Faculty Senate Executive Committee
Monday, October 10, 2016
2:00p.m. – 4:00 p.m., Adelbert Hall, Room M2

2:00 p.m.	Approval of Minutes from the September 6, 2016, Executive Committee Meeting, *attachment*	Peter Harte
2:00 p.m.	Discussion of CWRU/UH Affiliation Agreement	Barbara Snyder Pamela Davis
2:30 p.m.	President and Provost's Announcements	Barbara Snyder Bud Baeslack
2:35 p.m.	Chair's Announcements	Peter Harte
2:40 p.m.	Committee on Graduate Studies; Proposal to Modify Minimum Requirements for Master's Degrees; Criteria and Standards for Certificate Programs; Revisions to Graduate Studies Committee Charge, *attachments*	Charles Rozek
3:00 p.m.	Proposal for an Emeritus Faculty Member to Serve as a Non-Voting Member of the Faculty Senate	Jay Mann
3:05 p.m.	Proposal from the Committee on Women Faculty re Distinguished University Professor Process, *attachment*	Leena Palomo
3:15 p.m.	Proposal for Guidelines on Progressive Discipline	Ronald Conlon
3:25 p.m.	CAS By-Laws Revisions, *attachment*	Kimberly Emmons
3:30 p.m.	Discussion of Whether a School is Entitled to an Additional Senator when a Current Senator becomes Chair or Vice Chair of the Senate	Maureen McEnery
3:40 p.m.	Approval of Faculty Senate Agenda, *attachment*	Peter Harte

Faculty Senate Executive Committee
Minutes of the October 10, 2016 Meeting
Adelbert Hall, Room M2

Committee Members in Attendance
Barbara Snyder, President
Bud Baeslack, Provost
Peter Harte, SOM, chair
Juscelino Colares, LAW, vice chair
Roy Ritzmann, CAS, past chair
Kimberly Emmons, CAS
Cathleen Carlin, SOM
Ibrahim Tulunoglu, SODM
Vasudevan Ramanujam, WSOM
Gerald Mahoney, MSASS
Robert Strassfeld, LAW
Amy Zhang, SON

Others Present:
Maureen McEnery, chair, Nominating Committee
Kenneth Ledford, chair, By-Laws Committee

Absent:
Horst von Recum, CSE

Guests:
Leena Palomo
Charles Rozek
Lynmarie Hamel

Call to Order
Professor Peter Harte, chair, Faculty Senate, called the meeting to order at 2:00 p.m.

Approval of Minutes
The minutes of the September 6, 2016 meeting of the Faculty Senate Executive Committee were reviewed and approved. *Attachment*

President's Announcements
The President did not make any announcements

Provost's Announcements
The Provost did not make any announcements.

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Chair's Announcements

The chair of the Senate did not make any announcements.

UH/CWRU Affiliation Agreement

As a result of concerns expressed by faculty from the School of Medicine, Dean Pamela Davis and Peter Poulos from the Office of General Counsel attended the Executive Committee meeting to answer questions about the newly-executed Affiliation Agreement and its impact on faculty salaries. A statement was submitted on behalf of the SOM faculty requesting a clear and transparent plan that honors the Faculty Handbook and removes the possibility of a reduction in faculty salaries from further discussions. Under the new agreement, UH will no longer be the university's primary affiliate, and funds from UH to CWRU have been substantially reduced. Faculty in the SOM clinical departments who receive a portion of their salaries from UH are concerned about salary reductions. Dean Davis explained that UH intends to continue its support of clinical faculties' educational activities and is in the process of working out the details with department chairs. Once more is known she will be able to provide faculty with more specific information. *Attachment*

Proposals from Committee on Graduate Studies

Dean Chuck Rozek, Vice Provost and Dean of Graduate Studies, substituting for Committee Chair Professor Paul MacDonald, presented proposals on behalf of the Senate Committee on Graduate Studies. The first proposal was for modifications to the Graduate Studies Committee charge, and was forwarded to the Senate By-Laws Committee for review. The second proposal was a Resolution to Modify the Minimum Requirements for a Master's Degree within the CWRU School of Graduate Studies. In order to comply with requirements from the State of Ohio, the CWRU School of Graduate Studies is proposing to raise the minimum requirements for a Master's degree to 30 credit hours (CWRU requires 27 hours) and the minimum grade point average for graduation to 3.0 (CWRU requires a 2.7). The new requirement would begin with the class matriculating in Fall 2017. The Executive Committee voted to include this proposal on the agenda for the Faculty Senate meeting.

The third proposal was presented by Lynmarie Hamel, Senior Associate Dean of Graduate Studies. The proposal was to establish a formal process for approving certificate programs as well as defining and approving criteria and standards for certificate programs. The Executive Committee voted to include the proposal on the agenda for the Faculty Senate meeting. *Attachments*

Proposal for Emeritus Faculty Member to Serve as a Non-Voting Member of the Faculty Senate

Professor Jay Mann, chair of the Emeriti Academy Executive Committee, presented a proposal to add the chair of the Academy Executive Committee as a nonvoting member of the Faculty Senate. This will allow the chair to contribute to discussions and to report back to members of the Academy. The Executive Committee voted to send this proposal to the Senate By-Laws Committee to draft appropriate language for the Faculty Handbook.

Proposal from the Committee on Women Faculty re Distinguished University Professor Nomination Process

The Executive Committee discussed a proposal from the Senate Committee on Women Faculty which was presented by Professor Leena Palomo, chair of the Committee. The proposal was in the form of a

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letter to the Provost and it expressed concern about insufficient diversity within the group of CWRU Distinguished University Professors. The letter included several recommendations. The Provost said that he would obtain data on the number of nominations being received by the deans for minority and women faculty and report back. The Provost also commented that they have updated the DUP website to include school-specific information and are working diligently to improve the process. *Attachment*

Proposal for Guidelines on Progressive Discipline

Professor Ronald Conlon, member and former chair of the CWRU Institutional Animal Care and Use Committee in the School of Medicine, spoke in favor of developing institutional guidelines for the progressive discipline of faculty in cases of noncompliance with vertebrate animal care and use regulations. While ideally noncompliance is remedied with education, protocol amendment, training and other constructive measures, in cases of repeat or egregious noncompliance, sanctions which have a restrictive or punitive nature may be necessary. The Executive Committee voted to charge the Senate Committee on Research with consideration of this issue. *Attachment*

Proposed Revisions to CAS By-Laws

Professor Kimberly Emmons presented minor revisions to the CAS By-Laws (electronic voting). The Executive Committee voted to forward the CAS By-Laws to the Senate By-Laws Committee for review. *Attachment*

Discussion of Whether a School is entitled to an Additional Senator when a Current Senator Becomes Chair or Vice Chair of the Senate

Professor Maureen McEnery from the SOM asked the Executive Committee to consider whether a school would be entitled to an additional senator when a current senator for that school becomes chair of vice chair of the Senate. For instance, the SOM is entitled to 10 senators one of whom is Prof. Peter Harte, current chair of the Senate. As chair, his responsibility is to represent the interests of all faculty. The Executive Committee discussed the fact that Senate standing committee chairs are voting members of the Senate and as such may vote on matters before the Senate from the perspective of their particular school. The Executive Committee declined to take any action on this matter.

Approval of Faculty Senate Meeting Agenda

The Executive Committee approved the agenda for the October 20th Faculty Senate meeting with the removal of the discussion on whether a school is entitled to an additional senator. *Attachment*

The meeting was adjourned at 4:00pm.

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Oct 10, 2016

Based on numerous conversations, there is reason to believe that leadership negotiated a settlement that failed to provide evidence of ongoing balanced and transparent faculty salary support. Furthermore, the settlement, if enacted as proposed in the past weeks, does not honor and abide by the Faculty Handbook. This has created a high level of anxiety and a climate of disorder for the faculty.

Moving forward, the Faculty of the SOM requests of the leadership a clear, immediate, and transparent plan that honors the Faculty Handbook and removes the specter of possible reduction in faculty salaries from discussion.

Resolution to modify the minimum requirements for a Master's degree within the CWRU School of Graduate Studies.

Currently, the CWRU School of Graduate Studies has a minimum requirement of 27 credit hours and a minimum grade point average of 2.75 for conferral of a Master's degree. The majority of our graduate programs use this minimum standard. *See Appendix A*

During the past several years, the Ohio Board of Education has worked to establish minimum requirements for Master's and Doctoral degrees within the State of Ohio. Currently the Chancellors Committee on Graduate Studies contains the following statement regarding graduate degree credit hour requirements:

> *Doctoral degrees generally require the successful completion of at least 90 semester credit hours of work beyond the bachelor's degree or at least 60 semester credit hours beyond the master's degree." – CCGS Guidelines and Procedures*

The Chancellors Committee has used this statement to establish a minimum credit hour requirement of 30 credits for a Master's Degree.

A survey of graduate programs among the membership of the Chancellors Committee reveal that all member institutions in the State of Ohio have a minimum requirement of 30 credit hours as well as a minimum grade point average of 3.0 for conferral of a Master's degree. *See Appendix B*

A survey of a sampling of institutions within the Association of American Universities that CWRU identifies as peer or aspirant institutions reveal that those institutions require 30 or more credit hours as well as a minimum grade point average of 3.0 for the conferral of a Master's degree. *See Appendix B*

In order to comply with expectations within the State of Ohio, the CWRU School of Graduate Studies proposes to raise the minimum requirements for a Master's degree to 30 credit hours and that the minimum grade point average for graduation be raised to 3.0. This new requirement would begin with the matriculating class in Fall 2017.

