

OCTOBER 10, 1969

CASE WESTERN RESERVE UNIVERSITY
CONSTITUTIONAL ASSEMBLY

CONSTITUTION OF THE UNIVERSITY FACULTY

INTRODUCTION

Case Western Reserve University resulted from the federation of two distinguished institutions with common goals and complementary strengths. Among the first actions of the Board of Trustees of the new University was the establishment of a General Faculty of the University, consisting of all enfranchised members of the Case Faculty and of the eight Western Reserve Faculties. This action created a new community of scholars in a new and greater University.

This community of scholars has the obligation and the opportunity to organize itself in new patterns and to formulate new procedures for the conduct of the educational, research, and scholarly activities of the University. While the continuing functions of the University have been carried on through existing academic bodies and some new administrative and committee structures, an important concern of the General Faculty has been the formulation of a Constitution for faculty government.

For this purpose the General Faculty elected a Constitutional Assembly which it directed to examine the objectives and functions of the new University and to draft necessary regulations for the structure and government of the faculty. The Assembly now submits to the General Faculty its proposal for an interim Constitution, recommends that it be adopted by the General Faculty and that it then be transmitted to the Board of Trustees for approval.

The Constitutional Assembly has sought to devise a Constitution which will assure faculty and student voice in the formulation of policies governing

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the educational, research, and scholarly activities of the University. It sees academic administrators not as a separate constituency within the University but as colleagues in the faculty. It provides for channels of communication on all matters of mutual concern among faculty, students, trustees, and the community of which the University is a part and which it serves.

The Constitution affirms that the primary responsibility for undergraduate education resides in the entire faculty. It provides for each undergraduate college a College Assembly drawn from the University Faculty believing that this organizational change will stimulate the several colleges to develop distinctive educational programs appropriate to the different interests and aspirations among students.

Recognizing that sound university government must be both responsible for the traditional functions of the University and responsive to the needs of the changing university community and the community at large, the Constitutional Assembly proposes an interim Constitution for the University Faculty which it believes will preserve the strengths and valid traditions of the predecessor institutions while providing encouragement for well-considered educational innovation in the unified University.

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ARTICLE I. MEMBERSHIP OF THE UNIVERSITY FACULTY

A. REGULAR MEMBERS All persons holding full-time academic appointments at the ranks of Professor, Associate Professor, Assistant Professor, Senior Instructor, and Instructor in the faculties of Case Western Reserve University shall be members of the University Faculty. By September 1 of each year, the Dean of each constituent Faculty shall furnish to the Secretary of the Faculty a list of all members of his Faculty who hold full-time academic appointments at the above ranks. Unless a written challenge is filed with the Secretary of the Faculty, each person whose name appears on any of these lists shall be a member of the University Faculty: such a challenge shall be adjudicated by the Faculty Senate.

B. EX OFFICIO MEMBERS The President of the University, the Provost of the University, the Secretary of the University and such other officers of the University as may be specified in the by-laws of the Faculty Senate shall be members of the University Faculty by virtue of office.

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ARTICLE II. OFFICERS OF THE UNIVERSITY FACULTY

A. CHAIRMAN The President of the University shall be Chairman of the University Faculty.

B. VICE CHAIRMAN The Chairman of the Faculty Senate shall be Vice Chairman of the University Faculty.

C. SECRETARY The Faculty Senate shall elect the Secretary of the Faculty.

ARTICLE III. POWERS AND AUTHORITIES OF THE UNIVERSITY FACULTY

A. SCOPE Those authorities delegated by the Board of Trustees to the faculty for the educational, research and scholarly activities of the University reside in the University Faculty.

B. POWERS RESERVED The University Faculty, on recommendation of the Faculty Senate, shall make recommendations to the Board of Trustees concerning the establishment or discontinuance of Colleges, Schools or constituent faculties, the consolidation of the University with other organizations, and the separation of any constituent part of the University. The University Faculty shall have the rights of initiative and referendum. (Article VIII).

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ARTICLE IV. MEETINGS OF THE UNIVERSITY FACULTY

A. ANNUAL MEETING The University Faculty shall have an Annual Meeting in the first month of the fall term. The agenda for the Annual Meeting shall include a report by the President on the state of the University, and a report by the Chairman of the Faculty Senate on Senate activities of the preceding and current academic years.

