

Academic Articles
University of Notre Dame
Effective October 1, 2017

Preamble

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

The academic articles themselves result from mutual communication and shared action. The process of their writing has been open to the views of the community; it has drawn upon ideas and language proffered by officially constituted bodies of the University; and it has culminated in the decisions of the Academic Council, a body whose membership represents the scope of the University's academic concern.

Founded on the principles of the previous manual, this document carries forward the cooperative will of the past, expresses that of the present, and assures cooperation for the future. As accepted by the Board of Trustees, the final institutional authority of the University, the academic articles constitute the document by which academic government is entrusted to the faculty, the students, and the administration. They thereby signify recognition by all groups of their interdependence and of the responsibility each bears to the others. In proposing academic policies, in considering their merits, and in deciding what policies shall be adopted for the University, trustees, administrators, faculty, and students recognize one another's proper share of responsibility and are alert to ways of enhancing their cooperative work.

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

Article I, Executive Administration

Section 1/The Governance of the University

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

bylaws, and in the event of any inconsistency between these academic articles and the statutes or bylaws, the statutes or bylaws shall be controlling.

Section 2/The President

The President is elected by the Board of Trustees, after consultation with representatives of the faculty, from among the clerical members of the Congregation of Holy Cross, United States Province of Priests and Brothers. The President is the first officer of the University and is vested with full and final authority over all matters pertaining to its government, except as limited by the original charter, and the statutes and bylaws of the University.

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

Section 3/The Acting President

In the absence of the President, the Provost shall serve as Acting President. In the absence of the President and Provost, the Executive Vice President shall serve as Acting President. In the absence of the President, Provost and Executive Vice President, the Vice President and Senior Associate Provost, followed by such others as the President may designate, shall serve as Acting President.

Section 4/The Executive Vice President

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

Article II, Academic Officers

Section 1/The Provost

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

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

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

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

Section 2/The Vice Presidents and Associate Provosts

The President appoints the Vice Presidents and Associate Provosts upon the recommendation of the Provost. When the appointment of a Vice President and Associate Provost is to be made, the Provost consults with the Provost's Advisory Committee and reports the complete results of this consultation to the President, along with a personal recommendation. The Provost may, at his or her discretion, designate a Vice President and Associate Provost to serve as Vice President and Senior Associate Provost.

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

Section 3/The Vice President for Research

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

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

Within the framework of University policies and procedures, the Vice President for Research has responsibility, under the Office of the Provost, for the general supervision, administration, and development of research activities, including all sponsored programs, conducted by the University and its faculty. The Vice President for Research is assisted in the duties of office by Associate and Assistant Vice Presidents, who are appointed by the President and who perform such duties and exercise such authority as may be delegated to them by the Vice President for Research.

Section 4/Deans of Colleges

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

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

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

The Dean of a College is assisted in the duties of office by Associate and/or Assistant Deans of the College, who are appointed by the Dean upon approval of the Provost and who perform

such duties and exercise such authority as may be delegated to them by the Dean.

Section 5/Dean of the Law School

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

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

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

Section 6/Dean of the School of Architecture

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

the case of retention of the Dean, the faculty shall be informed of the reasons for retention.

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

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

Section 7/ Dean of the School of Global Affairs

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

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

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

Section 8/Dean of the First Year of Studies

The Dean of the First Year of Studies is appointed by the President. Except in extraordinary circumstances, the appointment is subject to formal review every five years. When such an appointment is to be made, the Academic Council elects five tenured faculty members of the University and one undergraduate student from student government to constitute a committee chaired by the Provost. The Provost may appoint to the

committee up to two additional members from among the regular faculty of the University in order to ensure that a broad range of views and perspectives is represented on the committee. The Provost may assign a Vice President and Associate Provost to assist the committee as a non-voting member. The committee receives and considers nominations, including those received from the faculty. The Provost then reports the recommendations of the committee to the President, along with a personal recommendation. For the five-year review, a similar committee is constituted. The Provost may, in his or her discretion, serve on that committee. The Provost names the chair of the review committee from the elected members and may assign a Vice President and Associate Provost to assist the committee as a non-voting member.

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

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

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

Section 9/Chairpersons of Departments

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

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

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

Section 10/Directors of University Institutes and Centers

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

these guidelines.

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

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

Section 11/Director of University Libraries

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

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

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

Section 12/Other Academic Administrators

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

Article III, The Faculty

Section 1/Membership

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

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

Subsection (a) Tenured and Tenure-Track Faculty

Members of the tenured and tenure-track faculty hold appointments in the academic departments of the University and have the ranks of professor, associate professor, assistant professor, and instructor.

Subsection (b) Research Faculty

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

Subsection (c) Library Faculty

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

Subsection (d) Special Professional Faculty

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

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

the final decision after consultation with the appropriate academic department(s) or school(s).

