



# ST. JOHN'S UNIVERSITY

## *Statutes*

## MISSION STATEMENT

### ST. JOHN'S UNIVERSITY IS CATHOLIC, VINCENTIAN, METROPOLITAN, AND GLOBAL

As a **UNIVERSITY**, we commit ourselves to academic excellence and the pursuit of wisdom which flows from free inquiry, religious values, and human experience. We strive to preserve and enhance an atmosphere in which scholarly research, imaginative methodology, global awareness, and an enthusiastic quest for truth serve as the basis of a vital teaching-learning process and the development of lifelong learning. Our core curriculum in the liberal arts and sciences aims to enrich lives as well as professions and serves to unify the undergraduate experience. Graduate and professional schools express our commitment to research, rigorous standards, and innovative application of knowledge. We aim not only to be excellent professionals with an ability to analyze and articulate clearly what is but also to develop the ethical and aesthetic values to imagine and help realize what might be.

St. John's is a **CATHOLIC** university, founded in 1870 in response to an invitation of the first Bishop of Brooklyn, John Loughlin, to provide the youth of the city with an intellectual and moral education. We embrace the Judeo-Christian ideals of respect for the rights and dignity of every person and each individual's responsibility for the world in which we live. We commit ourselves to create a climate patterned on the life and teaching of Jesus Christ as embodied in the traditions and practices of the Roman Catholic Church. Our community, which comprises members of many faiths, strives for an openness which is "wholly directed to all that is true, all that deserves respect, all that is honest, pure, admirable, decent, virtuous, or worthy of praise" (Philippians 4:8). Thus, the university is a place where the Church reflects upon itself and the world as it engages in dialogue with other religious traditions.

St. John's is a **VINCENTIAN** university, inspired by St. Vincent de Paul's compassion and zeal for service. We strive to provide excellent education for all people, especially those lacking economic, physical, or social advantages. Community service programs combine with reflective learning to enlarge the classroom experience. Wherever possible, we devote our intellectual and physical resources to search out the causes of poverty and social injustice and to encourage solutions which are adaptable, effective, and concrete. In the Vincentian tradition, we seek to foster a world view and to further efforts toward global harmony and development by creating an atmosphere in which all may imbibe and embody the spirit of compassionate concern for others so characteristic of Vincent.

St. John's is a **METROPOLITAN AND GLOBAL** university. As a metropolitan university, we benefit from New York City's cultural diversity, its intellectual and artistic resources, and its unique professional educational opportunities. With this richness comes responsibility. We encourage the metropolitan community to use our resources to serve its needs. As a global university, we are one of our nation's most diverse institutions of higher education, enriched by a mixture of cultures, which complements an internationalized curriculum. Through collaboration with other institutions around the world, study abroad opportunities, and online courses and degrees, our outreach spans the globe. In educating students we pledge to foster those qualities needed for our alumni to become effective leaders and responsible citizens in a vibrant city and dynamic world.

St. John's University, New York  
Statutes  
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## ARTICLE 1 THE BOARD OF TRUSTEES

### 1.01 Members and Composition

The Board of Trustees shall consist of no fewer than five (5) nor more than thirty-six (36) members. No fewer than ten (10) nor more than one-third (1/3) of the Board shall be members from the Congregation of the Mission or Daughters/Sisters of Charity. The Provincial of the Congregation of the Mission, Eastern Province will recommend Priests/Brothers of the Congregation of the Mission or Daughters/Sisters of Charity for potential membership on the Board.

### 1.02 Types of Trustees

There shall be two types of Trustees: (1) *ex officio* members of the Board, and (2) elected members of the Board. *Ex officio* members of the Board shall have the same rights, privileges and responsibilities as elected members of the Board, including voting rights.

### 1.03 *Ex Officio* Members

The two *ex officio* members of the Board shall be the President of the University and the Provincial of the Congregation of the Mission, Eastern Province of the United States.

### 1.04 Elected Members

Subject to the limitations of §1.01 of this Article 1, the Board of Trustees shall have the authority to elect additional members of the Board by a two-thirds (2/3) vote of those present and voting.

### 1.05 Disqualification of University Employees

Employees of the University shall not be eligible for election to the Board of Trustees.

### 1.06 Term of Office

a. *Ex officio* members shall have tenure on the Board that is coextensive with the term of office which qualifies them for membership on the Board of Trustees.

b. The term of an elected Trustee shall be three years. Trustees shall normally be elected at the May Board meeting. Their terms shall expire at the May meeting in the third year after their election; provided, however that the term of the outgoing Chairperson of the Board shall expire at the conclusion of the final spring commencement ceremony. The terms of Trustees elected at a time other than a May Board meeting shall expire at the May meeting following the third anniversary of their election. Terms are staggered so that the terms of approximately one-third of the elected Trustees expire annually. Recommendations to re-elect trustees shall be made



by the Governance Committee to the Board following a review of the needs of the Board, the expertise and participation of the trustee, and the willingness of the trustee to stand for re-election.

c. Trustees may be re-elected for a maximum of three additional consecutive terms. These term limitations can be waived by resolution of the Board of Trustees in unusual circumstances in order for a Trustee to serve one additional year. After a two-year absence from the Board of Trustees due to reaching maximum consecutive service, a trustee becomes eligible to be re-elected for a maximum of three additional consecutive terms.

d. The term limits set forth in subparagraph (c) above shall not apply to members of the Congregation of the Mission or Daughters/Sisters of Charity.

e. The Chairperson shall continue to serve as a Trustee until the expiration of his/her term of office as Chairperson, notwithstanding that as a consequence of completing a term of office the Chairperson may serve as a Trustee longer than the term limits set forth in subparagraph (c) above.

#### 1.07 Vacancies

a. The office of an elected Trustee shall become vacant on death, resignation, refusal to act, removal from office, disqualification from office, expiration of term, or any other cause specified in the charter or in these Statutes. If a Trustee fails to attend three consecutive meetings without excuse accepted as satisfactory by the Board of Trustees, such Trustee shall be deemed to have resigned and a vacancy created. The grounds for removal from office include, among other things, the commission of an act of moral turpitude contrary to the Mission of the University.

b. An elected Trustee shall be disqualified from office upon the conviction of, or plea of nolo contendere, to any felony, or any violation of law constituting a crime of moral turpitude.

c. The Board of Trustees may fill any vacancy occurring in the office of an elected Trustee by electing a successor for the unexpired term. Pursuant to Education Law §226(4), St. John's University is an educational corporation established and maintained by a religious order.

#### 1.08 Emeritus Trustees

a. Any former member of the Board of Trustees who has served at least two consecutive three-year terms with distinction may be designated by the Board to be an Emeritus Member of the Board of Trustees. In order to enable the Board to have access to their counsel and advice, any such Emeritus Members shall be eligible to be invited to attend meetings of the Board and to participate in discussions of the Board. Emeritus Members shall not be counted for the purpose of establishing a quorum and shall not be eligible to vote.

b. A Trustee Emeritus shall be disqualified and the designation revoked upon the conviction of, or plea of nolo contendere, to any felony, or any violation of law constituting a

crime of moral turpitude, or upon the commission of an act of moral turpitude contrary to the Mission of the University.

#### 1.09 Officers of the Board of Trustees

a. The Officers of the Board of Trustees shall be: Chairperson and two (2) Vice Chairpersons. The Chairperson shall be elected for a three (3) year term by secret ballot at a meeting of the Board of Trustees. All Trustees with at least one (1) year of term remaining on the Board are eligible to serve as Chairperson.

b. The Provincial of the Eastern Province of the Congregation of the Mission shall serve as one of the Vice Chairpersons of the Board of Trustees (the “Provincial Vice Chairperson, and as Chairperson of the Governance Committee. The second Vice Chairperson shall be elected for a three (3) year term by the Board of Trustees upon the recommendation of the Governance Committee (the “Elected Vice Chairperson”).

c. The Chairperson shall preside at all meetings of the Board, serve as the principal officer of the Board, and act as liaison officer between the Board and the President. No employee of the University shall serve as Chairperson.

d. In the absence of the Chairperson, the Elected Vice Chairperson shall be invested with the powers and duties of the Chairperson.

e. In the absence of the Chairperson and the Elected Vice Chairperson, the Provincial Vice Chairperson shall possess the powers and perform the duties of the Chairperson.

#### 1.10 Powers and Duties

The Board of Trustees shall have all powers and duties authorized by law, including the following:

a. To establish new academic units of the University or to eliminate existing units according to the needs of the University and the communities which it serves; and

b. Based upon the recommendations made by the President, to approve the salaries of such officers and employees as it shall deem necessary.

c. The University shall not purchase, sell, mortgage, lease, exchange or otherwise dispose of real property unless authorized by the vote of a majority of the Trustees of the Board or a majority of a Committee authorized by the Board, provided that if such purchase, sale, mortgage, lease, exchange or other disposition of real property constitutes all, or substantially all, of the assets of the University, then the vote of two-thirds of the entire Board shall be required, or, if there are twenty-one or more Trustees, the vote of a majority of the entire Board shall be sufficient.

#### 1.11 Meetings of the Board of Trustees

- a. The annual meeting of the Board of Trustees shall be held in September or October.
- b. At least two additional meetings shall be held each year at such times and places as the Trustees may select.
- c. The Board shall meet on its own adjournment or when required by these Statutes or when summoned by its Chairperson. In the absence of the Chairperson, the Board shall meet when summoned by a Vice Chairperson upon the written request of three members of the Board. The President may call a special meeting of the Board of Trustees at any time.
- d. Notice of the time and place of every meeting shall be mailed not fewer than five days nor more than ten days before the meeting to the usual address of every Trustee. Notice of a meeting need not be given to a Trustee who submits a waiver of notice whether before or after the meeting, or who waives notice of the meeting by attending the meeting without protest. Such waiver of notice may be written or electronic. If written, the waiver must be executed by the Trustee signing such waiver or causing his or her signature to be affixed to such waiver by any reasonable means, including but not limited to facsimile signature. If electronic, the transmission of the consent must be sent by electronic mail and set forth, or be submitted with, information from which it can reasonably be determined that the transmission was authorized by the Trustee.
- e. A majority of the entire membership of the Board shall constitute a quorum, and all resolutions shall be enacted by a two-thirds majority vote of those present and voting, except as otherwise specifically provided by these Statutes.
- f. All Board members are expected to be present in person at meetings. If special circumstances warrant, a member or members of the Board or any Committee thereof who cannot be physically present at a meeting may participate through teleconference, video conference, or other electronic means.. Participation by such means shall constitute presence in person at a meeting, as long as all persons participating in the meeting can hear each other at the same time and each Trustee can participate in all matters before the Board, including, without limitation, the ability to propose, object to and vote upon a specific action to be taken by the Board or Committee.
- g. The usual order of business shall be as follows:
  - a. Prayer
  - b. Consideration of the Minutes
  - c. Reports of Officers
  - d. Reports of Committees
  - e. Unfinished Business
  - f. New Business
  - g. Adjournment

h. The Board of Trustees may hold one or more executive sessions at any meeting upon the request of the Chairperson or the President. The Board may exclude from an executive session anyone who may have a conflict of interest with respect to a matter being discussed. The President will be excluded from an executive session discussion during times when the Board is conducting the annual performance review of the President, considering the President's compensation, or at the request of the Chairperson of the Board to discuss matters pertaining to Board functions and communications.

i. The Board of Trustees or any Committee thereof may act without a meeting, provided that all members of the Board or Committee consent to the adoption of a resolution authorizing the action. Such consent may be written or electronic. If written, the consent must be executed by the Trustee by signing such consent or causing his or her signature to be affixed to such consent by any reasonable means, including but not limited to facsimile signature. If electronic, the transmission of the consent must be sent by electronic mail and set forth, or be submitted with, information from which it can reasonably be determined that the transmission was authorized by the Trustee. The resolution and the written consents thereto shall be filed with the minutes of the Board or Committee.

#### 1.12 Committees of the Board of Trustees

a. The Board of Trustees will establish committees, consisting of not fewer than six (6) members. The committees of the Board of Trustees shall be:

1. The Executive and Strategy Committee
2. The Academic Affairs and Student Success Committee
3. The Advancement Committee
4. The Athletics Committee
5. The Audit and Risk Committee
6. The Diversity, Equity and Inclusion Committee
7. The Finance Committee
8. The Governance Committee
9. The Investment Committee
10. The Mission Committee

b. Minutes. Minutes of all Committee meetings shall be made a part of the official records of the Board of Trustees. Each of the Committees shall discuss policies in its area and, except as otherwise provided in §1.13 in respect to the Executive and Strategy Committee, shall submit its recommendations to the Board for action.

#### 1.13 The Executive and Strategy Committee

a. Membership. The Executive and Strategy Committee shall consist of the Chairperson, the Vice Chairpersons, the President, and the chairs of each of the other standing committees of the Board set forth in §1.12a. Upon recommendation of the Executive & Strategy Committee, the Board may appoint additional members of the Executive & Strategy Committee.

b. Chairperson. The Chairperson of the Board of Trustees shall serve as Chairperson of the Executive and Strategy Committee.

c. Quorum. A majority of the members of the Executive and Strategy Committee shall constitute a quorum.

d. Executive and Strategy Committee Action. The affirmative vote of a majority of the Committee members present shall constitute the action of the Executive and Strategy Committee, provided that such majority consists of not fewer than five (5) members of the Committee.

e. The Executive and Strategy Committee shall function as an executive committee and have authority to take final action in the name of the Board on matters which the Executive and Strategy Committee considers so urgent and important as to require immediate action between meetings of the Board, except that it shall have no power to grant degrees or make removals from office of a member of the Board or to remove the President. All such final actions on matters of urgency and importance shall be reported in full at the next meeting of the Board. All other actions taken by the Executive and Strategy Committee shall be subject to approval by the Board. The Executive and Strategy Committee shall also be concerned with strategic priorities of the University and shall make recommendations to the Board concerning such matters.

#### 1.14 Other Committees

a. Membership. The Chairperson and the President shall be *ex officio* members of all committees of the Board of Trustees; except the President shall not be a voting member of the Audit and Risk Committee or participate in the deliberation or voting on matters concerning the President's compensation considered by the Governance Committee. The Board of Trustees will appoint additional members to each of the committees. Such committee members shall hold a one-year term and may succeed themselves.

b. The Board of Trustees may appoint non-trustees to serve on committees, except that non-trustees may not serve on the Executive and Strategy Committee, the Audit and Risk Committee, and the Governance Committee. Non-trustee committee members will have the right to vote on matters at committee meetings. The term of a non-trustee committee member will be one-year. Non-trustee committee members may be re-elected for a maximum of two additional consecutive one-year terms. This term limitation can be waived by resolution of the Board of Trustees in unusual circumstances.

c. Quorum. The numerical majority of the number of elected members shall constitute a quorum. In determining whether the quorum requirement is met, both elected and *ex officio* members shall be counted.

d. Committee Action. The committees shall act by a majority vote of those present and voting.

#### 1.15 The Academic Affairs and Student Success Committee

The Academic Affairs and Student Success Committee shall:

- a. be concerned with policies governing the educational and research programs and activities of the University, the long-range plans of the University as they relate to educational policy of each unit, technology, the organization of the University for instructional purposes, and the approval of new degree programs that require the investment of substantial resources; and
- b. policies, programs, and activities related to the growth and success of students at the University, including services for students, student life activities, student services, and residence life; and assure that appropriate quality indicators/standards are established in these areas and monitor compliance with those standards. It shall make recommendations to the Board concerning such matters. It shall also maintain a continuing relationship with students and student groups in order to facilitate understanding between them and the Board.

#### 1.16 The Advancement Committee

The Advancement Committee shall:

- a. review all fund-raising programs required to finance the advancement of the University;
- b. assist in developing trustee stewardship; and
- c. be concerned with alumni affairs.

#### 1.17 The Athletics Committee

The Athletics Committee shall:

- a. review and monitor the University's mission-driven intercollegiate athletics program with respect to such areas and topics as finances; facilities; capital expenditures; major contracts; admissions standards and policies; student-athlete welfare; Title IX, NCAA and Conference compliance; academic advising; graduation rates; and effective promotion of the University's brand identity; and
- b. assess the University's effectiveness in achieving the strategic plan adopted by Athletics and its stated objectives.

#### 1.18 The Audit and Risk Committee

The Audit and Risk Committee shall consist of not fewer than six (6) appointed independent members. The Audit and Risk Committee shall recommend to the Board an

independent accounting firm to perform an annual audit for the next fiscal year and shall be responsible for ensuring the integrity of financial reporting and an effective system of internal controls by providing oversight of the University's financial practices, internal controls, enterprise risk management, conflict of interest policies (for both employees and Trustees) and whistleblower policy, financial management, standards of conduct, and that individual transactions and/or financial relationships are in compliance with applicable laws and regulations, including rules enacted by the National Collegiate Athletic Association ("NCAA"). Only independent Trustees may participate in any Board or Audit and Risk Committee deliberations or voting relating to matters considered by the Audit and Risk Committee.

#### 1.19 The Diversity, Equity and Inclusion Committee

The Diversity, Equity and Inclusion Committee shall:

- a. support and monitor the University's key strategic efforts relating to advancing diversity, equity, and inclusion goals;
- b. advise the Board of Trustees about emerging issues, and the activities and resources associated with meeting the University's diversity, equity, and inclusion goals;
- c. oversee the development and implementation of educational programming related to racism, especially issues of structural or systemic racism, in the United States and its continuing effects within higher education and the University; and
- d. monitor the demographics and working conditions of employees, the enrollment and educational climate of students, and, at least annually, review reports on the demographics of University students, staff and faculty.

#### 1.20 The Finance Committee

The Finance Committee shall:

- a. consider and recommend action on financial, business, and administrative management policies;
- b. coordinate the formulation of a long-range budget and provide a continuing review of the financial condition of the University; and
- c. consider and recommend action on capital spending that involve expenses in excess of \$5 million.

#### 1.21 The Governance Committee

The Governance Committee shall:

a. be concerned with personnel and governance policies related to the Board of Trustees and the Board of Governors, including fostering a program of orientation, education and evaluation of members of the Board of Trustees and Board of Governors with the support of the Office of the President, the Office of University Mission, and the Office of General Counsel;

b. assess the composition of the Board and its committees;

c. receive and evaluate recommendations from trustees, governors, and trustee *emeriti* for possible candidates for service as trustees or governors; then, screen and select candidates for service as trustees or governors, and recommend trustees for Chairperson and Vice Chairperson of the committees, and membership on committees;

d. manage the process of nominating candidates for service as Chairperson and the Elected Vice Chairperson of the Board;

e. oversee the compensation policies and benefit plans of the University to assure that they are aligned with other strategies to attract and retain quality personnel and that they comply with applicable laws and regulations;

f. recommend the President's compensation; and

g. approve in advance certain executive compensation arrangements as recommended by the President and inform the Board about these matters in executive session.

#### 1.22 The Investment Committee

The Investment Committee shall:

a. direct the investment of the endowment and of the financial assets of the University in accordance with the Investment Fund Policy approved by the Board;

b. provide direction to the Treasurer of the University who shall make investments accordingly; and

c. review and recommend to the Board annually adoption of the University's Investment Fund Policy and report to the Board on the performance of University investments.