B. SPECIAL MEETINGS Special Meetings of the University Faculty may be called by the President or by the Faculty Senate, or upon a petition of twenty percent of the University Faculty stating the purpose of the proposed meeting: the petition shall be delivered to the Secretary of the Faculty who shall certify it to the President of the University, who in turn shall call the Special Meeting. The agenda for a Special Meeting shall be distributed at least one week prior to the meeting.

C. EMERGENCY MEETINGS An Emergency Meeting of the University Faculty may be called by the President or by the Chairman of the Faculty Senate.

D. PROCEDURE A quorum shall consist of thirty percent of the members of the University Faculty, except that at a meeting called by petition a quorum shall be forty percent. Meetings shall be conducted according to Roberts Rules of Order (Revised).

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ARTICLE V. THE FACULTY SENATE

A. PURPOSE AND FUNCTIONS There shall be a Faculty Senate, which shall meet regularly to exercise all powers of the University Faculty not reserved to the University Faculty itself or delegated elsewhere by the University Faculty.

The powers and obligations of the Faculty Senate shall include but not be limited to:

(i) making recommendations to the University Faculty on all issues presented to the University Faculty (see Powers Reserved, Article III, Section B);

(ii) reviewing and recommending to the Board of Trustees: new degree designations and other major changes in established programs; the establishment and discontinuance of departments, divisions, and centers, and other major organizational changes in the Colleges, Schools, and constituent faculties; tenure policies; and modifications of the University calendar;

(iii) the establishment of university-wide policy on faculty appointments, promotions, and procedures for granting tenure; on student affairs, including academic discipline; on undergraduate curricula and on graduate and professional degree programs; on research and scholarship; on the by-laws of the Colleges, Schools, constituent faculties and their divisions and departments; and in other areas in which university-wide policy is established by the Faculty;

(iv) advising the President and consulting with him on the appointment of major academic officers, on the formulation of the budget and

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on the allocation of the University's resources and facilities, on long-range planning, on the granting of honorary degrees, on fringe benefits, and on other matters of similar concern to the University Faculty.

The Faculty Senate shall review current programs and policies with regard to their effectiveness, and it may exercise initiative in proposing the development and introduction of new programs and policies.

B. MEETINGS The Faculty Senate shall hold regular meetings at least once each month during the academic year, from September through May. Additional meetings may be called by the Executive Committee of the Faculty Senate or by petition. The conditions of petition for a meeting of the Faculty Senate; the procedural rules of the Faculty Senate; and rules concerning notice of meetings, agenda, and the circulation of minutes, shall be specified in the by-laws. At any meeting, sixty percent of the voting membership shall constitute a quorum.

C. MEMBERSHIP The voting members of the Faculty Senate shall be the President of the University, the Provost of the University, and an elected body of not fewer than sixty nor more than seventy-five members of the University Faculty, elected by the University Faculty through an apportionment described in Section F below.

There shall be a non-voting student membership in the Faculty Senate, equal to one-sixth of the number of Senators elected by the University Faculty, apportioned as specified in the by-laws of the Faculty Senate.

No Senator shall be seated unless at least forty percent of his electorate shall have returned ballots in the election.

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D. PRIVILEGE OF ATTENDANCE Trustees, academic Provosts and Deans, and other administrative officers designated in the by-laws may attend all meetings of the Faculty Senate and may participate in its discussions. Student and faculty members of committees of the Faculty Senate who are not elected Senators may attend all meetings of the Faculty Senate: each may participate in the discussions of the Faculty Senate related to his committee's work. Other members of the University community may be invited to attend designated meetings of the Faculty Senate.

E. OFFICERS The Faculty Senate shall elect annually from among the University Faculty the Chairman of the Faculty Senate and the Secretary of the University Faculty who, if they are not elected members of the Faculty Senate, shall become voting members by virtue of office. The Chairman of the Faculty Senate shall preside over the Faculty Senate and shall be Vice Chairman of the University Faculty. The Secretary of the University Faculty shall be the Secretary of the Faculty Senate.

Additional officers of the Faculty Senate may be selected in a manner and for duties and terms to be specified in the by-laws of the Faculty Senate.