Subsection (e) Regular Faculty

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

Subsection (f) Other Faculty

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

Other faculty are defined as follows:

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

Adjunct: An adjunct faculty appointment is a part-time position of less than three-quarter time within an academic unit. An adjunct appointment is for a fixed term up to one academic year and may be renewed. An individual may hold adjunct appointments in more than one department, but the total appointment must be less than three-quarter time. An individual holding a full-time faculty or staff position in another unit at the University normally would receive a concurrent appointment rather than an adjunct appointment.

Joint: A joint appointment is negotiated by a faculty member and the heads of two or more units which normally confers full rights, privileges, and obligations on the holder. The terms of such an appointment are formally agreed to by the holder and the heads of the respective unit (i.e., departments, colleges, institutes) and approved by the units' respective Committees on Appointments and Promotions (CAPs). Such an appointment is generally made with no fixed term, unless agreed by the holder and heads of the respective units. The joint appointment is intended to be an appointment without a time limitation, but terminable upon agreement of all parties.

Concurrent: A concurrent faculty appointment is a temporary appointment of at least one academic term by consent of all the parties appropriate for staff or faculty members who hold full-time positions elsewhere in the University. A concurrent appointment does not confer full rights, privileges, and obligations in the academic unit where the concurrent appointment is held.

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

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

Subsection (g) Fellows of Institutes

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

Section 2/Academic Freedom and Associated Responsibilities

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

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

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

Section 3/Faculty Qualifications and Periods of Service

Subsection (a) Tenured and Tenure-Track Faculty

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

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

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

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

notice periods are the same as for associate professor.

Subsection (b) Research Faculty

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

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

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

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

Subsection (c) Library Faculty

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

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

The associate librarian should have demonstrated outstanding professional ability, growth in knowledge and maturity, salutary influence on students, and where applicable, standing among colleagues. Significant achievement in contribution to the profession and achievement in University service are ordinarily required for this rank. Salary is reviewed each year. Principles regarding notice periods are the same as for assistant librarian.

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

Subsection (d) Special Professional Faculty

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

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

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

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

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

Subsection (e) Qualifications for Conducting Courses

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

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

Subsection (a) Tenured and Tenure-Track Faculty

Appointments to the tenured and tenure-track faculty are made by the President, upon recommendation from the department, Dean, and Provost. The formal procedure for appointments is initiated by the chairperson of the department, acting with the departmental Committee on Appointments and Promotions (CAP). The chairperson of the department submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean, who then submits these recommendations to the Provost, along with a written personal recommendation.

The Provost, after consultation with such advisers as the Provost may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action.

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

The Provost, after consultation with such advisers as he or she may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action. For reappointment, promotion, and tenure decisions, the

Provost ordinarily consults with the Provost's Advisory Committee before making a recommendation to the President. The President informs the Provost of his final determination. The Provost in turn informs the Dean of this determination. The Dean or, at the Dean's discretion, the departmental chairperson meets with the candidate and delivers written notice to him or her of the decision concerning reappointment, promotion, or tenure. Whenever the ultimate decision concerning reappointment, promotion, or tenure is negative, the Dean, upon request of the faculty member concerned, conveys to the faculty member (in writing, if so requested) the reasons for this negative decision. If the Provost and/or President disagreed with the recommendation of the Provost's Advisory Committee, the Dean shall consult with the Provost and/or the President regarding the basis for such disagreement prior to conveying the reasons to the faculty member.

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

Subsection (b) Endowed Chairs

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

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

The departmental Full Professor CAP evaluates each candidate for appointment to an endowed chair at the full professor level and provides the Endowed Chair Review Committee with a written report of its deliberations and recommendation. The Endowed Chair Review Committee then assesses the candidate evaluated by the departmental Full Professor CAP and advises the Dean as to the candidate's quality in a written report of its deliberations and recommendation. The Endowed Chair Review Committee also forwards to the Dean the written report of the departmental Full Professor CAP. If the Dean approves the appointment, the Dean provides the Provost with a written personal recommendation along with the written reports of the departmental Full Professor CAP and the Endowed Chair Review Committee. If the Dean disapproves the appointment, the Dean does not forward any written materials to the Provost but instead shall terminate the candidacy by informing the Provost and the committees

of the decision and the reason for it. If the Provost, after receiving a positive recommendation from the Dean and after consultation with such advisers as the Provost may choose, approves the appointment, the Provost submits a personal recommendation and all other reports and recommendations to the President for final action. If the Provost disapproves the appointment, the Provost does not forward any written materials to the President but instead terminates the candidacy by informing the President and the Dean and the committees of the decision and the reason for it.

