that expected of full professors and excellence in teaching and service. Principles regarding review of salary and notice periods are the same as for associate professor.

Subsection (b) Research Faculty

The requirements for the rank of research specialist are the same as those for a research assistant professor, except that the research specialist may not yet possess the terminal degree. The appointment is ordinarily for a one-year period, with renewal from year to year by mutual agreement. If the University chooses to terminate the services of a research specialist at the end of a renewable contract period, the University will give three months' notice of such termination. If the appointee elects to terminate services, the University should be given three months' notice of such termination.

The research assistant professor should ordinarily possess the doctoral degree or its equivalent or, in certain fields, the appropriate professional degree or license. The research assistant professor should have demonstrated research ability, promise as a scholar, interest in students, and that genuine spirit of study necessary to assure growth in knowledge and maturity. The initial appointment is ordinarily for a one-year period. The appointment may be renewed on mutually agreeable terms, and salary is reviewed each year. If the University chooses to terminate the services of the research assistant professor at the end of a renewable contract period, the University will give three months' notice of such termination. If the research assistant professor elects to terminate services, the University should be given three months' notice of such termination.

The research associate professor should possess the doctoral degree or its equivalent or, in certain fields, the appropriate professional degree or license. The research associate professor should have demonstrated outstanding research ability, growth in knowledge and maturity, salutary influence on colleagues and students, and standing among colleagues. Principles regarding review of salary and notice periods are the same as for research assistant professor.

The research professor should possess the qualifications required for appointment as a research associate professor and beyond these should have gained widespread recognition for contributions to a field of knowledge. Principles regarding review of salary and notice periods are the same as for research assistant professor.

Subsection (c) Library Faculty

The assistant librarian should ordinarily possess a master's library degree or its equivalent, or in exceptional situations, the appropriate professional degree or license. The assistant librarian should demonstrate

knowledge of library and information services and a commitment to professional service in a teaching and research University. The assistant librarian should show potential for contribution to the profession and for service to the University. The initial appointment is ordinarily for a three-year period. Salary is reviewed each year. If the University chooses to terminate the services of an assistant librarian at the end of a contract period, the University will give six months' notice of such termination. An appointment as assistant librarian may be made for a period of one year. In this case, if the University chooses to terminate the services of the assistant librarian at the end of the contract period, the University will give three months' notice of such termination. If the assistant librarian elects to terminate services, the University should be given three months' notice of such termination.

The associate librarian should ordinarily possess a master's library degree or its equivalent, or in exceptional situations, the appropriate professional degree or license. The associate librarian should have demonstrated outstanding professional ability, growth in knowledge and maturity, salutary influence on students, and where applicable, standing among colleagues. Significant achievement in contribution to the profession and achievement in University service are ordinarily required for this rank. Salary is reviewed each year. Principles regarding notice periods are the same as for assistant librarian.

The librarian should possess the qualifications required for appointment as an associate librarian and beyond these should have gained widespread recognition for excellence in professional ability and service to the profession. Principles regarding review of salary and notice periods are the same as for associate librarian.

Subsection (d) Special Professional Faculty

Members of the special professional faculty are professionals who make a direct and significant academic contribution to the educational process at the University through teaching, research, or administration.

The assistant professional specialist ordinarily should possess at least the master's degree or its equivalent or, in certain fields, the appropriate professional degree or license. The initial appointment is ordinarily for a one-year period. The appointment may be renewed on mutually agreeable terms. Salary is reviewed each year. If the University chooses to terminate the services of the assistant professional specialist at the end of an initial one-year contract period, the University will give three months' notice of such termination; subsequently, if the University chooses to terminate the services of an assistant professional specialist at the end of a consecutive one-year contract, the University will give six months' notice of such termination. If the assistant professional specialist elects to terminate services, the University should be given three months' notice of such termination.

The associate professional specialist should possess the qualifications required for appointment as an assistant professional specialist. A minimum of six years of qualifying professional experience, of which at least three are at the rank of assistant professional specialist, is ordinarily required. The associate professional specialist should have demonstrated outstanding professional ability, growth in knowledge and maturity, standing among colleagues, and salutary influence on students. Salary is reviewed each year. Principles regarding notice periods are the same as for assistant professional specialists.

The professional specialist should possess the qualifications required for appointment as an associate professional specialist, should possess a terminal degree or, in certain fields, the appropriate professional degree or license, and beyond these have gained widespread recognition for excellence in the field. Principles regarding review of salary and notice periods are the same as for associate professional specialist.

A member of the special professional faculty with at least six years of full-time service with the University who is notified that his or her contract will not be renewed is normally entitled, upon request, to a terminal-year contract.

Subsection (e) Qualifications for Conducting Courses

Anyone having general responsibility for the conduct of a course carrying academic credit must be (1) a member of the faculty or (2) a graduate assistant duly appointed to teach the course by the chairperson of the department, acting with the departmental Committee on Appointments and Promotions (or by the head of any appropriate academic unit, acting with an appropriate committee of that unit), and approved by the Dean. Any faculty member or graduate assistant assigned responsibility for a course should have demonstrated preparation for teaching.

Section 4/Procedure for Appointment, Reappointment, Promotion and Tenure

Subsection (a) Teaching and Research Faculty

Appointments to the teaching and research faculty are made by the President, upon recommendation from the department, Dean, and Provost. The formal procedure for appointments is initiated by the chairperson of the department, acting with the departmental Committee on Appointments and Promotions (CAP). The chairperson of the department submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean, who then submits these recommendations to the Provost, along with a written personal recommendation. The Provost, after consultation with such advisers as the Provost may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action.

Reappointments, promotions, and awards of tenure for the teaching and research faculty are made by the President. A faculty member under consideration for reappointment, promotion, or tenure is notified by the chairperson in advance of the evaluation process and submits a statement and evidence on the faculty member's own behalf for use in the evaluation process. The chairperson of the department submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean, who then evaluates the candidacy. If the Dean anticipates disagreeing with the recommendation of either a CAP or a departmental chairperson, the Dean meets with the CAP and the chairperson jointly to discuss the case before concluding his or her evaluation. If the recommendations of (1) the Dean and (2) the CAP and/or the departmental chairperson are negative, the Dean meets with the candidate and provides written notice to him or her that the decision concerning reappointment, promotion, or tenure is negative and that the candidacy is terminated. When a candidacy is terminated at this stage, the Dean also informs the Provost in writing of the termination but does not forward to the Provost any recommendations or the results of any meeting between the Dean, the CAP, and the departmental chairperson. In all other cases, the Dean informs the candidate that his or her candidacy is proceeding to the Provost and forwards all recommendations to the Provost, including a written personal recommendation, along with the results of any meeting between the Dean, the CAP, and the departmental chairperson.

The Provost, after consultation with such advisers as he or she may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action. For reappointment, promotion, and tenure decisions, the Provost ordinarily consults with the Provost's Advisory Committee before making a recommendation to the President. The President informs the Provost of his final determination. The Provost in turn informs the Dean of this determination. The Dean then meets with the candidate and provides written notice to him or her of the decision concerning reappointment, promotion, or tenure.

Whenever the ultimate decision concerning reappointment, promotion, or tenure is negative, the Dean, upon request of the faculty member concerned, conveys to the faculty member (in writing, if so requested) the reasons for this negative decision. If the Provost and/or President disagreed with the recommendation of the Provost's Advisory Committee, the Dean shall consult with the Provost and/or the President regarding the basis for such disagreement prior to conveying the reasons to the faculty member.

Whenever the Provost or the President does not accept the CAP's recommendation, the CAP is entitled, upon request, to an explanation of such nonacceptance, conveyed to the committee through the Dean.