Appendix A Shows

1. Number of hours required to graduate with a masters in each SGS program
2. GPA required to graduate with a masters in each SGS program
3. Number of new students who matriculated in each program for Fall 2016
4. Total enrollment of masters students by program for Fall 2016
4. Number of students by department who graduated with less than a 3.00 gpa over the past 5 years

Appendix B Shows

1. Credit hour and gpa requirements to obtain a master's degree among the membership of the Chancellors Committee on Graduate Studies
2. Credit hours and gpa requirements to obtain master's degree from a sampling of institutions within the Association of American Universities (AAU) that CWRU identifies as peer or aspirant institutions

APPENDIX A

Program	Description	New Admissions	Total Enrolled	Grads Under 3.0 Last 5 Years	Required Hours	Required GPA
ANEMS	Anesthesiologist Assistant	64	130	3	60	2.75
ANPMS	Applied Anatomy	10	30	0	30	3
ANTMA	Anthropology	5	8	0	27	3.00 in core courses
APMMS	Mathematics (Applied)	0	2	0	27	2.75
AREMA	Art Education	3	6	2	36	2.75
ARHMA	Art History	2	4	0	30	2.75
ARMMA	Art History and Museum Studies	2	5	1	31	2.75
BCHMS	Biochemistry	3	10	0	36	2.75
BETMA	Bioethics	42	55	4	27	2.75
BIOMS	Biology	9	33	1	30	3
BRSMS	Biochemical Research	1	3	0	36	2.75
CGLMA	Cognitive Linguistics	5	7	0	30	2.75
CHEMS	Chemistry	3	8	0	27	2.75
CISMS	Computing and Information Sciences	6	29	1	27	PPOS GPA 3.0
COSMA	Communication Science	11	19	1	42	2.75
CRSMS	Clinical Research Scholars Program	10	26	0	36	2.75
DNCMA	Contemporary Dance	4	6	0	30	3
DNCMF	Contemporary Dance	0	1	0	60	3
EAPMS	Electrical Engineering	12	44	2	27	PPOS GPA 3.0
EARMS	Aerospace Engineering	5	8	0	27	2.75
EBIMS	Biomedical Engineering	13	38	3	27	2.75
EBVMS	Biomedical Engineering	4	9	0	27	2.75
ECEMS	Chemical Engineering	9	17	0	27	2.75
ECIMS	Civil Engineering	2	6	2	27	2.75
ECMMS	Computer Engineering	2	15	1	27	PPOS GPA 3.0
ECVMS	Civil Engineering	0	0	0	27	2.75
EGLMA	English	4	7	0	27	2.75
EMAMS	Macromolecular Science and Engineering	14	29	3	27	2.75
EMCMS	Mechanical Engineering	13	48	4	27	2.75
EMSMS	Materials Science and Engineering	9	18	0	27	2.75
EMVMS	Mechanical Engineering	4	5	0	27	2.75
ENGME	Master of Engineering Program	0	4	0	30	0
ENGMM	Masters in Engineering and Management	56	72	5	42	0
EPBMS	Epidemiology and Biostatistics	9	10	0	31	2.75
ESVMS	Systems and Control Engineering	1	6	0	27	PPOS GPA 3.0
ESYMS	Systems and Control Engineering	3	9	0	27	PPOS GPA 3.0
EVHMS	Environmental Health Sciences	0	0	0	0	0
FRCMA	French / Modern Languages	0	1	0	27	2.75
GEOMS	Earth/Environmental and Planetary Sciences	1	2	0	0	0
GNCMS	Genetic Counseling Training Program	6	12	0	40	2.75
HSTMA	History	3	7	0	27	2.75
MATMS	Mathematics	0	1	0	27	2.75
MDPMS	Medical Physiology	164	270	0	30	>3.0
MDVMS	Medical Physiology	1	4	0	30	>3.0
MPHMP	Master of Public Health	29	65	1	42	2.75
MUEMA	Music Education	5	13	0	30	2.75
MUHMA	Music History	0	0	0	n/a	n/a
MUPMA	Music (Historical Performance Practice)	1	2	0	27	2.75
NTRMS	Nutrition	35	74	0	30	2.75

PATMS	Pathology	7	17	1	30	2.75
PHNMS	Public Health Nutrition	7	13	0	30	2.75
PHRMS	Pharmacology	0	0	0	n/a	n/a
PHSMS	Physiology	0	1	0	27	2.75
PHYMS	Physics	4	6	0	27	2.75
POSMA	Political Science	0	3	0	27	2.75
POVME	Master of Engineering Program	15	23	0	30	0
PSYMA	Psychology	5	10	0	27	2.75
RLGMA	Religious Studies	0	1	0	30	2.75
SBBMS	Systems Biology and Bioinformatics	1	10	0	30	2.75
SOCMA	Sociology	1	9	0	27	2.75
STAMS	Statistics	4	8	0	27	2.75
THRMA	Theater Arts	1	1	0	30	2.75
THRMF	Theater Arts	0	8	0	60	3
WLTMA	World Literature	0	1	0	27	2.75
Totals		**630**	**1289**	**35**		

APPENDIX B

	University	Credit Requirement	GPA
AAU/OH	CWRU	27	2.75
AAU	Boston University	32	3
AAU	Duke	30	3
AAU	Emory	30	3
AAU	Harvard	32	3
AAU	Johns Hopkins	30	3
AAU/OH	Ohio State	30	3
AAU	Vanderbilt	30	3
AAU	University of Rochester	30	3
AAU	Northwestern	30	3
AAU	Carnegie Mellon	30	3
OH	University of Cincinnati	30	3
OH	University of Toledo	30	3
OH	Miami University (Ohio)	30	3
OH	Ohio University	30	3
OH	Bowling Green	30	3
OH	Kent State	30	3
OH	University of Arizona	30	3

Background

Case Western Reserve University has official governance processes for academic degree programs. These formal processes, which define and detail objective criteria and standards for awarding degrees, ensure that CWRU's degree programs maintain high quality and are consistent with the university's mission and strategic goals.

Over the years, departments and other units of the university have established a variety of certificate programs. However, CWRU currently has not established a university-level process for defining and approving criteria and standards for awarding certificates. In fact, there is no officially recognized university definition of what constitutes a certificate program. Consequently, participation in or completion of certificate programs are typically not recognized on the official university transcript. Instead, the offering units have individually handled conferral and validation of this credential.

There is now a growing desire to notate both participation in and completion of certificate programs on the university transcript. If this university-level recognition is to occur, CWRU must establish a formal process for approving certificate programs as well as defining and approving criteria and standards for certificate programs.

Certificates awarded by Case Western Reserve University

Case Western Reserve University awards Certificates as a credential for completing a set of courses (possibly in combination with other learning experiences) that focus on a specific topic or theme. Courses taken as part of a Certificate program are to be regular courses that appear in the General Bulletin. Certificates are recorded at the university level in the Student Information System and will appear as awarded on the student's official university transcript upon final confirmation from the units that certify degree requirements (i.e., Undergraduate Studies, Graduate Studies, school registrars).

The scope of Certificate programs is generally narrower than that expected for full degrees, and thus can normally be completed in a shorter period of time. Certificate programs may be embedded within degree programs and offered as an option for degree-seeking students, or can be stand-alone programs to which students apply and are granted admission. Courses may be double counted for degree programs.

Graduate Certificate

1. A graduate certificate program contains courses taught at the graduate or professional level and is intended for students who have previously earned a bachelor's degree.
2. The program must include a minimum of 15 credit hours.
3. The student must earn a minimum GPA of 3.00 in order for the graduate certificate to be awarded.
4. A stand-alone graduate certificate may be designated as Title IV eligible if students will be eligible for federal financial aid.
5. Proposals for graduate certificates are reviewed by the Graduate Studies Committee of the Faculty Senate, following review and approval through the offering academic unit. Graduate certificates are to be approved by the Faculty Senate before implementation. The objectives and learning outcomes for the certificate program must be articulated and will be considered during the review process.

6. Review by the Chancellorôs Committee on Graduate Study (State of Ohio) may be required if the certificate requires 21 or more credit hours.
7. Certificates must be reported to (and if financial aid eligible must also be reviewed by) the Higher Learning Commission.
8. The certificate program may be subject to Gainful Employment reporting requirements to the federal government.
9. A description of the certificate program, including requirements for successful completion, must appear in the General Bulletin.

Post-Baccalaureate Certificate

1. A post-baccalaureate certificate program contains courses taught at the undergraduate and/or graduate/professional level and is intended for students who have previously earned a bachelorôs degree.
2. The program must include a minimum of 15 credit hours.
3. The student must earn a minimum GPA of 3.00 in order for the post-baccalaureate certificate to be awarded.
4. A stand-alone post-baccalaureate certificate may be designated as Title IV eligible if students will be eligible for federal financial aid.
5. Proposals for post-baccalaureate certificates are reviewed by the Graduate Studies Committee of the Faculty Senate, following review and approval through the offering academic unit. Post Baccalaureate certificates are to be approved by the Faculty Senate before implementation. The objectives and learning outcomes for the certificate program must be articulated and will be considered during the review process.
6. Review by the Chancellorôs Committee on Graduate Study (State of Ohio) may be required if the certificate requires 21 or more credit hours.
7. Certificates must be reported to (and if financial aid eligible must also be reviewed by) the Higher Learning Commission.
8. The certificate program may be subject to Gainful Employment reporting requirements to the federal government.
9. A description of the post-baccalaureate certificate program, including requirements for successful completion, must appear in the General Bulletin.

Professional Certification

1. Professional certification programs are intended for students who need to meet requirements and/or eligibility for licensure, exams, or board approval for certification in a particular professional area or skill.
2. The program must include a minimum of 15 credit hours.
3. The student must earn a minimum GPA of 3.00 in order for professional certification to be awarded.
4. A stand-alone professional certification may be designated as Title IV eligible if students will be eligible for federal financial aid.
5. Proposals for professional certification are reviewed by the Graduate Studies Committee of the Faculty Senate, following review and approval through the offering academic unit. Professional certifications are to be approved by the Faculty Senate before implementation. The objectives and

learning outcomes for the certification program must be articulated and will be considered during the review process.

6. Review by the Chancellor's Committee on Graduate Study (State of Ohio) may be required if the certification requires 21 or more credit hours.
7. Certificates must be reported to (and if financial aid eligible must also be reviewed by) the Higher Learning Commission.
8. The certification program may be subject to Gainful Employment reporting requirements to the federal government.
9. A description of the professional certification program, including requirements for successful completion, must appear in the General Bulletin.

Undergraduate Certificate

At this time there are no plans to offer undergraduate certificates. Transcriptable minors for undergraduate students are currently available.