#### 1.23 The Mission Committee

The Mission Committee shall be concerned with the policies, programs, and activities designed to assure that the University remains faithful to its mission as a Catholic, Vincentian, Metropolitan and Global institution, particularly those developed and implemented under the auspices



of the Office of University Mission. This shall include overseeing the development and monitoring of compliance with appropriate quality indicators/standards.

#### 1.24 Board of Governors

There shall be a Board of Governors of the University to advise the Board of Trustees and the President on the plans, programs, and activities organized to raise funds from corporations, foundations, alumni and friends to support the students, faculty and academic programs at the University.

The Board of Governors shall serve as a resource to the President and provide a forum for communication among University, alumni and friends concerning the strategic direction of the University. The Board of Governors shall also assist in promoting the University and identifying and securing resources.

#### 1.25 Board of Governors Membership

a. The Board of Governors shall consist of no more than forty (40) members. Members shall be recommended by the President, other trustees or trustee *emeriti* to the Governance Committee, who in turn will make recommendations to the Board of Trustees. Once approved by the Board of Trustees, the President will appoint the members.

b. The Board of Governors shall be comprised of prominent alumni and friends who are committed to generously supporting the University, and who offer their time and services to advance the goals of the University. Members shall be nominated based upon their high level experience in corporate, public and nonprofit organizations.

c. Members may be invited to serve on committees of the Board of Trustees and attend meetings of the Board of Trustees.

d. All members are expected to attend and support the Annual President's Dinner.

#### 1.26 Board of Governors Term of Office

Members shall serve a term of three (3) years and may be reappointed by the President, upon consultation with the Governance Committee, to serve one additional three-year term.

#### 1.27 Officers of the Board of Governors

The Officers of the Board of Governors shall be the: Chairperson and Vice Chairperson. The President, with approval of the Board of Trustees, shall appoint the officers.

## 1.28 Activities of the Board of Governors

- a. The Board of Governors shall act in an advisory, not fiduciary, capacity.
- b. The Board of Governors shall hold one annual meeting each year and additional meetings as called by the Chairperson.
- c. The Officers, in consultation with the President, shall set the agenda for each meeting. Members may suggest proposals for consideration by the Board of Governors by submitting a written proposal to the Chairperson. At any meeting, members may propose an item for the agenda of the next meeting.

## 1.29 Conflict of Interest and Related Party Transactions

- a. Members of the Board of Trustees shall have undivided allegiance to the University's mission when using either the power of their position or information they possess concerning the University or its property. Trustees may never use their position or information concerning the University and its property to allow themselves, or individuals or other entities with whom they are associated, to secure a pecuniary benefit. A Trustee's conduct must further the University goals at all times and not the Trustee's personal interests or those of individuals or other entities with whom the Trustee is associated. The Board of Trustees has adopted a written Conflict of Interest Policy to guide the conduct and actions of all Trustees concerning matters that can give rise to apparent or actual conflicts of interest.
- b. All Trustees shall maintain strict confidentiality on all Board issues.
- c. The Board of Trustees recognizes that none of its members shall benefit financially or otherwise to the detriment of the University. The Board of Trustees further recognizes that many of its members have been selected because of their expertise, knowledge and prominence in their particular fields of endeavor and that such expertise by them, or individuals or other entities with whom they are associated, may be of benefit to the University.
- d. A conflict of interest is presumed to arise when the University has or is considering a transaction or other business relationship with a Trustee or a member of his or her immediate family or with an entity in which the Trustee or family member has a material financial interest ("Related Party Transaction"). The University shall not enter into a Related Party Transaction unless the transaction is determined by the Board of Trustees to be fair, reasonable and in the University's best interest.
- e. Any Trustee who has an interest in a proposed transaction shall make a full disclosure of all material facts concerning such interest as soon as he or she becomes aware of a potential transaction involving the University. Prior to entering into a Related Party Transaction, the Board of Trustees shall first consider alternative transactions to the extent available. If an alternative transaction is not available, the Board may approve the transaction if it determines that the transaction is fair, reasonable and in the University's best interest. In any action taken by the Board of Trustees,

the minutes shall reflect that the Trustee disclosed his or her interest, that alternative transactions were considered, and that the disinterested Trustees, without any deliberation, vote or influence by the interested Trustee, approved or disapproved the Related Party Transaction, and the basis for the decision.

f. To implement the foregoing policies, each Trustee will submit an annual Conflict of Interest Statement to the Vice President, Chief of Staff and Secretary of the University and, if not previously disclosed, will make disclosure of any actual or potential conflict. The Vice President, Chief of Staff and Secretary of the University shall provide a copy of all completed statements to the Chairperson of the Audit and Risk Committee and the Chairperson of the Board. It is the further responsibility of each Trustee to advise the Chairperson of the Audit and Risk Committee should a particular situation arise in which he or she may have a conflict of interest not evident from the Statement of Interest. These matters shall be reviewed by the Audit and Risk Committee, which will attempt to resolve any actual or potential conflict and, in the absence of resolution, shall refer the matter to the Board of Trustees for resolution. In addition, all disclosures of any actual or potential conflict, whether or not resolved by the Audit and Risk Committee, shall be reported to the Board of Trustees.

#### 1.30 Indemnification

The University shall indemnify, to the full extent now or hereafter permitted by the New York Not-For-Profit Corporation Law, any person, by reason of the fact that such person, his or her testator or testatrix, or intestate is or was a Trustee or officer of the University or served any other corporation or partnership, joint venture, trust, employee benefit plan, or other enterprise in any capacity at the request of the University. Any such person who is made, or threatened to be made, a party in any civil or criminal proceeding shall be indemnified against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees actually and necessarily incurred, for the defense of any such action or proceeding or any appeal therein. Such indemnification shall not be deemed exclusive of any other indemnification rights to which any person may be entitled as such rights may be authorized by the New York Not-For-Profit Corporation Law, as amended from time to time.

#### 1.31 Amendment of Statutes

a. These Statutes may be amended or revoked in whole or in part by a two-thirds (2/3) majority of the Board of Trustees upon notice in writing to the members of the Board outlining the subject matter of the proposed amendment.

b. A proposed amendment may itself be amended by a two-thirds (2/3) vote of the Board of Trustees at the same meeting at which the original amendment is offered or thereafter.

#### 1.32 Authority of Statutes

These Statutes having been approved by a two-thirds (2/3) vote of the Board of Trustees shall govern the actions of all officers, personnel, boards and committees of the University.

## ARTICLE 2 THE UNIVERSITY ADMINISTRATION

### 2.01 Administrative Officers

The administrative officers of the University shall be the President, the Vice President, Chief of Staff and Secretary, the Executive Vice President for Mission, the Provost and Vice President for Academic Affairs, the Vice President for Business Affairs, Chief Financial Officer and Treasurer, and the Vice President for Administration and General Counsel and such other vice presidents as, from time to time, may be appointed by the President.

### 2.02 Appointment of Administrative Officers

a. The President shall be a Priest or Brother of the Congregation of the Mission, Eastern Province of the United States. The Board of Trustees can waive this requirement from time to time. The President shall be elected to office by a majority vote of the Board of Trustees.

b. A person may hold two or more administrative offices concurrently, except that a person may not be both President and Secretary of the University at one time.

### 2.03 Duties and Responsibilities

The administrative officers shall have the duties and responsibilities hereinafter prescribed for their offices and such other duties and responsibilities as, from time to time, may be designated by the President acting under the authority of the Board of Trustees.

### 2.04 Administrators

Other administrators of the University shall include: the Deans of each academic unit, the Dean of University Libraries and such other administrators as may be appointed by the President from time to time.

### 2.05 Appointment of Administrators

a. The Deans of each academic unit and the Dean of University Libraries shall be approved by the President, upon recommendation of the Provost and Vice President for Academic Affairs.

b. All other administrators shall be appointed by the President and shall have the duties and responsibilities as may be designated by the President from time to time.

c. An individual may hold more than one administrative position concurrently.

## 2.06 President

The President shall be the Chief Executive Officer of the University and shall have general supervisory authority and responsibility over all its affairs. He shall have the powers and duties commonly incident to the office of President. His duties, responsibilities and authority shall include the following:

- a. General Supervision and Administration.
  - i. The President shall exercise general supervision over all the affairs and property of the University, subject to the control of the Board of Trustees;
  - ii. The President shall evaluate all the activities of the University to ensure compliance with approved policies and fulfillment of stated objectives of the Board of Trustees;
  - iii. The President shall lead the development, implementation and administration of the affairs of the University and the development of University policies;
  - iv. The President shall supervise through the appropriate officers, academic affairs, student affairs, business and financial affairs, development, athletic activities, public relations functions and all other affairs of the University;
  - v. All administrative officers, members of the instructional staff and all other employees of the University shall be responsible to the President and shall be under his direction, either directly or through officers to whom the President has delegated responsibility for units of the University and for their personnel.
  - vi. The President shall be the official medium of communication between the faculty and the Board of Trustees and, when appropriate, transmit the recommendations of the University Senate and other councils and committees to the Board of Trustees;
- b. Faculty Status. The President shall be an *ex officio* member of every faculty within the University and may at his discretion call a meeting of any such faculty, and shall *ex-officio* hold the academic rank of Professor.
- c. Employment Relationships. The President shall act for the University, either directly or through officers and other administrators to whom he has delegated responsibility, in all matters pertaining to the appointment, reappointment, promotion, compensation, dismissal and other employment relationships of members of the instructional staff and of all other employees of the University.
- d. Appointment of Special Assistants. The President may designate an educational adviser to serve as a Special Assistant to him. In addition, the President may appoint one or more

assistants who shall perform such functions as, from time to time, may be assigned to them by the President.

e. Business and Financial Affairs.

- i. The President shall have power, together with the Secretary of the Board of Trustees, or the Secretary of the University, to the extent permitted by law of the State of New York, to sign and join in the execution of all deeds and instruments in the name of the Board of Trustees and to affix thereto the corporate seal of the University.
- ii. The President shall have power to execute and to cause the seal of the University to be affixed to any general or other release in respect of claims, suits, and actions by or against the University.

f. Budgets.

- i. On or about January 15 of each year, after consultation with the appropriate administrative officers, the President shall submit to the administrators who are charged with preparing the annual budget requests, a budget message which will contain guidelines for them in preparing such annual budget requests for the next fiscal year.
- ii. On or about May 1 of each year, after following the appropriate procedures set forth in these Statutes, the President shall submit the annual budget for the next fiscal year to the Board of Trustees.

g. Long Range Planning. The President shall be responsible for long range planning for the improvement and development of the University, taking into consideration the previously approved plans, objectives, educational developments, and the prospective resources of the University. Upon approval by the Board of Trustees, these plans shall become a part of the policy of the University and may not thereafter be changed without the approval of the Board of Trustees.

h. Commencements and Convocations. The President shall preside at commencement exercises and other University assemblies, and he shall sign and confer in the name of the Board of Trustees, all certificates, degrees, and honors voted by the Board.

i. Public Relations. The President shall be responsible for the public relations of the University in its association with the educational world, the community, the faculty and the students of the University. He shall exert his efforts toward the maintenance of University contacts and the establishment of new ones in a continuing program to extend the influence and increase the resources of the University.

j. Interpretation of the Statutes. The President shall be, in consultation with the Executive and Strategy Committee of the Board of Trustees, the authoritative interpreter of the

provisions contained in Articles 3 through 11 of these Statutes. In all other matters, the Board of Trustees is the authoritative interpreter of the University Statutes, policies and procedures.

k. Annual Report to the Board. On or about September 1 of each year, the President shall submit to each member of the Board of Trustees, a written report of the conditions, needs and plans of the University. At each annual meeting, the President and Vice President for Business Affairs shall present a report to the Board, which is certified by an independent firm of certified public accountants approved by the Board of Trustees, showing in appropriate detail the following:

- i. The assets and liabilities, including the trust funds, of the University as of the end of the fiscal year not more than six months prior to the meeting;
- ii. The principal changes in assets and liabilities, including trust funds, during the fiscal year;
- iii. The restricted and unrestricted revenue or receipts of the University for the fiscal year; and
- iv. The general and restricted expenses or disbursements of the University for the fiscal year.

#### 2.07 Vice President, Chief of Staff and Secretary

a. The Vice President, Chief of Staff and Secretary of the University shall attend the meetings of the Board of Trustees and serve as Secretary to the University; have custody of the seal of the University and, at the request of the President, affix the seal to any documents executed by the President, the Executive Vice President for Mission, the Provost and VPAA, the VPBA, CFO and Treasurer, and the VPA and General Counsel; and inform the members of the faculty and administration of actions of the Board of Trustees.

b. The Vice President, Chief of Staff and Secretary of the University shall have such other powers and perform such other duties as are commonly incident to the office of Secretary.

#### 2.08 Executive Vice President for Mission

a. The Executive Vice President for Mission shall be a priest of the Congregation of the Mission, Eastern Province of the United States, and shall be the principal adviser to the President on all matters relating to developing and supporting the Vincentian Mission of the University at the University. He shall have administrative responsibility over such other areas as, from time-to-time, may be assigned by the President.

#### 2.09 Provost and Vice President for Academic Affairs (“Provost and VPAA”)

a. The Provost and VPAA shall be the chief executive officer second in command to the President and, in the absence of the President, shall have the powers and perform the duties of the

President. If such absence results from a vacancy in the Office of the President, the Provost and VPAA shall have such powers and perform such duties of the President until an Acting President or a successor President is appointed by a majority vote of the Board of Trustees in accordance with these Statutes.

b. The Provost and VPAA shall be the principal academic adviser to the President and the chief academic officer for all of the academic units of the University. The Provost and VPAA shall be responsible for the general supervision and coordination of the planning and evaluation of the academic affairs of the University. The Provost and VPAA shall conduct a systematic and continuing program of evaluation of the academic and related areas of the University. The Provost and VPAA shall propose plans and actions in academic matters, shall review plans for new academic programs and shall assist in the development and implementation of new educational programs and policies. The Provost and VPAA shall be an *ex officio* member of every academic committee of the University.

c. Upon delegation from the President, the Provost and VPAA shall represent the University in educational and accreditational relationships. The Provost and VPAA shall exercise general supervision over the completion of questionnaires, studies and reports submitted by the University to various educational, accrediting and governmental agencies.

d. The Provost and VPAA shall exercise jurisdiction over such other vice presidents and other administrators to the extent the President deems appropriate.

e. The Provost and VPAA shall recommend to the President, after appropriate consultation, the appointment of directors and chairpersons of departments or divisions (hereinafter referred to as "departments") and shall be responsible, through appropriate procedures, for the supervision of such directors and chairpersons.

f. The Provost and VPAA shall be responsible, through appropriate procedures, for academic appointments, reappointments and assignments. The Provost and VPAA shall appoint such faculty committees as are not elected.

g. With the approval of the President, the Provost and VPAA shall have the power to appoint such assistants, who shall perform such functions as, from time to time, may be assigned to them by the Provost and VPAA.

The Provost and VPAA, prior to the commencement of the spring semester and at least four weeks prior to the elections, shall notify the faculty of the time during the spring semester at which the elections for departmental chairpersons and membership on the departmental personnel and budget committees shall take place. The Provost and VPAA shall also notify the faculty of the time for subsequent elections of faculty members to the college personnel committees, the University Personnel Committee, and the University Personnel Committee for Law School Personnel, and selected other committees and shall notify the faculty and, where appropriate, the students, of the time for elections to the faculty councils and the University Senate.



2.10 Vice President for Business Affairs, Chief Financial Officer and Treasurer (“VPBA, CFO and Treasurer”)

a. The VPBA, CFO and Treasurer shall be the principal fiscal adviser to the President, and shall be responsible for the business and financial affairs of the University, and shall advise administrative officers in matters of financial policy.

b. The VPBA, CFO and Treasurer shall be responsible for the direction, coordination and preparation of the budget. The VPBA, CFO and Treasurer shall submit to the President the proposed annual budget of the University. Upon approval of the budget by the President and the Board of Trustees, the VPBA, CFO and Treasurer, in consultation with the appropriate Committees, shall be responsible for the administration of all items thereof. The VPBA, CFO and Treasurer shall make reports to the budget administrators at regular intervals.

c. The VPBA, CFO and Treasurer shall be responsible for the proper expenditure of all funds of the University and shall keep accurate books of the University’s transactions, which shall be the property of the University, and shall be subject at all times to the inspection and control of the Board of Trustees and any committee thereof.

d. The VPBA, CFO and Treasurer shall arrange for an annual audit of all the accounts and books of the University by an independent firm of certified public accountants approved for that purpose by the Board of Trustees.

e. The VPBA, CFO and Treasurer will ensure the integrity of financial reporting and an effective system of internal controls by providing oversight of the University’s financial practices, internal controls, financial management and standards of conduct.

f. The VPBA, CFO and Treasurer shall receive all moneys paid to the University and be responsible for their custody; deposit all funds of the University in such bank or banks, trust company or trust companies, or with such firm or firms doing a banking business, as the Board of Trustees shall designate; act for the University in respect of all negotiable and non-negotiable paper and debt instruments and its bank accounts.

g. The VPBA, CFO and Treasurer shall, consistent with the policies of the Investment Committee of the Board, have the authority to sell, assign and transfer all stocks, bonds, evidence of interest, evidence of indebtedness and/or of other obligations, and all other securities, corporate or otherwise, held by the University in its own right, and to execute any and all instruments necessary, proper or desirable for the purpose.

h. The VPBA, CFO and Treasurer shall have the power to execute and to cause the seal of the University to be affixed to any general or other release in respect of claims, suits and actions by or against the University.

i. The VPBA, CFO and Treasurer shall be responsible for payment of taxes or assessments against University buildings and properties.

j. The VPBA, CFO and Treasurer shall have such other powers and perform such other duties as are commonly incident to the office.

a. The VPBA, CFO and Treasurer shall have administrative responsibility over such other areas as from time to time are assigned by the President.

## 2.11 Vice President for Administration and General Counsel (“VPA and General Counsel”)

a. The VPA and General Counsel shall act as counsel to the Board of Trustees, the President, and other University administrative offices, and shall be responsible for all legal affairs of the University.