Subsection (b) Endowed Chairs

Appointments to endowed chairs at the full professor level are made by the President in a manner consistent with the procedures set forth in this subsection except that this subsection does not apply to endowed chairs that are held coincidentally with an associated administrative appointment. Colleges and Schools may employ additional procedures provided that the requirements identified in this subsection are satisfied.

Except in one circumstance, described below, at least two committees shall be involved in the evaluation of candidates. The first of these committees is the departmental Committee on Appointments and Promotions as it would be constituted for evaluating the promotion of a faculty member to full professor ("Full Professor CAP"). The second of these committees is an Endowed Chair Review Committee, which is appointed as necessary by the Dean. The Endowed Chair Review Committee consists of a minimum of three members who hold or have held an endowed chair as a full professor. At least two members of the Endowed Chair Review Committee must be from outside the department or school in which the appointment may be made. The Dean also may appoint to the Endowed Chair Review Committee an ex officio chair who is not required to hold or have held an endowed chair as a full professor and who does not count toward the membership of the committee.

The departmental Full Professor CAP evaluates each candidate for appointment to an endowed chair at the full professor level and provides the Endowed Chair Review Committee with a written report of its deliberations and recommendation. The Endowed Chair Review Committee then assesses the candidate evaluated by the departmental Full Professor CAP and advises the Dean as to the candidate's quality in a written report of its deliberations and recommendation. The Endowed Chair Review Committee also forwards to the Dean the written report of the departmental Full Professor CAP. If the Dean approves the appointment, the Dean provides the Provost with a written personal recommendation along with the written reports of the departmental Full Professor CAP and the Endowed Chair Review Committee. If the Dean disapproves the appointment, the Dean does not forward any written materials to the Provost but instead shall terminate the candidacy by informing the Provost and the committees of the decision and the reason for it. If the Provost, after receiving a positive recommendation from the Dean and after consultation with such advisers as the Provost may choose, approves the appointment, the Provost submits a personal recommendation and all other reports and recommendations to the President for final action. If the Provost disapproves the appointment, the Provost does not forward any written materials to the President but instead terminates the candidacy by informing the President and the Dean and the committees of the decision and the reason for it.

When an internal candidate is considered for an endowed chair at the full professor level, and if the internal candidate is already a full professor or a conflict of interest or the potential for the appearance of a conflict of interest occurs in the departmental Full Professor CAP, the Dean may in his or her discretion, after consultation with the chairperson of the department, require that the internal candidate be evaluated directly by an Endowed Chair Review Committee and not by the departmental Full Professor CAP.

Subsection (c) Research Faculty

Appointments of research faculty are made by the Provost or the Provost's designee. The formal procedure for appointments is initiated by the chairperson of the approving department {see section 1, subsection (b)}, acting with the departmental Committee on Appointments and Promotions (CAP). The process may also be initiated by the director of a University Institute. In cases initiated by the chairperson of an academic department, the chairperson submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean of the relevant college or school, who then submits these recommendations to the Provost, along with a written personal recommendation. In cases initiated by the director of a University Institute, the director submits a written recommendation directly to the Provost, along with the written recommendation of the chairperson of the approving department and a written report approved by the approving department's CAP of its deliberations and recommendations.

Reappointments and promotions of research faculty are made by the Provost. The formal procedure for reappointment and promotion is initiated by the chairperson of the approving department {see section 1, subsection (b)}, acting with the departmental CAP. The formal procedure for reappointment and promotion may also be initiated by the director of a University Institute. A faculty member under consideration for reappointment or promotion is notified in advance of the evaluation process and submits a statement and evidence on the faculty member's own behalf for use in the evaluation process. In cases initiated by the chairperson of an academic department, the chairperson submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean of the relevant college or school, who then submits these recommendations to the Provost, along with a written personal recommendation. In cases initiated by the director of a University Institute, the director submits a written recommendation directly to the Provost, along with the written recommendation of the chairperson of the approving department and a written report approved by the approving department's CAP of its deliberations and recommendations.

In the cases initiated by the chairperson of an academic department, if the Dean anticipates disagreeing with the recommendations of the appropriate departmental chairperson or with the CAP, the Dean meets jointly with the chairperson and the CAP to discuss the case before submitting the written personal recommendation to the Provost. The results of any such meetings are forwarded to the Provost along with the recommendations.

Research faculty members appointed with external funding have a fixed-term contract and are not eligible for reappointment unless a designated source of funding is identified.

Whenever the ultimate decision concerning reappointment or promotion is negative, the chairperson or director, upon request of the faculty member concerned, conveys (in writing, if so requested) the reasons for this negative decision to the faculty member. If the Provost disagreed with the recommendation of the Dean or director, the Dean or director shall consult with the Provost regarding the basis for such disagreement prior to conveying the reasons to the faculty member.

Whenever the Provost does not accept the CAP's recommendation, the CAP is entitled, upon request, to an explanation of such nonacceptance, conveyed to the committee through the appropriate Dean or director.

Subsection (d) Library Faculty

Appointments to the library faculty are made by the Provost or the Provost's designee. The formal procedure for appointment is initiated by the director of University Libraries in consultation with the University Libraries Committee on Appointments and Promotions (CAP). The director of University Libraries

submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Provost. Faculty of the Law Library follow appointment procedures set forth by the Hoynes Code of the Law School.

Reappointments and promotions of the library faculty are made by the Provost. A faculty member under consideration for reappointment or promotion must be notified in advance of the evaluation process and must submit a statement and evidence on the faculty member's own behalf for use in the evaluation process by the University Libraries CAP. The director of University Libraries submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Provost. Reappointment and promotion of faculty of the Law Library follow procedures set forth by the Hoynes Code of the Law School.

Whenever the ultimate decision concerning reappointment or promotion is negative, the director of libraries (or the Dean of the Law School, as appropriate), upon request of the faculty member concerned, conveys (in writing, if so requested) the reasons for this negative decision to the faculty member. If the Provost disagreed with the recommendation of the director, the director shall consult with the Provost regarding the basis for such disagreement prior to conveying the reasons to the faculty member.

Whenever the Provost does not accept the CAP's recommendation made by the library CAP, the CAP is entitled, upon request, to an explanation of such nonacceptance, conveyed to the committee through the director.

Subsection (e) Special Professional Faculty

Appointments to the special professional faculty are made by the Provost or the Provost's designee. The formal procedure for appointment is initiated by the chairperson of a department, by the director of a University Institute, or by the head of any other academic organization authorized by the Provost to appoint special professional faculty. In cases initiated by the chairperson of a department, the chairperson consults with the Committee on Appointments and Promotions (CAP), and submits a written recommendation to the Dean, who submits this recommendation to the Provost, along with a written personal recommendation. In other cases, the director or head of the unit makes recommendations directly to the Provost.

Reappointments and promotions to the special professional faculty are made by the Provost or the Provost's designee. A faculty member under consideration for reappointment or promotion is notified in advance of the evaluation process and submits a statement and evidence on the faculty member's own behalf for use in the evaluation process. In cases initiated by the chairperson of an academic department, the chairperson consults with the relevant CAP, and submits a written recommendation to the Dean, who submits this recommendation to the Provost, along with a written personal recommendation. In cases initiated by the director of a University Institute or any other authorized academic organization, the director or head of the authorized academic organization makes a written recommendation directly to the Provost.

Whenever the ultimate decision concerning reappointment or promotion is negative, the chairperson or director or head of the authorized academic organization, upon request of the faculty member concerned, conveys (in writing, if so requested) the reasons for this negative decision to the faculty member. If the Provost disagreed with the recommendation of the chairperson, director, or head of the authorized academic organization, that person shall consult with the Provost regarding the basis for such disagreement prior to conveying the reasons to the faculty member.