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

Subsection (c) Research Faculty

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

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

In the cases initiated by the chairperson of an academic department, if the Dean anticipates

disagreeing with the recommendations of the appropriate departmental chairperson or with the CAP, the Dean meets jointly with the chairperson and the CAP to discuss the case before submitting the written personal recommendation to the Provost. The results of any such meetings are forwarded to the Provost along with the recommendations.

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

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

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

Subsection (d) Library Faculty

Appointments to the library faculty are made by the Provost or the Provost's designee. The formal procedure for appointment is initiated by the director of University Libraries in consultation with the University Libraries Committee on Appointments and Promotions (CAP). The director of University Libraries submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Provost. Faculty of the Law Library follow appointment procedures set forth by the Hoynes Code of the Law School.

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

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

Whenever the Provost does not accept the CAP's recommendation made by the library CAP, the CAP is entitled, upon request, to an explanation of such non-acceptance, conveyed to the

committee through the director.

Subsection (e) Special Professional Faculty

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

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

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

Subsection (f) Other Faculty Appointments

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

Subsection (g) Joint Faculty Appointments

Appointments of joint faculty are made by the Provost or the Provost's designee upon the recommendation of the respective departmental chairperson, the respective Committees on Appointments and Promotions, and the respective University Institute Director(s) and/or Dean(s).

Section 5/Tenure

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

Members who are appointed to the rank of assistant professor will not be retained in that rank in a probationary status and without tenure for longer than seven years of active service (if that period concludes with a fall semester, then seven-and-one-half years). Members who are appointed to the rank of associate professor will not be retained in a probationary status and without tenure for longer than six years (respectively, six-and-one-half years) of active service. These maximum probationary periods do not include the terminal contract year, during which the member is no longer considered to be in a probationary status.

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

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

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

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

A member of the tenured and tenure-track faculty may appeal a negative decision concerning reappointment, promotion, or tenure by filing a written appeal with the Provost. Likewise a member of the research faculty, library faculty, or special professional may appeal a negative decision concerning reappointment or promotion by filing a written appeal with the Provost.

The grounds for appeal are limited to:

(1) Academic Freedom: consideration of factors that impinge upon the academic freedom of the petitioner.

(2) Discrimination: denial of reappointment, promotion or tenure, or a failure to afford the petitioner equal opportunity to demonstrate the standards expected for reappointment, promotion or tenure, as is afforded to similarly situated faculty not in the protected class, due to sex, race, color, national origin, religion, disability,

genetic information, age or veteran status.

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

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

Note the following stipulations regarding discrimination on the basis of sex:

A member of the tenured and tenure-track faculty, research faculty, library faculty, or special professional faculty (“petitioner”) who alleges that a decision against reappointment, promotion, or promotion to tenure of that faculty member is the product of discrimination on the basis of sex may choose one of two avenues of appeal.

1. The petitioner may proceed with an appeal as outlined in Appendix A to these articles (unless Appendix A is amended in favor of the procedures established by the provisions of this subsection), which is limited to cases of alleged discrimination on the basis of sex. If the Appendix A procedure is chosen, the petitioner may also file an appeal via the process outlined below alleging discrimination on other grounds, but not discrimination on the basis of sex.

2. Alternately, the petitioner may proceed with an appeal via the process outlined below, in which discrimination on the basis of sex as well as other possible grounds for discrimination may be alleged. If the petitioner alleges discrimination on the basis of sex under the procedure outlined below, the petitioner may not also file an appeal as outlined in Appendix A.

In short, a petitioner may not submit an appeal alleging discrimination *on the basis of sex* under both processes but must choose one or the other.

Subsection (a) Appeals by a member of the tenured and tenure-track faculty

A member of the tenured and tenure-track faculty (“the petitioner”) may appeal a negative decision concerning reappointment, promotion, or tenure by filing a written appeal with the Provost. The grounds for appeal are limited to:

(1) **Academic Freedom:** consideration of factors that impinge upon the academic freedom of the petitioner.

(2) **Discrimination:** denial of reappointment, promotion or tenure, or a failure to afford the petitioner equal opportunity to demonstrate the standards expected for reappointment, promotion or tenure, as is afforded to similarly situated faculty not in the protected class, due to sex, race, color, national origin, religion, disability, genetic information, age or veteran status.

(3) **Personal Bias:** consideration of factors unrelated to the performance of the petitioner in carrying out his or her professional responsibilities, or improper and unprofessional

consideration of relevant factors, demonstrating a lack of objectivity or impartiality.

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

Following an adverse decision, the faculty member must consult with the Department Chair, Dean and the Provost, in that order, within sixty (60) calendar days (excluding June, July and August), after notification of the original adverse decision. If the petitioner is not satisfied after such consultation, the petitioner may, no later than 60 days (excluding June, July, and August) after notification of the original adverse decision or 30 days after the decision of the Provost following consultation, whichever is later, submit a petition to the Provost requesting a review of the petitioner's case.