## 2.12 Academic Deans

a. Each academic unit of the University shall be administered by a Dean who shall be responsible to the President through the Provost and VPAA.

b. The Dean shall administer the academic work of the unit in accordance with the provisions of these Statutes. The Dean may initiate academic policies affecting the unit that are consistent with these Statutes.

c. The Dean shall be responsible for the discipline of students on academic matters and shall have the authority to suspend, dismiss or otherwise discipline students who fail to meet the academic standards of the unit.

d. The Dean may recommend to Departmental Chairpersons candidates for appointments and reappointments to the faculty for promotion or for conferral of tenure.

e. The Dean shall supervise the recruitment of faculty to ensure the adequate staffing of the academic unit and the implementation of the policies of its personnel committees concerning recruitment and hiring.

f. With respect to each person considered for appointment, reappointment, promotion or tenure, the Dean shall report to the Provost and VPAA any actions recommended by the School or College Personnel Committee, and provide the Dean’s recommendation as to each such action. Where an action by the Departmental Personnel and Budget Committee is without appeal, the Dean shall report such action as well.

g. The Dean shall supervise the activities of Departmental Chairpersons.

h. The Dean shall implement the policies established by the Faculty Council and those established by the University Senate and the Board of Trustees.

i. The Dean shall serve as the medium of communication for all official business of the unit within the University; the Dean shall be an *ex officio* member of all committees of the unit.

j. Except where these Statutes require the election of committees, the Dean shall appoint faculty members to serve on committees, and assign faculty members to such administrative duties and special posts as the Dean may deem advisable. The Dean shall be consulted concerning the nomination and appointment of faculty members of the unit to committees of other colleges and of the University.

k. The Dean shall preside at meetings of the Faculty Council of the unit.

l. The Dean may serve as spokesperson for the unit and shall make such public and professional contacts, as the Dean deems necessary or advantageous for the welfare of the unit. The Dean or the Dean's designee shall represent the unit in educational and professional associations and shall provide for adequate representation at meetings of pertinent learned and professional societies.

m. The Dean shall be responsible for developing a budget for the unit. The Dean shall receive the tentative departmental budgets from the departmental chairpersons. The Dean shall discuss the tentative departmental budgets with the Committee on Budget of the Faculty Council and the Dean shall prepare revised tentative budgets for all budget units within the unit. Each year, the Dean shall transmit the unified budget together with the committee's comments and the Dean's recommendations to the Provost and VPAA.

n. The Dean shall be responsible for the administration of the budget of the unit.

o. The Dean shall be responsible for the preparation of appropriate material for the bulletins of the University and shall submit the material to the editor of such publications, according to the University calendar. The material shall conform in all respects to the stated policies of the University.

p. On or about July 1 of each year, the Dean shall submit to the Provost and VPAA an annual report on the operation of the unit including its achievements, projected needs, plans for improvement and strengthening of the educational programs and other appropriate recommendations.

q. A person appointed to assist a Dean in the administration of a unit of the University may be designated Associate Dean, Assistant Dean, Assistant to the Dean or Director. Such person shall be appointed by the President after consultation with the Dean of the unit involved and the Provost and VPAA, and shall act under the supervision, direction and delegation of the Dean.

## 2.13 Dean of University Libraries

a. The Dean of University Libraries shall be responsible to the President through the Provost and VPAA.

b. The Dean of University Libraries shall define the functions and scope of each library in accordance with established policy and shall be responsible for the arrangement, care and overall administration of the Libraries.

c. The Dean of University Libraries shall prepare an annual budget for the Libraries which shall be transmitted to the Provost and VPAA each year. Under the supervision of the Provost and VPAA, the Dean of University Libraries shall be responsible for the administration of said budget.

d. The Dean of University Libraries shall be an *ex officio* member of the Library Committee of each school in which one exists.

e. On or about July 1 of each year, the Dean of University Libraries shall submit to the Provost and VPAA an annual report on the operation of the Libraries, projected needs and recommendations.

## 2.14 Budgets and Annual Reports

a. Each of the Vice Presidents, the Vice President, Chief of Staff and Secretary, the Provost and VPAA and the VPA and General Counsel of the University shall be responsible for the budgets of their respective offices. Each year, they shall submit their proposed budgets to the VPBA, CFO and Treasurer of the University. The Vice Presidents, the Vice President, Chief of Staff and Secretary, the Provost and VPAA and the VPA and General Counsel of the University shall include the budgets of all of the academic or administrative units within their jurisdiction. The VPBA, CFO and Treasurer shall include all budgets in the proposed annual budget of the University. The VPBA, CFO and Treasurer will then present the proposed annual budget to the President. Upon approval of the annual budget by the President and the Board of Trustees, the VPBA, CFO and Treasurer shall be responsible for the control of the budget of the University.

b. On or about August 1 of each year, each Vice President, the Vice President, Chief of Staff and Secretary, the Provost and VPAA and the VPA and General Counsel of the University shall submit to the President an annual report on the operation of their offices, their projected needs and recommendations. Such reports shall include a digest of the reports they shall receive from their respective academic or administrative units. Each of them shall make such interim reports as are requested by the President.

### ARTICLE 3 ACADEMIC GOVERNANCE

#### 3.01 Faculty Governance of Academic and Faculty Matters

The Board of Trustees of the University hereby delegates the authority and responsibility for academic and faculty matters to the Faculty, with appropriate involvement of Administration, in accordance with the provisions set forth herein.

#### 3.02 The Faculty and Instructional Staff

a. The “Faculty” shall consist of all persons employed full time in the titles of Professor, Associate Professor, Assistant Professor, Instructor, Research Professor and Visiting Professor.

b. The “Instructional Staff” shall consist of all persons employed in the titles of Professor, Associate Professor, Assistant Professor, Instructor, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor, Department Chairperson, Laboratory Supervisor, Research Professor, Research Fellow and Visiting Professor.

#### 3.03 Eligible Faculty

a. All faculty holding the rank of Instructor, Assistant Professor, Associate Professor or Professor since the beginning of the then current academic year shall be eligible to vote in a faculty election and shall be eligible to hold a position on a faculty governing body (“Eligible Faculty”) unless disqualified under paragraphs (i), (ii) herein.

i. Faculty on an unpaid leave of absence shall not be Eligible Faculty.

ii. Faculty who receive a notice of non-renewal of contract or who resign shall not be Eligible Faculty.

### 3.04 Faculty Voting Rules

- a. An Eligible Faculty member may not vote on any matter concerning his/her reappointment, promotion, conferral of tenure or in any matter involving a conflict of interest.
- b. Each Eligible Faculty member shall cast his or her vote on the applicable official voting form.
- c. All elections shall be by secret ballot.
- d. Proxy or mail voting shall not be permitted; provided, however, that eligible faculty who are assigned to teach on a campus other than the campus where the election is being held may participate in the election by mail ballot sent to the Chairperson of the Department.
- e. The appropriate dean or department chairperson or director shall certify the results of all faculty elections to the President of the University within one week of the election.

## ARTICLE 4 DEPARTMENT ORGANIZATION

### 4.01 Department Organization

St. John's College, the School of Education, The Peter J. Tobin College of Business, and the College of Pharmacy and Health Sciences shall be divided into academic departments. St. John's College shall also contain the Division of Library Sciences. The Lesley H. and William L. Collins College of Professional Studies shall be divided into academic divisions. The following provisions, which apply to academic departments, shall apply with equal force to academic divisions. Academic departments may be established, modified, merged, or terminated by vote of the applicable Faculty Council subject to the approval of the Board of Trustees. As used herein, the terms "school" and "college" shall be interchangeable.

### 4.02 Department Meets to Facilitate Faculty Development in Teaching

In order to facilitate ongoing faculty development in teaching and promote shared knowledge and techniques in support of building and maintaining a culture of learning among faculty and students, each department will set aside one meeting per semester for faculty to discuss syllabi, teaching portfolios and classroom observations.

### 4.03 Department Educational Policy

The eligible faculty in each academic department shall be responsible for the development of policy concerning the department's educational affairs and shall have the fullest measure of autonomy consistent with the maintenance of general educational policy of the University, subject to the approval of the appropriate Faculty Council and the University Senate. Department authority shall extend, but not be limited to, the content and frequency of specific course offerings, major and minor requirements, prerequisites, and other matters which may affect the level and quality of instruction. Each department shall be responsible for transmitting policy recommendations regarding its own curriculum to the Faculty Council of its school for approval.

### 4.04 Department Educational Policy Committees

a. In each academic department with ten or more faculty members, there shall be an Educational Policy Committee. Each department engaged in both graduate and undergraduate education and with a faculty membership of ten or more shall establish two educational policy committees, one to deal with undergraduate matters, the other to deal with graduate matters.

b. Academic departments with fewer than ten members, may exercise their educational policy functions through a Faculty Council Curriculum Committee or through a committee consisting of all Eligible Faculty.

#### 4.05 Department Educational Policy Committee Membership, Voting and Term of Office

- a. Each Educational Policy Committee shall consist of not fewer than four Eligible Faculty members, one of whom shall be the Department Chairperson.
- b. The Eligible Faculty members in a department shall elect by secret ballot, electronic or paper, the members of the committee at the time that they select nominees for Department Chairperson.
- c. Each committee member shall have a term of three (3) years coinciding with the term of office of the Chairperson.
- d. Vacancies shall be filled in the same manner.

#### 4.06 Department Personnel and Budget Committee

Each academic department shall have a Personnel and Budget Committee which shall have primary responsibility: (1) to formulate department policy; (2) to administer such policy with respect to faculty recruitment, appointments, reappointments, promotions and the conferral of tenure; and (3) to review budget requests prepared by the Chairperson.

#### 4.07 Department Personnel and Budget Committee Membership

- a. Each Department Personnel and Budget Committee shall consist of no fewer than three (3) nor more than five (5) tenured Eligible Faculty members, including the Department Chairperson as a voting member.
- b. The Eligible Faculty members in a department shall elect by secret ballot, electronic or paper, the members of the Department Personnel and Budget Committee. The Eligible Faculty shall also vote for a Department Personnel and Budget Committee Secretary to take accurate minutes. Elections for Department Personnel and Budget Committee members and secretary shall take place in February unless someone needs to be replaced, such as death or retirement. In such cases an election shall take place within thirty (30) days.
- c. Membership on the Department Personnel and Budget Committee shall be for a three-year term and the terms shall be staggered so that each year approximately one-third (1/3) of the committee membership is replaced.
- d. If there are fewer than three tenured Eligible Faculty members available and willing to serve in a department Personnel and Budget Committee then, non-tenured faculty members with at least two years of full-time service in the department may be elected to achieve the minimum of three on the committee, but such additional non-tenured faculty members may not vote on tenure or promotion matters or on any matter relating to the appointment of a faculty member with concomitant tenure. In such departments matters relating to promotion, tenure or an appointment with concomitant tenure shall be submitted to the College Personnel Committee for initial



consideration and vote. Under such circumstances, the College Personnel Committee shall solicit and consider recommendations from the tenured members of the department.

e. A faculty member who serves as a member of the Department Personnel Committee may not simultaneously serve as a member of a College Personnel Committee or of the University Personnel Committee.

#### 4.08 Department Chairperson

The Department Chairperson is the academic leader of the department, a faculty member as well as the department liaison to the administration. As the academic leader of the department, the Chairperson is obliged to represent its interest and serve its welfare while taking into consideration the overall interests of the University community. The Department Chairperson has a special obligation to build excellence in teaching, service, and scholarship in the department.

#### 4.09 Qualifications for Department Chairperson

- a. To qualify for selection as a Department Chairperson, a faculty member:
  - i. Shall be tenured.
  - ii. Shall have a terminal degree or its equivalent as defined herein.
  - iii. Shall be an Associate Professor or Full Professor.
- b. The President of the University may waive any of these qualification requirements. In such cases, a written justification must be provided to all Department members, as well as the Dean.

#### 4.10 Selection of Department Chairperson

- a. Nomination by the Department
  - i. The Provost and VPAA may meet with the Dean and with the members of the department qualified to serve as Chairperson and discuss the needs of the department which will be considered in evaluating the nominees, before the department selects nominees for Chairperson.
  - ii. The Provost and VPAA shall submit the names of all qualified candidates for Chairperson to the department at least four (4) weeks before the election of nominees. A qualified faculty member may have his or her name removed from

the ballot by written request delivered to the Provost and VPAA at least ten (10) school days before the election.

- iii. During the month of February, the election of nominees for Chairperson, all Eligible Faculty members in the department shall be convened by the Chairperson or in his/her absence, by the Dean.
  - iv. The department shall conduct the election of no more than three nominees for Chairperson by secret ballot, electronic or paper. The ballot shall list all members of the department eligible to serve as Chairperson, except for faculty members who have requested removal of their names from the ballot. The Provost and VPAA will provide a link for electronic voting. The Provost and VPAA will report the results with the tally to the Dean. The Dean will notify the department of the results, which will be included in the department meeting minutes.
- b. Recommendation by the Provost and VPAA
- i. The Provost and VPAA and the Dean may interview each of the nominees. The Provost and VPAA, after consultation with the Dean, shall select from among the nominees the person to be recommended for appointment as Department Chairperson. The name of the person recommended, together with the others nominated, shall be forwarded to the President of the University.
  - ii. If a department submits only one nominee to the Provost and VPAA for approval, the Provost and VPAA may recommend another qualified member of the department for Department Chairperson. In such cases, the Provost and VPAA shall communicate the reasons for submitting an additional Chairperson candidate. In determining the number of nominees submitted by the department, the Provost and VPAA shall not consider any nominee who indicates an unwillingness to serve as Chairperson.
  - iii. If a department nominates more than one person and the Provost and VPAA does not approve any of the nominees, the Provost and VPAA shall communicate the reason for not approving the nominees to the Chairperson and confer with the Eligible Faculty of the department to determine whether the department wishes to submit any additional nominations, and thereafter the Provost and VPAA shall report to the President any subsequent action by the department, together with the Provost and VPAA's own recommendation of a Chairperson.
- c. Action by the President
- i. The President shall review the nominations of the department and the recommendation of the Provost and VPAA and shall appoint the Department Chairperson. An appointment by the President of a Department Chairperson other than one nominated by the department should occur only after careful consideration by the President of the qualifications of all those nominated by

the department. The President should base his recommendation on the capacity of the individual selected to act effectively as the department administrator and spokesperson, and as a participant in the formation, development, and interpretation of University-wide interest and policy. In cases where the President appoints a candidate other than the one nominated by the department, the reasons shall be communicated to the department.

- ii. The Provost and VPAA shall announce appointments no later than the June 15 after the candidates have been nominated by the department and such appointments shall take effect on July 1 thereafter.
- iii. Vacancies shall be filled in the same manner and shall be for the unexpired term within thirty (30) school days.

#### 4.11 Department Chairperson Term of Office

- a. The term of a Department Chairperson shall be three years.
- b. Normally, an individual may not serve as Chairperson for more than two consecutive terms. The President of the University may waive this limit.

#### 4.12 Duties of Department Chairperson

- a. With respect to services to students, the Chairperson shall:
  - i. Effectuate faculty policies regarding admissions and academic standing.
  - ii. Provide department leadership in initiating and implementing the proper advisement of graduate and undergraduate students.
  - iii. Supervise the preparation and coordination of examinations for graduate and undergraduate students, and supervise the direction of theses and dissertations of graduate students.
  - iv. Be available to students each semester until all final grades are posted by all faculty members in the department.
  - v. Have initial responsibility for receiving, evaluating and resolving student complaints regarding academic matters pertaining to the department.
- b. With respect to personnel, the Chairperson shall:
  - i. Have primary responsibility for recruiting appropriate candidates for the instructional staff of the department.
  - ii. Assign faculty to specific courses and arrange faculty schedules in conjunction with the appropriate department committees and program coordinators in conformity with the procedures existing at the University.

- iii. Monitor and guide the professional development of the members of the instructional staff of the department, especially of probationary faculty. This shall include evaluation and conferral with each member of the instructional staff, where the Chairperson deems it appropriate, regarding the individual's performance as a teacher and as a researcher, the relationships of the individual with students and colleagues, and the individual's professional and creative work.
  - iv. Administer the system of evaluation of faculty members in the department.
  - v. Preside at the Department Personnel and Budget Committee meetings.
  - vi. Supervise the activities of all non-instructional personnel in the department.
- c. With respect to program development and administration, the Chairperson shall:
  - i. Preside at the Department Educational Policy Committee meetings.
  - ii. Provide leadership in developing programs of study, updating existing degree programs, maintaining current course syllabi, textbooks, and other instructional materials and assuring appropriate support for programs of study in the University libraries and in other similar University facilities.
  - iii. Have initial responsibility for planning course offerings for each semester and summer session in conjunction with the appropriate department committees and program coordinators.
- d. With respect to additional duties, the Chairperson shall:
  - i. Prepare the department budget in conjunction with the Department Personnel and Budget Committee and administer the final department budget.
  - ii. Prepare materials for the *Bulletin* in consultation with program coordinators.
  - iii. Prepare the department annual report.
  - iv. Maintain department records.
  - v. Supervise the use of the physical facilities and special equipment of the department. In departments in the College of Pharmacy and Health Sciences which offer laboratory courses and the departments of Biological Sciences, Chemistry and Physics of St. John's College, this shall include, upon the request of and at the expense of the University, the duty to obtain such certifications as are required by governmental authorities.

- vi. Review all grant proposals before they are submitted to the proper authorities by department faculty and, where appropriate, by students.
- vii. Meet periodically with the faculty members of the department to conduct the regular business of the department.
- viii. Attend meetings of Chairpersons called by the Dean and/or the Provost and VPAA at least once a month and at other reasonable times.
- ix. Maintain office hours at least four (4) days a week, three (3) of which shall be on campus. Chairperson office hours shall be posted and communicated to the Dean, department faculty and students.
- x. Represent the department at scholarly and professional meetings when such attendance is deemed by the Dean to be appropriate.
- xi. All new Chairpersons will attend orientation and training offered by the Provost and VPAA and the AAUP-FA to discuss the Chairperson's role and the Collective Bargaining Agreement.
- xii. Supervise and participate in the registration of graduate and undergraduate students during all registration periods (including, to the extent requested by the Dean, the two-week period prior to the beginning of a semester), and those of summer sessions.

#### 4.13 Department Cooperation

- a. Each department shall cooperate with related departments and with University agencies in general in the development of college and university-wide interests.
- b. When a school requires the academic services of a department in a different school in order to complete its curriculum, it shall be the responsibility of the school seeking such services to request them from the department in question through the Dean of that school.
- c. After the Dean's approval, it becomes the joint responsibility of the department providing such service and the other school to develop suitable courses or programs and to maintain an effective liaison with each other. The courses or programs developed shall be subject to the jurisdiction of the school requesting them.
- d. A department providing courses for another school shall have the right to have a representative present at meetings of that school's Faculty Council when matters regarding courses it teaches are discussed.
- e. When curricular changes are contemplated by a department of a school that will affect the number or quality of the personnel in a department of a different school, reasonable efforts shall be made to acquaint both the Dean and the Chairperson of the school and department

affected with the contemplated changes sufficiently in advance of their proposed implementation so that adjustments in personnel may be accomplished with as little difficulty as possible.

f. All curricular changes shall be reported to the University Senate in advance of their implementation through the Senate's Educational Programs and Developments Committee.

## ARTICLE 5 SCHOOL GOVERNANCE

### 5.01 Faculty Councils

a. Each school shall have a Faculty Council which shall exercise legislative authority and responsibility for formulating and maintaining the educational policies of that school. Faculty councils shall be responsible for the formulation of educational policy relating to school curricular matters, and regulations pertaining to the admission, retention and graduation of students that concern only the school which the Faculty Council represents, subject only to the Board of Trustees.

b. A separate Faculty Council shall exist for each of the following:

St. John's College  
School of Education  
The Peter J. Tobin College of Business  
College of Pharmacy and Health Sciences  
Lesley H. and William L. Collins College of Professional Studies

c. The governance of the School of Law and its Faculty Council are addressed in Article 11.

d. Each Faculty Council shall make its own bylaws.