Certificates of Completion

Various units of the university offer courses and other learning experiences aimed at continuing education or professional development. Such programs generally include courses that do not carry CWRU academic credit and which do not appear in the General Bulletin. These programs are not tracked at the university level, and are not eligible to be recorded on official transcripts. If regular credit-bearing courses are included as part of such programs, these courses will appear on an academic transcript but the transcript will not make reference to the continuing education or professional development program.

The academic or administrative units offering these not-for-credit programs may wish to issue certificates of completion to students who satisfy program requirements. In these cases, the offering units may issue such certificates, but these are not considered official university documents, and no records of the student's participation in the program are entered into the Student Information System.

Sec. D. Committee on Graduate Studies

Par. 1. The Committee on Graduate Studies shall consist of the dean of graduate studies, *ex officio*, the associate dean of graduate studies, *ex officio*, the associate vice president for research, *ex officio*, nine voting members of the University Faculty elected for overlapping three-year terms, four graduate/professional students, at least one of which will be a professional student, and one post-doctoral scholar/fellow. The students and scholar/fellow are all voting members and are elected for one-year terms. The Nominating Committee, in consultation with the dean of graduate studies, shall select nominees for election to the committee on the basis of participation in graduate research and in graduate study and instruction. Such selection shall be broadly representative of graduate disciplines.

Par. 2. The Committee on Graduate Studies shall review and make recommendations to the Faculty Senate with respect to graduate and professional degree programs. Degree programs refer to any course of study that leads to recognition or an award for the completion of a prescribed course of study beyond the baccalaureate diploma. The Ohio Chancellors Council on Graduate Studies (CCGS) does not define the degrees of Doctor of Medicine, Doctor of Dental Medicine or Doctor of Jurisprudence as graduate degree programs, and the Faculty Senate Committee of Graduate Studies therefore does not review these programs.

Committee Review Responsibilities:

- New Graduate/Professional degree programs.
- New Joint/dual degree programs.
- New Individual multidisciplinary degrees
- Changes in degree program name
- Changes in degree program delivery mode (i.e. online)
- Changes in curriculum of an existing degree which are greater than 50% that result in a new degree program.
- Changes in curriculum of an existing degree which are less than 50% that result in a new concentration within the degree
- All Graduate Certificate programs (e.g.,Graduate, Post-baccalaureate, Professional)
- Areas of specialization, tracks, or concentrations (or anything similar) within a degree or professional program
- Delivery of graduate/professional degree programs at new off campus locations (domestic and international)
- Changes in Academic Processes, such as grades or grading system, diploma format and transcript format.
- Academic standards
- Academic policies

Par. 3. The Committee on Graduate Studies will provide oversight and guidance for academic and policy issues for postdoctoral scholars and fellows.

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Deleted: the academic standards, academic policies, and degree requirements of all departmental, inter-departmental, inter-divisional constituent faculty, and *ad hoc* and special programs under the administration of the School of Graduate Studies. With respect to graduate degree programs, the Committee on Graduate Studies shall review and make recommendations to the Faculty Senate on new graduate degree programs. New graduate degree programs include individual interdisciplinary degree proposals, new degree programs, joint/dual degree programs, as well as changes in degree program name, delivery mode, or changes which modify the curriculum of an existing graduate degree program by greater than 50% as defined in the Ohio Regents Advisory Committee on Graduate Study (RACGS) Guidelines and Procedures for Review and Approval of Graduate Degree Programs.¶
Graduate degree program refers to any course of study that constitutes a specialization or concentration and leads to recognition or an award for completion of a prescribed course of study beyond the baccalaureate diploma. The committee also reviews and makes recommendations to the Faculty Senate with respect to graduate certificate programs at Case Western Reserve University. The Ohio RACGS does not define the degrees of Doctor of Medicine, Doctor of Dental Medicine and Doctor of Jurisprudence as graduate degree programs, and the Committee of Graduate Studies therefore does not review these programs. ¶

To: Provost Baeslack

From: Faculty Senate Committee on Women

Re: Awards Process

Date: September 21, 2016

Concerns regarding nomination and selection processes for university awards, Distinguished University Professor and Distinguished Researcher, have been emerging from different areas and thought groups of the university community. There is concern about the historic and continuing lack of gender diversity for these awards. The Faculty Senate Committee on Women recognizes moves made in 2014 to improve this such as the updates to the DUP website. These improvements have resulted in improved outcomes for the DUP. However, we believe more can be done to improve objectivity and gender balance.

Our suggestions are: 1. greater transparency in the nomination processes within the individual schools, 2. more uniformity in the selection process among schools (such as consistency among internal nomination deadlines and similarity among formal/informal selection thought groups or committees), 3. a concerted effort to increase the number of women at the full professor level who qualify for the nomination through mentoring, plugging the holes of the leaky pipeline, and hiring.

Some schools have a more acute lack of women at the full professor level than others. (SODM only has one.) Our Committee believes that closer oversight and targeted encouragement to develop the “bubble” of women at the rank of full professor along with increasing process uniformity and transparency will help.

We believe that these philosophically minded changes will have tangible endpoints in the transparency and fairness around university award selection. Thank you for your partnership with this committee to entertain recommendations and foster collective policy making.

Regards,

Faculty Misconduct and Discipline (2005)

Presentation to National Conference on Law and Higher Education
Stetson University College of Law
By Donna R. Euben, AAUP Staff Counsel, and Barbara Lee,
Rutgers University
February 20-22, 2005

Introduction

In business organizations, employee discipline is used for three purposes: to rehabilitate a potentially satisfactory employee, to deter similar misconduct by that employee or by other employees, and to protect the employer's ability to operate the business successfully. 1 Academic organizations may use discipline for these purposes when nonfaculty employees engage in misconduct, but the discipline of a faculty member appears to be rare. Regrettably, some faculty members occasionally engage in misconduct, and their peers and administrators may face the need to respond to conduct that negatively affects faculty, students, or staff.

In nonacademic organizations, particularly those whose employees are unionized, a system of "progressive discipline" has emerged that is standard practice in most of these organizations. The rationale for progressive discipline is that the organization's response to a first offense (unless it is a very serious one such as assault or theft) should be more moderate than the response to a second, third, or fourth offense, particularly if the employee repeats the same offense. Therefore, initial discipline for a moderately serious offense would typically be an oral reprimand or warning, the discipline for the second occurrence might be a written warning, the discipline for a third offense might be an unpaid suspension, and termination might follow a fourth offense.

Benefits to the organization of progressive discipline include a clear record of employer attempts to "rehabilitate" the employee by punishing each successive offense more severely, and giving the employee several chances to improve prior to imposing severe discipline or termination. The use of progressive discipline also enables the organization to show that it communicated to the employee and to co-workers that the misconduct violated organizational rules, and will be responded to firmly.

Limitations of progressive discipline include less organizational flexibility to respond to employee misconduct (although, for the sake of organizational consistency, most lawyers would see this "problem" as a benefit). The use of progressive discipline may also lengthen the time that a problematic employee is employed, as the organization proceeds through all of the steps of the discipline process.

Given the realities of tenure, and the elaborate processes required to terminate a tenured faculty member, institutions may wish to consider sanctions short of termination when faced with a faculty member who engages in misconduct. In addition, having sanctions that are less serious than termination may make faculty and administrators more willing to respond appropriately to problematic faculty behavior, whereas they might be hesitant to impose the ultimate sanction of tenure revocation for anything but the most serious misconduct.

Reasons for Faculty Discipline

Under what circumstances might an institution choose to discipline rather than to dismiss a faculty member? Although each situation would be fact-specific and thus difficult to generalize about, there may be situations where the institutional response will be something short of termination. For example, certain forms of academic misconduct may be serious enough to warrant termination, or the facts may suggest that a sanction short of termination, such as suspension or not being allowed to work with student research assistants for a period of years, is more appropriate. Behavioral problems, such as disruptive disputes with students, faculty, or staff might warrant discipline short of termination. On the other hand, sexual or racial harassment of students or staff, or criminal misconduct such as embezzlement or physical violence, might lead the institution to commence de-tenuring proceedings.

Although the institution probably cannot anticipate every form of faculty misconduct that may occur, developing a policy to deal with such issues as they arise will help the institution respond promptly, provide guidelines for appropriate investigation and determination of whether misconduct occurred, and decisions as to what sanction, if any, is appropriate. At most institutions, the faculty will want to be part of the policy development process as well as part of the review and sanctioning process.

Policies for Faculty Discipline

The notion of "progressive discipline" is not a term that one sees in many faculty handbooks. But *see Trimble v. West Virginia Board of*

Directors, 549 S.E. 2d 294 (W. Va. 2001) (college "should not have fired [tenured professor] before resorting to other progressive disciplinary measures" under West Virginia constitution). Nevertheless, there are sanctions less severe than dismissal that may be appropriate in dealing with particular faculty matters that do not rise to just cause. The Commission on Academic Tenure observed in 1973 that it was

> manifestly insufficient to have a disciplinary system which assumes that only those offenses which warrant dismissal should be considered seriously. Faculty members are from time to time guilty of offenses of lesser gravity. There should be a way of recognizing these and imposing appropriate sanctions. And it is equally insufficient to make do only with disciplinary procedures designed for capital offenses. Simpler procedures-though assuring due process in the particular context-are obviously required for offenses for which sanctions short of dismissal are contemplated.

Faculty Tenure: Commission on Academic Tenure 256 (Keast, ed., 1973) ("Faculty Tenure") at 76. Accordingly, the commission recommended as follows:

> [T]hat each institution develop and adopt an enumeration of sanctions short of dismissal that may be applied in cases of demonstrated irresponsibility or professional misconduct for which some penalty short of dismissal should be imposed. These sanctions and the due-process procedures for complaint, hearing, judgment, and appeal should be developed initially by joint faculty-administrative action.

Id.

Some institutions have clear policies that cover sanctions other than dismissal, such as those at Michigan State University, "Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought" ("Disciplinary action may include but is not limited to reprimand, suspension with or without pay, reassignment of duties, foregoing salary increase and/or benefit improvements, and mandatory counseling and/or monitoring of behavior and performance. Suspension without pay may not exceed six months."), http://www.hr.msu.edu/hrsite; University of New Mexcio, Appendices II and III (incorporating AAUP's procedural protections), http://www.unm.edu/~handbook/; Northwestern University (discussing suspensions and minor sanctions), http://www.northwestern.edu/provost/faculty/handbook.pdf.