The written appeal shall specify each ground for appeal asserted and shall include a concise statement of facts supporting each ground for appeal. The petition should include all documents supporting the petitioner's factual statements as are then available to the petitioner. The Provost shall disclose to the University Committee on Appeals each ground for appeal asserted, but not the name of the petitioner submitting the appeal.

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

The Review Committee shall be provided by the Provost the petition submitted to the Provost and the petitioner's entire CAP file. In the course of its investigation, the Review Committee shall have confidential access to all information it deems necessary and may interview the petitioner and all parties involved in the case or whom they deem necessary to interview. The Review Committee's investigation need not be limited to the grounds raised by the petitioner. The Provost or his or her designee resolves any dispute concerning access to confidential information.

The Review Committee does not consider whether reappointment, promotion, or tenure should have been granted, but rather makes a determination of whether the preponderance of the evidence establishes that the decision was negative due to one or more of the grounds for appeal. If the candidacy was terminated prior to the Provost's consideration, the Review Committee shall submit a written report detailing its determination and the facts upon which such determination is based to the Provost. If the candidacy was terminated by the President, the Review Committee shall submit this report to the President. The Review Committee shall submit its report within ninety (90) calendar days of the Review

Committee's formation. The petitioner and the Dean shall be informed of the Review Committee's determination. The Provost or the President shall evaluate the report and shall determine what additional evaluation or action, if any, is appropriate. As part of this evaluation process, the Provost or the President may elect to meet with the Review Committee to discuss its report. The decision of the Provost or President regarding the appeal is final, except that the President may in his sole discretion review an appeal evaluated by the Provost. The decision of the Provost or President regarding the appeal shall be conveyed to the petitioner and the Review Committee within thirty (30) calendar days of the Provost's or President's receipt of the Review Committee's determination.

All documents, reports, notes, correspondence, minutes and other materials generated as part of the review process or by the Review Committee shall be held in confidence by the members of the Review Committee, and shall be deposited with the Provost after the Review Committee has completed its work.

The Provost shall submit an annual report to the President, the individual at the University responsible for academic affirmative action, and the University's Academic Affirmative Action Committee regarding all appeals taken. The report shall enumerate the appeals taken, the determination of the Review Committee and the ultimate disposition of each case.

Subsection (b) Appeals by a member of the research faculty, library faculty, or special professional faculty A member of the research faculty, library faculty, or special professional faculty ("the petitioner") may appeal a negative decision concerning reappointment or promotion by filing a written appeal with the Provost. The grounds for appeal are limited to:

(1) Academic Freedom: consideration of factors that impinge upon the academic freedom of the petitioner.

(2) Discrimination: denial of reappointment, promotion or tenure, or a failure to afford the petitioner equal opportunity to demonstrate the standards expected for reappointment, promotion or tenure, as is afforded to similarly situated faculty not in the protected class, due to sex, race, color, national origin, religion, disability, genetic information, age or veteran status.

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

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

Following an adverse decision, the petitioner must submit a written appeal within forty (40) calendar days of notification of the decision. The written appeal shall specify each ground for appeal asserted and shall include a concise statement of facts supporting each ground for appeal. The petition should include all documents supporting the petitioner's factual statements

as are then available to the petitioner. The Provost shall disclose to the University Committee on Research, Library, and Special Professional Faculty Appeals each ground for appeal asserted, but not the name of the petitioner submitting the appeal.

Three members of the University Committee on Research, Library, and Special Professional Faculty Appeals shall constitute the committee reviewing the appeal (“the Review Committee”). The Review Committee will be formed within fifteen (15) calendar days of the filing of the written appeal. To constitute the Review Committee, the University Committee on Research, Library, and Special Professional Faculty Appeals and the petitioner each select one member to serve on the Review Committee, after which the Provost selects a third member to serve the Review Committee. The three members of the Review Committee decide who will chair the Review Committee. Any person who has had prior involvement with the case, either directly or indirectly, must recuse himself or herself from service on the Review Committee.

The Review Committee shall be provided by the Provost the petition submitted to the Provost and the petitioner’s entire CAP file. In the course of its investigation, the Review Committee shall have confidential access to all information it deems necessary and may interview the petitioner and all parties involved in the case or whom they deem necessary to interview. The Review Committee’s investigation need not be limited to the grounds raised by the petitioner. The Provost or his or her designee resolves any dispute concerning access to confidential information.