### 5.02 Committees of the Faculty Councils

a. The standing committees of each Faculty Council shall be a Committee on Curriculum and a Committee on Budget. The Committee on Budget shall report to the Council on the annual budget of the school concerned. The Committee on Curriculum shall report on curriculum of the school and shall evaluate and make recommendations on other academic matters, including academic programs and policies. Each Faculty Council shall provide in its bylaws for the selection of members for standing committees and any special committees created by the Faculty Council.

b. Each Faculty Council may appoint special committees from time to time. Any committee established by a Faculty Council to develop policies relating directly to the students in its school, shall notify the authorized full-time student representatives of their right to an opportunity to express their views to such special committee.

### 5.03 Faculty Council of St. John's College

a. The Faculty Council of St. John's College shall consist of two types of members: (1) *ex officio* members, and (2) elected members. *Ex officio* members shall have the same rights, privileges and responsibilities as elected members, including voting rights.

b. The *ex officio* members shall be the Dean of St. John's College, the Associate Dean or Deans, Assistant Dean or Deans, the Department Chairperson of each instructional department, and the Director of each instructional division.

c. Each academic department and division in St. John's College shall elect two Eligible Faculty members as delegates to the Faculty Council.

d. The Dean of St. John's College, after consultation with the Chairperson of the department involved, shall appoint an Eligible Faculty member to fill any vacancy resulting from the failure of a department to elect its delegate. The appointee shall be an Eligible Faculty member from the department concerned.

e. Membership on the Faculty Council of St. John's College shall be for a two-year term. Elections shall be by all Eligible Faculty in each academic department and division.

f. The bylaws of the Faculty Council of St. John's College shall provide for membership by students of St. John's College and for the number or proportion and means of selection of such student members.

g. The Secretary of the Faculty Council of St. John's College shall be nominated and elected by the Council.

h. The Dean of St. John's College shall preside at meetings of the Faculty Council. If the Dean is absent, the senior Professor present shall preside.

### 5.04 Other Faculty Councils

a. Each of the Faculty Councils in The Peter J. Tobin College of Business, the School of Education, the Lesley H. and William L. Collins College of Professional Studies and the College of Pharmacy and Health Sciences shall consist of the Dean, the Associate Deans, the Assistant Deans, and all Eligible Faculty of the school.

b. The bylaws of each Faculty Council shall provide for membership by students of the school and for the number or proportion of such student members and the method of selecting them.

c. The Secretary of each Faculty Council shall be nominated and elected by the Council concerned.



d. The Dean of each school shall preside at meetings of the Faculty Council. If the Dean is absent, the senior Professor of the school who is present shall preside.

#### 5.05 College Personnel Committees

Each School and the University Libraries shall have a College Personnel Committee which shall have responsibility to: (1) to consider all recommendations for reappointment, for promotion in faculty rank and for the conferral of tenure; and (2) to report the results to the Provost and VPAA.

#### 5.06 College Personnel Committee Membership

a. Each College Personnel Committee shall include as members the Dean or, where appropriate, the Director as a voting member and chairperson of the Committee, and four elected tenured Eligible Faculty members. To the extent practical, department representation shall be rotated on the College Personnel Committee. The following rules shall apply to the elected members for each college:

i. St. John's College: At least three elected members shall have the rank of professor or associate professor. One faculty member shall be elected from each of the four groupings listed below:

- I. Biological Sciences  
Chemistry  
Mathematics and Computer Science  
Physics
- II. English  
Library and Information Science  
Language and Literatures Studies  
Department of Core Studies
- III. Asian Studies  
Fine Arts  
Government and Politics  
History  
Rhetoric, Communications and Theatre  
Communication Sciences and Disorders
- IV. Philosophy  
Psychology  
Sociology and Anthropology  
Theology and Religious Studies

Membership on the Personnel Committee of St. John's College may not reside in the same Department for two successive years.

- ii. School of Education: Ordinarily each division must be represented before any division may have two members on the committee.
- iii. The Peter J. Tobin College of Business: At least two elected members shall have the rank of professor or associate professor with no more than one faculty member from each department.
- iv. College of Pharmacy and Health Sciences: Ordinarily, each department must be represented before any department may have two members on the committee.
- v. Lesley H. and William L. Collins College of Professional Studies: There shall be no more than one elected member from each division.
- vi. The University Library: One elected member shall be from Technical Services, two from Public Services and one from the Staten Island Campus Library. If there are three or fewer tenured faculty members from any division willing to serve, eligibility for election to the Library Personnel Committee shall be extended to all tenured faculty members, regardless of their respective divisions.

b. A Department Chairperson may not serve as a voting member of the College Personnel Committee, but may remain as a non-voting *ex officio* participant for presentations involving his/her department.

c. A faculty member who serves as a member of the College Personnel Committee may not simultaneously serve as a member of the Department Personnel and Budget Committee or of the University Personnel Committee.

#### 5.07 College Personnel Committee Elections and Vacancies

a. Faculty members shall be elected by all Eligible Faculty in the school or the University Libraries. If all of the members of a Department shall fail to qualify or decline to serve as members of the College Personnel Committee, there shall be a college-wide election to elect a tenured faculty member for that Committee.

b. The term of a College Personnel Committee member shall be two years, commencing on the September 1 immediately following the election. The practice of staggering faculty membership on the Committee shall continue.

c. The Dean of each school or the University Libraries shall preside at meetings of the College Personnel Committee. If the Dean is absent, the senior Professor of the school who is present shall preside.

- d. Vacancies, whether temporary or permanent, shall be filled in the same manner.

ARTICLE 6  
UNIVERSITY GOVERNANCE

6.01 The University Senate

a. Legislative authority over University-wide educational policy shall be vested in the University Senate, subject only to the Board of Trustees. The University Senate shall be primarily responsible for the formulation of educational policy of the University relating to: curriculum

matters affecting more than one school; the admission, retention and graduation of students; student activities and student discipline.

- b. The University Senate shall make its own bylaws.

#### 6.02 The University Senate Membership

The University Senate shall consist of two types of members: (1) *ex officio* members, and (2) elected members. *Ex officio* members shall have the same rights, privileges and responsibilities as elected members, including voting rights.

#### 6.03 *Ex Officio* Members of the University Senate

The *ex officio* members shall be the President of the University and fifteen (15) administrators designated by the President. The President of the University, or his designee, shall preside at meetings of the University Senate.

#### 6.04 Elected Members of the University Senate

The elected members shall be made up of delegates from schools or colleges, delegates from the professional library staff and delegates from the student body. The number and composition of delegates shall be:

- a. There shall be fifteen (15) delegates from St. John's College, with not more than one delegate from any department. A majority of the delegates shall be tenured faculty members.
- b. There shall be seven (7) delegates from The Peter J. Tobin College of Business, with at least one delegate from each department. A majority of the delegates shall be tenured faculty members.
- c. There shall be three (3) delegates from the School of Education, with at least one delegate from each division. At least two of the delegates shall be tenured faculty members.
- d. There shall be eight (8) delegates from the Lesley H. and William L. Collins College of Professional Studies with at least one delegate from each division. A majority of the delegates shall be tenured faculty members.
- e. There shall be two (2) delegates from the School of Law, at least one of whom shall be a tenured faculty member.
- f. There shall be three (3) delegates from the College of Pharmacy and Health Sciences, with at least one delegate from each department. At least two of the delegates shall be tenured faculty members.

- g. There shall be two (2) delegates from the professional library staff, one each from the Queens and Staten Island Campuses. At least one of the delegates shall be a tenured professional librarian.
- h. There shall be eight (8) delegates from the student body elected by the students on the following basis: four (4) delegates from the Queens undergraduate student body, two (2) delegates from the Staten Island undergraduate student body and two (2) delegates from the graduate or graduate professional divisions of the student body.

#### 6.05 Election of Delegates to the University Senate

- a. Regular elections of school and professional library staff delegates shall be conducted by the members of the Eligible Faculty in each department or division or the professional library staff. In the School of Law the Eligible Faculty shall elect delegates to the University Senate.
- b. Only members of the Eligible Faculty may serve as delegates to the University Senate.
- c. The method of election of the student delegates shall be determined by representatives of the full-time student body, in consultation with, and with the approval of, the University Senate.

#### 6.06 University Senate Term of Office

- a. Tenured faculty delegates shall be elected for three-year terms.
- b. Non-tenured faculty delegates shall be elected for a one-year term.
- c. The term of office for student delegates shall be established by representatives of the full-time student body, in consultation with, and with the approval of, the University Senate.
- d. Terms are staggered so that the terms of approximately one-third of the elected delegates expire annually.

#### 6.07 Vacancies in the University Senate

a. The qualifications for voting and for election set forth in §6.05 shall apply to the choice of persons to fill unexpired terms or temporary vacancies.

b. The Provost and VPAA, after consultation with the Chairperson and/or the Dean, shall appoint a faculty member or members to fill vacancies resulting from the failure of a department faculty or the professional library staff to elect its quota of delegates. These appointees shall be chosen from the department or the professional library staff that has failed to elect its quota.

#### 6.08 The Secretary of the University Senate

The Secretary of the University Senate shall be nominated and elected by the Senate.

#### 6.09 Committees of the University Senate

a. The standing committees of the University Senate shall be:

- i. Committee on Budget
- ii. Committee on Bylaws
- iii. Committee on Educational Programs and Developments
- iv. Committee on Faculty Affairs
- v. Committee on Student Affairs

b. Membership on standing committees shall be for two-year terms.

c. The composition and duties of each standing committee shall be specified in the bylaws of the University Senate.

#### 6.10 University Core Curriculum Council

a. Legislative authority over the University-wide Core Curriculum shall be vested in the University Core Curriculum Council ("UCCC"), subject only to the Board of Trustees. The responsibilities of the UCCC are to:

- i. Initiate discussion in the University Senate with respect to adding or removing core courses. Courses may only be considered for addition to or removal from the core if they come to the attention of the UCCC through the appropriate Faculty Council. The UCCC shall make its recommendation to the University Senate based upon the purpose of the core curriculum approved by the Board of Trustees in May 2000.
- ii. Approve modifications of department syllabi for core courses.

iii. Provide direction, through a standing committee, for the design of consistent assessment of clearly stated and measurable student learning outcomes to be used to identify strengths and weaknesses for continuing program improvement.

b. There shall be four regularly scheduled meetings of the UCCC each academic year. Minutes of these meetings will be sent to the Academic Deans.

c. The UCCC shall make its own by-laws.

d. Faculty and Deans of all Colleges and Schools, including the University Libraries and Student Affairs administrators, are free to bring concerns to the UCCC through the Chairperson of the UCCC at any time.

e. If any resolution of the UCCC comes into conflict with a resolution of the University Senate, the University Senate resolution will govern.

#### 6.11 Membership of the University Core Curriculum Council

The UCCC shall consist of administrators and faculty, each with the same rights, privileges, and responsibilities, including voting rights.

#### 6.12 Administrative Membership of the University Core Curriculum Council

The Administrative members of the UCCC shall be the Provost and VPAA or a designee who shall chair, the Executive Vice President for Mission or designee, and the Director of the Freshman Center. Membership will be coterminous with each position.



## 6.13 Faculty Membership of the University Core Curriculum Council

The Faculty members of the UCCC shall consist of tenured faculty members: the Director of the Center for Teaching and Learning, seven (7) faculty members from St. John's College of Liberal Arts & Sciences, as listed below, six (6) faculty members from the Lesley H. and William L. Collins College of Professional Studies and four (4) additional faculty members, as listed below. Membership is for one academic year.

### **St. John's College**

- the Chairperson of the Department of English (1)
- the Chairperson of the Department of History (1)
- the Chairperson of the Department of Philosophy (1)
- the Chairperson of the Department of Speech Communication Sciences and Theatre (1)
- the Chairperson of the Department of Theology (1)
- one additional tenured faculty member, chosen collectively by the Chairpersons of the Biology, Chemistry and Physics Departments, who teaches the common core subject of Scientific Inquiry (1)
- the Chairperson of the Department of Core Studies (1)

### **Lesley H. and William L. Collins College of Professional Studies**

- the Chairperson of the Division of Arts and Humanities, and his or her choice of one tenured faculty member from the core discipline units of English and Speech, Humanities (Theology and Philosophy), and History in that division. (4)
- two tenured faculty members, chosen by the Chairperson of the Division of Computer Science, Mathematics and Science, who teach the core requirements of Math and Scientific Inquiry, unless the Chairperson teaches Math or Scientific Inquiry, then he or she shall be the representative along with his or her choice of one tenured faculty member of the alternate core discipline. (2)

### **Additional Faculty**

- one faculty member from each of the following colleges and schools: the Tobin College of Business, the College of Pharmacy and Health Sciences, the School of Education, and the University Libraries, elected by the faculty of each of these colleges or schools.

#### 6.14 Committees of the University Core Curriculum Council

There will be a standing committee of the UCCC on Assessment of the Core. This standing committee shall consist of seven (7) members of the UCCC. The Chair of the UCCC shall be a member and shall call for other volunteers at the first meeting of each academic year. The term of standing committee membership shall be one academic year.

The option for ad-hoc committees as determined necessary by the Chairperson of the UCCC shall exist.

#### 6.15 Graduate Council

a. Legislative authority over all matters of educational policy affecting graduate study shall be vested in the Graduate Council, subject only to the Board of Trustees and to the University Senate. The Graduate Council shall be responsible for the formulation of policy relating to graduate curricular matters and regulations pertaining to the admission, retention and graduation of students in graduate programs.

b. Questions concerning graduate study may originate at the department or school levels, but must be referred to the Graduate Council for its decision in all cases. When matters originate in the Graduate Council itself, the appropriate Faculty Council shall be advised of such deliberations to allow consultation on questions of common interest before the Graduate Council takes final action.

c. The Graduate Council shall make its own bylaws.

d. The Provost and VPAA or his/her designee shall preside at meetings of the Graduate Council.

e. At the first meeting of each academic year, the Graduate Council shall nominate and elect the Secretary of the Graduate Council.

#### 6.16 Graduate Council Membership

The Graduate Council shall consist of two classes of members: (1) *ex officio* members, and (2) elected members. *Ex officio* members shall have the same rights, privileges and responsibilities as elected members, including voting rights.

#### 6.17 *Ex Officio* Members of the Graduate Council

The *Ex officio* members shall be the Provost and VPAA, the Dean of each school of the University including the Library and the chairpersons of all departments or divisions that offer graduate programs.

#### 6.18 Elected Members of the Graduate Council

There shall be elected members of the Graduate Council from the faculty and the students of each school having graduate programs. There shall be five (5) faculty members for each school and one (1) student from each school. The elected members shall be chosen according to procedures set forth in the Graduate Council's Bylaws. The total number of elected members shall constitute a majority of the Graduate Council.

#### 6.19 Election of Graduate Council Members

All members of the graduate faculty are eligible to vote for Graduate Council members and to be elected to the Graduate Council. The graduate faculty shall include all Eligible Faculty who normally teach one or more graduate courses and who share in the other responsibilities of graduate programs.

#### 6.20 Graduate Council Term of Office

The term of a Graduate Council member shall be three years.

#### 6.21 University Personnel Committee

The University Personnel Committee shall have primary responsibility to: (1) have final review of individual credentials supporting recommendations for faculty reappointments, promotions and the conferral of tenure; (2) review general University fiscal ability to implement such recommendations; and (3) receive and forward through the President to the Board of Trustees all University Senate recommendations concerning University-wide personnel and budget policies. The procedures governing faculty of the School of Law are addressed in Article 11.

#### 6.22 University Personnel Committee Membership

There shall be two types of members of the University Personnel Committee: (1) *Ex officio* members, and (2) elected faculty members.

#### 6.23 *Ex Officio* Members of the University Personnel Committee

a. The *ex officio* members of the University Personnel Committee shall be the Provost and VPAA, the VPBA, CFO and Treasurer, the Dean of University Libraries, the Dean of St. John's College, the Dean of The Peter J. Tobin College of Business, the Dean of the College of Pharmacy and Health Sciences, the Dean of the Lesley H. and William L. Collins College of

Professional Studies, the Dean of the School of Education and two other academic administrators, to be designated by the President.

b. The President may designate such other administrators as he, in his sole discretion, may determine to serve in the place and stead of any of the administrators who have been designated above.

#### 6.24 Elected Members of the University Personnel Committee

a. There shall be nine (9) elected tenured faculty members with the rank of Professor or Associate Professor, of whom three (3) shall be elected by and from St. John's College faculty, two (2) shall be elected by and from The Peter J. Tobin College of Business, and one (1) member by and from each of the other colleges; and one (1) member from the University Libraries.

b. The term of a University Personnel Committee member shall be two years, commencing on the September 1 immediately following the election. The practice of staggering faculty membership on the Committee shall continue.

c. A Department Chairperson may not serve as a voting member of the University Personnel Committee, but may participate in presentations on personnel actions involving his/her department.

d. A faculty member who serves as a member of the University Personnel Committee may not simultaneously serve as a member of the Department Personnel and Budget Committee or of the College Personnel Committee.

e. No more than one elected faculty member shall be from any one department.

f. If all of the members of a college fail to qualify or decline to serve as a member of the University Personnel Committee, there shall be a University-wide election to elect a tenured faculty member for that Committee.

#### 6.25 University Personnel Committee Procedural Rules

a. The Provost and VPAA shall be the Chairperson of the University Personnel Committee.

b. The Provost and VPAA shall cast a vote only to break a tie.

c. The Dean of the school or of the University Libraries shall be disqualified from voting on the disposition of any faculty member from his/her own school.

d. The principle of voting parity shall be preserved under any changed circumstances.

e. The University Personnel Committee may not consider new evidence in connection with an appeal. However, follow-up questions on existing evidence are permitted. Therefore, inquiry as to whether a manuscript was subsequently published (or denied publication) or if a grant

proposal was favorably received (or denied) does not violate the no new evidence rule. In cases other than an appeal, if the University Personnel Committee raises new questions which require the introduction of new evidence (being matters which were not known or reasonably could not have been known by the lower committees or matters which were not reasonably available to the lower committees) the case shall be remanded to the lower committees for reconsideration in light of such new evidence.

f. The Chairperson of the University Personnel Committee shall notify the applicant as soon as practicable of its decision. When the decision of the Committee is negative, the reason(s) will be transmitted, in writing, promptly following the decision to candidates whose probationary period has expired.

#### 6.26 Actions by the University Personnel Committee

a. The University Personnel Committee may request University Senate comments and/or recommendations on personnel and budget matters of University-wide concern.

b. The University Personnel Committee shall receive all University Senate recommendations with respect to University-wide personnel and budget policies and shall forward such recommendations, with or without comment, to the President.

c. The University Personnel Committee shall transmit recommendations for the reappointment of instructors and assistant professors, for promotion to any rank, for the conferral of tenure and for the reappointment of associate professors and professors, to the President, whose decision shall be final.

ARTICLE 7  
QUALIFICATIONS AND CONDITIONS FOR FACULTY  
APPOINTMENT, REAPPOINTMENT AND PROMOTION

7.01 Qualifications and Conditions

a. All persons seeking appointment or promotion on the faculty are required to meet the qualifications specified for each rank described herein. All candidates must possess satisfactory qualities of personality and character, an ability to teach and counsel students effectively, an interest in scholarship or creative achievement, and a willingness to cooperate with others in the achievement of the objectives of St. John's University.

b. The qualifications and conditions for faculty appointment governing the School of Law are addressed in Article 11.