Whether or not the institution has adopted AAUP policy statements regarding the faculty's role in reviewing misconduct charges and recommending sanctions, the institution should consider how the decision to discipline a faculty member will be made. What types of misconduct will be grounds for discipline? Who will be involved in making the determination that the misconduct occurred? Once that determination has been made, who will make the decision concerning what type of discipline to impose?

The AAUP's *Statement on Professional Ethics* provides a starting place for a faculty discussion of the grounds for disciplining a faculty member for misconduct. The *Statement* says:

> Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
>
> As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
>
> As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
>
> As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
>
> As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these

obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Dismissals of tenured faculty members based upon the above-referenced Statement have been upheld by the courts (see, for example, *San Filippo v. Bongiovani*, 961 F.2d 1125 (3rd Cir. 1992) (upholding dismissal by Rutgers University of a tenured chemistry professor, relying in part on the university's adoption of AAUP's professional ethics statement to find the professor had "exploited, threatened and been abusive" to "visiting Chinese scholars brought to the University to work with him on research projects")). In addition to the issues enumerated in the *Statement on Professional Ethics*, an institution might wish to include more specific issues, such as harassment of students, faculty, and staff, plagiarism or other forms of academic misconduct, serious noncollegial behavior (assuming that it could be defined with enough specificity to avoid charges of vagueness), failure to meet service or other obligations, etc.

After developing the types of misconduct for which discipline may be imposed, the institution needs to address the process that will be used to determine whether the faculty member's conduct meets the definition of the misconduct with which he or she has been charged. Depending on the seriousness of the allegations, a chair or dean might create an ad-hoc faculty committee to review the allegations and to make findings of whether or not the misconduct occurred, and to recommend what type of sanction to impose. Or the issue might be referred to an institution-wide faculty committee for findings and recommended sanctions. Although many sanctions (discussed below) would not involve the type of deprivation that might trigger due process protections in public institutions (or contractual protections in either private or public institutions), the institution should consider developing a grievance process for faculty challenges to sanctions, or using the institution's existing grievance process for that purpose.

At a minimum, the institution should provide the following protections to an individual alleged to have engaged in misconduct that is subject to the institution's discipline policy:

- Notice of the alleged misconduct
- Opportunity to respond to the charges
- Review by a faculty body of both the factual allegations and the proposed discipline
- Progressive discipline, if appropriate to the seriousness of the misconduct
- Opportunity for higher-level review of the factfinding and the proposed sanction
- On unionized campuses, participation by an advocate for the faculty member in hearings or other meetings

Types of Faculty Discipline

In 1971, a special joint subcommittee of the AAUP considered the question of sanctions short of dismissal, and enumerated the following lesser sanctions:

> (1) oral reprimand, (2) written reprimand, (3) a recorded reprimand, (4) restitution (for instance, payment for damage due to individuals or to the institution), (5) loss of prospective benefits for a stated period (for instance, suspension of "regular" or "merit" increase in salary or suspension of promotion eligibility), (6) a fine, (7) reduction in salary for a stated period, (8) suspension from service for a stated period, without other prejudice.

Faculty Tenure at 75-77.

The AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (RIR), Recommendation 7 distinguishes between "major" and "minor" sanctions, categorizing suspension as major and reprimand as minor. AAUP regulations 5 and 7 provide that major sanctions should not be imposed until after a hearing in which the same procedures apply as in a dismissal case, which include written notice of the charges, a hearing before a faculty committee in which the administration bears the burden of proof, right to counsel, cross-examination of adverse witnesses, a record of the hearing, and a written decision. Redbook at 27. Immediate suspension with pay, pending a hearing, is appropriate under AAUP policy if an individual poses a threat of immediate harm to him or herself or others. RIR 5(c)(1), Redbook at 25. Moreover, Regulation 5(c) of the Association's Recommended Institutional Regulations states that the administration, before suspending a faculty member, will consult with an appropriate faculty committee concerning the "propriety, the length, and other conditions of the suspension.

The AAUP further provides that an institution may impose a minor sanction after providing the individual notice, and that the individual professor has the right to seek review by a faculty committee if he or she feels that a sanction was unjustly imposed.

Judicial Review of Faculty Discipline

As noted above, like the legal claims of faculty threatened with dismissal, litigation arising from the imposition of sanctions flow from a number of legal sources, including the constitutional law for public institutions, contractual obligations at private and public sector institutions (faculty handbooks, letters of appointment, collective bargaining agreements), and regulations and statutes (internal and external).

1. Warning or Reprimand.

In *Hall v. Board of Trustees of State Institutions of Higher Learning*, 712 So.2d 312 (Miss. S.Ct. 1998), the University of Mississippi issued a written reprimand to a nontenured professor of medicine who in responding to a student's question about interpreting mammograms, touched the student's breasts. The Mississippi Supreme Court ruled that the written reprimand did not violate the professor's due process rights, but required that the document be maintained in a separate file. *Butts v. Shepherd College*, 569 S.E.2d 456 (W. Va. 2002) (ruling that professor's refusal to obey supervisor's order to release student grades to supervisor was not grounds for reprimand); *Powell v. Ross*, 2004 U.S. Dist. LEXIS 3601 (W.D. Wis., Feb. 27, 2004) (rejecting professor's defamation claim arising in part from recommendation of administrator that chancellor issue "a strong letter of reprimand" and place it in professor's personnel file). See also AAUP, "Academic Freedom and Tenure: Tulane University," *AAUP Bulletin* 424, 430 (1970) (acknowledging faculty committee's recommendation as proper for reprimand as opposed to dismissal for professor's interference with on-campus ROTC drill).

2. Public Censure.

See, e.g, *Newman v. Burgin*, 930 F.2d 955 (1st Cir. 1991) (upholding the public censure of a faculty member for plagiarism by the University of Massachusetts, Boston administration after an investigation and hearing by a faculty committee). But see *Booher v. Northern Kentucky University*, 1998 U.S. Dist. LEXIS 11404 (E.D. Ky., July 22, 1998) (holding that departmental censure of faculty member in response to his comments to the media about a controversial university art exhibit provided a basis for professor's First Amendment retaliation claim, and noting that the censure could affect the professor's "ability to engage in the department's system of governance; [to] participat[e] in departmental decision-making; and [to select] . . . his teaching assignments"); *Meister v. Regents of the University of California*, 78 Cal.Rptr.2d 913 (Cal. App. 6 Dist. 1998) (finding by arbitrator that professor's reputation had been injured by circulation of letter of censure, which was recommended by campus committee, for the professor's unauthorized circulation of a confidential planning document).

3. Departmental Reassignment.

On occasion an institution decides to transfer a faculty member from one academic department to another where significant problems exist in the former department, and the faculty member has claimed that the transfer amounts to a sanction that should not have been affected without due process. *Huang v. Board of Governors of University of North Carolina*, 902 F.2d 1134 (4th Cir. 1990) (upholding transfer of tenured professor from one department to another, and finding no property interest in a particular position); *Maples v. Martin*, 858 F.2d 1546 (11th Cir. 1988) (Auburn University's professors' property interests not violated when engineering professors were transferred from mechanical engineering to other engineering departments with no reduction in salary or rank). But see *Hulen v. Yates*, 322 F.3d 1229 (10th Cir. 2003) (ruling that professor "had a property interest in his departmental assignment based upon the terms and conditions of his appointment" and therefore basic due process attached to his transfer from one academic department to another).

4. Actions on Salary for Disciplinary Reasons.

One-time denial of a salary increase. Depending on the facts and circumstances, AAUP might view a one-time denial of a salary increase to be a minor sanction. *See, e.g., Harrington v. Harris*, 118 F.3d 359 (5th Cir. 1997), *cert. denied*, 522 US. 1016 (1997) (dean's denial of pay increases to white law professors did not constitute adverse employment action); *Wirsing v. Board of Regents of University of Colorado*, 739 F. Supp. 551 (D. Colo. 1990), *aff'd*, 945 F.2d 412 (10th Cir. 1991) (table), *cert. denied*, 503 U.S. 906 (1992) (university did not violate tenured professor's rights by denying her a merit increase when she refused to distribute standardized teacher evaluation forms to her class on academic freedom grounds). But *see Power v. Summer*, 226 F.3d 815 (7th Cir. 2000) (ruling that administration violated the First Amendment rights of three professors by awarding them merit increases of only $400 instead of $1,000 because they were outspoken on issues of faculty salaries). For a discussion of the Vincennes University case, see Donna R. Euben, "Judicial Forays into Merit Pay," 89 *Academe* 70 (Jul.-Aug. 2003).

Long-term salary increase denial.

See, e.g., Vaughn v. Sibley, 709 So.2d 482 (Ala. Civ. App. 1997) (finding that University of Alabama at Birmingham violated the rights of an associate professor of mathematics by denying him any salary increase from 1982 through at least 1994 [and maybe 1997, the date of the court decision], because the administration either had to follow its salary policy and pay the professor the minimum salary, or it had to file an exception to exclude him from the established salary range).

Salary Reduction.

See, e.g., Williams v. Texas Tech University Health Sciences Center, 6 F.3d 290 (5th Cir. 1993), cert. denied, 510 U.S. 1194 (1994) (tenured professor sued, claiming that he should have been provided a hearing before the medical school reduced his compensation from $68,000 to $46,500 because he failed to generate as much grant money as had been expected; court ruled that the professor's interest in a specific salary level did not outweigh the administration's interest in making budget any decisions for educational programs, and that the

professor had received six months' notice and the opportunity to seek additional funding.) For a discussion of efforts to reduce salaries in medical schools, see Donna R. Euben, "Doctors in Court? Salary Reduction Litigation", 85 *Academe* 87 (Nov.-Dec. 1999). State law may permit salary reduction. As previously noted, state law governing the salaries of public employees may provide particular protections. For example, a New Jersey statute provides that no tenured professor in a public college may be "subject to reduction of salary, except for inefficiency, incapacity, conduct unbecoming a teacher or other just cause." N.J.S.A. 18A:6-18.