The Review Committee does not consider whether reappointment or promotion should have been granted, but rather makes a determination of whether the preponderance of the evidence establishes that the decision was negative due to one or more of the grounds for appeal. The Review Committee shall submit a written report detailing its determination and the facts upon which such determination is based to the Provost. If the Review Committee finds that the Provost’s actions caused one or more valid grounds for appeal, then the Review Committee submits the written report to the President. The Review Committee shall submit its report within thirty (30) calendar days of the Review Committee’s formation. The petitioner and the Dean or the Director shall be informed of the Review Committee’s determination. The Provost or the President shall evaluate the report and shall determine what additional evaluation or action, if any, is appropriate. As part of this evaluation process, the Provost or the President may elect to meet with the Review Committee to discuss its report. The decision of the Provost or the President regarding the appeal is final, except that the President may in his sole discretion review an appeal evaluated by the Provost. The decision of the Provost or President regarding the appeal shall be conveyed to the petitioner, the Dean or Director, and the Review Committee within fifteen (15) calendar days of the Provost’s or the President’s receipt of the Review Committee’s determination.

All documents, reports, notes, correspondence, minutes and other materials generated as part of the review process or by the Review Committee shall be held in confidence by the members of the Review Committee, and shall be deposited with the Provost after the Review Committee has completed its work.

The Provost shall submit an annual report to the President, the individual at the University responsible for academic affirmative action, and the University's Academic Affirmative Action Committee. The report shall enumerate the appeals taken, the determination of the Review Committee and the ultimate disposition of each case.

Section 7/Dismissal Without Serious Cause

Subsection (a) Discontinuance of an Academic Organization

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

Subsection (b) Financial Exigency

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

Section 8/ Severe Sanctions for Serious Cause

The University may impose one or more severe sanctions on any faculty member for serious cause. Except for circumstances described in Section 7, faculty members with tenure may be dismissed from employment only for serious cause as provided in this section.

Subsection (a) Definition of Serious Cause

"Serious cause" consists of any of the following: significant and deliberate academic dishonesty or plagiarism; misrepresentation of academic credentials; professional incompetence; continued neglect of academic duties, regulations, or responsibilities; conviction of a felony; significant and deliberate personal or professional misconduct (including, but not limited to, sexual harassment or discrimination in violation of University policies); continual significant disregard for the Catholic character of the University; or causing notorious and public scandal. Gross negligence may constitute deliberate conduct for the purposes of this subsection. Nothing in these definitions shall be construed so as to deny the right of a member of the faculty to academic freedom and associated responsibilities as defined in Article III, Section 2 of these Articles.

Subsection (b) Definition of Severe Sanction

"Severe sanction" consists of any of the following: dismissal from employment; suspension; revocation of tenure; demotion in academic rank; and reduction of individual salary of more than 2% (not including reduction due to financial exigency causing widespread reductions).

Subsection (c) Procedures for Imposing Severe Sanctions

In order to impose one or more severe sanctions on a faculty member for serious cause, the University must adhere to the following procedures:

(1) Notice and Potential for Resolution. The Provost initiates the process by providing the faculty member with initial written notice of: the serious cause that is alleged; the basis for the allegation; the severe sanction(s) that are sought; the procedures available under this section of the articles, including the procedures in paragraph (2) of this subsection concerning the faculty member's right to request a hearing or submit a written response; and the earliest date on which the severe sanction(s) may be imposed if the faculty member does not request a hearing. The earliest date for imposing the severe sanction(s) must be at least 45 days after delivery of the initial written notice to the faculty member. The Provost shall also provide the President with a copy of the initial written notice. After providing the faculty member and the President with the initial written notice, the Provost may, in his or her sole discretion, meet with the faculty member to attempt resolution of the matter. If efforts at resolution of the matter between the Provost and the faculty member do not occur or are not concluded within 15 days after delivery of the initial written notice to the faculty member, or within an extended period of time for resolution mutually agreed upon by the Provost and the faculty member in writing, then the procedures described in paragraphs (2) through (6) of this subsection will apply.

(2) Right to Request a Hearing or Submit a Written Response.

Right to Request a Hearing. The faculty member has the right to request a hearing. The faculty member must make the request in a timely manner by submitting written notice of the request to the Provost within 30 days after delivery of the initial written notice to the faculty member or within 15 days of the end of an extended period of time for resolution mutually agreed upon by the Provost and the faculty member pursuant to paragraph (1) of this subsection, whichever is later. If the faculty member requests a hearing in a timely manner, no severe sanction may be imposed until after the faculty member is afforded a hearing conducted in accordance with the provisions of paragraph (3) of this subsection.

Right to Submit a Written Response. In lieu of requesting a hearing, the faculty member has the right to submit a written response to the initial written notice. This response becomes a part of the faculty member's record. The faculty member must submit the written response in a timely manner by submitting it to the Provost within 30 days after delivery of the initial written notice to the faculty member or within 15 days of the end of an extended period of time for resolution mutually agreed upon by the Provost and the faculty member pursuant to paragraph (1) of this subsection, whichever is later.