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F. APPORTIONMENT, ELECTION AND TERM OF OFFICE The Senate shall be apportioned among the faculties of the University in the same numbers as the Constitutional Assembly (See Article XI, Section B). Each member of the University Faculty holding a joint appointment in more than one faculty shall annually designate the one faculty in which he will vote and stand for election to the Faculty Senate.

In addition, and after the faculty elections, each College whose charter has been approved by the Faculty Senate shall elect one Senator from among the University Faculty members of its College Assembly.

The elected faculty Senators shall serve overlapping three-year terms with approximately one-third of them completing their terms on Commencement Day in June each year.

The initial distribution of the student membership is specified in the enactment provisions, Article XI, Section C. Changes in the distribution of the student membership may be proposed by the Committee on Student Affairs of the Faculty Senate after consultation with the representative student governments. Such distributions shall be approved by the Faculty Senate.

Student members of the Faculty Senate shall be elected annually: no individual may serve more than three years.

The Senatorial elections shall be held in the Spring Term. The newly elected Senators shall be introduced at the May meeting of the Faculty Senate and they shall take their seats at the beginning of the next meeting following the June Commencement.

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ARTICLE VI. COMMITTEES OF THE FACULTY SENATE

A. EXECUTIVE COMMITTEE The Executive Committee shall consist of ten persons: The President of the University, or the Provost of the University in the absence of the President; the Chairman of the Faculty Senate; the Secretary of the Faculty; and seven voting members of the Faculty Senate elected at large by the Faculty Senate for one-year terms. There shall be a two-ballot procedure for election to the Executive Committee. The Chairman of the Faculty Senate shall serve as chairman. The Executive Committee shall set the agenda for meetings of the Faculty Senate, and periodically recommend reapportionment of the membership of the Senate, within the guidelines of Article V, Section F.

B. NOMINATING COMMITTEE The Nominating Committee shall consist of five members of the Faculty Senate elected at large in a two-ballot election, to serve one-year terms. The Nominating Committee shall nominate candidates for the standing and ad hoc committees of the Senate, unless otherwise specified. The Faculty Senate shall elect committee members from the list provided by the Nominating Committee, except that additional nominations shall be invited from the floor of the Faculty Senate. The Nominating Committee shall advise the President in the selection of other officers of academic administration whose positions carry wide responsibilities, including but not limited to those specified in Article VII.

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C. COMMITTEE ON FACULTY PERSONNEL The Committee on Faculty Personnel shall consist of the Provost of the University and nine members of the University Faculty serving overlapping three-year terms and not eligible for immediate re-election. A chairman shall be chosen from among the nine Faculty members. It shall oversee the faculty personnel policies of the University and in this task each Provost and Dean shall present a written annual status report; it shall recommend to the Faculty Senate guidelines for initial appointments and for reappointments of faculty members in the constituent faculties, for promotion to the ranks of Associate Professor and Professor, and for the granting of tenure. The Committee on Faculty Personnel shall review annually the grants of tenure made by the University, and it shall be available for consultation with the President.

D. BUDGET COMMITTEE The Budget Committee of the Faculty Senate shall consist of five faculty members of the Faculty Senate. They shall serve as the elected faculty representatives to the University Budget Committee which reports to the President and which advises him in the preparation of the budget of the University. The Senate Budget Committee shall advise the Faculty Senate on budgetary questions as they affect current and planned educational programs, activities, and facilities.

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E. COMMITTEE ON RESEARCH AND SCHOLARSHIP The Committee on Research and Scholarship shall participate in the formulation and application of University policies on research and scholarship, including but not limited to patent and copyright policies. It shall participate in the formulation of policies governing the University Libraries, the University Press, the educational and research computing services of the University, and the interdisciplinary centers and research facilities of the University; and it shall ascertain that their operations conform to established policy. When positions at the level of directorships of these operations are to be filled, the Committee on Research and Scholarship shall participate in the selection of candidates. The Committee on Research and Scholarship shall have student membership as specified in the by-laws of the Faculty Senate.

F. COMMITTEE ON EDUCATIONAL PLANNING The Committee on Educational Planning shall have the responsibility of stimulating the development of new educational aims and objectives, and of recommending changes in the University's educational policies and programs to meet the cultural, scientific, and technological changes in society, and the changing educational needs of the students. The Committee on Educational Planning shall have student membership as specified in the by-laws of the Faculty Senate.