5. Fines or Restitution.

An administration might seek reimbursement, restitution or a fine from a faculty member. Please note that such fines may raise issues under the Fair Labor Standards Act.

6. Suspension.

There are a variety of suspensions, including paid suspensions, unpaid suspensions, and immediate (paid and unpaid) suspensions.

Paid Suspensions.

See, e.g., Edwards v. California University of Pennsylvania, 156 F.3d 488 (3rd Cir. 1998), *cert. denied*, 525 U.S. 1143 (1999) (while tenured professor was being investigated for the use of inappropriate language in the classroom, he was suspended with pay; court found that suspension did not violate his constitutional rights).

Unpaid Suspensions.

For the AAUP, a suspension pending a faculty hearing should be with pay. If an administration instead of moving to dismiss a faculty member, intends to suspend with or without pay, that action should be preceded by a hearing with the same procedural protections as afforded in a dismissal case. *See, e.g., Bonnell v. Lorenzo*, 241 F.3d 800 (6th Cir.), *cert. denied*, 534 U.S. 951 (2001) (Macomb Community College professor initially put on leave without pay while sexual harassment investigation pending; he was later put on indefinite leave with pay); *Silva v. University of New Hampshire*, 888 F. Supp. 293 (D.N.H. 1994) (involving professor who was suspended without pay for one year for violating institution's sexual harassment policy; the trial court ruled that professor was entitled to preliminary injunction on his First Amendment and due process claims).

Immediate Suspensions

AAUP's RIR 5 provides that an institution may suspend a professor when immediate harm to the individual or others is threatened pending an ultimate determination of the individual's status. RIR 5 further provides that, before suspending a faculty member, the administration should consult with a faculty committee concerning the propriety, length, and other conditions of the suspension. The threat of physical harm can certainly warrant suspension, but so can harm to the educational process (e.g., a faculty member who refuses to evaluate the work of most of her students). Such suspensions should be with pay, and they can remain in effect during an investigation and disciplinary proceedings. In *Gilbert v. East Strousberg University*, 520 U.S. 924 (1997), the U.S. Supreme Court ruled that due process rights were not violated when an administration suspended a tenured public employee without pay and failed to provide a pre-suspension hearing. The Court's reasoning was based, in part, that drug-related felony charges were pending against the police officer. As commentators have noted, the Gilbert decision is not generally applicable to the due process protections afforded suspended faculty members, "[u]nless a college could demonstrate that it needed to remove a tenured faculty member quickly because he or she was a potential threat to the health or safety of others, or because the faculty member had committed some act that rendered him or her unfit to continue teaching pending a disciplinary hearing." The Law of Higher Education 179-80 (Supp. 2000).

7. "Demotion" in Rank"

The AAUP generally views reductions in faculty rank, such as from associate to assistant professor, as an inappropriate sanction, except in situations where the promotion is obtained by fraud or dishonesty. Compare *Kirschenbaum v. Northwestern University*, 728 N.E.2d 752 (Ill. App. Ct. 1999) (finding that administration did not breach medical professor's tenure contract when it changed his status from "full-time" to "contributed service") with *Klinge v. Ithaca College*, 167 Misc. 2d 458 (N.Y. Sup. Ct. 1995), aff'd as modified by 652 N.Y.S.2d 377 (N.Y. App. Div. 1997) (ruling that factual issue for jury existed regarding whether tenure breached for professor who was found guilty of plagiarizing when he was demoted from full to associate professor, his salary reduced, and his academic duties restricted).

8. Modified Teaching Assignments.

Some institutions modify teaching assignments as a form of discipline. *See, e.g., McCellan v. Board of Regents of the State University*, 921 S.W.2d 684 (Tenn. 1996) (barring professor for three years from teaching the only section of a required course after he made inappropriate sexual comments to female students about EKGs). But see *Levenstein v. Salafasky*, 164 F.3d 389 (7th Cir. 1998) (noting that professor was "effectively deprived of a property interest in a job" by university decision to forbid professor from seeing patients and an assignment of reviewing old medical files). Please note that "shadow sections"—courses taught by other instructors to compensate for perceived problems in the teaching of the original professor—may violate a public university professor's constitutionally protected interests. *See, e.g., Levin v. Harleston*, 770 F. Supp. 895 (S.D.N.Y. 1991), *aff'd in relevant part*, 966 F.2d 85 (2d Cir. 1992).

9. Class Monitoring.

If periodic monitoring is deemed necessary discipline, primary responsibility should be in the hands of faculty.

10. Mandatory Counseling.

Some administrations have required that faculty undergo counseling. Generally such discipline implicates a number of legal concerns, including free expression, academic freedom, and privacy. *See e.g., Bauer v. Sampson*, 261 F.3d 775 (9th Cir. 2001) (community college violated rights of outspoken professor by requiring him to meet with anger management counselor); *Cohen v. San Bernardino Valley College*, 92 F.3d 968 (9th Cir. 1996), *cert. denied*, 520 U.S. 1140 (1997) (English professor who used vivid sexual imagery in class ordered to attend sexual harassment seminar); *Silva v. University of New Hampshire*, 999 F. Supp. 293 (D.N.H. 1994) (English professor who was found guilty of sexual harassment was suspended from teaching for one year and required to obtain a "counseling evaluation" and, if prescribed, attend counseling); *Powell v. Ross*, 2004 U.S. Dist. LEXIS 3601 (W.D. Wis., Feb. 27, 2004) (rejecting professor's defamation claim arising in part from recommendation that professor attend sexual harassment training to identify his "problem areas"). *See* generally Jonathan Knight, "The Misuse of Mandatory Counseling," *The Chronicle of Higher Education* (Nov. 17, 1995) ("No single punishment is appropriate for all sexual-harassment cases, but it is the faculty member's misconduct, not his ideas, that should be punished . . . ").

Discipline as a Pre-termination Step

The institution may also consider using discipline short of termination when dealing with a faculty member with a long history of insubordination, neglect of teaching, research, or service obligations, or inappropriate behavior with staff or students, as a way of establishing a record of the individual's misconduct and the institution's response in the event that a later decision is made to terminate a tenured faculty member. Although each faculty termination case is sui generis, and faculty use a variety of legal theories to challenge the revocation of tenure, a claim that is difficult for an institution to defend is the claim of lack of notice of the infraction. Institutions that have tolerated the misconduct of a faculty member for years may find it difficult to persuade a reviewing court that the individual's due process rights were protected if misconduct that was tolerated for years suddenly becomes grounds for termination. Progressive discipline, and prompt attention to misconduct that interferes with the institution's ability to function effectively, may have the happy outcome of "rehabilitating" a problematic faculty member, or it may lay the ground work for eventual termination. In either case, intervention before the misconduct escalates into a serious problem for the institution is a wise course of action.

Endnote:

1. Roger I. Abrams and Dennis R. Nolan, "Toward a Theory of 'Just Cause' in Employee Discipline Cases," 1985 *Duke Law Journal* 594, 611-12 (1985). Back to text.

October 4, 2016

I (Ron Conlon) am a longstanding member and former chair of the CWRU Institutional Animal Care and Use Committee (IACUC).

The IACUC has experienced difficulty in developing appropriate sanctions in some cases of noncompliance with vertebrate animal care and use regulations. While noncompliance ideally is remedied with education, protocol amendment, training and other constructive measures, in cases of repeat or egregious noncompliance sanctions which have a restrictive or punitive nature may be necessary. In severe cases, the IACUC can seize animals and laboratory records, suspend animal work and revoke the right to use animals in the future. Thus most sanctions at hand are either mild or severe with few intermediate options. The NIH appears to recognize this problem, and through its animal welfare regulatory arm, the Office of Laboratory Animal Welfare (OLAW), now expects refund of NIH grants dollars for animal research during the noncompliant period. But it would be useful to have a roadmap to additional progressive sanctions.

Institutional guidelines for the progressive discipline of faculty would go partway toward solving this problem. The existence of such guidelines would shape both faculty expectations and the actions of university committees handling noncompliance and misconduct, providing a measure of fairness for the faculty, a a consistent framework for the institution as a whole.

The AAUP makes the case for faculty progressive discipline guidelines much more cogently than I can, and I suggest that you read their recommendations for guidelines at

<https://www.aaup.org/issues/appointments-promotions-discipline/faculty-misconduct-and-discipline-2005>

BY-LAWS OF THE FACULTY

OF THE

COLLEGE OF ARTS AND SCIENCES

April 20, 2016

Deleted: March 20, 2013

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ARTICLE I. PURPOSE

Section 1. Purpose

The purpose of these by-laws is to provide regulations to govern the faculty of the College of Arts and Sciences in discharging its responsibilities as provided for in the Constitution of the University Faculty.

ARTICLE II. MEMBERSHIP

Section 2. Members

Members of the faculty shall be all persons holding tenured or tenure-track appointments (assistant professor, associate professor, and professor), non-tenure track appointments (instructor and senior instructor), or special faculty appointments (see Article XIII, Section 42), as defined in the Faculty Handbook, Chapter 2, Article I, Sections A-C, in the departments listed in Section 32. Appointments of assistant professor, associate professor, and professor shall be exclusively tenured or tenure-track. Appointments of instructor and senior instructor shall be the only non-tenure-track appointments.

Section 3. Members *Ex Officio*

The following persons shall be members of the faculty *ex officio*: the President, the Provost, the Dean of the College, the Dean of Undergraduate Studies, the Director of the University Libraries, and the Dean of Graduate Studies.

Section 4. Voting Privileges

All faculty members who are tenured, tenure-track, or non-tenure-track (i.e., instructors and senior instructors), and all members *ex officio* shall have the right to vote. The official list of members of the faculty is that list submitted each year by the Dean of the College to the Secretary of the University Faculty, as provided in the Faculty Handbook, Chapter 2, Article I, Section F.

Section 5. Non-voting Members

Persons holding emeritus or special faculty appointments shall be invited to attend faculty meetings and participate in discussion but shall not vote.