Decision Without a Hearing. If the faculty member does not request a hearing in a timely manner, the Provost shall consider all the available evidence (including the faculty member's written response, if one is submitted in a timely manner) and decide the case. The Provost shall then inform the faculty member in writing of this decision and the reasons for it. If the decision is to impose one or more severe sanctions, the Provost may impose, on a date no earlier than the date specified in the initial written notice, either the originally proposed sanction(s), or an alternative sanction(s) agreed to in writing by the faculty member.

(3) Hearing Process. If the faculty member requests a hearing in a timely manner with regard to the imposition of one or more severe sanctions, the Provost shall disclose to the

Executive Committee of the Academic Council the serious cause that is alleged, but not the name of the faculty member. The Executive Committee shall then elect a three-person Hearing Committee from among the tenured faculty who are elected members of the Academic Council. The individuals elected to the Hearing Committee shall be provided upon their election with a copy of the initial written notice that was delivered to the faculty member. An individual elected to the Hearing Committee must recuse himself or herself for bias or interest and must make this determination within 5 days of his or her election to the Hearing Committee. In the event of a Hearing Committee member's recusal, the Executive Committee shall elect a replacement (who also must be from among the tenured faculty who are elected members of the Academic Council). After the Hearing Committee has been constituted, the Provost establishes a date for the hearing, which shall be no less than 60 days and no more than 90 days following the constitution of the Hearing Committee. The Hearing Committee shall select from its members a chair to be primarily responsible for managing the schedule and activity of the committee.

The role of the Hearing Committee is to conduct a confidential hearing and then make a finding of whether acts or omissions of the faculty member constitute serious cause as defined in subsection (a). The burden of proof rests with the University, and the burden is satisfied only by clear and convincing evidence.

At least 30 days prior to the hearing, the Hearing Committee shall hold at least one joint pre-hearing meeting with both parties, and/or their legal counsel, in order (i) to inform the parties of the structure of the hearing, including the process that will be utilized for the presentation of witnesses and evidence; (ii) to effect stipulations of facts (if any); (iii) to inform the parties of any memoranda or statements of argument that the Hearing Committee will consider in relation to the hearing and any limitations or requirements pertaining to such documents; and (iv) to achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

The Hearing Committee shall have the discretion to structure the hearing as it determines is fair and appropriate in light of the nature of the serious cause alleged, provided that with respect to all hearings (i) the faculty member shall have the right to be present and to have legal counsel present (at the faculty member's expense), the right to confront adverse witnesses for questioning, the right to present witnesses, and the right to testify in his or her own defense; (ii) the University shall have the right to have legal counsel present, the right to confront witnesses presented by the faculty member for questioning (including the faculty member, if he or she testifies), and the right to present witnesses; (iii) the University shall present its case at the hearing first, after which the faculty member shall have the option of presenting a defense; and (iv) a verbatim record of the hearing shall be made and a copy of it shall be provided to all parties. Upon the Hearing Committee's request, the University shall provide an independent expert or experts, any of whom may have legal expertise, to advise the committee on the structure and administration of the hearing and its other functions.

Within 15 days of the conclusion of the hearing, the Hearing Committee shall present a written report to the Provost and to the faculty member stating whether clear and convincing evidence demonstrates that acts or omissions of the faculty member constitute serious cause

and summarizing the facts upon which such finding is based. If the Committee finds that serious cause exists, the Committee may, but is not required to, provide an opinion in its report as to which severe sanction(s) should be imposed on the faculty member. Within 30 days after receiving the Hearing Committee's report, the Provost shall decide the case and inform the faculty member, the Hearing Committee, and the President in writing of his or her decision and of the reasons for the decision.

(4) Right of Appeal. If the Provost's decision after a hearing is to impose one or more severe sanctions on the faculty member, the faculty member shall have the right to appeal the decision to the President. The faculty member appeals the decision by providing the President with a written notice of appeal within 10 days of receiving the decision.

The role of the President in the appeal is to determine whether sufficient evidence in the record supports a finding of serious cause. If the President determines that sufficient evidence in the record supports such a finding, the President also determines the severe sanction(s). The President makes the final decision on the appeal and communicates that decision, within 30 days of receipt of the written notice of appeal, to the faculty member, the Hearing Committee, and the Provost. If the President does not concur with the Hearing Committee's finding regarding serious cause, the President shall provide the faculty member, the Hearing Committee, and the Provost with a written explanation for this difference.

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

(6) Dismissal Date. Ordinarily, any dismissal immediately follows the final decision. However, the President may, in any situation that he determines in his sole discretion to be extraordinarily grave and after receiving the initial written notice from the Provost pursuant to paragraph (1) of this subsection, immediately remove a faculty member from participation in some or all University activities, pending completion of the procedures set out in subsection (c) of this section. In all cases arising under this section, the accused faculty member is entitled to full salary until any final decision is reached.

(7) Indemnification. The University shall indemnify any faculty member who participates as a member of the hearing committee from legal liability that may arise as a result of the hearing committee in fulfilling its function as described in Article III, Section 8.