Subsection (f) Other Faculty Appointments

Appointments to other faculty categories are made by the Provost or the Provost's designee upon the recommendation of a chairperson of a department, the director of a University Institute, or a Dean. Appointments as fellows are made by the Provost or the Provost's designee on the recommendation of a director of a University Institute, in accordance with the Guidelines for University Centers and Institutes and governing documents for the University Institute.

Section 5/Tenure

Tenure is permanence of appointment. Its principal purpose is the protection of academic freedom. Tenure may be granted only to members of the teaching and research faculty holding University appointments at ranks other than instructor or assistant professor. Tenure is granted only in a written contract or letter of appointment.

Members who are appointed or promoted to the rank of associate professor, except in the Law School, are not retained without tenure for longer than four years (if that period concludes with a fall semester, then four-and-one-half years) of total service at Notre Dame, including service at the assistant professor rank while at Notre Dame. Members who are appointed or promoted to the rank of assistant professor will not be retained in that rank without tenure for longer than seven years of active service (respectively, seven-and-one-half years).

The probationary periods specified in this subsection increase by one year for each appointment extended pursuant to the University policy on primary caregivers. In no event, however, does a probationary period increase, under this policy or otherwise, more than a total of two years (respectively, two-and-one-half years). Nothing in this section prevents the offer of tenure to a member who has served less than the specified maximum probationary period.

Evaluation of a member for tenure should generally be guided by, among other considerations, the standards for appointment or promotion to the rank of associate professor set out in section 3. In addition, the faculty member must demonstrate promise for continued productive scholarship and excellent teaching. Each tenure decision is a separate action guided by the application of discipline-specific criteria to these standards at the time the decision is made.

When faculty other than teaching and research faculty members or administrators are given a concurrent faculty appointment, such time does not count toward tenure, unless otherwise specified in a letter of appointment.

Section 6/Appeals from Negative Decisions Concerning Reappointment, Promotion and Tenure

Subsection (a) By a member of the teaching and research faculty

A member of the teaching and research faculty may appeal a negative decision concerning reappointment, promotion, or tenure by filing a written appeal with the Provost. The grounds for appeal are limited to:

- (1) ***Academic Freedom***: consideration of factors that impinge upon the academic freedom of the appellant.
- (2) ***Discrimination***: discrimination against the appellant on the basis of race, color, national origin, sex, religion, disability, veteran status, or age.

(3) **Personal Bias:** consideration of factors unrelated to the performance of the appellant in carrying out his or her professional responsibilities, or improper and unprofessional consideration of relevant factors, demonstrating a lack of objectivity or impartiality.

(4) **Procedural Error:** a violation of established department, college, or university procedures during the reappointment, promotion, or tenure process.

The candidate must submit a written appeal within sixty (60) days of notification that his or her candidacy is terminated. The written appeal shall specify each ground for appeal asserted and shall include a concise statement supporting the appeal. The Provost forwards the appeal to the University Committee on Appeals.

Three members of the University Committee on Appeals shall constitute the committee reviewing the appeal (“the review committee”), which shall be formed within fifteen (15) days of the filing of the written appeal. To constitute the review committee, the University Committee on Appeals and the candidate each select one member to serve on the review committee, after which the Provost selects a third member to serve as the review committee chair. Any person who has had prior involvement with the case, either directly or indirectly, must recuse himself or herself. For appeals concerning promotion to full professor, only full professors on the University Committee on Appeals are eligible to serve on the review committee.

The review committee shall investigate the appeal, and shall have confidential access to all necessary information. The review committee’s investigation need not be limited to the grounds raised by the candidate. The Provost or his or her designee resolves any dispute concerning access to confidential information.

The review committee does not consider whether reappointment, promotion, or tenure should have been granted, but rather makes a determination of whether one or more of the grounds for appeal substantially affected the decision. If the candidacy was terminated prior to the Provost’s consideration, the review committee shall submit a written report detailing its determination and the facts upon which such determination is based to the Provost. If the candidacy was terminated by the President, the review committee shall submit this report to the President. The review committee shall submit its report within ninety (90) days of the committee’s formation. The candidate and the Dean shall be informed of the review committee’s determination. The Provost or the President shall evaluate the report and shall determine what additional action, if any, is appropriate. As part of this evaluation process, the Provost or the President may elect to meet with the review committee to discuss its report. The decision of the Provost or President regarding the appeal is final, except that the President may in his sole discretion review an appeal evaluated by the Provost. The decision of the Provost or President regarding the appeal shall be conveyed to the candidate and the review committee within thirty (30) days of the Provost’s or President’s receipt of the review committee’s determination.

A member of the teaching and research faculty who alleges that a decision against reappointment, promotion, or promotion to tenure of that faculty member is the product of discrimination on the basis of sex will proceed with an appeal as outlined in Appendix A to these articles unless Appendix A is amended in favor of the procedures established by the provisions of this subsection.

Subsection (b) By a member of the research faculty, library faculty, or special professional faculty

If a member of the research faculty, library faculty, or special professional faculty alleges that a decision against reappointment or promotion of that faculty member violates academic freedom or is due to personal bias or procedural error, the faculty member notifies the Provost in writing within 20 University business days of the date the faculty member is notified of the decision. The Provost then initiates the election of a committee of three faculty members, none below the rank of associate, to review the allega-

tions. If the appellant is a member of the research faculty, the Council of the faculty member's College elects the committee, none of whose members may be from the appellant's department. If the appellant is a member of the library faculty, the library faculty elects the committee. If the appellant is a member of the special professional faculty, the special professional faculty elects the committee.

The burden of presentation and of establishing a prima facie case rests with the appellant. A prima facie case is one that has sufficient evidence to establish a violation of academic freedom, personal bias, or procedural error, were such evidence not contradicted and overcome by other evidence. If there is a prima facie case, the committee pursues the investigation. The committee has confidential access to all necessary information. The Provost resolves any dispute concerning such access.

The committee does not consider whether the reappointment or promotion should have been made, but only whether a violation of academic freedom, personal bias, or procedural error that likely affected the outcome has occurred. The committee then makes its confidential report to the Provost.

If, in consultation with the President, the Provost determines that there has been a violation of academic freedom, personal bias, or procedural error of such magnitude that there was a substantial likelihood that it affected the outcome, the entire reappointment or promotion process is begun anew. When, pursuant to this subsection, the process is begun anew, the Provost appoints a monitor, and takes whatever additional measures are necessary, to ensure that the violation, bias, or error does not recur. The monitor, who may have served on the review committee, has access to the committee's report. The monitor tracks the case through the rehearing, attending the meetings of the committees implicated in the violation, bias, or error.

The decision of the Provost regarding an allegation pursued under this subsection normally occurs, and is communicated to the appellant, by June 30 next following the filing of the appeal. The communication to the appellant includes the conclusions of the review committee and, if the decision of the Provost differs from those conclusions, a brief explanation for the difference.

If the Provost is immediately involved in an allegation under this subsection, the review committee makes its confidential report to the President. In that event, the President makes the determination concerning the alleged violation, bias, or error, makes the communication to the appellant, and takes the precautionary measures called for by this subsection.

If a member of the research faculty, library faculty, or special professional faculty alleges that a decision against reappointment, promotion, or promotion to tenure of that faculty member is the product of discrimination on the basis of sex, the faculty member may proceed with an appeal as outlined in Appendix A to these articles.

Section 7/Dismissal Without Serious Cause

Subsection (a) Discontinuance of an Academic Organization

Discontinuance of one of its academic organizations may oblige the University to terminate the services of faculty members in that organization. A bona fide effort shall be made to relocate elsewhere in the University such faculty members, especially those with tenure. If a faculty member's appointment is terminated for this reason, it shall be continued for at least 12 months from the date of notification.

Subsection (b) Financial Exigency

Circumstances of extreme financial exigency may oblige the University to terminate faculty members with tenure. In such extreme circumstances, faculty may be terminated at the point of such a declaration.