ARTICLE III. RESPONSIBILITIES

Section 6. Responsibilities of the Faculty

The Faculty of the College of Arts and Sciences is responsible for all academic affairs of the college. As provided in the Constitution of the University Faculty, Article VII, Section A., Par. l.d, the faculty recommends awarding of degrees in course. Other specific responsibilities include but are not limited to the following: a) making recommendations to the Faculty Senate regarding requirements and standards for degrees, standards of admission for students, approval of new degrees, and discontinuance of existing degrees; b) review and approval of curricula and

content of degree programs; and c) setting standards for and making recommendations regarding facilities for teaching, research, and scholarship.

ARTICLE IV. MEETINGS

Section 7. Regular Meetings

The faculty shall hold regular meetings at least once each semester in October and March on dates to be determined by the Executive Committee in consultation with the Dean of the College. The faculty at any regular meeting may, by majority vote, fix the date of the next regular meeting. The October meeting shall be designated the annual meeting and shall include reports by the chair of the Executive Committee and the Dean of the College on activities of the preceding and current academic years.

Section 8. Special Meetings

The faculty shall hold special meetings when called by the President, the Dean of the College, the majority of the Executive Committee, or on petition to the Dean of the College signed by no fewer than 10 percent of the voting members of the faculty. The purpose of such a special meeting shall be stated by the person or group requesting the meeting. The business of the special meeting shall be limited to the matter or matters for which the meeting was called.

Section 9. Notification

The Dean of the College shall notify each member in writing at least seven days before each regular meeting and at least three days before each special meeting, specifying the time, place, and agenda of the meeting. The Dean of the College shall provide for recording minutes of all meetings of the faculty and of the Executive Committee and for distributing them to all members of the faculty.

Section 10. Chair, Quorum, and Order of Business

The President, or in the absence of the President, the chair of the Executive Committee or an Executive Committee member designated by the chair, shall preside at both regular and special meetings of the faculty. Each meeting shall be conducted in accordance with the latest edition of *Robert's Rules of Order*. Twenty percent of the voting membership shall constitute a quorum. Decision shall be made by majority vote of the members in attendance.

The order of business at all regular meetings shall be as follows:

a. Presentation and adoption of minutes
b. Resolutions in memoriam
c. Introduction of new faculty members
d. Announcements
e. Report of the Executive Committee
f. Report of standing and special committees
g. Report of the Faculty Senate's Representative to the Executive Committee
h. Consideration of unfinished business
i. Consideration of new business

ARTICLE V. COMMITTEES

Section 11. Standing Committees

The standing committees of the faculty shall be the Executive Committee, the Committee on Appointments, the Committee on Educational Programs, and the Graduate Committee.

Section 12. Selection and Terms of Office

Members of the standing committees shall be selected during the spring semester for the following year, by procedures specified in sections 14, 15, 24, 28, and 30. Terms of office shall begin on the day following commencement. The Dean of the College shall distribute to all members of the faculty a list of members to all standing and special committees at the beginning of each fall semester.

Section 13. Special Committees

The faculty may at any time provide for special committees to study and recommend on any matter or matters within its jurisdiction which it may deem appropriate.

ARTICLE VI. EXECUTIVE COMMITTEE

Section 14. Membership

There shall be 12 members of the Executive Committee, 11 with a vote and one without. The voting members shall consist of nine persons elected from the tenured, tenure-track, and non-tenure-track members of the faculty; one member of the faculty elected at large by the Faculty Senate to represent the college on the Executive Committee of the Faculty Senate *ex officio*; and the Dean of the College *ex officio*. The non-voting member shall be selected annually by the Chair Council from among its members and shall serve as a liaison between the Executive Committee and the Chair Council (defined in Section 36).

Section 15. Election and Terms

Elected members of the Executive Committee shall serve overlapping three-year terms and shall not be eligible for immediate reelection.

Election shall be by a two-ballot process. The Dean of the College shall prepare and distribute a first, or nominating, ballot listing all persons eligible to serve according to the following rules: department chairpersons are not eligible for election. All faculty members who are tenured, tenure-track, or non-tenure-track (i.e., instructors and senior instructors) are eligible except those from departments already represented among continuing elected members of the Executive Committee.

The Dean of the College shall then prepare and distribute a second, or election, ballot according to the following rules: The election ballot shall list twice the number of nominees to be elected but also listing no more than one person from each eligible department. Subject to this rule, those persons receiving the greatest numbers of votes from the nominating ballot shall appear on the second ballot. The Executive Committee shall resolve any tie votes.

Vacancies shall be filled by reference to the results of the most recent election and in order of preference according to the votes cast. Vacancies must be filled according to the

eligibility rules outlined above. Persons selected to fill such vacancies shall be eligible for election when their terms expire.

Section 16. Executive Committee Chair

The chair of the Executive Committee shall be a tenured faculty member and shall be elected annually by the committee from among its elected members. The election of the new chair shall be conducted at the first meeting of the incoming committee which shall be called by the Dean of the College.

Section 17. Regular Meetings

The Executive Committee shall hold meetings monthly during the academic year beginning in September on dates to be selected by the chair. However, the Executive Committee may at any regular meeting, by majority vote, fix the date of the next regular meeting.

Section 18. Special Meetings

The Executive Committee shall hold special meetings when called by the President, the Dean of the College, or the chair. The chair shall call a special meeting when requested by three members of the Executive Committee or when requested by 10 members of the faculty by a petition stating the purposes of the proposed meeting.

Section 19. Notification of Meetings

The chair shall notify each member of the Executive Committee in writing at least seven days before each regular meeting and at least three days before each special meeting specifying the time, place, and agenda of the meeting.

Section 20. Agenda

The agenda for Executive Committee meetings normally shall be as follows:

a. Approval of minutes for the previous meeting
b. Announcements by the chair of the committee
c. Dean's report
d. Committee reports
e. Chair Council and Faculty Senate reports
f. Consideration of Unfinished Business
g. Consideration of New Business

Any faculty member in the college may request that an issue be placed on the agenda. Items of new business may be placed on the agenda by any elected member of the Executive Committee or the dean.

Section 21. Chairing Meetings

The chair or, in the chair's absence, a member selected by the Executive Committee shall preside at both regular and special meetings of the Executive Committee.

Section 22. Responsibilities

The Executive Committee shall consider all matters of policy, procedure, and any other matter within the jurisdiction of the faculty which the committee may deem appropriate. Such

matters include but are not limited to appointments, reappointments, promotions, separations, tenure, academic freedom, curricula, professional and academic conduct, teaching load, student admission, terms and times of attendance, examinations, degree programs, and faculty organization.

A concern of the Executive Committee shall be fiscal planning and budget, and a subcommittee for that purpose may be established. Discussion of the college budget shall take place at least twice annually to consider budget matters at an early stage for the coming year and to review the budget after approval by the trustees.

The Executive Committee shall set the agenda for all regular meetings of the faculty, resolve tie votes in elections, and fill vacancies in committees.

The Executive Committee shall be advisory to the Dean of the College concerning the selection of department chairpersons, the appointment of special committees, and other matters that the Dean of the College may deem appropriate. It shall be advisory to the president in selection of the Dean of the College and shall nominate members of the search advisory committee in accordance with the Guidelines for Selecting Deans, Chapter 3, Part II, Section VIII. of Policies and Procedures for Members of the Faculty of Case Western Reserve University (hereinafter Policies and Procedures).

There shall be a review of the dean's performance every five years. The Executive Committee shall appoint a Dean Review Committee of six faculty members at the end of the fourth year of a dean's tenure which shall report to the Executive Committee by the end of the first semester of the fifth year. The review committee shall consider the dean's performance in the areas listed in Section 38: academic, fiscal, and administrative. The report summarizing the committee's findings shall be discussed with the dean prior to transmission to the Executive Committee. The Executive Committee shall transmit the report, together with the Executive Committee's recommendation with respect to reappointment, to the provost and the president.

The Executive Committee shall appoint the members of the Committee on Appointments and the Graduate Committee and prepare a slate of nominees for the Committee on Educational Programs in conformance with the criteria stipulated in Sections 24, 28, and 30.

The Executive Committee shall consider, on recommendation of the appropriate department chairperson, requests for sabbatical leaves of absence and shall forward them to the Dean of the College, together with the committee's recommendation on the merits of the study proposed and the applicant's qualifications to undertake it.

The Executive Committee, in conjunction with the Dean of the College, shall conduct elections in the spring semester for faculty senators representing the Faculty of the College of Arts and Sciences, according to the procedures specified in Section 39.

Section 23. Quorum and Voting

Six of the elected faculty members of the Executive Committee shall constitute a quorum and all decisions shall be by majority vote of those voting.

ARTICLE VII. COMMITTEE ON APPOINTMENTS

Section 24. Composition, Terms, Meetings, and Presiding Officer

The Committee on Appointments shall be composed of nine faculty members holding the rank of professor with tenure appointed by the Executive Committee, no two of whom shall be from the same department. The membership shall be selected so as to be broadly representative of the spectrum of disciplinary, scholarly, and research activities in the College of Arts and Sciences. Members shall serve a term of one year, but may be reappointed to a maximum of three consecutive years. The Dean of the College shall set a time and notify members of the first meeting each academic year. Vacancies for unexpired terms shall be filled by the Executive Committee. For meetings at which promotions, awards of tenure, or new appointments are acted upon, all members of the committee shall be present to constitute a quorum. At meetings dealing only with other matters, seven members shall constitute a quorum.

When an initial appointment must be considered and acted on at a time during which classes are not in session and, therefore, when some members may be unavailable to meet, the dean may appoint one or more temporary replacement members from among those who served on the committee in the previous academic year. Should this fail to constitute a nine-member group, the dean has the authority to make temporary special appointments in accordance with the composition guidelines outlined above in order to constitute a quorum of nine members.

The chair of the Committee on Appointments shall be elected annually by the committee at its first meeting of the academic year from among its own members. The Committee on Appointments shall hold meetings on dates to be determined by the chair, who shall notify each member at least three days before each meeting, specifying the time, place, and agenda for the meeting.