7.02 Instructor – General

a. Candidates for appointment as an Instructor must possess an earned doctoral degree from a university of recognized standing or must present satisfactory evidence that dissertation research has been undertaken and that all other requirements for the doctorate have been met. In technical and professional fields, degrees or other equivalent academic titles earned in approved institutions of higher learning where the training received is properly related to the work of the department may be accepted in lieu of a doctoral degree. In departments such as fine arts, achievement deemed equivalent to that obtained through work leading to a doctoral degree may be accepted.

b. Service in the rank of Instructor is normally limited to four years.

7.03 Instructor – Lesley H. and William L. Collins College of Professional Studies

In the Lesley H. and William L. Collins College of Professional Studies, candidates for appointment as Instructor must possess an appropriate master's degree and at least two years of college teaching or the equivalent, except that:

- a. for appointment as an Instructor in accounting, the candidate must possess CPA certification and a master's degree appropriate to the business discipline; and
- b. for appointment as an Instructor in business law or related areas of criminal justice, the candidate must possess an LL.B. or J.D. degree.

#### 7.04 Instructor - The Peter J. Tobin College of Business

In The Peter J. Tobin College of Business, candidates for appointment as an Instructor must possess an appropriate master's degree, and should be a doctoral candidate who has completed the course requirements and commenced work on his or her dissertation. Appointment as an Instructor in the department of law will require an LL.B. or J.D. degree.

#### 7.05 Clinical Instructor - College of Pharmacy and Health Sciences

In the College of Pharmacy and Health Sciences, candidates for appointment as a Clinical Instructor must possess the professional degree, be licensed to engage in professional practice, have at least one year of college teaching or professional practice, and must give evidence of satisfactory qualities of professionalism and an ability to serve as a preceptor and teacher.

#### 7.06 Clinical Instructor – School of Education

In the School of Education, candidates for appointment as a Clinical Instructor must possess an appropriate degree and an interest in clinically related research or ongoing professional knowledge. All candidates must possess satisfactory qualities of personality and character, an ability to serve as a supervisor, mentor and teacher and a willingness to cooperate with others in the achievement of the objectives of the School of Education.

#### 7.07 Instructor - Professional Library Staff

Candidates for appointment as an Instructor on the professional library staff must possess a master's or fifth-year degree in library science or a master's degree in an academic or professional field relevant to the needs of the library. The candidate must also demonstrate a capacity to effectively perform library assignments and deal with the problems of librarianship, and give evidence of interest in professional growth.

#### 7.08 Assistant Professor- General

Candidates for promotion or appointment as an Assistant Professor must meet the requirements for appointment as an Instructor (§7.02) and in addition must:

- a. possess the earned doctoral or professional degree or equivalent normally required for teaching in the field;
- b. demonstrate a marked effectiveness as a teacher both in the classroom and in the guidance of students;
- c. demonstrate capacity for professional growth; and
- d. show promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in the leading universities in the United States.

7.09 Assistant Clinical Professor – St. John’s College Department of Psychology

In St. John’s College Department of Psychology, candidates for appointment as an Assistant Clinical Professor must:

- a. possess the highest Professional Degree (Ph.D. or Psy.D.) in a Clinical Psychology program accredited by the American Psychological Association;
- b. be a licensed Psychologist in New York State;
- c. have at least one year of full-time teaching experience in psychology at the college or university level or one year of clinical supervisory experience and at least one additional year of supervised clinical practice in an accredited mental health care or university-based facility;
- d. demonstrate satisfactory qualities of professionalism, personality and character;
- e. demonstrate capacity for professional growth;
- f. demonstrate a marked effectiveness to serve as supervisor, mentor and teacher;
- g. demonstrate active involvement in clinically-related research and potential for publications;
- h. show promise of those qualities of professional distinction associated with faculty members who hold this or similar titles in the leading universities in the United States; and
- i. demonstrate willingness to cooperate with others in the achievement of the objectives of St. John’s University, the Department of Psychology and the Psychological Services Center.

7.10 Assistant Professor - Lesley H. and William L. Collins College of Professional Studies

In the Lesley H. and William L. Collins College of Professional Studies, candidates for promotion or appointment as an Assistant Professor must meet the requirements for appointment as an Instructor (§7.03) and must:

- a. have at least four years of college teaching or the equivalent;
- b. demonstrate a marked effectiveness as a teacher both in the classroom and in the guidance of students; and
- c. demonstrate capacity for professional growth or significant scholarly research, or both.



#### 7.11 Assistant Professor - The Peter J. Tobin College of Business

In The Peter J. Tobin College of Business, candidates for promotion or appointment as an Assistant Professor must meet the requirements for appointment as an Instructor (§7.04) and must:

- a. demonstrate marked effectiveness as a teacher both in the classroom and in the guidance of students;
- b. demonstrate capacity for:
  - i. research which may lead to publications;
  - ii. activity in professional/academic societies or meetings as an active contributor or speaker; and/or
  - iii. professional consultancy activities.
- c. demonstrate adequate service to the department, the school, or the University in the form of service on committees, councils or similar service.

#### 7.12 Assistant Clinical Professor - College of Pharmacy and Health Sciences

In the College of Pharmacy and Health Sciences, candidates for promotion or appointment as an Assistant Clinical Professor must meet the requirements for appointment as a Clinical Instructor (§7.05) and must:

- a. possess the master's degree or the equivalent normally required for teaching in the field;
- b. demonstrate a marked effectiveness as a teacher in the classroom and in the professional setting;
- c. demonstrate capacity for professional growth; and
- d. show promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in the leading universities in the United States.

#### 7.13 Assistant Clinical Professor – School of Education

In the School of Education, candidates for promotion or appointment as an Assistant Clinical Professor must meet the requirements for appointment as a Clinical Instructor (§7.06) and must:

- a. possess an earned doctorate or professional degree or the equivalent normally required in his/her field;
- b. demonstrate a marked effectiveness to serve as a supervisor, mentor and teacher;
- c. demonstrate a capacity for professional growth;

- d. show promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in the leading universities in the United States; and
- e. show promise of active involvement in clinically related experience.

#### 7.14 Assistant Professor - Professional Library Staff

a. Candidates for promotion or appointment as an Assistant Professor on the professional library staff must meet the requirements for appointment as an Instructor (§7.07) on the professional library staff and must:

- i. demonstrate a marked capacity for the effective performance of library assignments and for dealing with the common problems of librarianship;
- ii. demonstrate a capacity for professional growth; and
- iii. have at least four years of full-time professional experience in college library work or its equivalent.

b. With respect to those provisions concerning promotion and tenure of faculty on the professional library staff:

- i. “professional experience” is experience acquired in library work or in an area of subject specialization after the reception of the master’s or earned doctoral degree in library science or in the subject area;
- ii. the “equivalent” of college library work is:
  - a) college teaching in the subject area of the master’s or earned doctoral degree, or
  - b) professional experience in library work in a public, private or special library oriented to academic research or professional needs, or
  - c) professional experience in an academic or professional field relevant to the needs of the library.

#### 7.15 Associate Professor - General

Candidates for promotion or appointment as an Associate Professor must possess the qualifications for an Assistant Professor (§7.08) and in addition a record of significant achievement in the field or profession or as an administrator. Evidence of scholarship, research or creative activity may be manifested through scholarly publications in professionally recognized media as well as through such subsidiary evidence as direction of or significant participation in research projects and in the scholarly activities of learned societies. There shall also be evidence that the candidate’s

intellectual and professional achievements are respected in the outside academic community in his/her chosen field.

#### 7.16 Associate Clinical Professor – St. John's College Department of Psychology

In St. John's College Department of Psychology, candidates for promotion or appointment as an Associate Clinical Professor must meet all the requirements for appointment as an Assistant Clinical Professor (§7.09), be a licensed practitioner for at least three of the last five years, have at least three years of supervised clinical experience and have a record of significant achievement in the field or profession or as an administrator. In addition, the candidate must demonstrate:

- a. clinical practice expertise manifested through the quality of his/her teaching and supervision of students in clinical areas, clinical practice achievement, professional presentations on clinical issues and other clinically-related activities. Evidence of a clinical practice expertise may also be manifested through the acquisition of a Diplomate in Clinical or School Psychology conferred by the American Board of Professional Psychology, or a Post-Doctoral Certificate in a clinical specialty area from an accredited institute or university or a Certificate as a Fellow conferred by the American Psychological Association, Clinical Division, Division 12, or School Division, Division 16;
- b. scholarship, research or creative professional activity manifested through participation in professionally oriented research or other scholarly pursuits related to problems in the delivery of Psychological services. Evidence of such scholarly pursuits may be presented in the form of refereed publications related to clinical practice, scholarly writings in professionally recognized media, preparation of research and/or training grant proposal(s) and/or significant participation in research projects and in scholarly activities of learned societies;
- c. professional activities manifested through consultantships, in-service education, activities in professional societies, membership on Editorial Boards of Scientific/Professional Journals, awards for research, professional or clinical practice achievement; and
- d. for promotion, service activities manifested by participation on University, College and departmental committees; participation in community activities that enhance understanding of the University, College and/or the profession; participation in professional continuing education programs, and administrative duties within the University, College or department.

#### 7.17 Associate Professor - Lesley H. and William L. Collins College of Professional Studies

In the Lesley H. and William L. Collins College of Professional Studies, candidates for promotion or appointment as an Associate Professor must possess the qualifications for an Assistant Professor (§7.10), and must:

- a. possess the master's degree in the field of specialization;
- b. successfully complete thirty graduate credits beyond the master's degree, leading to the terminal degree in the field of specialization or in the teaching of the field of specialization or, for faculty members in accounting, business law or related areas of criminal justice, possess an appropriate terminal degree or its equivalent;
- c. complete seven years of full-time college teaching; and
- d. demonstrate professional achievement in the field of specialization or in the teaching of the field of specialization through two or more of the following: noteworthy professional activities in the arts and/or humanities; active membership in professional societies and a record of attendance at meetings of learned societies; professional growth and/or recognition such as significant scholarly research, professional consultation or professional practice; or active participation in community work of a significant educational nature.

Candidates for promotion must also have demonstrated adequate service in the way of committee assignment or similar activities to the division, the Lesley H. and William L. Collins College of Professional Studies and/or the University.

#### 7.18 Associate Professor - The Peter J. Tobin College of Business

In The Peter J. Tobin College of Business, candidates for promotion or appointment as an Associate Professor must satisfy the qualifications for an Assistant Professor (§7.11) and must:

- a. demonstrate continuing research resulting in publication in scholarly and/or professional publications; and
- b. satisfy one of the following:
  - i. provide contributory support in a professional society or societies as evidenced by the delivery of several lectures and/or papers; or
  - ii. demonstrate professional growth and recognition such as professional consultation, practice or society activity.
- c. demonstrate adequate service in the way of committee assignment or similar activity to the department, the school, or the University in the form of service on committees, councils or similar service.

#### 7.19 Associate Clinical Professor - College of Pharmacy and Health Sciences

In the College of Pharmacy and Health Sciences, candidates for promotion or appointment as an Associate Clinical Professor must meet the requirements for appointment as an Assistant Clinical Professor (§7.12) and must provide two or more of the following:

- a. Evidence of scholarship, research or creative professional activity as manifested through professionally oriented research or other scholarly pursuits including clinical research dealing with problems in drug use, practice development projects involving the application of innovative techniques to problems in delivery of pharmacy services or educational research problems. Evidence of such scholarly pursuits may be presented in the form of publications related to the research component, clinical pharmacy practice or other scholarly writings in professionally recognized media.
- b. Evidence of clinical practice expertise as manifested through presentations on research and scholarly work, consultantships, in-service education, participation in the selection of rational drug therapy, activities in professional societies, membership on editorial boards of scientific/professional journals, awards for research, professional or clinical practice achievement. Evidence of clinical practice expertise may be presented in the form of faculty supplied descriptions of clinical endeavors and accomplishments and correspondence from hospital personnel at a respective clinical practice site.
- c. Evidence of service activities as manifested by participation on University, college and departmental committees and task forces, participation in community activities that enhance understanding of the University, school and/or the profession, participation in professional continuing education programs, and administrative duties within the University, school or department.

#### 7.20 Associate Clinical Professor – School of Education

In the School of Education, candidates for promotion or appointment as an Associate Clinical Professor must meet all the requirements for appointment as an Assistant Clinical Professor (§7.13) and must:

- a. possess a record of significant achievement in his/her field or profession or as a leader;
- b. have evidence of scholarship, research or on-going professional knowledge as may be manifested through scholarly publications in professionally recognized media as well as through subsidiary evidence such as the direction of or significant participation in research projects, the scholarly activities of learned societies and participation in the appropriate professional associations, consultantships, memberships on appropriate Editorial Boards, or awards for research, professional or clinical achievements; and

- c. demonstrate service activities as manifested by participation on University, College and departmental committees, participation in community activities that enhance the understanding of the University, College and/or the profession; participation in professional programs and administrative duties within the University, College or department.

#### 7.21 Associate Professor - Professional Library Staff

Candidates for promotion or appointment as an Associate Professor on the professional library staff must meet the requirements for appointment as an Assistant Professor (§7.14) on the professional library staff and, must:

- a. possess a master's or fifth-year degree in library science supported by a second master's or earned doctoral degree in an academic or professional field;
- b. complete seven years of full-time professional experience in college library work or its equivalent; and
- c. demonstrate sustained capacity for the effective performance of library assignments and for dealing with increasingly complex problems of librarianship, further professional growth, and, for promotion, significant exercise of campus citizenship through service on library or University committees and in other ways.

#### 7.22 Professor - General

Candidates for promotion or appointment as a Professor must possess the qualifications of an Associate Professor (§7.15) and in addition a record of distinguished intellectual, educational or artistic achievement. There shall be evidence of continued growth and of general recognition among scholars and educators outside the University.

#### 7.23 Clinical Professor - St. John's College Department of Psychology

In St. John's College Department of Psychology, candidates for promotion or appointment as a Clinical Professor must meet all the requirements for appointment as an Associate Clinical Professor (§7.16); must have either a Diplomate in Clinical or School Psychology conferred by the American Board of Professional Psychology, or a Post-Doctoral Certificate in a specialty area from an accredited institute or university, or a Certificate as a Fellow conferred by the American Psychological Association, Clinical Division, Division 12 or School Division, Division 16 and possess a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.24 Professor - Lesley H. and William L. Collins College of Professional Studies

In the Lesley H. and William L. Collins College of Professional Studies, candidates for promotion or appointment as a Professor must meet the requirements for appointment as Associate Professor (§7.17), and possess the terminal degree in the field of specialization or in the teaching of the field of specialization and in addition must:

- a. have at least ten years of college teaching;
- b. demonstrate a marked effectiveness as an outstanding teacher both in the classroom and in the guidance of students; and
- c. show promise of those qualities of professional distinction normally associated with the professorial rank.

#### 7.25 Professor - The Peter J. Tobin College of Business

In The Peter J. Tobin College of Business, candidates for promotion or appointment as a Professor must meet the requirements for appointment as an Associate Professor (§7.18), and in addition possess a record of distinguished achievement both within the business profession and professional academic community. There shall be evidence of continued growth and of general recognition among scholars and educators outside the university who are associated with professional education for business.

#### 7.26 Clinical Professor - College of Pharmacy and Health Sciences

In the College of Pharmacy and Health Sciences, candidates for promotion or appointment as a Clinical Professor must meet the requirements for appointment as an Associate Clinical Professor (§7.19) and in addition a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.27 Clinical Professor – School of Education

In the School of Education, candidates for promotion or appointment as a Clinical Professor must meet all the requirements for appointment as an Associate Clinical Professor (§7.20) and must possess a record of distinguished intellectual, education, or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.28 Professor - Professional Library Staff

Candidates for promotion or appointment as a Professor on the professional library staff the candidate must meet the requirements for appointment as an Associate Professor (§7.21) on the professional library staff and, in addition, must:

- a. possess a master's or fifth-year degree in library science supported by two master's degrees or an earned doctoral degree in any academic or professional field;
- b. demonstrate superior performance in dealing with the most complex problems of librarianship, continued professional growth, and general recognition among professional librarians outside the University; and
- c. have at least ten years of full-time professional experience in college library work or its equivalent.

#### 7.29 Instructor - Industry Professional – Lesley H. and William L. Collins College of Professional Studies

For appointment as an Instructor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies the candidate must possess an appropriate master's degree, have professional practice certification or substantial relevant professional experience, and one year of teaching/training experience, or the equivalent. The candidate must evidence satisfactory qualities of professionalism, personality and character, ability to serve as advisor and teacher, and willingness to cooperate with others in the achievement of the objectives of the Lesley H. and William L. Collins College of Professional Studies and St. John's University. Service in the rank of Instructor, Industry Professional is normally limited to four years.

#### 7.30 Assistant Professor - Industry Professional – Lesley H. and William L. Collins College of Professional Studies

For promotion or appointment as an Assistant Professor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies the candidate must meet the requirements for appointment as an Instructor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies (§7.29) and in addition must:

- a. have substantial relevant professional and/or teaching experience or professional practice certification;
- b. give evidence of marked effectiveness as a teacher in the classroom and in the professional setting;
- c. demonstrate capacity for professional growth or significantly scholarly research, or both;
- d. give promise of those qualities of professional distinction associated with leaders in the field of specialization; and,
- e. maintain currency of certifications and licenses.



#### 7.31 Associate Professor - Industry Professional – Lesley H. and William L. Collins College of Professional Studies

For promotion or appointment as an Associate Professor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies the candidate must meet the requirements for appointment as an Assistant Professor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies (§7.30) and in addition the candidate must demonstrate:

- a. evidence of scholarship, research or creative professional activity as manifested through maintenance of industry related certifications or the equivalent, professionally oriented research, innovative professional practice, or research and development of new educational models and/or technology-driven educational delivery systems. Evidence of such scholarly pursuits may be presented in the form of publications related to the research component, industry practice, scholarly or other writings in professionally recognized media;
- b. evidence of professional expertise as manifested through two or more of the following: presentations on research and scholarly work, consultantships, additional certification/licenses and /or degrees, patents, activities in professional societies, membership on editorial boards of professional journals, awards for research, professional or educational achievement; and
- c. evidence of service activities as manifested by participation on University, college and departmental committees and task forces, participation in community activities that enhance understanding of the University, college and/or the profession, participation in professional continuing education programs, and administrative duties within the University, college or department.

#### 7.32 Professor - Industry Professional – Lesley H. and William L. Collins College of Professional Studies

For promotion or appointment as a Professor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies the candidate must meet the requirements for appointment as an Associate Professor, Industry Professional in the Lesley H. and William L. Collins College of Professional Studies (§7.31), have 10 years teaching experience, and in addition have a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.33 Professor of the Practice – The Peter J. Tobin College of Business

All persons seeking appointment or promotion on the faculty in the Peter J. Tobin College of Business are required to meet the qualifications specified for each rank described herein. All candidates must possess satisfactory qualities of personality and character, an ability to teach and counsel students effectively, an interest in scholarship or creative achievement, and a willingness

to cooperate with others in the achievement of the objectives of Peter J. Tobin College of Business and St. John's University.