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G. COMMITTEE ON STUDENT AFFAIRS The Committee on Student Affairs shall recommend policy and legislation in all matters concerned with student affairs, not delegated elsewhere by the constitution; these matters include student freedoms and responsibilities, discipline, services, organizations, living units, facilities, and social rules. The Committee shall also seek by informal means to assure adequate communication between students and faculty. It shall recommend to the Nominating Committee faculty representatives to committees and commissions which deal primarily with student affairs. The Committee on Student Affairs shall have student membership as specified in the by-laws of the Faculty Senate.

H. COMMITTEE ON URBAN AFFAIRS The Committee on Urban Affairs shall concern itself with the University's use of its educational and other resources in its general relationship to the neighboring communities, to the city, and to the metropolitan area and shall serve as the elected faculty membership of the University Committee on Urban Affairs.

I. COMMITTEE ON BY-LAWS The Committee on By-Laws shall regularly review the by-laws of the Faculty Senate, and it shall recommend changes in the by-laws wherever appropriate. It shall regularly review the charters and by-laws of the constituent faculties and of the undergraduate colleges in order to ascertain that these documents are consistent with university-wide policies as determined by the Faculty Senate.

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J. ADDITIONAL STANDING COMMITTEES The Faculty Senate may have additional standing committees as specified in the by-laws, such as a Committee on University Organization, a Committee on Undergraduate Education, a Committee on Graduate and Professional Education, and a Committee on University Environment. Such additional standing committees shall have student membership.

K. AD HOC COMMITTEES Ad hoc committees may be established by the Executive Committee. The maximum term of any ad hoc committee shall be one calendar year.

L. MULTI-PARTITE COMMITTEES AND COMMISSIONS The Faculty Senate may participate on behalf of the University Faculty in the establishment of multi-partite committees and commissions of the University. It shall appoint the faculty membership of such bodies.*

*Typical bodies of this nature might be the University Liaison Commission, the University Circle Development Committee, the Fringe Benefits Committee, the Summer Session Committee, the University Library Committee, the University Committee on Computer Services, and the Committee on the University Press.

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ARTICLE VII. THE SUBSTRUCTURE OF THE UNIVERSITY FACULTY

A. CONSTITUENT FACULTIES The University Faculty shall be organized into constituent faculties for the following purpose:

- (i) the organization and execution of the educational programs of the University;
- (ii) the recommendation to the President of promotions to the ranks of Associate Professor and Professor and of initial appointments at those ranks;
- (iii) the recommendation to the President of tenure appointments; and
- (iv) the election of faculty members to the Faculty Senate.

Each constituent faculty shall be governed in accordance with by-laws adopted by that faculty and ratified by the Faculty Senate.

Each constituent faculty shall be responsible to the University Faculty for curriculum content, degree requirements, and instruction in the programs delegated to it. In discharging its responsibilities, each constituent faculty shall observe University policies governing academic freedom and its by-laws shall provide that the decision-making processes in its government are essentially democratic.

Each constituent faculty shall have a Dean appointed for a term of office by the President of the University, after consultation with the members of that faculty and with the Nominating Committee of the Faculty Senate. The Dean of each constituent faculty shall present a written annual report to the Faculty Senate.

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The number of constituent faculties and the responsibilities of the existing faculties shall be altered only by action of the University Faculty upon recommendation of the Faculty Senate.

B. DEPARTMENTS Any constituent faculty may be organized into Departments. The Department shall be the basic unit of those faculties so organized; and each member of the University Faculty holding his principal appointment in such a faculty shall have an appointment in a Department.

The Department shall provide a central administration and a focal point for an academic discipline or for closely related disciplines; it shall plan and provide programs of teaching and scholarly work and professional activity, assume the responsibility for implementing these programs, and determine the policies necessary to guide them and the practices necessary to carry them out. It shall be responsible for the disciplinary content of the undergraduate curricula and graduate programs which lead to degrees carrying a major field designation in its discipline. It shall maintain and staff the facilities which lie within its jurisdiction.

Each Department shall have a Chairman appointed by the President of the University, whose method of selection and term of office shall be specified in the by-laws of that constituent faculty. The Chairman shall be responsible to the Dean.

Each Department shall be governed in accordance with by-laws adopted by its membership, ratified by the constituent faculty of which it is a part, and filed with the Committee on By-Laws of the Faculty Senate.