(8) Extensions. Any deadline set forth in paragraph (3) or paragraph (4) of this subsection may be extended by mutual agreement of the University's legal counsel and either the faculty member or the faculty member's legal counsel.

Section 9/Contracts for Services

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

Section 10/Faculty Services

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

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

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

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

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

Section 11/Faculty Grievance Procedures

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

A faculty member asserting a grievance should, before invocation of the procedure set forth below, seek informal resolution by making the grievance known to administrators in successive echelons until the matter is satisfactorily resolved, or until the grievance is denied by the appropriate Dean or director. If the attempt to achieve a resolution fails, the aggrieved may submit a written petition to the chairperson of the Faculty Grievance Committee ("the committee," see subsection (a) below). Such written petition must be filed within 180 days of the action being grieved or notification that informal resolution, begun within 180 days of the action being grieved, has failed, whichever is later.

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

The chairperson of the committee appoints a panel of three members from the committee. The panel consults with the grievant, the person against whom the grievance is directed and, as necessary, with other members of the faculty and administration, and conducts such other investigation as the panel deems appropriate. In any investigation, the panel has confidential access to all necessary information. In any dispute concerning such access the Provost and the chairperson of the committee will seek a resolution.

Should no resolution be reached, the President has final authority and must provide, in writing, a compelling reason for any denial of access to requested information. The panel takes all steps necessary to protect confidential statements and materials. At all stages of its process, the panel seeks settlement of the grievance satisfactory to the parties. If in the opinion of the panel such a settlement is either impossible or inappropriate, the panel, at the conclusion of its process, issues its written recommendations to the parties, and both a written report and recommendations to the Provost, who makes the decision. Absent extenuating circumstances, the panel completes its process within 60 days of its receipt of the petition. Upon receipt of the report, the Provost may either render a decision or ask the panel to investigate and consider the matter further. If the Provost is immediately involved in the grievance, the report and recommendations go to the President for a decision.

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

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

Subsection (a) Composition of the Faculty Grievance Committee

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

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

Section 12/Faculty Salaries

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

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

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

Section 13/Leave of Absence

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

Section 14/Retirement

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

Article IV, Organization of the Faculty

Section 1/Academic Organization

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

Section 2/Meetings

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

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

Recommendations of individual members of the faculty for the agenda should be made to the

appropriate Dean, chair, or director at least one week in advance. The appropriate Dean, chair, or director, or his or her designee, chairs such meetings.

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

Section 3/Committees of the University

Subsection (a) The Academic Council

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

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

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

The council meets at least once each semester. Meetings are called by the President. The President may call a meeting upon request of a member of the council, and shall call a meeting at the earliest possible time upon petition of six members of the council. Any member of the

council may propose to the Executive Committee an item for the agenda, and any six members may place an item on the agenda. Agenda proposals should be received 48 hours in advance of the meeting. Ex officio members of the Academic Council may, if necessary, be represented at meetings by their designees, who will have speaking but not voting privileges. Elected members may be represented by elected alternates, who shall have voting privileges.

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

Subsection (b) The Faculty Senate

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

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

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

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

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

The University Committee on the First Year of Studies advises the Dean of the First Year of Studies in academic matters pertaining to the first-year program. Its members include the Dean of the First Year of Studies, who chairs the committee, the Associate and/or Assistant Deans of

the First Year of Studies, faculty representatives appointed by the Deans of the Colleges and the School of Architecture, the director of University Libraries, and one student appointed by the President in consultation with the Dean of the First Year of Studies and the student body President. The committee provides an annual report of its activities to the Academic Council.

Subsection (d) The Core Curriculum Committee

The Core Curriculum Committee (CCC) is concerned with oversight of the core curriculum, providing rationales for each of the core requirements, formulating procedures for designating which courses fulfill a core requirement, conducting a review of the courses that fulfill a core requirement, seeking ways to enhance student learning through the Core Curriculum, and developing metrics to assess the success of the Core Curriculum. The committee provides an annual report of its activities and findings to the Provost's Office.

The Core Curriculum Committee (CCC) consists of the elected chairs of such core curriculum subcommittees as the CCC may form, the Deans of the colleges or schools offering undergraduate degrees (or their delegates), the Academic Commissioner of Student Government, and up to three faculty members appointed by the Provost to achieve appropriate representation. An additional faculty member appointed to a three-year term by the Provost serves as chair of the committee. Faculty membership of this committee shall be chosen from the tenured and tenure-track and special professional faculty. There are two non-voting members: an Associate Provost designated by the Provost, and the University Registrar (or a delegate).

Each of the core curriculum subcommittees shall function as specified by the Core Curriculum Committee. For example, subcommittee authority, responsibilities, composition, member qualifications, and chair election procedures will be determined by the CCC, as set forth in guidance, policy or procedure documents approved by the CCC or as otherwise specified by the CCC.