Section 8/ Severe Sanctions and Dismissal for Serious Cause

The University may impose severe sanctions or terminate the services of any member of the faculty for serious cause. Except for circumstances described in Section 7, faculty members with tenure may be dismissed only for serious cause as provided in this section.

Subsection (a) Definition of Severe Sanctions

Severe sanctions are suspension, revocation of tenure, demotion in academic rank, and reduction of individual salary of more than 2% (not including reduction due to financial exigency causing widespread reductions).

Subsection (b) Definition of Serious Cause

“Serious cause” consists of any of the following: academic dishonesty or plagiarism; misrepresentation of academic credentials; professional incompetence; continued neglect of academic duties, regulations, or responsibilities; conviction of a felony; serious and deliberate personal or professional misconduct (including, but not limited to sexual harassment or discrimination in violation of University policies); continual serious disregard for the Catholic character of the University; or causing notorious and public scandal.

Subsection (c) Procedures for Imposing Severe Sanctions or Adjudicating Dismissal

Imposition of severe sanctions upon a faculty member or dismissal for serious cause requires adherence to the following procedures. The Provost informs the accused, in writing, of the charges, of the basis for the charges, and of the proposed sanction. The Provost may meet with the faculty member to attempt informal resolution of the matter. At that meeting, the Provost must inform the faculty member of the availability of these procedures, including the right to a hearing.

If informal efforts between the Provost and the faculty member do not resolve the matter, the Provost appoints two elected members of the Academic Council to meet with the relevant University administrator and with the faculty member to attempt to resolve the issue to their mutual satisfaction. One of these appointees must be a tenured member of the regular teaching and research faculty who does not hold an administrative position.

If these efforts at resolution fail, the following procedures are followed.

(1) Severe Sanctions. If a severe sanction is proposed, the Provost notifies the faculty member that he/she has a right to request a hearing and of the date on which the Provost intends to impose the proposed sanctions if the faculty member does not request a hearing. That date must be at least 45 days after delivery of the notification to the faculty member. If the faculty member requests a hearing, no sanction may be imposed until after the faculty member is afforded a hearing conducted in accordance with the provisions of paragraph 3 below. If the faculty member does not request a hearing, the faculty member may submit a written response to the charges, which becomes a part of the faculty member’s record. Such response must be submitted within 30 days after delivery of the notification by the Provost to the faculty member set forth above. When no hearing is requested, the Provost considers all the available evidence and may impose, on a date no earlier than the date in the notification, the originally proposed sanction, or a sanction no more severe than the proposed sanction

(2) Dismissal. If dismissal is proposed, the Provost informs the faculty member of the date that the Provost intends to initiate election of a Hearing Committee. The Provost may not initiate the election process prior to the date specified, which must be at least two weeks after the date the faculty member is notified by the Provost.

(3) Hearing Process. When the accused faculty member requests a hearing with regard to imposition of a severe sanction, and in dismissal cases, the Provost makes known the charges, but not the name of the accused, to the Executive Committee of the Academic Council. The Executive Committee of the Academic Council elects a Hearing Committee of three elected, tenured members of the Academic Council to conduct a formal, closed-door hearing. The Executive Committee also elects an alternate (who must also be an elected, tenured member of the Academic Council) to take the place of any member elected to the Hearing Committee who must recuse himself or herself because of bias or interest, including participation in the informal resolution process set forth above.

The accused faculty member is given a reasonable time (at least 30 days) to prepare a defense.

At the hearing, the University presents its case. The burden of proof that adequate cause exists for severe sanctions or dismissal rests with the institution and is satisfied only by clear and convincing evidence.

The Hearing Committee may, with the consent of the parties concerned, hold joint prehearing meetings with both parties, and/or their legal counsel, in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious. At the hearing itself the faculty member has the right to bring counsel, to confront the accusers and adverse witnesses for questioning, and to present witnesses. The University also has the right to counsel and the right to present witnesses.

A verbatim record of the hearing is taken and an electronic or typewritten copy is made available to all parties.

After the hearing, the Hearing Committee reports its findings and recommendations in writing to the Provost and to the accused faculty member. The report must include factual findings as well as the Hearing Committee's conclusion regarding whether there is clear and convincing evidence of adequate cause for imposition of the severe sanction or dismissal. If the Committee determines that there is not adequate cause for imposition of the proposed sanction or dismissal, the Committee must provide a recommendation as to the appropriate sanction, if any. On the basis of the Committee's report, the Provost decides the case and informs the accused faculty member and the members of the Hearing Committee in writing of the decision and the reasons for the decision.

(4) Right of Appeal. After the hearing, if the decision is to proceed with dismissal or a severe sanction, the faculty member has the right to appeal to the President within 10 days of receipt of notice of the Provost's decision. In the case of an appeal, the President directs the Executive Committee of the Academic Council to elect an Appeal Board of three tenured members of the Academic Council, none of whom served on the Hearing Committee. On the basis of its examination of the written record or transcript, the Appeal Board reports, in writing, its conclusion regarding whether adequate cause for the sanction recommended by the Hearing Committee or dismissal has been established by the evidence in the record. If the Appeal Board concludes that adequate cause for the proposed sanction has not been established, but that an alternative sanction would be appropriate, it may so recommend with supporting reasons. The Appeal Board submits its report and recommendation to the President. The President makes the final decision and communicates that decision to the accused faculty member and to the Appeal Board. If the President does not concur with the recommendation of the Appeal Board, the President provides the accused faculty member and the Appeal Board with a written explanation for his position.

(5) Confidentiality. All participants in the hearing process, including the members of the Hearing Committee and the Appeal Board, must maintain the strictest confidentiality concerning all proceedings, investigations, and discussions, all information or documents presented, and all recommendations made at the various levels of responsibility under this section, except in the event that litigation requires disclosure.

(6) Dismissal Date. Ordinarily, any dismissal immediately follows the final decision. However, the President may, in any situation he determines in his sole discretion to be extraordinarily grave, immediately remove a faculty member from participation in some or all University activities, pending completion of the procedures set out in Article III, Section 8, Subsection (c). In all cases arising under Section 8, the accused faculty member is entitled to full salary until any final decision is reached.

Section 9/Contracts for Services

The agreement for faculty services between the University and a member of the faculty is stated in a written contract or letter of appointment. Nothing in a contract or letter of appointment regarding an untenured appointment implies an undertaking by the University to reappoint that member of the faculty.

Section 10/Faculty Services

The University expects members of the faculty to make significant contributions to sound instruction and to significant scholarly inquiry. Members of the faculty have the further obligation to participate in the processes by which the conditions for teaching, learning, and scholarly inquiry are determined and administered in the University. Also, members of the faculty are available to students for that further kind of tutelage that ranges beyond the strictly academic.

The University acknowledges that public service beyond the campus and the academic community, when consistent with one's obligations to the University, appropriately enhances one's academic services.

The University encourages each of its departments, schools, or institutes to call upon the services of an individual member of the faculty according to that member's current interests and talents, and in light of the aims and needs of the program.

For each semester, the chairperson, Dean, or director devises for each member of the faculty a schedule of service to the program. This schedule is presented to the appropriate administrators for review, coordination, and approval.

Members of the faculty are required to attend formal meetings of the faculty of the University, College or school, and department as appropriate, and to attend, in academic garb when requested, commencement exercises and other formal academic events.

Section 11/Faculty Grievance Procedures

A grievance is a claim by a faculty member to have suffered substantially unfair or unprofessional treatment in matters unrelated to dismissal or severe sanctions, compensation, reappointment, promotion, or tenure. Grievable actions include, but are not limited to: violations of academic freedom; arbitrary changes in teaching assignments or workloads; involuntary repositioning within the University; and unilateral alteration of the terms of appointment.