#### 7.34 Instructor – Professor of the Practice – Peter J. Tobin College of Business

For appointment as an Instructor, Professor of the Practice, in the Peter J. Tobin College of Business, the candidate must possess:

- a. an appropriate, preferably advanced, academic or professional degree, have professional certifications and relevant professional experience;
- b. two years of teaching/training experience, or the equivalent; and
- c. evidence of satisfactory qualities of professionalism, personality and character.

Service in the rank of Instructor, Professor of the Practice is normally limited to four years.

#### 7.35 Assistant Professor of the Practice – Peter J. Tobin College of Business

In the Peter J. Tobin College of Business, candidates for promotion or appointment as an Assistant Professor of the Practice must meet the requirements for appointment as an Instructor (§7.34) and must:

- a. possess an earned doctoral degree or academic terminal degree (J.D. or LL.M.) from a university of recognized standing, or possess a record of significant achievement as a leader in his/her field, industry, or profession;
- b. demonstrate potential for effectiveness as a teacher in the classroom and in the professional setting;
- c. demonstrate potential for professional growth;
- d. demonstrate promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in leading business schools in the United States; and
- e. demonstrate potential for service to the Peter J. Tobin College of Business, St. John's University and the community.

#### 7.36 Associate Professor of the Practice – Peter J. Tobin College of Business

In the Peter J. Tobin College of Business, candidates for promotion or appointment as an Associate Professor of the Practice must meet the requirements for appointment as an Assistant Professor (§7.35) and must:

- a. demonstrate marked effectiveness as a teacher both in the classroom and in the guidance of students;
- b. demonstrate:
  - i. practice expertise as manifested through activities in professional societies, professional achievement, memberships on editorial boards of professional journals, consultantships, and/or in-service education; or
  - ii. evidence of scholarship, research or on-going professional knowledge as may be manifested through awards for research, presentations on research and scholarly work, scholarly publications in professionally recognized media, as well as through subsidiary evidence such as the direction of or significant participation in research projects; and
- c. demonstrate service activities as manifested by participation on University, College and departmental committees, participation in community activities that enhance the understanding of the University, College and/or the profession; participation in professional programs and administrative duties within the University, College or department.

#### 7.37 Full Professor of the Practice – Peter J. Tobin College of Business

In the Peter J. Tobin College of Business, candidates for promotion or appointment as a Full Professor of the Practice must meet the requirements for appointment as an Associate Professor of the Practice in the Tobin College of Business (§7.36), have 10 years of teaching experience, and in addition have a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.38 Instructor – Industry Professional – College of Pharmacy and Health Sciences

For appointment as an Instructor, Industry Professional in the College of Pharmacy and Health Sciences the candidate must possess an appropriate professional degree, have professional practice certification or substantial relevant professional experience, and one year of teaching/training experience, or the equivalent. The candidate must evidence satisfactory qualities of professionalism, personality and character, ability to serve as advisor and teacher, and willingness to cooperate with others in the achievement of the objectives of the College of Pharmacy and Health Sciences and St. John's University. Service in the rank of Instructor, Industry Professional is normally limited to four years.

#### 7.39 Assistant Professor – Industry Professional – College of Pharmacy and Health Sciences

For promotion or appointment as an Assistant Professor, Industry Professional in the College of Pharmacy and Health Sciences the candidate must meet the requirements for

appointment as an Instructor, Industry Professional in the College of Pharmacy and Health Sciences (§7.38) and in addition must:

- a. have an earned appropriate masters degree or doctoral degree;
- b. have substantial relevant professional and/or teaching experience or professional practice certification;
- c. give evidence of marked effectiveness as a teacher in the classroom and in the professional setting;
- d. demonstrate capacity for professional growth;
- e. give promise of those qualities of professional distinction associated with leaders in the field of specialization; and,
- f. maintain currency of certifications and licenses.

#### 7.40 Associate Professor – Industry Professional – College of Pharmacy and Health Sciences

For promotion or appointment as an Associate Professor, Industry Professional in the College of Pharmacy and Health Sciences the candidate must meet the requirements for appointment as an Assistant Professor, Industry Professional in the College of Pharmacy and Health Sciences (§7.39) and in addition the candidate must demonstrate:

- a. evidence of scholarship, research or creative professional activity as manifested through maintenance of industry related certifications or the equivalent, professional oriented research, innovative professional practice, or research and development of new educational models and/or technology-driven educational delivery systems. Evidence of such scholarly pursuits may be presented in the form of publications related to the research component, industry practice, scholarly or other writings in professionally recognized media;
- b. evidence of professional expertise as manifested through two or more of the following: presentations on research and scholarly work, consultantships, additional certification/licenses and/or degrees, patents, activities in professional societies, membership on editorial boards of professional journals, awards for research, professional or educational achievement; and
- c. evidence of service activities as manifested by participation on University, college and departmental committees and task forces, participation in community activities that enhance understanding of the University, college and/or the profession, participation in professional continuing education programs, and administrative duties within the University, college or department.

#### 7.41 Professor – Industry Professional – College of Pharmacy and Health Sciences

For promotion or appointment as a Professor, Industry Professional in the College of Pharmacy and Health Sciences the candidate must meet the requirement for appointment as an Associate Professor, Industry Professional in the College of Pharmacy and Health Sciences (§7.40), have 10 years teaching experience, and in addition have a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

#### 7.42 Instructor – Department of Core Studies

Candidates for appointment as an Instructor within the Department of Core Studies must possess a master's degree plus 12 additional credits in an academic or professional field relevant to the needs of the Institute or at least five years of active pedagogy in the core discipline. The candidate must also demonstrate a capacity to effectively perform teaching and other professional assignments in the core specialty.

#### 7.43 Assistant Professor – Department of Core Studies

For promotion or appointment as an Assistant Professor, Department of Core Studies the candidate must meet the requirements of appointment as Instructor (§7.42) and in addition must meet the following requirements:

- a. prior service for four (4) years as a college teacher in the core specialty, or its equivalent;
- b. a masters degree plus 24 additional graduate credits, or at least 10 years of active pedagogy in the core discipline, or a terminal degree in a field appropriate to the core specialty;
- c. demonstrate marked effectiveness as a teacher in the core specialty; and
- d. show promise of those qualities of distinction in the core specialty for the following areas:
  - i. Pedagogy, writing, and other communication abilities.
  - ii. Continuing professional development.
  - iii. Professional involvement with specialty theory and pedagogy.
  - iv. Service to the Department of Core Studies and the University.

#### 7.44 Associate Professor – Department of Core Studies

For promotion or appointment as an Associate Professor, Department of Core Studies the candidate must meet the requirements for appointment as an Assistant Professor (§7.43) and in addition must meet the following requirements:

- a. prior service for three (3) years as a faculty member within the Department of Core Studies, or its equivalent;
- b. a master's degree plus 36 additional graduate credits, or at least 10 years of active pedagogy in the core discipline, or a terminal degree in a field appropriate to the core specialty;
- c. demonstrate superior teaching in the core specialty;
- d. demonstrate superior pedagogical, writing, and other communication abilities in the core specialty;
- e. demonstrate a commitment to continuing professional development in the core specialty;
- f. demonstrate professional involvement with the theory and pedagogy of the core specialty; and
- g. demonstrate superior service to the Department of Core Studies and the University in two or more of the following areas:
  - i. Publication of articles and books in the core specialty.
  - ii. Offering superior workshops and seminars devoted to the core specialty for faculty of schools and colleges of the University.
  - iii. Presentation to and participation in professional conferences

#### 7.45 Professor – Department of Core Studies

For promotion or appointment as a Professor, Department of Core Studies the candidate must meet the following requirements:

- a. prior service for ten (10) years as a faculty member within the Department of Core Studies;
- b. demonstrate distinguished teaching in the core specialty;
- c. demonstrate distinguished pedagogical, writing, and other communication abilities in the core specialty; and
- d. demonstrate service to the Department of Core Studies and the University, and a record of distinguished intellectual, or artistic achievement in three or more of the following, where (iv) must be one of the three areas:
  - i. Pedagogy, writing, and other communication abilities in the core specialty.
  - ii. Continuing professional development in the core specialty.

- iii. Professional involvement with the theory and pedagogy of the core specialty.
- iv. Service to the Department of Core Studies and the University.

## ARTICLE 8 PROCEDURES FOR APPOINTMENT, REAPPOINTMENT AND PROMOTION

The procedures for appointment, reappointment and promotion of faculty for St. John's College, the School of Education, The Peter J. Tobin College of Business, the College of Pharmacy and Health Sciences, the Lesley H. and William L. Collins College of Professional Studies and the University Libraries are set forth in this Article. The procedures governing faculty of the School of Law are addressed in Article 11.

### 8.01 Initial Appointments

a. Recommendations for initial full-time appointments to the Instructional Staff of the University may be made by the President, the Provost and VPAA, the Dean or the Chairperson or any member of the faculty of the department in which vacancies exist.

b. The recommendation, accompanied by written information describing the qualifications of the candidate, shall be transmitted to the Department Personnel and Budget Committee for review and action. The Department Personnel and Budget Committee shall make the initial decision.

c. If the Department Personnel and Budget Committee decides against appointment of the candidate, then the matter is concluded and the Chairperson shall notify the candidate of the Committee's decision. No full-time faculty member shall be appointed without the approval of the Department Personnel and Budget Committee, except where the President deems it appropriate to infuse new life into a department.

d. If the Department Personnel and Budget Committee recommends appointment of the candidate, it shall forward its decision, together with any minority report to the appropriate College Personnel Committee for its consideration. The College Personnel Committee shall forward the recommendations of the College Personnel Committee and the Department Personnel and Budget Committee to the Dean.

e. If the Dean approves the recommendation, the Dean shall forward the recommendation to the Provost and VPAA for review and final action.

### 8.02 Probationary Periods

a. All initial appointments in faculty ranks are probationary except for persons first appointed with tenure to the rank of Professor.

b. The probationary period for persons in the ranks of Professor and Associate Professor shall terminate with the second reappointment.

c. The probationary period for persons in the ranks of Assistant Professor and Instructor shall terminate with the third reappointment.



d. A person appointed to a faculty rank for a portion of an academic year (i.e., one semester or less) shall not have such service counted toward the probationary period, nor shall such service be counted when determining the time at which a mandatory tenure decision be made.

e. A faculty member who is on a leave of absence for any semester during any probationary period shall not have that academic year counted toward the probationary period, nor shall such service be counted when determining the time at which a mandatory tenure decision be made.

f. A statement of the reasons for non-reappointment shall be included in all notices of non-reappointment delivered .

### 8.03 Reappointments

a. Recommendations for full-time reappointments to the instructional staff of the University may be made by the President, the Provost and VPAA, the Dean or the Chairperson of the departments in which the faculty member teaches.

b. The recommendation, accompanied by written information describing the qualifications of the candidate, shall be transmitted to the Department Personnel and Budget Committee for discussion and advice. The Department Personnel and Budget Committee shall make the initial decision.

c. The Department Personnel and Budget Committee shall forward the record of the deliberations, its recommendation and any minority report to the appropriate College Personnel Committee. All recommendations concerning the professional library staff shall be transmitted to the Library Personnel Committee for consideration and advice.

d. The record of the deliberations of the College Personnel Committee, the results of the deliberations and any minority report shall be forwarded by the Dean to the chairperson of the University Personnel Committee.

e. For all faculty members, the application shall continue through the review process to a final decision by the President unless it receives an unfavorable disposition in two consecutive reviewing committees.

Therefore,

- 1) if an application for reappointment is denied by the Department Personnel and Budget Committee and by the College Personnel Committee, the application is terminated and reappointment is denied.
- 2) if an application for reappointment, approved by the Department Personnel and Budget Committee, is denied by the College Personnel Committee and by the

University Personnel Committee, the application is terminated and reappointment is denied.

#### 8.04 Notice of Non-Reappointment

a. Every faculty member who is denied reappointment shall be given notice in writing in accordance with the following schedule:

- i. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- ii. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- iii. Not later than the June 30 of the year preceding the expiration of an appointment after two or more years in the institution.

b. If the faculty member has not completed the probationary period at the time of the decision, the notice need not specify the reason for non-reappointment. If the faculty member has completed the probationary period, then the notice of non-reappointment must contain a statement of the reasons for non-reappointment.

#### 8.05 Faculty Promotion Procedure

a. The University provides four levels of review for faculty applications for promotion in rank. An application for promotion is reviewed:

- i. at the Department level, by the Department Personnel and Budget Committee;
- ii. at the School level, by the College Personnel Committee;
- iii. at the University level, by the University Personnel Committee, and
- iv. by the President, who has final authority to approve or disapprove an application.

b. If an application for promotion is denied at any level of review (other than by the President), the faculty member may appeal, in writing, the denial for promotion to the next level of review, provided that if the application is denied at two levels in succession, then the application is denied, the decision is final and subject to no further review. On an appeal, the faculty member is entitled to appear in person before the committee reviewing the application. A faculty member may choose a colleague to represent the faculty member's case at any level at which the faculty member has the right of personal appearance.

c. Applications for promotion in faculty rank shall be subject to the following schedule and procedures:

- i. On or before June 1 of each calendar year, the Provost and VPAA shall notify faculty members to submit applications and supporting data to the Department Personnel and Budget Committee on or before a specified date in October. The notice shall specify all dates relevant to the promotion process.
- ii. On or before a specified date in November of each calendar year, the Chairperson of each department shall report to the Dean and the College Personnel Committee, the names of eligible faculty members recommended for promotion by the Department Personnel and Budget Committee. Each recommendation shall be accompanied by a dossier of information detailing the academic credentials that justify the promotion and reporting the outcome of department consideration of the recommendation. If the application is denied and the applicant has completed probation, the Personnel and Budget Committee shall state in writing the reasons for the denial, and the Chairperson of the department shall provide the applicant with a copy of the written statement.
- iii. On or before a specified date in December of each calendar year, each Dean shall report to the Chairperson of the University Personnel Committee the action recommended by the College Personnel Committee. Any member of the College Personnel Committee who wishes to record a difference of opinion with the majority, shall prepare a written report to be placed in the dossier of the faculty member. A copy of any documents added to the personal dossier shall be transmitted to the Chairperson of the department where the faculty member teaches and shall be promptly communicated to the applicant. If the application is denied and the applicant has completed probation, the College Personnel Committee shall state in writing the reasons for the denial, and the Dean shall provide the applicant with a copy of the written statement.
- iv. On or before a specified date in March of each calendar year, the Chairperson of the University Personnel Committee shall forward to the President all recommendations for promotion which have come to the University Personnel Committee from the College Personnel Committees, and have been reviewed and acted upon by the University Personnel Committee. If the University Personnel Committee does not support a College Personnel Committee recommendation, both the positive recommendation and the University Personnel Committee's reasons for disapproving the recommendation shall be forwarded to the President. A copy of any adverse recommendations by the University Personnel Committee shall be transmitted to the Dean, the Chairperson of the applicant's department and shall be communicated promptly to the applicant.
- v. No later than May 15 of each calendar year, the President shall act upon the recommendations for promotion and, no later than June 1, shall certify receipt

of promotion in writing to each faculty member to whom a promotion has been granted.

ARTICLE 9  
DEFINITIONS AND ELIGIBILITY FOR  
THE CONFERRAL OF TENURE

The conferral of tenure for faculty in St. John's College, the School of Education, The Peter J. Tobin College of Business, the College of Pharmacy and Health Sciences, the Lesley H. and William L. Collins College of Professional Studies and University Libraries shall be made in accordance with the procedures in this Article. The procedures governing faculty of the School of Law are addressed in Article 11.

9.01 Tenure

a. Tenure shall mean the right of a faculty member to hold a position during good behavior and efficient and competent service, and not to be removed except for cause in the manner hereinafter provided or for a reduction of faculty after following appropriate procedures.

b. The right to grant tenure resides in the University alone and shall be exercised by the President upon the recommendation of faculty and administrative authorities in accordance with the provisions of these Statutes.

c. All University procedures governing the conferral or revocation of tenure shall conform to the *Statement of Principles on Academic Freedom and Tenure* adopted in 1940 by the Association of American Colleges and in accordance with the endorsement of the Board of Trustees on January 15, 1968. It shall be specifically understood that the reference in this Statement to "Freedom ... of Extramural Activities" shall not be interpreted as limiting the right of the University reasonably to restrict extramural classroom teaching or other compensated employment by full-time members of the St. John's University faculty.

d. Statute sections 9.02, 9.03, 9.04 and 9.05 shall govern eligibility for tenure, eligibility restrictions, Members of the Congregation of the Mission

9.02 Eligibility for Tenure - General

a. Tenure may be granted to any full-time faculty member or professional librarian of the University who fulfills the criteria for promotion to the rank of Associate Professor and who has completed three years of full-time faculty service at the University.

b. Except as provided below, the evaluation period for tenure shall not exceed seven years of full-time college teaching or full-time professional experience in college library work or its equivalent in the rank of Instructor or above.

c. It may be agreed in writing that an initial appointment in the rank of Instructor or above is for an evaluation period of not more than four years of full-time faculty service even though the person has served three or more years as a full-time member of the faculty of another accredited university in the rank of Instructor or above or has served at the University in a non-tenure track

position. Notice shall be given by June 30 of the year prior to the expiration of the evaluation period if the faculty member is not to be continued in service after the expiration of that period.

d. A faculty member who becomes a parent by birth/adoption may, upon application to the Provost, extend his/her tenure evaluation period for one (1) year for each birth or adoption up to a maximum of two (2) such extensions. Such extensions must be requested within one (1) year of the birth or adoption, and prior to the academic year during which the tenure evaluation period was scheduled to end.

e. A faculty member who is responsible for elder care or for the care of an immediate family member with a serious medical condition may, upon application to the Provost and VPAA extend his/her tenure evaluation period for a maximum of one (1) year.

### 9.03 Eligibility Restrictions

The right to tenure and the tenure eligibility rules do not apply to:

- a. Administrative positions; provided, however, that full-time faculty members who serve as administrators are eligible for tenure.
- b. Visiting or adjunct professorial positions.
- c. Assistant Professor for Clinical Education.
- d. Part-time teaching positions.
- e. Part-time professional librarian appointments.

### 9.04 Members of the Congregation of the Mission

a. Except as provided in paragraphs (b) and (c) below, members of the Congregation of the Mission assigned to faculty posts at St. John's University possess the same rights and duties as other faculty members of like rank and status.

b. Faculty service by members of the Congregation of the Mission in other Vincentian educational institutions above the secondary school level or in other accredited institutions of similar grade shall be deemed to be the equivalent of faculty service at St. John's University.

c. For the purposes of holding office in University faculty agencies, members of the Congregation of the Mission who have served seven or more years in faculty ranks in educational institutions described in paragraph (b) above shall be deemed to possess the qualifications conferred by tenure.