Section 25. Responsibilities

The Committee on Appointments shall consider all matters of tenure; promotions to the ranks of senior instructor, associate professor, professor, and research professor; initial appointments to the ranks of senior instructor, associate professor, professor, research associate professor, and research professor; appointments to chaired professorships; and third-year review of tenure-track faculty. The committee shall be advisory to the dean concerning appointments to chaired professorships. It shall also consider and make recommendations pertaining to the dismissal of tenured faculty members.

The committee is responsible for insuring the equitable applications of standards for assessing the credentials of all candidates considered by the Committee on Appointments in accordance with the Faculty Handbook, Chapter 3, Part One, Article I, Sections E-J. Assessment of tenured and tenure-track faculty shall be based on contributions to teaching, scholarly activity, research, creative performance, professional service, and service to the university and community, taking into account the different mixes and styles of contributions that are appropriate in different disciplinary areas. Assessment of research faculty shall be based on contributions to scholarly activity and research. Each faculty member whose appointment leads to tenure consideration shall be considered for tenure no later than six years after the date of initial appointment to the tenure track.

Section 26. Procedures

At the beginning of each fall semester, the Dean of the College shall draw up a list of those faculty members who must be considered for tenure during that academic year and shall notify the appropriate department chairpersons. Each department shall consider the merits of each of its own candidates in accordance with the Faculty Handbook, Chapter 3, Part One, Article I, Sections F and I, and shall transmit its recommendations to the Committee on Appointments. A department may, on its own initiative or at the request of one of its faculty, propose a candidate for tenure and/or promotion following the prescribed procedures. In addition, instructors may request consideration for promotion to senior instructor status at any time during their careers (although applicants should try to ensure they have sufficient work histories to be adequately evaluated).

For each candidate considered by the Committee on Appointments, the committee shall review the recommendation of the originating department and may invite the department chairperson or the chairperson's designee to appear before the committee to respond to questions from the committee. If there is a member of the committee from the same department, that member shall not participate in the discussion or voting.

The committee shall prepare a report containing its own recommendation, which shall represent a separate and independent assessment of the candidate as well as a review of the department's recommendation. The committee shall approve, disapprove, or refer recommendations back to the originating department for additional documentation. In the case where recommendations are referred back to departments, the departmental response shall normally be returned to the Committee on Appointments within two weeks. The chair of the Committee on Appointments is responsible for preparing each report and for insuring that the report accurately reflects the views of each member of the committee. In the event that the Committee on Appointments does not concur with the recommendation of the originating department, the committee shall transmit its report to the department chairperson for comment and submission of additional evidence in time for possible reconsideration by the committee before its recommendations are forwarded to the Dean of the College. All recommendations, positive and negative, shall be forwarded.

After receiving recommendations from the Committee on Appointments, the dean may convene a meeting with that committee in order to clarify matters related to the recommendations.

Section 27. Changes in Procedure

The Committee on Appointments shall recommend to the Executive Committee for its approval such rules governing the procedure of the Committee on Appointments and such criteria for the recommendation of appointments, promotions, and tenure as it deems appropriate.

ARTICLE VIII. GRADUATE COMMITTEE

Section 28. Membership

The Graduate Committee shall consist of six tenured, tenure-track, or non-tenure track faculty members, no two of whom are from the same department, and the Dean of the College *ex officio*. The Executive Committee shall appoint the faculty members and shall assure broad

representation of academic disciplines. Faculty members shall serve three-year overlapping terms. The committee shall select its own chair from among its faculty members, and the chair shall serve a one-year renewable term.

Section 29. Responsibilities

The Graduate Committee shall advise the Executive Committee concerning the needs of, and opportunities for, enhancing the environment for scholarly research, creative performance, and other creative activities involving graduate students, particularly with regard to fostering high quality and productive graduate research and creative endeavors. It shall advise on all other matters related to graduate programs in the college including, but not limited to, financing graduate education, academic integrity, and opportunities for new graduate programs. It shall serve as a vehicle for consideration of faculty concerns about graduate matters.

Faculty members of the college may request that the committee chair convene a meeting of the committee to consider an issue. In such cases, the committee chair determines whether to convene the full committee. If the chair declines to convene the committee, the faculty member requesting the meeting may petition the entire committee to request a meeting. If a majority of the committee members agree, the committee chair will convene the committee to address the stated issue. If there is a tie vote, the dean's representative to the committee will break the tie. The Executive Committee must be informed of all such requests sent to the committee chair and kept apprised of the committee's deliberations.

ARTICLE IX. COMMITTEE ON EDUCATIONAL PROGRAMS

Section 30. Membership

The Committee on Educational Programs shall consist of 16 members as follows: nine tenured, tenure-track, or non-tenure track faculty members, no two of whom are from the same department; two undergraduate students appointed by the Undergraduate Student Government; two graduate students chosen by the Graduate Student Senate, the Dean of Undergraduate Studies *ex officio*, the Dean of Graduate Studies *ex officio*, and the Dean of the College *ex officio*. Faculty members to replace members of the Committee on Educational Programs whose terms have expired shall be elected at the regularly scheduled spring faculty meeting. Prior to this meeting, the Executive Committee shall prepare a slate of candidates for this election and additional nominations may be made from the floor. The nominees shall be representative of the broad spectrum of disciplines within the college. Any nomination from the floor shall have the nominee's prior consent. Faculty members shall serve three-year overlapping terms. The committee shall select its own chair from among its faculty members, and the chair shall serve a one-year, renewable term.

Section 31. Responsibilities

The Committee on Educational Programs shall address academic issues relevant to all educational programs in the college—undergraduate, graduate, and continuing—and shall undertake periodic reviews of these programs. It shall be the committee of first instance for all curricular matters, including degree requirements, terms and times of attendance, examinations, and new courses; it may have further jurisdiction as delegated to it by the Executive Committee.

The committee shall report annually to the Executive Committee prior to the end of the academic year. In addition to a review of its activities during the year, the committee shall make recommendations for handling longer term educational issues which it has identified or which have been brought to its attention.

ARTICLE X. DEPARTMENTS

Section 32. Departments

The primary unit of the faculty is the College of Arts and Sciences. For the purpose of organizing the research and teaching functions of the faculty, the College of Arts and Sciences is divided into departments. The departments of the faculty shall be: Anthropology; Art History and Art; Astronomy; Biology; Chemistry; Classics; Cognitive Science; Dance; Earth, Environmental and Planetary Sciences; English; History; Mathematics, Applied Mathematics, and Statistics; Modern Languages and Literatures; Music; Philosophy; Physics; Political Science; Psychological Sciences; Religious Studies; Sociology; and Theater. All faculty members must have an appointment within a department. Programs of study or centers for research which may be established within or between these departments shall not be deemed departments.

Section 33. Department By-Laws

A department may be governed in accordance with by-laws adopted by its membership, ratified by the faculty through the Executive Committee, and filed in the Office of the Dean of the College, provided that the by-laws are consonant with the Constitution of the University Faculty, Policies and Procedures, and with these by-laws.

Section 34. Appointment of Chairpersons and Term of Office

Each department shall have a chairperson who shall report to the Dean of the College. A chairperson shall be appointed by the president upon recommendation of the Dean of the College and after the latter has consulted individually with each member of the faculty of the department and with the Executive Committee. The recommendation to the president shall contain a summary of the consultations with the faculty members of the department. The selection process shall follow the "Guidelines for Selecting of Department Chairpersons" as described in the Faculty Handbook. The aim of the appointment process is to identify a candidate for department chairperson who is acceptable to the president, the Dean of the College, and the department faculty.

Section 35. Responsibilities of Department Chairpersons

The chairperson shall be the executive officer of the department and shall exercise leadership in matters of department policy, including appointments, promotions, research, instruction, and department administration, in accordance with Policies and Procedures. The chairperson shall represent the interests of the department and of individual members of the department to other departments and to officers of the administration, keeping the department faculty informed of administrative actions and the administration informed of department action. Within the limitations imposed by confidentiality of individual faculty members, the chairperson shall keep the faculty of the department informed on issues of concern to the department.

The chairperson shall prepare the department's budget, subject to the approval of the Dean of the College. The chairperson shall monitor the expenditures of the department budget and shall report at least once each year to the faculty of the department on the state of the department budget.

The chairperson shall transmit recommendations for faculty appointments, reappointments, promotion, and tenure, together with his or her independent recommendation, and shall be the hiring officer for all other personnel assigned to the department. The chairperson shall consult with faculty of the department on appointment of non-tenure track persons whose responsibilities include instruction.

The chairperson of each department shall transmit an annual report to the Dean of the College.

Unless the responsibilities are otherwise assigned in the department's own by-laws, the chairperson shall, as necessary, convene and preside at all department meetings, appoint committees, delegate duties, prepare teaching schedules, maintain records, and conduct correspondence.

Section 36. Chair Council

The chairpersons of all the departments shall meet jointly in a Chair Council. The council also shall have a member selected by the Executive Committee from among its members. The Chair Council shall meet regularly, and shall be chaired by the Dean of the College. It shall address the common issues which arise from the responsibilities of department administration and shall function to share information and exchange views of matters of mutual concern to the departments.

Departments may choose to form separate groups of chairpersons from departments with common concerns. These separate groups may convene their own meetings or may be convened by the Dean of the College. They also may bring their concerns directly to the Chair Council or the Dean of the College.

ARTICLE XI. THE DEAN OF THE COLLEGE

Section 37. Appointment

The chief executive officer of the faculty shall be the Dean of the College of Arts and Sciences. The Dean of the College shall be appointed in accordance with Article VII.A of the Constitution of the University Faculty and with the Guidelines for Selection of Deans, Part II., Section VIII., of Policies and Procedures.