A faculty member asserting a grievance should, before invocation of the procedure set forth below, seek informal resolution by making the grievance known to administrators in successive echelons until the matter is satisfactorily resolved, or until the grievance is denied by the appropriate Dean or director. If the attempt to achieve a resolution fails, the aggrieved may submit a written petition to the chairperson of the Faculty Grievance Committee ("the committee," see subsection (a) below). Such written petition must

be filed within 180 days of the action being grieved or notification that informal resolution, begun within 180 days of the action being grieved, has failed, whichever is later.

The written petition, accompanied by any supporting documentation in the petitioner's possession, should set forth in detail the nature of the grievance, the person against whom the grievance is directed, and the resolution requested.

The chairperson of the committee appoints a panel of three members from the committee.

The panel consults with the grievant, the person against whom the grievance is directed and, as necessary, with other members of the faculty and administration, and conducts such other investigation as the panel deems appropriate. In any investigation, the panel has confidential access to all necessary information. In any dispute concerning such access the Provost and the chairperson of the committee will seek a resolution. Should no resolution be reached, the President has final authority and must provide, in writing, a compelling reason for any denial of access to requested information. The panel takes all steps necessary to protect confidential statements and materials.

At all stages of its process, the panel seeks settlement of the grievance satisfactory to the parties. If in the opinion of the panel such a settlement is either impossible or inappropriate, the panel, at the conclusion of its process, issues its written recommendations to the parties, and both a written report and recommendations to the Provost, who makes the decision.

Absent extenuating circumstances, the panel completes its process within 60 days of its receipt of the petition.

Upon receipt of the report, the Provost may either render a decision or ask the panel to investigate and consider the matter further.

If the Provost is immediately involved in the grievance, the report and recommendations go to the President for a decision.

If redress is recommended by the panel, but denied by the Provost or President, that administrative official meets with the panel, and also with the petitioner, and gives the petitioner, in writing, compelling reasons for rejecting the recommendations.

The panel maintains the strictest confidence consistent with its duties. This includes all proceedings, investigations, or discussions, all information or documents secured, and all recommendations made in connection with their responsibilities under this section. Nothing in this section entitles any petitioner to access any confidential information.

Subsection (a) Composition of the Faculty Grievance Committee

The committee consists of nine members, one of whom is elected by and from the teaching and research faculty of each of the Colleges, the Law School, and the School of Architecture; and one member by and from the library faculty, the special professional faculty, and the research faculty. Members serve staggered, three-year terms. No one may serve two consecutive terms.

The chairperson, elected yearly by the committee, sends a written report to the Academic Council before the beginning of each academic year. The report includes only the total number of grievances filed during the preceding year and the general categories into which the grievances fell.

Section 12/Faculty Salaries

The services of members of the teaching and research faculty are usually engaged for the academic year of two semesters; in such cases salaries are for services during that period. If appointed for the summer session, such members receive additional compensation.

In other cases the services of members of the faculty are usually engaged for the full year of 12 months. Such members serve in the summer period without additional compensation. Research and study are also recognized as summer services, and periodic summer leaves of absence with pay can be granted to members who are on full-year contracts.

Members who are engaged in University research projects supported by outside agencies during the periods for which their services are contracted are not compensated for such work in addition to their regular salaries.

Section 13/Leave of Absence

Consistent with its views on faculty services, the University recognizes the importance, for its own well-being, of faculty leaves of absence. The University does not, however, subscribe to rigid formulae for such leaves. Requests for a leave of absence must ordinarily be submitted to the chairperson of the department or other appropriate academic officer at least six months in advance of the beginning of the period of leave requested. Leave of absence is also granted as indicated in the family and medical leave policy. Leave of absence officially granted by the University with or without remuneration is counted as service for purpose of tenure and promotion unless otherwise expressly stipulated.

Section 14/Retirement

A member of the faculty may retire in accordance with the Notre Dame Faculty and Administrators' Retirement Plan. Retired faculty members are eligible for benefits set forth in the plan.

Article IV, Organization of the Faculty

Section 1/Academic Organization

The faculty is organized into colleges, schools, academic departments, institutes and centers, and the library.

Section 2/Meetings

The faculty as a whole meets at least once a year on a date fixed by the President. Additional regular or special meetings may be called at the President's discretion.

The faculty of each academic organization meets at least once each semester to consider the business, policies, and development of its interests. Meetings are called by the appropriate Dean, chair, or director; such a meeting may be called, and/or an item placed on the agenda, upon written petition of at least 25 percent, or 25 members, of the faculty concerned, whichever is smaller, unless otherwise expressly stipulated herein. A department may place any item on the agenda of its College or school meeting. Recommendations of individual members of the faculty for the agenda should be made to the appropriate Dean, chair, or director at least one week in advance. The appropriate Dean, chair, or director, or his or her designee, chairs such meetings.

Minutes of all meetings are recorded and distributed promptly to the faculty of the academic organization involved, the President of the University, the Provost, the Dean of the College, and, where appropriate, the Vice President for research and the Dean of the Graduate School.

Section 3/Committees of the University

Subsection (a) The Academic Council

The Academic Council consists of the President, who chairs the Council; the Provost; the Executive Vice President; the Vice President and Senior Associate Provost; the Vice Presidents and Associate Provosts; the Vice President for Student Affairs; the Vice President for Research; the chairperson of the Faculty Senate and the chairpersons of the four standing committees of the Faculty Senate; the Deans of the Colleges; the Dean of the Law School; the Dean of the School of Architecture; the Dean of the First Year of Studies; the Dean of the Graduate School; the director of University Libraries, 21 elected faculty members, and three additional faculty-at-large appointed by the chair of the Academic Council. In addition, there are six student members: the academic commissioner of the student government, a student from the Graduate School, one student alternating between the law school and the business graduate programs, and three undergraduates from the three Colleges not represented by the academic commissioner of the student government (with the School of Architecture considered jointly with the College of Engineering for purposes of this allocation). Student members are selected according to procedures approved by the Academic Council.

Non-appointed faculty members are elected by and from the teaching and research faculty of the four Colleges, the School of Architecture, the Law School, by and from the library faculty, the research faculty, and by and from the special professional faculty. Such faculty members are elected in numbers proportional to the size of the particular faculty constituency, except that each category of faculty shall elect at least one member. Faculty members are elected by majority vote in such a manner that one-third of the elected membership is elected each year (hereinafter, such election each year of one-third of the membership shall be referred to as “staggered three-year terms”).

The principal functions of the council are to determine general academic policies and regulations of the University; to consider the recommendations of the Graduate Council; to approve major changes in the requirements for admission to and graduation from the Colleges and Schools and in the programs of study offered by Colleges, schools, and departments; to authorize the establishment, modification, or discontinuance of any academic organization or degree program of the University; and to provide for review, amendment, and final interpretation of the academic articles, without prejudice to article V. The decisions of the council are by majority vote and are subject to the approval of the President.

The council meets at least once each semester. Meetings are called by the President. The President may call a meeting upon request of a member of the council, and shall call a meeting at the earliest possible time upon petition of six members of the council. Any member of the council may propose to the Executive Committee an item for the agenda, and any six members may place an item on the agenda. Agenda proposals should be received 48 hours in advance of the meeting. Ex officio members of the Academic Council may, if necessary, be represented at meetings by their designees, who will have speaking but not voting privileges. Elected members may be represented by elected alternates, who shall have voting privileges.

The council has an Executive Committee composed of the Provost, who chairs the committee, a Vice President and Associate Provost designated by the Provost, the chairperson of the Faculty Senate, five members elected annually by and from the council and three members appointed annually from the council by the President. The Executive Committee is charged with setting the agenda of the Council.