### 9.05 Procedure for Tenure

a. The University provides four levels of review for faculty applications for tenure. An application for tenure is reviewed:

- i. at the Department level, by the Department Personnel and Budget Committee;
- ii. at the School level, by the College Personnel Committee;
- iii. at the University level, by the University Personnel Committee, and
- iv. by the President, who has final authority to approve an application for tenure.

b. In cases in which the Department, School and University have approved the application for tenure, but the application was disapproved by the President, the faculty member will have the right to appeal the President's decision to the Board of Trustees. The faculty member must advise the President within seven (7) days of receiving the President's decision of his or her intent to appeal the decision to the Board of Trustees. The chairperson of the department from which the faculty member is serving will present the application and the materials to the Board of Trustees. The President will have the opportunity to explain his decision to the Board of Trustees. The decision of the Board of Trustees shall be final.

c. A faculty member who has not completed the probationary period is not entitled to appeal the denial of tenure at any level and shall not be entitled to a statement of reasons for the denial of tenure. For non-probationary faculty, if an application for tenure is denied at any level of review (other than by the President), the faculty member may appeal in writing the denial of tenure to the next level of review, provided that if the application is denied at two levels in succession, the decision is final and subject to no further review. On an appeal, the faculty member is entitled to appear in person before the committee reviewing the application. A faculty member may choose a colleague to represent the faculty member's case at any level at which the faculty member has the right of personal appearance.

d. If a faculty member is denied tenure for the first time by either the College Personnel Committee or University Personnel Committee on the basis of lack of need, the application shall be returned to the Department Personnel and Budget Committee together with the data relied upon by either the College Personnel Committee or University Personnel Committee regarding such lack of need. The Department Personnel and Budget Committee shall thereupon set forth its position with regard to such need. The College or the University Personnel Committee shall then reconsider its decision after considering the Department's position and render a final decision.

e. Applications for tenure shall be subject to the following schedule and procedures:

- i. On or before June 1 of each calendar year, the Provost and VPAA shall notify faculty members to submit applications and supporting data to the Department Personnel and Budget Committee on or before a specified date in October. The notice shall specify all dates relevant to the tenure process.

- ii. On or before a specified date in November of each calendar year, the Chairperson of each department shall report to the Dean and the College Personnel Committee, the names of eligible faculty members recommended for promotion by the Department Personnel and Budget Committee. Each recommendation shall be accompanied by a dossier of information detailing the academic credentials that justify the tenure and reporting the outcome of departmental consideration of the recommendation. If the application is denied and the applicant has completed probation, the Personnel and Budget Committee shall state, in writing, the reasons for the denial, and the Chair of the Department shall provide the applicant with a copy of the written statement.
- iii. On or before a specified date in December of each calendar year, each Dean shall report to the Chairperson of the University Personnel Committee the action recommended by the College Personnel Committee. Any member of the College Personnel Committee who wishes to record a difference of opinion with the majority, shall prepare a written report to be placed in the dossier of the faculty member. A copy of any documents added to the personal dossier shall be transmitted to the Chairperson of the department where the faculty member teaches and shall be promptly communicated to the applicant. If the application is denied and the applicant has completed probation, the College Personnel Committee shall state in writing the reasons for the denial, and the Dean shall provide the applicant with a copy of the written statement.
- iv. On or before a specified date in March of each calendar year, the Chairperson of the University Personnel Committee shall forward to the President of the University all recommendations for promotion which have come to the University Personnel Committee from the College Personnel Committees, and have been reviewed and acted upon by the University Personnel Committee. If the University Personnel Committee does not support a College Personnel Committee recommendation, both the positive recommendation and the University Personnel Committee's reasons for disapproving the recommendation shall be forwarded to the President. A copy of any adverse recommendations by the University Personnel Committee shall be transmitted to the Dean, the Chairperson of the applicant's department and shall be communicated promptly to the applicant.
- v. No later than May 15 of each calendar year, the President shall act upon the recommendations for promotion and, no later than June 1, shall certify receipt of promotion in writing to each faculty member to whom tenure has been granted.



f. In any department in which more than sixty percent (60%) of the full-time faculty members in the department are tenured, any application for tenure shall be deemed denied unless approved by a sixty percent (60%) vote of each committee involved.

g. A faculty member who is ineligible to become an Associate Professor, due solely to the failure to satisfy a time requirement, (e.g., a required period of college teaching) may nevertheless be awarded tenure, provided that (1) the application is not for early tenure and (2) the faculty member satisfies all of the other applicable criteria to become an Associate Professor. In such cases, where tenure is awarded, the faculty member shall become an Associate Professor on the September 1 after having satisfied the time requirement.

ARTICLE 10  
PROCEDURES FOR THE REMOVAL, DISCIPLINE OR SUSPENSION  
OF FACULTY MEMBERS AND OF DEPARTMENTAL CHAIRPERSONS

The procedures for the removal, discipline or suspension of faculty members and of departmental chairpersons in The Peter J. Tobin College of Business, the School of Education, the Lesley H. and William L. Collins College of Professional Studies, the College of Pharmacy and Health Sciences and St. John's College are set forth in this Article. The procedures governing faculty of the School of Law are addressed in Article 11.

10.01 Grounds for Removal, Discipline or Suspension of Faculty Members

Members of the faculty may be removed for one or more of the following reasons:

- a. Incompetent or inefficient service.
- b. Demonstrated neglect or unwillingness to perform the duties of an appointment in accordance with the established policies and procedures of the University.
- c. Conduct inconsistent with accepted professional and moral standards. This shall not be so interpreted as to constitute interference with academic freedom.
- d. Physical or mental incapacity.

10.02 Suspension Pending Investigation

The President may suspend a member of the faculty pending the investigation of the allegations. Such a suspension shall normally be with pay. In the written notice of suspension, the President shall set forth the reason(s) for the suspension, and the nature of the underlying allegations.

10.03 Investigation and Service of Allegations Against a Full-Time Faculty Member

a. The President, the Provost and VPAA, an Academic Dean, or one or more of the Board of Trustees, may present written allegations against a member of the full-time faculty who has tenure or whose term appointment has not expired. The allegations must be brought within one-year of the alleged conduct, unless the conduct involves the potential violation of a federal, state or local law, regulation, rule, or as required under applicable law.

b. The initiation of allegations against a faculty member pursuant to 10.03 (a) must be brought in good faith based upon a reasonable belief that the faculty member has engaged in conduct that may be in violation of Section 10.01 above. An individual that initiates disciplinary allegations against a faculty member maliciously with no basis can be subject to disciplinary action. Initially, the allegations shall be presented confidentially to the Provost and VPAA, who may discuss the matter with the faculty member in an effort to resolve the matter. If the matter is not resolved, the Provost and VPAA shall refer the matter to the Committee on Mediation of Allegations Against a Faculty Member.

#### 10.04 Investigation of Title IX and Article 129-B Allegations

a. If the allegations, in the opinion of the Office of General Counsel, implicate Title IX of the Education Amendments Act of 1972 (“Title IX”) and/or New York Education Law Article 129-B (“Art. 129-B”), written allegations shall be presented confidentially to the Provost and VPAA. The Provost and VPAA shall refer the matter to the Office of General Counsel to proceed in accordance with the provisions set forth in Article 10.05(b)-(f). The standard of proof applicable to findings of a violation shall be by a “preponderance of the evidence,” unless otherwise provided by federal and state laws and regulations, including any modifications to such laws and regulations.

b. The Office of General Counsel shall retain, at the University’s sole expense, a qualified individual with substantial expertise in conducting investigations not presently employed by the University, to conduct an investigation. The individual shall be selected from a roster agreed to in advance by the University and the AAUP-FA.

c. The investigation will be prompt, thorough, and impartial. The Complainant and the Respondent shall have the right to an advisor of their choice, who may be an attorney. The advisor has the right to attend any interviews conducted by the Investigator, but the advisor cannot actively participate or speak on behalf of the Complainant or the Respondent. Throughout the process, the Title IX Coordinator shall exercise his or her responsibilities in accordance with applicable laws, rules, regulations, and policies.

d. At the conclusion of the investigation, the Investigator shall prepare a written report to the Committee on Mediation of Allegations Against a Faculty Member. The written report shall contain factual findings. The Mediation Committee may interview the Investigator about the contents of the report and his or her factual findings.

e. Based upon the findings of the Investigator, the Mediation Committee shall consult with the Provost and VPAA and the faculty member and seek to reach a mutually satisfactory resolution in accordance with section 10.05(e).

f. Not later than ten (10) days after the Investigator provides his or her report, the Mediation Committee shall advise the Office of General Counsel whether a mutually satisfactory resolution has been reached.

g. The Office of General Counsel shall simultaneously transmit the written report of the Investigator to the Provost and VPAA and the Committee on Hearing and Deciding Charges Against a Faculty Member.

h. The Hearing and Deciding Committee shall consider the written report of the Investigator. Based upon this report, the Committee shall make explicit findings with respect to the charges, and make recommendations about any discipline to be imposed.

There may be instances where the conduct of the faculty member warrants a penalty less severe than removal. In such cases, the Hearing and Deciding Committee may recommend another penalty which it considers appropriate to the seriousness of the conduct, including one or more of the following: (i) counseling; (ii) remedial training; (iii) written censure; (iv) suspension with or without pay for a period of time; and (v) termination.

i. Not later than ten (10) days after receiving the report of the Investigator, the Hearing and Deciding Committee shall make its decision and transmit it to the Office of General Counsel. The decision of the Hearing and Deciding Committee shall be kept confidential until the President has considered the matter.

j. The President shall review the case based on the Report of the Investigator and the written decision of the Hearing and Deciding Committee. The President shall make a final decision confirming or dismissing the charges and affirming or modifying any penalty imposed.

#### 10.05 Committee on Mediation of Allegations Against a Faculty Member

a. The Committee on Mediation of Allegations Against a Faculty Member shall be composed of five (5) members, all of whom shall be full-time, tenured faculty members with the rank of Full Professor, who shall be elected by all Eligible Faculty members.

b. The terms of all Committee members shall be two (2) years with approximately one-half of the Committee members' terms expiring annually. The election shall be held at the same time as the University Senate and personnel committee elections.

c. A quorum of the Committee shall consist of three (3) members.

d. If a member of the Committee is (i) involved, directly or indirectly, in the making of allegations against the faculty member, (ii) is privy to information that will reduce or impair his or her objectivity, (iii) is the party against whom the allegations are made, or (iv) is serving as an officer, grievance officer, or labor negotiation representative for the AAUP-FA, such faculty member shall not serve on the Committee during its consideration of that particular case.

e. The Committee shall consult with the Provost and VPAA and the faculty member and seek to reach a mutually satisfactory resolution. If a resolution is reached, the Committee shall document the resolution and close the matter pursuant to the terms of such resolution. If no resolution is reached, the Committee shall return the matter to the Provost and VPAA for further action. The Committee shall not prepare a written report or make any recommendations.

#### 10.06 Written Charges

If no resolution is reached, the Provost and VPAA shall formulate in writing the charges made against the faculty member and the evidence supporting the charge. The Provost and VPAA shall arrange for a copy of the charges to be promptly served upon the faculty member by certified mail. When the charges are served, the faculty member shall be informed of the right to a hearing by the Committee on Hearing and Deciding Charges Against a Faculty Member. The notice shall inform the faculty member in detail or by reference to these Statutes, of the procedural rights that will be

accorded to the faculty member. The faculty member shall file a written answer within 20 days of the date the charges were served and shall indicate whether a hearing is requested. If a hearing is requested, the Committee shall schedule a hearing within thirty (30) days of receipt of the written request for a hearing and shall notify the faculty member of the date, time and place for the hearing.

#### 10.07 Committee on Hearing and Deciding Charges Against a Faculty Member

a. The Committee on Hearing and Deciding Charges Against a Faculty Member shall be composed of five (5) members, all of whom shall be full-time, tenured faculty members with the rank of Full Professor, who shall be elected by all Eligible Faculty members.

b. The terms of all Committee members shall be two (2) years with approximately one-half of the Committee members' terms expiring annually. The election shall be held at the same time as the University Senate and personnel committee elections.

c. A quorum of the Committee shall consist of three (3) members.

d. If a member of the Committee is (i) involved directly or indirectly, in the making of charges against the faculty member, (ii) is privy to information that will reduce or impair his or her objectivity, (iii) is the party against whom the charges are made, or (iv) is serving as an officer, grievance officer, or labor negotiation representative for the AAUP-FA, such member shall not serve on the Committee during its hearing on that particular case.

#### 10.08 Hearing Procedures

a. The Committee on Hearing and Deciding Charges Against a Faculty Member shall consider the formal charges, written supporting evidence and the faculty member's written answer to the charges. If the faculty member has not requested a hearing, the Committee shall consider the case on the basis of available information and shall confirm or dismiss the charges.

b. The Committee shall determine the order of proof, shall normally conduct the questioning of witnesses, and, if necessary, shall secure the presentation of evidence relevant to the case. Formal rules of court procedure do not need to be followed. There shall be a full stenographic record of the hearing kept and made available to the parties.

c. The Provost and VPAA may attend the hearing and may designate an appropriate representative to assist in developing the case. The faculty member shall have the option of assistance by counsel. The parties or their representatives shall have the right, within reasonable limits, to question all witnesses who testify.

d. If the hearing involves charges of incompetence, the testimony shall include that of teachers and other scholars either from the University or from other institutions. The faculty member shall have the aid of the Committee, when needed, in securing the attendance of witnesses.

e. Each of the parties shall have the opportunity to confront all witnesses. If a witness cannot appear despite a party's best efforts, or in unusual circumstances, the Committee may accept a witness' statement. The identity of the witness and the content of the witness' statements shall be

provided to the opposing party who shall be afforded a reasonable opportunity to investigate and provide contradictory evidence. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence shall be duly recorded.

f. At the conclusion of the hearing, the Provost and VPAAA and faculty member or their representatives shall be afforded the opportunity to make an oral statement to the Committee. The Committee may request written briefs of the parties.

#### 10.09 Decision of Committee

a. The Administration has the burden to prove the charge being brought against a faculty member by clear and convincing evidence (except as provided in Article 10.05). The charge cannot be affirmed until and unless the Administration meets its burden of proof, and, thus, the faculty member is not responsible until a finding of violation is made pursuant to the provisions of this article. The Committee shall reach its decision in conference based upon the evidence at the hearing. It shall make explicit findings with respect to each of the grounds of removal or other discipline imposed.

b. There may be instances where the conduct of the faculty member warrants a penalty less severe than removal. If a faculty member is found to have violated any of the grounds specified herein the punishment imposed shall be proportionate to the offense. In such cases, the Hearing and Deciding Committee may impose another penalty which it considers appropriate to the seriousness of the conduct including as examples, but not limited to, one or more of the following:

- i. counseling;
- ii. remedial training;
- iii. written censure;
- iv. ineligibility for overtime teaching for a period up to one year;
- v. ineligibility for summer session and mini-session teaching for a period up to one year;
- vi. loss of salary increment for a period of up to one year;
- vii. suspension; and
- viii. dismissal.

c. The decision of the Committee shall be kept confidential until the President has considered the matter.

d. The Provost and VPAA and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing. The Office of General Counsel shall transmit to the President the full report of the Hearing Committee.

#### 10.10 Action by the President

If the President chooses to review the case, the review shall be based on the record of the proceeding, accompanied by opportunity for argument by the parties or their representatives. If the President reviews the case, he/she may sustain the decision of the Hearing Committee, or return the matter to the Hearing Committee with the objections specified. In such case the Committee shall reconsider, taking account of the stated objections and receiving new evidence if necessary. The Hearing Committee may request a meeting with the President to discuss the objections. The Hearing Committee shall frame its decision and communicate it in the same manner as before. After study of the Committee's reconsideration and affording appropriate deference to the Hearing Committee's findings and recommendations, the President shall make a final decision confirming or dismissing the charges and affirming or modifying any penalty imposed.

#### 10.11 Appeal to the Board of Trustees

If the President reaches a decision that differs from the Hearing Committee on the affirmance or dismissal of the charges and/or any penalty imposed, the faculty member will have the right to appeal the President's decision to the Board of Trustees. The faculty member must advise the President within seven (7) days of receiving the President's decision of his or her intent to appeal the decision to the Board of Trustees. The Board of Trustees shall review the record of the proceedings, accompanied by opportunity for each party or their representatives to submit an appeal memorandum of not more than ten (10) pages. The appeal memorandum shall be submitted to the Board of Trustees within thirty (30) days of the notice of appeal. After reviewing the matter, the Board of Trustees shall make a final decision confirming or dismissing the charges and affirming or modifying any penalty imposed.

#### 10.12 Publicity

Public statements about the case by the faculty member, the committees involved or the administrative officers involved shall be avoided until the proceedings have been completed. Official announcement of a final decision shall be limited to a statement of the charges and of the action taken by the Hearing Committee and the President.

#### 10.13 Grounds and Procedures for Removal of Department Chairpersons

- a. Charges may be brought against a Department Chairperson on the following grounds:
  - i. Incompetent or inefficient service as a Department Chairperson.
  - ii. Demonstrated neglect or unwillingness to perform the duties of Department Chairperson in accordance with the established policies and procedures of the University.
  - iii. Conduct inconsistent with accepted professional standards normally associated with the position of Department Chairperson.

b. A Chairperson may be recalled during the academic year after one semester in office if written charges are signed by:

i. the Dean; or

ii. at least thirty percent (30%) of the Eligible Faculty members of the department. Where charges are brought by a department with six or fewer faculty members, at least two (2) signatures shall be necessary to bring the charges; the next highest integer shall be used in reference to fractions.

c. The procedure to bring written charges against a Chairperson may not be invoked more than once in any semester.

d. If the charges are made by members of the department, the charges shall be presented to the Dean. If the charges are made by the Dean, the charges shall be presented to the Provost and VPAA.

e. The Dean or the Provost and VPAA shall, within ten (10) school days, discuss the matter with the Chairperson in personal conference. Within ten (10) school days thereafter the Dean or the Provost and VPAA shall discuss the matter with the party who brought the charges.

f. If the Dean or the Provost and VPAA considers that there is insufficient evidence to support the charges, the charges and any supporting information shall be presented to the Committee on Investigation and Advice of Charges Against a Faculty Member for its determination of the sufficiency of the charges. If, after investigation, the Committee considers the charges to be insufficient, the proceeding is terminated.

g. If the Dean, the Provost and VPAA, or Committee considers the charges to be sufficient, then the Dean or Provost shall have a conference with the Department Chairperson in an effort to resolve the matter. If the matter is not resolved, the Dean or the Provost and VPAA shall convene a special meeting of the department, within ten (10) days, for the purpose of resolving the matter. Notice of this special meeting shall be accompanied by the written charges and shall be addressed to the home of the Eligible Faculty members, within the department, not later than three (3) days before the meeting. At the meeting, the vote shall be by secret ballot. The Chairperson shall not be entitled to vote on the matter. The matter shall be resolved by a majority vote of the department.

h. If the department recalls the Chairperson, it shall nominate a successor in accordance with the provisions of these Statutes and the President shall designate an acting Chairperson from the nominees submitted by the department. The Provost shall submit to the President the department's recommendation for recall together with his/her recommendation, in accordance with these Statutes, for a successor Chairperson to complete the unexpired term of office.

#### 10.14 Faculty Status

Nothing contained in this article shall be deemed to affect the faculty status of any Department Chairperson whose appointment has been terminated nor shall such termination be subject to the grievance-arbitration procedures.



## ARTICLE 11 LAW SCHOOL GOVERNANCE

### 11.01 Delegation by Board of Trustees

The Board of Trustees of the University hereby delegates the authority and responsibility for academic and faculty matters of the School of Law to its Eligible Faculty, with appropriate involvement of Administration, in accordance with the provisions set forth herein.