Section 38. Responsibilities

The Dean of the College has academic, fiscal, and administrative responsibilities.

a. Academic

The Dean of the College shall have the responsibility to build and maintain a faculty whose commitments and quality are consonant with the mission of the college; to provide leadership in undergraduate and graduate student recruitment and selection for the college; to achieve and maintain faculty balance and student balance in the college consonant with the concept of a comprehensive College of

Arts and Sciences; to undertake regular and systematic department reviews with the goal of improving the quality of programs and research activities; to develop and sustain both graduate and undergraduate programs of the highest quality; and to represent the academic needs, ambitions, and plans of the college both to the university administration, to other constituent faculties, and to outside constituencies.

b. Fiscal

The Dean of the College shall be responsible for administering the budget of the college to meet the objectives stated in Subsection a. above, and shall communicate the fiscal needs of the college to the university and other groups. The dean shall aggressively pursue all sources of income—including endowments, grants, tuition income, and gifts—in order to support the objectives of the college. Unless otherwise directed by the president, the dean shall serve as vice chair of the Case Advisory Board and present appropriate funding proposals from departments and programs in the college. The dean shall review the budget periodically with the Executive Committee and shall make an annual report of the budget and fiscal status of the college at a regular faculty meeting of the college.

c. Administrative

The Dean of the College shall assure the development and implementation of policies and best practices to promote effective and efficient operation of the college. Through engagement with unit faculty and stakeholders, the dean shall lead development of strategic and related plans and ensure their implementation and shall promote regular and open communication of information and decisions with faculty and other college stakeholders. The dean shall support the professional development and advancement of faculty and staff of the college, encourage high ethical and professional standards for all members of the college, shall support and encourage leadership development within the college, and shall assure that procedures and practices for evaluation of performance of faculty and staff, promotions, tenure, and leave are clearly documented and communicated. The dean shall communicate directly with each department chairperson regarding fiscal and academic issues within the departments. The dean shall also identify and recommend appointments of department chairpersons to the president.

ARTICLE XII. REPRESENTATION IN UNIVERSITY GOVERNANCE

Section 39. Faculty Senate

The faculty shall provide representatives to the Faculty Senate in accordance with the by-laws of the body. All representatives at large shall be elected by a two-ballot process, the ballots to be prepared and distributed by the Dean of the College and the election to be conducted by the Executive Committee in conjunction with the Dean of the College. The first, or nominating, ballot shall list all faculty members eligible to serve. Those with the greatest numbers of votes shall appear on the second, or election, ballot. The number of nominees on the second ballot shall be twice the number of senators to be elected. The Executive Committee shall resolve any tie votes.

To help faculty make informed choices, the first ballot shall also list the current senators from the faculty with their departmental affiliations.

Section 40. Other Bodies

In other cases when the faculty is asked to select representatives to university bodies and when the mode of selection is not specified, the Executive Committee shall either appoint such representatives or designate an appropriate method of selection.

ARTICLE XIII. POLICIES ON APPOINTMENT, REAPPOINTMENT, PROMOTION AND TENURE OF FACULTY

Section 41. Faculty Titles and Definitions for Special Faculty Members

a. Lecturer
Lecturers may be either part-time or full-time. The appointment is used for individuals whose primary responsibility is to teach one or more courses. Appointments are for one year. In some cases appointments are made with the possibility of limited renewal.

b. Adjunct Faculty--(Instructor through rank of Professor)
Part-time service for individuals who hold primary staff or administrative positions within the university, or for individuals whose primary appointment is held outside the university in business, industry, or other institution. Adjunct faculty normally are not compensated. Continuing appointments are renewed annually with a $0-salary contract after the dean's office has received notification from the department in the spring semester.

c. Visiting Faculty--(Instructor through rank of Professor)
Full-time service (for the short- or long-term) for individuals from other academic institutions within the United States who are visiting for a period of up to three years, for individuals from foreign academic institutions who will visit for a period of one year or less, or for independent scholars without home institutions. Compensation may or may not be involved.

d. Secondary Appointment--(Instructor through rank of Professor)
Part-time service for individuals who hold primary faculty appointments within the university. No faculty member may hold a secondary faculty appointment at a rank higher than the rank held in his or her primary department or school. Compensation may or may not be involved. If compensation is to be made, a transfer of funds between departments or schools may be arranged. Usually there is no compensation paid directly to the individual. Continuing appointments are renewed annually by notification to the department during the spring semester.

e. Clinical Faculty--(Instructor through rank of Professor)
Part-time service for individuals who will engage in clinical training and/or supervision of students. Clinical faculty normally are not compensated.

f. Research Faculty (Research Associate Professor and Research Professor)

Appointment of research faculty shall follow the procedures described in the "Policies and Procedures for Research Faculty Appointments" approved by CAS and the Faculty Senate in 2000.

Section 42. Qualifications and Standards for Appointment, Reappointment, Promotion, and Tenure

The college evaluates candidates for appointment, reappointment, promotion, and tenure based on evidence of:

a. expert knowledge of field and a demonstrated commitment to continuing development of that competence,
b. dedication to and evidence of effective teaching,
c. commitment to a demonstrated continuing program of research or advanced creative activity and evidence of achievement in this work, and
d. willingness to perform university service.

Each department in the college must have written criteria for promotion and tenure and should make these available to faculty at least yearly.

Appointments and reappointments for non-tenure track faculty and for special faculty shall be made in accordance with the guidelines in Chapter 3, Part One, Section I.F of the University Faculty Handbook.

Section 43. Rights and Obligations of Faculty

The College of Arts and Sciences provides tenure-track faculty with a base academic year salary and office space. Non-tenure-track and special faculty receive resources as agreed in their contracts. The College of Arts and Sciences is committed to faculty development as described in the Faculty Development Policy adopted by the faculty on March 27, 1997.

Section 44. Procedures for Review of Tenure-track Faculty

The canonical pretenure period in the College of Arts and Sciences is six years. Tenure-track faculty shall receive an annual written evaluation of their professional progress relative to the qualifications for tenure described in the Faculty Handbook (3.1.F.). The department chair is expected to meet with the tenure-track faculty member annually to discuss his or her review. During the faculty member's third year, a formal review of progress toward tenure will be conducted by the eligible department faculty members. Absent sufficient eligible departmental faculty members (minimum of four), the dean will appoint a special committee for this purpose. The department or special committee's report will be reviewed by the Committee on Appointments.

Tenured faculty receive a written review annually. Tenured associate professors should meet with their chair regularly to review their progress toward promotion. Each department has a written mentoring policy outlining department procedures for mentoring faculty through the process of tenure and of promotion. These policies are reviewed and approved by the Executive Committee.

Section 45. Terminations in the Case of Financial Exigent Circumstances

In accordance with Chapter 3, Part One, I, E., 3. of the University Faculty Handbook, these by-laws set forth the following guidelines for termination of faculty in the event of financial exigencies facing the college. If all other remedies are exhausted, tenured faculty shall be terminated in reverse order of seniority of rank. Within a rank faculty shall be terminated in reverse order of length of service within that rank.

ARTICLE XIV. AMENDMENTS

Section 46. Proposal

Amendments to these by-laws may be proposed at any time by the Executive Committee or by any tenured, tenure-track, or non-tenure track member of the faculty to the Executive Committee for review and recommendation. Proposed amendments shall be distributed by the Executive Committee in written form to each voting member of the faculty no later than 14 days before either the next scheduled faculty meeting, which shall include discussion of the proposed amendments in its agenda, or a special meeting called for the purpose of hearing discussion on the proposed amendment(s). Following the meeting, the Dean of the College shall distribute the proposed amendments via an electronic voting mechanism to all voting members of the faculty.

Deleted: along with a secret mail ballot

Section 47. Approval

Approval of amendments shall require a two-thirds majority of the ballots cast, provided however that at least 50 percent of the ballots (excepting those from faculty on leave) have been returned.

ARTICLE XV. RATIFICATION

Section 48. Ratification

These by-laws shall be approved by a two-thirds majority of the total votes recorded. Upon approval, the by-laws shall be submitted to the Faculty Senate for its approval, according to the established procedures of that body.

December 4, 1992—Ratified by the Faculty of Mathematics and Natural Sciences and the Faculty of Humanities, Arts, and Social Sciences
December, 1993—Amended by the Faculty of the College of Arts and Sciences
April 21, 1994—Approved by the Faculty Senate

October 18, 1994—Amended by the Faculty of the College of Arts and Sciences

March 25, 1999—Amended by the Faculty of the College of Arts and Sciences
February 10, 2000—Approved by the Faculty Senate

November 30, 2001—Amended by the Faculty of the College of Arts and Sciences
March 26, 2002—Approved by the Faculty Senate

April 15, 2003—Amended by the Faculty of the College of Arts and Sciences
October 22, 2003—Approved by the Faculty Senate

May 9, 2003—Amended by the Faculty of the College of Arts and Sciences
October 22, 2003—Approved by the Faculty Senate

November 30, 2003—Amended by the Faculty of the College of Arts and Sciences
April 29, 2003—Approved by the Faculty Senate

October 11, 2005—Revision Approved by the A&S Executive Committee
December 9, 2005—Revision Approved by the Faculty of the College of Arts and Sciences
March 23, 2006—Approved by the Faculty Senate

October 17, 2007—Section 32 updated to rename Department of Religion to be Department of Religious Studies

April 28, 2010—Revisions (5) Approved by the A&S Faculty of the College of Arts and Sciences
September 23, 2010—Motions Approved Re: Department of Theater Split and Combination of Departments of Communication Sciences and Psychology to become Department of Psychological Sciences
November 16, 2010—Approved by the Board of Trustees

March 15, 2011—Revision to Rename Department of Geological Sciences to become the Department of Earth, Environmental, and Planetary Sciences Approved by the A&S Executive Committee
April 18, 2011—Approved by the Faculty of the College of Arts and Sciences
September 28, 2011—Approved by the Faculty Senate
October 15, 2011—Approved by the Board of Trustees

March 9, 2012—Revisions (8) Approved by the A&S Executive Committee
April 20, 2012—Approved by the Faculty of the College of Arts and Sciences
March 20, 2014—Approved by the Faculty Senate

October 11, 2012—Revision to Rename Departments of Mathematics and Statistics to be Department of Mathematics, Applied Mathematics, and Statistics Approved by the A&S Executive Committee
November 16, 2012—Approved by the Faculty of the College of Arts and Sciences
March 20, 2013—Approved by the Faculty Senate

January 8, 2016 – Revision to Section 46 to allow for electronic voting on By-laws Amendments – Approved by the A&S Executive Committee
March 25, 2016 – Approved by the Faculty of the College of Arts and Sciences
_____ - Approved by the Faculty Senate