Subsection (b) The Faculty Senate

Each department in the College of Arts and Letters, the College of Science, the College of Engineering, and the Mendoza College of Business has one senate seat. The School of Architecture and the Law School each has one senate seat. The College of Science has two additional seats. The Mendoza College of Business

and the College of Engineering each have one additional seat. These senators are elected from the teaching and research faculty in the departments, Colleges, and Schools. The programs of military science collectively have one seat, with that single senator representing all three of those programs. The remaining seats are distributed on an at-large basis as follows: the emeritus faculty has two seats; the special professional faculty has three seats; the library faculty has two seats; and the research faculty has one seat. Senators are elected by majority vote for staggered three-year terms.

The Senate has five general officers: a chairperson, a vice-chairperson, a treasurer, and two co-secretaries. It has four standing committees; the chairpersons of those committees are elected annually by majority vote of the entire Senate. The chairperson of the Senate and the chairpersons of the four standing committees are ex officio members of the Academic Council. The Senate also has an Executive Committee that consists of the five general officers and the chairpersons of the four standing committees.

The Faculty Senate meets at least twice each semester. The Senate's range of concern extends to matters affecting the faculty as a whole and to matters on which a faculty perspective is appropriate. The Senate seeks to formulate faculty opinion and for this purpose may, at its discretion, conduct faculty meetings and referenda. The Senate also receives from other groups in the University items requiring consideration by the faculty. With respect to matters of academic concern, the recommendations of the Senate are referred to the Executive Committee of the Academic Council, which shall place the recommendations on the agenda of the council.

The Faculty Senate has the authority to adopt bylaws that govern its internal operations.

Subsection (c) The University Committee on the First Year of Studies

The University Committee on the First Year of Studies advises the Dean of the First Year of Studies in academic matters pertaining to the first-year program. Its members include the Dean of the First Year of Studies, who chairs the committee, the Associate and/or Assistant Deans of the First Year of Studies, faculty representatives appointed by the Deans of the Colleges and the School of Architecture, the director of University Libraries, and one student appointed by the President in consultation with the Dean of the First Year of Studies and the student body President. The committee provides an annual report of its activities to the Academic Council.

Subsection (d) The Core Curriculum Committee

The Core Curriculum Committee (CCC) is concerned with the core curriculum requirements, seeking ways to enhance learning in the core requirements, hearing appeals of proposals for approval of core curriculum courses, and approval of credit for core requirements for courses taught at other universities. The CCC consists of an Associate Provost designated by the Provost, the chairs of the nine Core Curriculum Subcommittees, the Dean of the First Year of Studies, the Academic Commissioner of Student Government, and up to five faculty members appointed by the Provost including representatives of the Mendoza College of Business, the College of Engineering, and the College of Science. The Associate Provost serves as chair of the committee. The committee provides an annual report of its activities to the Provost's Office.

Subsection (e) The Graduate Council

The Graduate Council is composed of eight ex officio members (Dean of the Graduate School, who chairs the Graduate Council, the Vice President for Research, Dean of the College of Arts and Letters, Dean of the College of Engineering, Dean of the Law School, Dean of the Mendoza College of Business, Dean of the College of Science, and director of University Libraries); two members elected by and from the teach-

ing and research faculty of the College of Arts and Letters (one from the divisions of arts/humanities, one from the division of social sciences); one member elected by and from the teaching and research faculty of the College of Engineering; one member elected by and from the teaching and research faculty of the College of Science; one member elected by and from the teaching and research faculty of the School of Architecture; one member elected by and from the research faculty; six members of the Academic Council (at least five of whom must come from the elected members of the Academic Council and serve one-year terms on the Graduate Council); four faculty members appointed by the Vice President for Research to serve one-year terms; and two graduate students selected according to procedures and terms determined by the Graduate Council. The elected faculty members serve staggered three-year terms.

The Graduate Council reviews the policies, practices, and procedures of the Graduate School. The council meets at the call of its chairperson, who may call a special meeting upon request of any council member, and who must do so upon petition of 20 percent of the Graduate Council members. The committee on advanced studies comprising the members of the Graduate Council who are also members of the Academic Council (the six described above and any other overlap members) has the right to include items on the agenda of the Graduate Council. Decisions of the council are by majority vote and are subject to the approval of the Dean of the Graduate School. The committee on advanced studies provides an annual report of its activities and those of the full Graduate Council to the Academic Council.

Subsection (f) The University Committee on Research and Sponsored Programs

The University Committee on Research and Sponsored Programs consists of the Vice President for Research, who chairs the committee; the Dean of the Graduate School; 10 faculty members actively involved in research or research management: two with tenure elected by and from the teaching and research faculty of each of the Colleges, one with tenure elected by and from the teaching and research faculty of the Law School, and one elected by and from all research faculty attached to University Institutes. Elected members serve staggered three-year terms.

Among its principal functions, the University Committee on Research and Sponsored Programs formulates policies for sponsored research and sponsored educational programs; makes recommendations for the planning, establishment, and operation of interdisciplinary facilities for the conduct of sponsored research; serves as an avenue of communication among the administrative officers of the University and the members of the faculty and staff engaged in sponsored research and sponsored educational programs; disseminates to the faculty information about committee actions; and receives suggestions for future action. The committee provides an annual report of its activities to the Academic Council.

Subsection (g) The University Committee on Libraries

The University Committee on Libraries reviews policies and practices relating to library resources and services and provides oversight of the development of the libraries. It constitutes a principal interface among the campus units responsible for providing information resources and services, and also serves as a communications link between the libraries and the University community.

The committee consists of the director of University Libraries, the director of the Law Library, the chief information officer or his or her designee, and 13 others: one elected by and from the teaching and research faculty of the Law School, the Mendoza College of Business, the College of Engineering, the College of Science, the division of the humanities of the College of Arts and Letters, the division of social sciences of the College of Arts and Letters, and the School of Architecture together with the division of the arts of the College of Arts and Letters; one elected by and from the faculty of the University Libraries; three elected at large by and from the teaching and research faculty of the University; and two student

members. Student members are selected annually according to procedures approved by the committee. Elected members serve staggered three-year terms.

The committee annually elects a chair from the elected members. It meets at least twice each semester, publishes its approved minutes, and reports annually to the Academic Council.

Subsection (h) The University Council for Academic Technologies

The University Council for Academic Technologies considers policies, practices, and procedures related to University computing and information services. The council provides a forum for collaboration among faculty, students, and the Office of Information Technology to identify new applications of technology that will enhance teaching, learning, and research. The council is an advisory body to the University Chief Information Office (CIO).

The council has 20 members, comprising seven elected, seven appointed, and six ex officio members. One member is elected by and from the regular faculties of each of the following: the College of Arts and Letters, the College of Engineering, the College of Science, the Law School, the Mendoza College of Business, the School of Architecture, and the University Libraries. Elected members serve staggered three-year terms.

The Deans of the Colleges of Arts and Letters, Engineering, Science, and the Mendoza College of Business each appoint one member. The student body President appoints one undergraduate student and the President of the Graduate Student Union appoints one graduate student. The Provost appoints one academic administrator. All appointments are for one year. The chief information officer of the University, the director of the University Libraries, the University registrar, and the director of the Kaneb Center are ex officio members. The chair of the committee will appoint up to two representatives of the Office of Information Technology to serve as ex officio members. The committee is chaired by the CIO. The committee provides an annual report of its activities to the Academic Council.

Subsection (i) The University Committee on International Studies

The University Committee on International Studies provides a forum for deliberations involving the wider University community in Notre Dame's international activities, including study abroad programs, faculty and student exchanges, foreign language study, library resources, faculty development, and curricular and extracurricular international activities. Initiatives, ideas, and goals are discussed by this group and its advice solicited by those responsible for international activities.