### 11.02 The Faculty and Instructional Staff

a. The “Faculty” shall consist of all persons employed full time in the titles of Professor of Law, Clinical Professor of Law, Associate Professor of Law, Associate Clinical Professor of Law, Assistant Professor of Law, Research Professor and Visiting Professor.

b. The “Instructional Staff” shall consist of all persons employed in the titles of Professor of Law, Clinical Professor of Law, Associate Professor of Law, Associate Clinical Professor of Law, Assistant Professor of Law, Assistant Clinical Professor of Law, Assistant Legal Writing Professor, Adjunct Professor, Research Professor, and Visiting Professor.

### 11.03 Eligible Faculty

a. All full-time faculty members since the beginning of the then current academic year shall be eligible to vote in a faculty election and shall be eligible to hold a position on a faculty governing body (“Eligible Faculty”) unless disqualified under paragraphs (b) or (c) herein.

b. Faculty on an unpaid leave of absence shall not be Eligible Faculty.

c. Faculty who receive a notice of non-renewal of contract or who resign shall not be Eligible Faculty.

### 11.04 Faculty Voting Rules

a. An Eligible Faculty member may not vote on any matter concerning his/her reappointment, promotion, conferral of tenure or in any matter involving a conflict of interest.

b. Each Eligible Faculty member shall cast his or her vote on the applicable official voting form.

c. All elections shall be by secret ballot.

d. Proxy or mail voting shall not be permitted.

e. The Dean shall certify the results of all faculty elections to the President of the University within one week of the election.

#### 11.05 Faculty Council

a. The Faculty Council of the School of Law shall exercise jurisdiction over the educational policies of the law school, subject only to the Board of Trustees. The Faculty Council shall be responsible for the formulation of policies relating to curriculum, admission, retention and graduation. The Faculty Council shall also perform those responsibilities relating to the appointment and reappointment of faculty, faculty promotion and tenure.

b. The Faculty Council of the School of Law shall make its own bylaws which will be delivered by the Dean to the President and the Provost and VPAA at the beginning of each academic year, subject to the approval of the President.

c. The Faculty Council of the School of Law shall consist of the Dean, the Associate Dean, the Assistant Dean or Deans, and all full-time Eligible Faculty; provided however, that Assistant Legal Writing Professors may not vote on personnel matters, including changes to the bylaws of the School of Law and standards relating to faculty appointment, reappointment, promotion and tenure.

d. There shall be no membership for students on the Faculty Council of the School of Law.

e. The Secretary of the Faculty Council of the School of Law shall be nominated and elected by the Council.

f. The Dean of the School of Law shall preside at meetings of the Faculty Council. If the Dean is absent, the senior Professor present shall preside.

#### 11.06 Faculty Council Standing Committees

a. The standing committees of the Faculty Council shall be:

- i. Committee on Admissions
- ii. Committee on Curriculum
- iii. Committee on Grades
- iv. Committee on Law Library
- v. Committee on the Budget
- vi. Advisory Placement Committee
- vii. Committee on Student-Faculty Liaison
- viii. Committee on Student Activities
- ix. Committee on Academic Support

b. The Dean, Associate Deans, and Assistant Deans shall serve as *ex officio* members of each standing committee.

c. The composition and duties of each standing committee shall be specified in the bylaws of the Faculty Council.

#### 11.07 Qualifications for Faculty Appointment, Reappointment and Promotion

All persons seeking appointment or promotion on the faculty of the School of Law are required to meet the qualifications specified for each rank described herein. All candidates must possess satisfactory qualities of personality and character, an ability to teach and counsel students effectively, an interest in scholarship or creative achievement, and a willingness to cooperate with others in the achievement of the objectives of St. John's University.

#### 11.08 Assistant Professor of Law

Candidates for appointment as an Assistant Professor of Law must demonstrate:

- a. potential for effectiveness as a teacher both in the classroom and in the counseling of students;
- b. potential for professional growth;
- c. promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in leading law schools in the United States; and
- d. potential for service to the School of Law, St. John's University and the community.

#### 11.09 Assistant Clinical Professor of Law

Candidates for appointment as an Assistant Clinical Professor of Law must demonstrate:

- a. potential for effectiveness as a teacher in the classroom and in the professional setting;
- b. potential for professional growth;
- c. promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in leading law schools in the United States; and
- d. potential for service to the School of Law, St. John's University and the community.

#### 11.10 Associate Professor of Law

a. Candidates for promotion or appointment as an Associate Professor of Law must meet the requirements for appointment as an Assistant Professor of Law (§11.08) and in addition a record of significant achievement in the field or profession or as an administrator. Evidence of scholarship, research, or creative activity may be manifested through scholarly publications and in professionally recognized media as well as through such subsidiary evidence as direction of or significant participation in research projects in the scholarly activities of learned societies. There shall also be evidence that the candidate's alertness and intellectual energy are respected outside the immediate academic community.

b. Candidates for promotion must also demonstrate adequate service in the way of committee assignment or similar activity to the School of Law and/or the University.

c. Candidates for promotion must also satisfy the threshold time requirements of full-time teaching or equivalent experience as set forth in the “St. John’s University School of Law Standards Governing Faculty Promotion and Tenure.” The Dean of the School of Law shall deliver a copy of the Standards to the President and the Provost and VPAA prior to the commencement of each academic year.

d. An individual applying for promotion to Associate Professor of Law need not concurrently apply for conferral of tenure.

#### 11.11 Associate Clinical Professor of Law

Candidates for promotion or appointment as an Associate Clinical Professor of Law must meet the requirements for appointment as an Assistant Clinical Professor of Law (§11.09) and in addition must evidence:

a. Clinical practice expertise as manifested through presentations on research and scholarly work, consultantships, in-service education, activities in professional societies, membership on editorial boards of legal/professional journals, awards for research, professional or clinical practice achievement; and

b. Service activities as manifested by participation on School of Law or University committees and task forces, participation in community activities that enhance the understanding of the University, School of Law and/or the profession, participation in professional continuing education programs, and administrative duties within the University or School of Law.

#### 11.12 Professor of Law

a. Candidates for promotion or appointment as a Professor of Law must meet the requirements for appointment as an Associate Professor of Law (§11.10) and in addition a record of distinguished intellectual, educational, or professional achievement. There shall be evidence of continued growth and of general recognition among scholars, educators, and members of the legal profession outside the University.

b. Candidates for promotion must also satisfy the threshold time requirements of full-time teaching or equivalent experience as set forth in the “St. John’s University School of Law Standards Governing Faculty Promotion and Tenure.”

c. An individual applying for promotion to Professor of Law need not concurrently apply for conferral of tenure.

#### 11.13 Clinical Professor of Law

Candidates for promotion or appointment as a Clinical Professor of Law must meet the requirements for appointment as an Associate Clinical Professor of Law (§11.11) and in addition a record of distinguished intellectual, educational or professional achievement. There shall be evidence

of continued growth and of general recognition among professionals and educators outside the University.

#### 11.14 Initial Appointment Recommendations

a. The President, the Provost and VPAA, and the Dean of the School of Law shall make recommendations for initial full-time appointments to the instructional staff of the School of Law.

b. No full-time faculty member shall be appointed without the approval of the Faculty Council of the School of Law.

#### 11.15 Probationary Periods

a. All initial appointments in faculty ranks are probationary except for persons first appointed with tenure to the rank of Professor.

b. The probationary period for persons in the ranks of Professor and Associate Professor shall terminate with the second reappointment.

c. The probationary period for persons in the rank of Assistant Professor shall terminate with the third reappointment.

d. A person appointed to a faculty rank for a portion of an academic year (i.e., one semester or less) shall not have such service counted toward the probationary period.

e. A faculty member who is on a leave of absence for any semester during any probationary period shall not have that academic year counted toward the probationary period.

f. During the probationary period a faculty member may be notified of non-reappointment without specification of cause.

g. A statement of the reasons for non-reappointment shall be included in any notice of non-reappointment delivered after the conclusion of the probationary period.

#### 11.16 Procedures for Appointment, Reappointment and Promotion

The bylaws of the Law School Faculty Council shall set forth the procedures for appointment, reappointment and promotion.

#### 11.17 Tenure

a. Tenure shall mean the right of a faculty member to hold a position during good behavior and efficient and competent service, and not to be removed except for cause in the manner hereinafter provided or for a reduction of faculty after following appropriate procedures.

b. The right to grant tenure resides in the University alone and shall be exercised by the President upon the recommendation of faculty and administrative authorities in accordance with the provisions of these Statutes.

c. All University procedures governing the conferral or revocation of tenure shall conform to the *Statement of Principles on Academic Freedom and Tenure* adopted in 1940 by the Association of American Colleges and in accordance with the endorsement of the Board of Trustees on January 15, 1968. It shall be specifically understood that the reference in this Statement to “Freedom....of Extramural Activities” shall not be interpreted as limiting the right of the University reasonably to restrict extramural classroom teaching or other compensated employment by full-time members of the St. John’s University faculty.

#### 11.18 Eligibility for Tenure

a. Tenure may be granted to any full-time faculty member of the School of Law, regardless of faculty rank, who at the time of the application for tenure fulfills the criteria for promotion to the rank of Associate Professor of Law and who has fulfilled the additional scholarship and threshold time requirements for full-time teaching or equivalent experience as set forth in the “St. John’s University School of Law Standards Governing Faculty Promotion and Tenure.” An individual applying for conferral of tenure need not concurrently seek promotion to any rank in the School of Law.

b. Except as provided in paragraph (c) below, the evaluation period for tenure shall not exceed seven years of full-time law school teaching in the rank of Instructor or above.

c. It may be agreed in writing that an initial appointment in the rank of Assistant Professor or above is for an evaluation period of not more than four years even though the person has served three or more years as a full-time faculty member of another Association of American Law Schools law school or its equivalent. Notice shall be given by June 30 of the year prior to the expiration of the evaluation period if the faculty member is not to be continued in service after the expiration of that period.

#### 11.19 Tenure Eligibility Restrictions

The right to tenure and the tenure eligibility rules do not apply to:

- a. Administrative positions; provided however, that full-time faculty members who serve as administrators are eligible for tenure.
- b. Visiting or adjunct professorial positions.
- c. Assistant Legal Writing Professor.
- d. Assistant Professor for Clinical Education.
- e. Part-time teaching positions.

#### 11.20 Members of the Congregation of the Mission

a. Except as provided in paragraphs (b) and (c) below, members of the Congregation of the Mission assigned to faculty posts at St. John's University possess the same rights and duties as other faculty members of like rank and status.

b. Faculty service by members of the Congregation of the Mission in other Vincentian educational institutions above the secondary school level or in other accredited institutions of similar grade shall be deemed to be the equivalent of faculty service at St. John's University.

c. For the purposes of holding office in University faculty agencies, members of the Congregation of the Mission who have served seven or more years in faculty ranks in educational institutions described in paragraph (b) above shall be deemed to possess the qualifications conferred by tenure.

#### 11.21 Procedures for Conferral of Tenure

The bylaws of the Law School Faculty Council shall set forth the procedures for conferral of tenure.

#### 11.22 Procedure for Recommending Reappointment, Promotion or Tenure

A decision of the Law School Faculty (hereinafter "Faculty") recommending reappointment, promotion or tenure of a candidate (hereinafter referred to as a "positive decision") shall be forwarded to the Provost and VPAA, who shall review the decision for compliance with the Statutes of St. John's University, to the extent applicable to the Law School; the Bylaws of the Law School Faculty Council; and the Law School's Standards Governing Faculty Promotion and Tenure (hereinafter referred to, respectively, as the "Statutes," "Bylaws" and "Standards"). If the Provost and VPAA finds that the positive decision complies with the Statutes, Bylaws and Standards, the Provost and VPAA shall recommend the candidate to the President for action by the President; provided, however, that if the Provost and VPAA has reason to believe that the positive decision was made in material violation of the Statutes, Bylaws or Standards, the Provost and VPAA shall consult with the Dean of the Law School, or, if the Dean disagrees with the positive decision, a member of the Faculty, to be chosen by the Faculty. If such consultation fails to resolve the question, the Provost and VPAA shall forward his or her concerns to the President together with the Faculty's positive decision for action by the President. The Provost and VPAA and the Dean of the Law School or the member of the Faculty shall have an opportunity to be heard by the President regarding the positive decision of the Faculty.

A decision of the Faculty not to recommend reappointment, promotion or tenure of a candidate (hereinafter referred to as a "negative decision") may be appealed by the candidate in accordance with the following procedure:

- a. The Provost and SVPA shall hear from the candidate, or Faculty member designated by the candidate, as to why the negative decision should be reversed and from the Dean of

- the Law School, or, if the Dean disagrees with the negative decision, a member of the Faculty, to be chosen by the Faculty, as to why the negative decision should be affirmed.
- b. The candidate shall have the burden of establishing that the negative decision was arbitrary and capricious or made in material violation of the Statutes, Bylaws or Standards.
  - c. A determination by the Provost and VPAA affirming the negative decision shall be final.
  - d. If the Provost and VPAA reverses the negative decision, the Provost and VPAA shall recommend the candidate to the President for action by the President.
  - e. The Provost and VPAA and the Dean of the Law School or the member of the Faculty shall have an opportunity to be heard by the President regarding the negative decision of the Faculty.

#### 11.23 Grounds and Procedures for Removal or Suspension of Faculty Members

Members of the faculty may be removed for one or more of the following reasons:

- a. Incompetent or inefficient service.
- b. Demonstrated neglect or unwillingness to perform the duties of an appointment in accordance with the established policies and procedures of the University.
- c. Conduct inconsistent with accepted professional and moral standards. This shall not be so interpreted as to constitute interference with academic freedom.
- d. Physical or mental incapacity.

#### 11.24 Suspension Pending Investigation

The President of the University may suspend a member of the faculty pending the investigation of the charges. Such a suspension shall normally be with pay.

#### 11.25 Investigation and Service of Charges

The President, the Provost and VPAA, an Academic Dean, or one or more of the Board of Trustees, may bring charges against a member of the faculty who has tenure or whose term appointment has not expired. Initially, the charges shall be presented confidentially to the President, who may discuss the matter with the faculty member in an effort to resolve the matter. If the matter is not resolved, the President shall refer the matter to the Committee on Investigation and Advice of Charges Against a Faculty Member of the School of Law.

#### 11.26 Committee on Investigation and Advice of Charges

- a. The Committee on Investigation and Advice of Charges Against a Faculty Member of the School of Law shall be composed of three (3) tenured faculty members elected by all Eligible Faculty members of the School of Law.
- b. The terms of all Committee members shall be three (3) years.



c. A quorum of the Committee shall consist of two (2) members.

d. If a member of this Committee is involved, directly or indirectly, in the making of charges against the faculty member, or is privy to information that will reduce or impair his or her objectivity, or is the party against whom the charges are made, said member shall not serve on the Committee during its consideration of that particular case.

e. The Committee shall consult with the Provost and VPAA and the faculty member and seek to reach a mutually satisfactory resolution. If no resolution is reached, the Provost and VPAA, with the assistance of the Committee, shall formulate in writing the charge made against the faculty member and the evidence supporting the charge.

f. The Provost and VPAA shall arrange for a copy of the charges to be promptly served upon the faculty member. When the charges are served, the faculty member shall be informed of the right to a hearing by the Committee on Hearing and Deciding Charges Against a Faculty Member of the School of Law. The notice shall inform the faculty member in detail or by reference to these Statutes, of the procedural rights that will be accorded to the faculty member. The faculty member shall file a written answer within 20 days of the date the charges were served and shall indicate whether a hearing is requested. If a hearing is requested, the Committee shall schedule a hearing within thirty (30) days of receipt of the written request for a hearing and shall notify the faculty member of the date, time and place for the hearing.

#### 11.27 Committee on Hearing and Deciding Charges

a. The Committee on Hearing and Deciding Charges Against a Faculty Member of the School of Law shall be composed of five (5) members, four of whom shall be the faculty members of the Law School Personnel Committee. The remaining faculty member shall be a tenured faculty member elected to a three-year term by all Eligible Faculty members of the School of Law.

b. A quorum of the Committee shall consist of three (3) members.

c. If a member of this Committee is involved, directly or indirectly, in the making of charges against the faculty member, or is privy to information that will reduce or impair his or her objectivity, or is the party against whom the charges are made, said member shall not serve on the Committee during its consideration of that particular case.

#### 11.28 Hearing Procedure

a. The Committee on Hearing and Deciding Charges Against a Faculty Member shall consider the formal charges, written supporting evidence and the faculty member's written answer to the charges. If the faculty member has not requested a hearing, the Committee shall consider the case on the basis of available information and shall confirm or dismiss the charges.

b. The Committee shall determine the order of proof, shall normally conduct the questioning of witnesses, and, if necessary, shall secure the presentation of evidence relevant to the

case. Formal rules of court procedure do not need to be followed. There shall be a full stenographic record of the hearing kept and made available to the parties.

c. The Provost may attend the hearing and may designate an appropriate representative to assist in developing the case. The faculty member shall have the option of assistance by counsel. The parties or their representatives shall have the right, within reasonable limits, to question all witnesses who testify.

d. If the hearing involves charges of incompetence, the testimony shall include that of teachers and other scholars either from the University or from other institutions. The faculty member shall have the aid of the Committee, when needed, in securing the attendance of witnesses.

e. Each of the parties shall have the opportunity to confront all witnesses. If a witness cannot appear despite a party's best efforts, or in unusual circumstances, the Committee may accept a witness' statement. The identity of the witness and the content of the witness' statements shall be provided to the opposing party who shall be afforded a reasonable opportunity to investigate and provide contradictory evidence. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence shall be duly recorded.

f. At the conclusion of the hearing, the Provost and faculty member or their representatives shall be afforded the opportunity to make an oral statement to the Committee. The Committee may request written briefs of the parties.

#### 11.29 Decision of Committee

a. The Committee shall reach its decision in conference based upon the evidence at the hearing. It shall make explicit findings with respect to each of the grounds of removal or other discipline imposed.

b. There may be instances where the conduct of the faculty member warrants a penalty less severe than removal. In such cases, the Hearing and Deciding Committee may impose another penalty which it considers appropriate to the seriousness of the conduct including:

- i. ineligibility for overtime teaching for a period up to one year;
- ii. ineligibility for summer session and mini-session teaching for a period up to one year; and
- iii. loss of salary increment.

c. The decision of the Committee shall be kept confidential until the President has considered the matter.

d. The Provost and VPAA and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing. The Provost and VPAA shall transmit to the President the full report of the Hearing Committee.

#### 11.30 Action by the President

If the President chooses to review the case, the review shall be based on the record of the proceeding, accompanied by opportunity for argument by the parties or their representatives. If the President reviews the case, he/she may sustain the decision of the Hearing Committee, or return the matter to the Hearing Committee with the objections specified. In such case the Committee shall reconsider, taking account of the stated objections and receiving new evidence if necessary. The Hearing Committee shall frame its decision and communicate it in the same manner as before. After study of the Committee's reconsideration the President shall make a final decision confirming or dismissing the charges and affirming or modifying any penalty imposed.

#### 11.31 Publicity

Public statements about the case by the faculty member, the committees involved or the administrative officers involved shall be avoided until the proceedings have been completed. Official announcement of a final decision shall be limited to a statement of the charges and of the action taken by the Hearing Committee and the President.