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C. COLLEGES A College shall consist of a group of undergraduate students who share similar educational objectives, together with a College Assembly which shall have not fewer than thirty faculty members and a student membership equal in number to one-third the number of faculty members. Each College shall have a Dean appointed by the President after consultation with the College Assembly of that College, and with the Nominating Committee of the Faculty Senate. The charter and by-laws of the College shall specify the term of office of the Dean, and the method of selection and the terms of service of the members of the College Assembly.

When it has approved the charter and by-laws of a College, the Faculty Senate shall recommend to the President, for transmission to the Board of Trustees, that such a College be authorized under this Constitution.

D. GRADUATE PROGRAMS Each Department, and each School not having a departmental structure, shall be charged with the responsibility for its graduate programs leading to the degrees of M.A., M.S., Ph.D., and Ed.D., and each constituent faculty shall be charged with the responsibility for its interdepartmental and interdivisional graduate programs leading to these degrees. These responsibilities as well as the responsibility for ad hoc and special graduate programs shall be overseen by a Graduate Council chaired by the Dean of Graduate Studies, under the general surveillance of the Faculty Senate.

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The Dean of Graduate Studies shall be appointed by the President from among the University Faculty after consultation with the Nominating Committee of the Faculty Senate. The term of office of the Dean of Graduate Studies shall be specified in the by-laws of the Faculty Senate. The composition, election, and terms of office of the Graduate Council shall be specified in the by-laws of the Faculty Senate. The Graduate Council shall include representatives of the student body.

E. PROFESSIONAL SCHOOLS The faculty of each professional School shall be charged with the responsibility for the degree programs of its School, and it shall recommend to the University Faculty candidates for degrees in its programs. These responsibilities shall be carried out under the general surveillance of the Faculty Senate.

F. ADJUNCT FACULTY The constituent faculties and the faculties of the Colleges may through provision in their by-laws include as adjunct members of their bodies persons who are not members of the University Faculty. Such adjunct faculty shall not be counted for the purpose of apportioning the Faculty Senate.

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ARTICLE VIII. INITIATIVE AND REFERENDUM

A. INITIATIVE A motion or resolution may be placed on the agenda of a meeting of the University Faculty by any of the following initiative procedures:

- (i) a petition signed by forty percent of the voting members of the Faculty Senate,
- (ii) a joint petition of the President of the University and the Chairman of the Faculty Senate,
- (iii) a petition signed by two-thirds of the members of the University Faculty in any constituent faculty, or
- (iv) a petition signed by twenty percent of the members of the University Faculty.

The petition shall be delivered to the Secretary of the Faculty for certification to the Executive Committee of the Faculty Senate.

B. REFERENDUM Any action of the Faculty Senate shall be made subject to referendum by the University Faculty by any of the procedures specified above for initiative. A two-thirds vote of the members of the University Faculty present at the meeting shall be required to overrule the action of the Faculty Senate. In the event that the meeting does not achieve a quorum, that petition of referendum shall expire.

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ARTICLE IX. AMENDMENT

An amendment of this Constitution may be proposed by action of the Faculty Senate, or by action of the University Faculty at an Annual Meeting or at a Special Meeting. The vote on any proposed amendment shall be by mail ballot of the University Faculty, and shall require the approval of sixty percent of those Faculty members returning ballots. In the case of an amendment proposed by the Faculty Senate, the President of the University shall call a Special Meeting of the University Faculty to discuss the proposed amendment; that meeting shall take place not later than the fifth day preceding the final date for submission of ballots.

After its approval by the University Faculty, the amendment shall be transmitted to the Board of Trustees for approval. The amendment shall take effect immediately upon receipt of Trustee approval.

ARTICLE X. REVISION

The Faculty Senate shall present a revised Constitution for the consideration of the University Faculty not later than 1 February 1973.

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ARTICLE XI. RATIFICATION AND ENACTMENT

A. RATIFICATION This Constitution shall be distributed to the General Faculty, which shall meet to discuss it. The Constitution shall then be submitted to a mail ballot of the General Faculty, and shall require the approval of a majority of those members of the General Faculty returning ballots.

After its approval by the General Faculty, the Constitution shall be submitted to the Board of Trustees for approval, with the request that they give the Constitution the earliest possible consideration. The Constitution shall take effect immediately upon receipt of Trustee approval.