The committee includes a Vice President and Associate Provost, designated by the Provost, who chairs the committee, and the Assistant Provost for International Studies. Each College council elects a member from its teaching and research faculty. Four members of the regular faculty are appointed by the Provost. In addition, two student representatives are appointed by the President. Elected and appointed faculty members serve staggered three-year terms. Student members serve one-year terms. Meetings are called by the chair or by a petition of five members. The directors of the international Institutes and other University administrators should be invited to the meetings as appropriate.

The committee meets at least once each semester to discuss relevant matters and hear reports on appropriate topics, including information on numbers of students who applied for and are selected for international study programs, numbers of international students on campus, plans for international student recruitment, possible new initiatives, problems specific to one or more international study programs, and faculty developments in international studies, including grant programs, openings and hires,

research agendas, and activities arising in the Institutes, area studies or clusters. The committee oversees periodic review of the international study programs. Minutes and documents from the meetings are provided directly to the Academic Council's Committee on Undergraduate Affairs and the minutes should be published for the Notre Dame community. The committee provides an annual report of its activities to the Academic Council.

Subsection (j) The University Committee on Admissions, Scholarships, and Financial Aid

The University Committee on Admissions, Scholarships, and Financial Aid consists of the Vice President for Student Affairs, the Deans of the Colleges, the Dean of the First Year of Studies, the registrar, a teaching and research faculty member from each College elected by the College council, two faculty members appointed by the President, the Assistant provost for enrollment, who chairs the committee, and the director of Student Financial Services, who serves as Executive secretary. Elected and appointed members serve staggered three-year terms. The committee considers policies and procedures relating to admissions and to the award of scholarships and financial aid to undergraduate students, and makes appropriate recommendations to the Academic Council through the Assistant provost for enrollment. The committee provides an annual report of its activities to the Academic Council.

Subsection (k) Faculty Board on Athletics

The Faculty Board on Athletics consists of 15 members—seven elected, four appointed, and four ex officio members. Seven members of the board are elected as follows: one elected by and from the teaching and research faculty of each College, one elected by and from the teaching and research faculty of the Law School, and two elected at large from the teaching and research faculty. Four members are appointed by the President—three are appointed from the teaching and research faculty and one appointed annually from the student body. The Vice President for Student Affairs, the director of Athletics, the director of Academic Services for Student-Athletes, and a representative of the Office of the President serve as ex officio members. Only appointed and elected members of the teaching and research faculty, the Vice President for Student Affairs, and the student representative vote on matters before the board. Elected and appointed faculty members serve staggered three-year terms and no faculty member other than the chair serves more than two consecutive terms.

The President appoints the chair of the Faculty Board from among the tenured teaching and research faculty elected or appointed to the board. The President appoints the chair to a three-year term and may, after consultation with the board, renew the chair for additional terms of up to three years each. Previous service, continuous or not, as a member of the Faculty Board does not preclude an individual's appointment as chair.

The chair, who also functions as the University's faculty athletics representative to the National Collegiate Athletic Association, calls meetings of the board on a regular basis and develops the board's agenda. Members of the faculty and the members of the board may propose items for the board's agenda. The chair meets periodically with the President to discuss issues of interest or concern to the board.

The Faculty Board on Athletics serves as the principal advisory group to the President on educational issues related to intercollegiate athletics. In that capacity, the board fosters the University's commitment to academic integrity within the athletic program, strives to ensure that the University's athletic program operates in consonance with its educational mission, and actively promotes the welfare and educational success of the University's student-athletes. The board also functions as a formal liaison between the faculty and the Department of Athletics.

In carrying out its charge, the board periodically reviews policies, procedures, and practices that affect the educational experience of student-athletes and advises the President of its findings. The board provides appropriate mechanisms for considering concerns of student-athletes. Periodically, the board reviews data on admission of student-athletes, academic performance, progress toward degree, and graduation rates, and assesses the effectiveness of institutional support for student-athletes. In addition, the board sets and modifies, as necessary, guidelines for all student petitions for a fifth year of athletic eligibility and decides whether to approve each petition. The board reviews and amends, as necessary, guidelines for all intercollegiate athletic schedules and qualifications for the captaincies of all University teams and decides whether to approve any schedule or captain candidate not in compliance with those guidelines. The board also assesses and revises, as necessary, procedures for resolving conflicts between final examinations and post-season championship tournaments. In its role as liaison to the broader faculty, the board disseminates appropriate, non-confidential information and initiates discussions on educational issues related to intercollegiate athletics of concern to the faculty and administration. The board may assume other duties as assigned by the President. The board provides an annual report of its activities to the Academic Council.

When necessary, the Faculty Board on Athletics is called into Executive session by its chair or the President. During Executive session it may be appropriate for the director of Athletics, the director of Academic Services for Student-Athletes, or both, to be excused from the proceedings.

Subsection (l) University Committee on Women Faculty and Students

The University Committee on Women Faculty and Students consists of thirteen representatives from the faculty and four student representatives. Nine faculty members of the committee are elected and four appointed by the President. Seven of the faculty members are elected from the teaching and research faculty of the Colleges and Schools: two from Arts and Letters, one from Business, one from Engineering, one from Science, one from Law, and one from Architecture; one is elected from the library faculty; and one from the special professional faculty. Four students—two undergraduates and two graduates—are appointed by the appropriate elected representatives of the Student Government and the Graduate Student Union. The remaining committee members are appointed by the President, one of whom is a Vice President and Associate Provost. Elected committee members serve staggered three-year terms. Appointed members serve one-year terms. No one serves for more than six consecutive years. The committee elects as chair one of its tenured faculty members.

The University Committee on Women Faculty and Students considers policies, practices, and the general environment at the University as they relate to women faculty and students. The committee may make recommendations for action to the President, or, as he directs, for action by the other officers of the University and the Academic Council. The committee should meet regularly and should publish a record of its deliberations for the University community. The committee provides an annual report of its activities to the Academic Council.

Subsection (m) Provost's Advisory Committee

The Provost's Advisory Committee is composed of the Deans of the Colleges, the Dean of the Law School, the Dean of the School of Architecture, the Dean of the First Year of Studies, the Dean of the Graduate School, the Vice President for Research, 11 elected faculty members, and such other persons as the Provost appoints. The elected members are elected by simple majority vote and are elected by and from the Colleges and Schools: four from the College of Arts and Letters, two each from the Colleges of Business, Engi-

neering, and Science, and one from the Law School. Faculty members of the School of Architecture stand for election and vote with the faculty of the College of Engineering. The elected faculty members must be from the teaching and research faculty and hold the rank of professor with tenure. The elected members serve staggered three-year terms. About one-half of the membership of the Provost's Advisory Committee should be composed of elected members. The Provost's Advisory Committee advises the Provost about academic matters, including especially the reappointment, promotion, and tenure of members of the teaching and research faculty.

Subsection (n) University Committee on Appeals

The University Committee on Appeals considers appeals from members of the teaching and research faculty who have been denied reappointment, promotion, or tenure. The University Committee on Appeals shall consist of: (1) those elected members of the Provost's Advisory Committee and those former elected members of the Provost's Advisory Committee who agree to serve for a three-year term; and (2) 12 members from the tenured faculty who have served on a departmental CAP elected to staggered three-year terms by simple majority vote by and from the Colleges and Schools: four from the College of Arts and Letters, two each from the Colleges of Business, Engineering, and Science, one from the Law School, and one from the School of Architecture. No member of the University Committee on Appeals will be required to serve on more than one review committee at a time, or to serve on more than two review committees during a three-year term.

Subsection (o) Academic and Faculty Affairs Committee of the Board of Trustees

The Academic and Faculty Affairs Committee of the Board of Trustees invites seven teaching and research faculty members and one member of the library faculty to join the committee. Seven of the eight faculty members are elected by simple majority vote: one each elected by and from the Colleges of Business and Science, the Law School, and the Library; one elected by and from the School of Architecture and the College of Engineering, combined, and two from the College of Arts and Letters—one elected by and from the humanities and fine arts division of the College and one elected by and from the social science division of the College. The eighth faculty representative, the chair of the Faculty Senate, serves as an ex officio member of the committee. Elected members serve staggered three-year terms. No member may serve more than two consecutive terms. The elections are arranged and overseen, as appropriate, by the College councils, the Law School, the School of Architecture, and the Library.