B. ELECTION OF THE FIRST FACULTY SENATE In accordance with Article V, Section F the initial Faculty Senate shall be apportioned among the faculties of the University in the same numbers as the Constitutional Assembly. This apportionment is as follows:

<u>For the Faculty of</u>	<u>Number of Senators</u>
Arts and Sciences	19
Case Institute of Technology	15
Applied Social Sciences	3
Management (Business)	2
Dentistry	3
Law	2
Library Science	2
Medicine	21
Nursing	3

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Immediately upon receipt of Trustee approval the Secretary of the University shall inform the Dean of each Faculty and the chairman of the Faculty Council of Case Institute of Technology and the Executive Committee of the Faculty of Arts and Sciences of the number of Senators to be elected by each faculty. The elections shall be promptly carried out and the Secretary of the University shall be notified in writing of the individuals so elected. Senators so elected may be designated by lot within each delegation for terms expiring on Commencement Days in June 1970, in 1971, and in 1972.

C. STUDENT MEMBERSHIP IN THE FIRST FACULTY SENATE Initially, the student members of the Faculty Senate shall be apportioned as follows: one for each 1500 students (full-time equivalents) or major portion thereof from each of the existing Colleges (Adelbert College, Case Institute of Technology, Flora Stone Mather College and Cleveland College), from the student body enrolled with the Dean of Graduate Studies, and from each of the professional Schools, except that no student body shall have fewer than one Senator.

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D. FIRST MEETING OF THE FACULTY SENATE The Faculty Senate shall be convened by the President of the University immediately after election of the Faculty Senators, but in no event later than five weeks following the effective date of this Constitution. The President of the University shall call the meeting to order and conduct the election of a temporary chairman from among the Senate membership. The temporary chairman shall take the chair immediately upon his election, and he shall serve until the election of the Chairman of the Faculty Senate. The temporary chairman shall appoint a temporary secretary who shall serve until the election of the Secretary of the Faculty. There shall follow the election of the seven at-large members of the Executive Committee, who shall together with the President of the University, the temporary chairman, and the temporary secretary constitute a temporary Executive Committee. The Senate shall then elect the five members of the Nominating Committee. The committee members so elected shall serve until the September, 1970 meeting of the Faculty Senate. These elections shall be carried out by the two-ballot method.

The Nominating Committee shall within one week appoint an ad hoc committee on Senate by-laws, which shall be charged to report within sixty days with proposed by-laws for the Faculty Senate.

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E. INTERIM PROCEDURES FOR THE ADMINISTRATION OF THE UNDERGRADUATE DEGREE

PROGRAMS The undergraduate degree programs will continue to be the responsibility, as at present, of the Faculty of Arts and Sciences and the Case Faculty until such time as a duly approved charter for any College is in existence, at which time the University Faculty will delegate these responsibilities to the College Assembly.

As an early order of business, the Faculty Senate shall consider the problem of organizing colleges with distinctive curricula and educational objectives.

F. INTERIM PROCEDURES FOR THE REORGANIZATION OF THE FACULTY OF ARTS AND

SCIENCES AND THE CASE FACULTY The Faculty Senate shall instruct the Faculty of Arts and Sciences and the Case Faculty jointly to develop and present plans for the faculty substructure which, upon approval by the University Faculty and the Board of Trustees, will succeed those existing Faculties.

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ARTICLE XII. DEFINITIONS

A. TWO-BALLOT ELECTION Each member of the electorate shall receive a ballot listing the names of all members of the body eligible to be elected, and he shall vote for a number of persons not exceeding twice the number of vacancies to be filled. In this manner a number of nominees equal to twice the number of vacancies shall be nominated. A second ballot listing the nominees shall then be distributed and each member of the electorate shall vote for a number of nominees not exceeding the number of vacancies to be filled.

B. CONSULTATION In the context of an academic administrative appointment:

(i) "consultation with the faculty" implies a consultation with the entire faculty concerned; this should at least include the solicitation of nominations from every member of the University Faculty who holds an appointment in the unit concerned, and the personal consultation between the appointing officer and whatever elected executive body or advisory body there may be in that unit of the faculty;

(ii) "consultation with the student body" includes at least the personal consultation between the appointing officer and the elected officers of the student body concerned.

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