Section 4/College Councils

The College council of each College consists of an equal number of ex officio and elected members. The ex officio members of each College council consist of the Dean of the College, Associate and Assistant Deans, the chairpersons of all departments under the jurisdiction of the College, and any other administrators designated by the respective College council. All regular faculty of the College are eligible to vote for, and be elected as, representatives. Representatives serve staggered three-year terms. Each College council also has student representatives selected according to procedures, numbers, and terms decided by each Council. The Dean chairs the council and appoints its secretary.

The College council reviews the policies, practices, and procedures of the College. The council meets at the call of the chairperson, and any Council member may request a special meeting. The chairperson also calls a meeting upon petition of 20 percent of the council members. Decisions of the council are by majority vote and subject to the approval of the Dean. At its discretion, the council may call meetings of or conduct referenda among the College faculty.

Section 5/Departmental Committees

Subsection (a) Committee on Appointments and Promotions

To implement the procedures set out in Article III, Section 4, each department of the various Colleges has a Committee on Appointments and Promotions, chaired by the department chairperson. All members must be tenured. The composition of the committee and the manner of selection of its members are determined by an organization plan approved by a majority vote of the regular faculty eligible to vote under the existing department, College, or Schools' organization plan; by the Dean of the College; and by the Office of the Provost. Absent unusual circumstances, an organization plan permitting associate professors to participate in the processing of promotions to the rank of professor is not approved. An organization plan may provide for a discrete committee to process such promotions. Upon request of at least one-half of the membership of a Committee on Appointments and Promotions, the Dean may appoint a tenured faculty member from outside of the department who has an area of expertise related to a particular candidate's research to serve as a voting member in that candidate's appointment or promotion review. Each organization plan must provide for its own amendment.

All members of the committee must respect the strictly confidential nature of its proceedings, including deliberations, opinions, votes, recommendations, minutes, and other documents. Committee documents are available to succeeding committees to the extent necessary to conduct their business. Nothing in this paragraph precludes the department chairperson from conveying to the faculty member involved the essence of a committee's periodic evaluation unrelated to a specific reappointment or promotion case.

Analogous committees are constituted from the faculties in the Law School, the School of Architecture, and the Library.

Section 6/ Committee Procedures

(a) Elections. Each of the Colleges and Schools and the library annually elects an Elections Committee. This committee solicits interest from all eligible faculty in standing for election to committees. The election slate consists of all eligible faculty members showing such interest, as well as others nominated and willing to serve.

The University Committee on Elections conducts elections for University-at-large positions. The committee comprises one member from each of the College, school, and library Elections committees, and one member of the special professional faculty appointed by the Provost's office.

In College or University elections, each ballot contains appropriate biographical information. A faculty member on leave may vote in College or University elections, but it is the faculty member's responsibility to keep informed about elections and to find a means to participate in a timely manner. Except when otherwise provided by these articles, in College or University elections a candidate who receives the highest number of votes is elected if that number equals at least one-third of the total votes cast for the position. All elections are conducted in a timely fashion and should ordinarily be conducted during the academic year. In the School of Architecture and the Law School, elections that would be departmental elections if conducted in the other Colleges are treated as departmental elections and are subject to departmental procedures.

(b) Procedures. University, College and departmental committees, councils and other committees charged by these academic articles with electing members to serve on a committee shall establish procedures that address election for participation on such committees. All University, College and departmen-

tal committees, councils and other committees described in the academic articles should also establish rules regarding voting rights of non-members who participate in meetings in the absence of a member of the committee. These committees and councils are encouraged to consider diversity (including but not limited to racial, gender, and academic disciplines) in electing or appointing members of a committee.

Article V, Procedures for Reviewing and Amending the Academic Articles

The academic articles are reviewed periodically, but at least every 10 years, in a manner prescribed by the Academic Council.

Amendments of the academic articles may be proposed to the Academic Council at any time by the Provost, by the Faculty Senate, or by a two-thirds vote of the regular faculty in any College, school, or the library, or by 30 regular faculty members representing at least five departments of the University.

Amendments to these articles must be approved by the President and the Board of Trustees. Amendments to these articles become effective at the beginning of the academic semester that follows such approval, except that the President has discretion to establish an earlier or later date of effect for any approved amendment.

Violations of the provisions of the academic articles (other than those covered by the appeals and grievance procedures described in these academic articles) may be reported to the general counsel who shall review the allegations and recommend to the Provost or the President appropriate action. If there is a genuine ambiguity in the relevant provisions of the academic articles, the general counsel shall solicit the Academic Council's interpretation of the provisions in question, as provided in Article IV, Section 3, Subsection (a).

Appendix A

Appeal Procedure for Contract Renewal, Promotion, or Tenure Decisions Allegedly the Product of Sex Discrimination*

a. Following an adverse decision on contract renewal, promotion, or tenure, which a faculty member believes was the product of discrimination based on sex, the faculty member must consult with the faculty member's department chair, Dean, and the Provost, in that order, or in the case of library faculty, with the Library director and then the Provost. Such consultation must be completed within 60 days (excluding June, July, and August) after notification of the original adverse decision.

b. If the faculty member (the "petitioner") is not satisfied after such consultation, the petitioner may, no later than 60 days (excluding June, July, and August) after notification of the original adverse decision or 30 days after the decision of the Provost following consultation, whichever is later, submit a petition to the Provost requesting a review of the petitioner's case and setting forth the following information:

- i. a description of the contract renewal, promotion, or tenure decision complained of;
- ii. a specific allegation that the decision was the product of discrimination on the basis of sex, together with a statement of such facts supporting that allegation as are then known to the petitioner; and
- iii. such documents supporting that allegation as are then available to the petitioner.

c. After receiving a petition in accordance with subparagraph b. above, the Provost shall give the petitioner the names of the panel of reviewers from which the petitioner shall select one reviewer to consider the petitioner's case, except that the reviewer cannot be a faculty member in the petitioner's department. The panel of reviewers shall be appointed by the Provost, in consultation with the Executive Committee of the Academic Council, at the beginning of each academic year. The panel of reviewers shall consist of nine tenured faculty members, at least three of whom shall be female.

d. After a reviewer is selected by the petitioner, the reviewer shall receive and review the petition submitted to the Provost, the petitioner's entire CAP file, and afford the petitioner, the members of the CAP that originally considered the petitioner's case, and all other parties involved, the opportunity to confer with the reviewer.

e. If the reviewer finds evidence of discrimination on the basis of sex of such a magnitude that it may have affected the disposition of the case, the reviewer shall remand the case for reconsideration, beginning with the Provost's Advisory Committee and proceeding forward through review by the Provost and President. In reaching this decision, the reviewer shall not consider the propriety per se of the standards used to judge the petitioner or the rigor of their application, but shall consider allegations of discrimination in the application of such standards.

f. The reviewer in all cases will report his or her decision to remand or not to remand to the petitioner and will provide a detailed written report of his or her findings to the Provost. The reviewer's decision and report should normally be communicated to the Provost by April 1 of the academic year in which the appeal was initiated.

g. All documents, reports, notes, correspondence, minutes, and other materials received, prepared, or examined by the reviewer shall remain confidential and shall be deposited in the Provost's office after the reviewer's work is finished.

h. The Provost shall submit an annual report to the President and the University's Academic Affirmative Action Committee of the appeals taken, the decision of the reviewers, and the ultimate disposition of the cases.

*This summary of court-mandated procedures was prepared by the Office of the General Counsel.