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

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

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

Subsection (f) The University Committee on Libraries

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

The committee consists of the University Librarian, the director of the Law Library, the chief information officer or his or her designee, and 13 others: one elected by and from the tenured and tenure-track faculty of the Law School, the Mendoza College of Business, the College of Engineering, the College of Science, the division of the humanities of the College of Arts and Letters, the division of social sciences of the College of Arts and Letters, and the School of Architecture together with the division of the arts of the College of Arts and Letters; one elected by and from the faculty of the University Libraries; three elected at large by and from the tenured and tenure-track faculty of the University; and two student members. Student members are selected annually according to procedures approved by the committee. Elected members serve staggered three-year terms.

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

Subsection (g) The University Council for Academic Technologies

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

The council has 22 members, comprising seven elected, nine appointed, and six ex officio members. One member is elected by and from the regular faculties of each of the following: the College of Arts and Letters, the College of Engineering, the College of Science, the Law School, the Mendoza College of Business, the School of Architecture, and the University Libraries. Elected members serve staggered three-year terms.

The Deans of the Colleges of Arts and Letters, Engineering, Science, and the Mendoza College of Business each appoint one member for staggered three-year terms. The student body President appoints one undergraduate student and the President of the Graduate Student Union appoints one graduate student, each for a one-year term. The Provost appoints one academic administrator for a three-year term. The CIO, the University Librarian, the University registrar, the director of the Kaneb Center, the chair of the Center for Research Computing Advisory Council and the director of the Center for Research Computing serve as non-voting ex officio members. The chair of the committee will appoint two representatives of the Office of Information Technologies to serve as non-voting members. The committee is chaired by the CIO. The committee provides an annual report of its activities to the Academic Council.

Subsection (h) The University Committee on Internationalization

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

The committee includes a Vice President and Associate Provost, designated by the Provost, who chairs the committee. The Dean of the School of Global Affairs shall be a member of the committee. Each College Council and the faculty of the Law School and the School of Architecture elects a member from its tenured and tenure-track faculty. Four members of the regular faculty are appointed by the Provost. In addition, two student representatives are appointed by the President. Elected and appointed faculty members serve staggered three-year terms. Student members serve one-year terms. Meetings are called by the chair or by a petition of five members. The directors of the international Institutes and other University administrators should be invited to the meetings as appropriate.

The committee meets at least once each semester to discuss relevant matters and hear reports on appropriate topics, including information on numbers of students who applied for and are selected for international study programs, numbers of international students on campus, plans for international student recruitment, possible new initiatives, problems specific to one or more international study programs, and faculty developments in international studies, including grant programs, openings and hires, research agendas, and activities arising in the Institutes, area studies or clusters. The committee oversees periodic review of the international study programs. Minutes and documents from the meetings are provided directly to the Academic Council's Committee on Undergraduate Affairs and the minutes should be published for the Notre Dame community. The committee provides an annual report of its activities to the Academic Council.

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

The University Committee on Admissions, Scholarships, and Financial Aid consists of the Vice President and Associate Provost designated by the Provost, the Vice President for Student Affairs, the Deans of the Colleges, the Dean of the School of Architecture, the Dean of the School of Global Affairs, the Dean of the First Year of Studies, the University registrar, a tenured and tenure-track faculty member from each College elected by the College Council, two faculty members appointed by the Provost, the Associate Vice President for Undergraduate Enrollment, who chairs the committee, and the Executive Director of Student Financial Strategies, who serves as Executive secretary. Elected and appointed members serve staggered three-year terms. The committee considers policies and procedures relating to admissions and to the award of scholarships and financial aid to undergraduate students, and makes appropriate recommendations to the Academic Council through the Associate Vice President for Undergraduate Enrollment. The committee provides an annual report of its activities to the Academic Council.

Subsection (j) Faculty Board on Athletics

The Faculty Board on Athletics consists of 15 members—seven elected, four appointed, and four ex officio members. Seven members of the board are elected as follows: one elected by and from the tenured and tenure-track faculty of each College, one elected by and from the tenured and tenure-track faculty of the Law School, and two elected at large from the tenured and tenure-track faculty. Four members are appointed by the President—three are appointed from the tenured and tenure-track faculty and one appointed annually from the student body. The Vice President for Student Affairs, the director of Athletics, the director of Academic Services for Student-Athletes, and a representative of the Office of the President serve as ex officio members. Only appointed and elected members of the tenured and tenure-track faculty, the Vice President for Student Affairs, and the student representative vote on matters before the board. Elected and appointed faculty members serve staggered three-year terms, and no faculty member other than the chair may serve more than two consecutive terms. A faculty member who leaves the board after having served two consecutive terms may not begin to serve another term on the board until five years have elapsed from the date on which the second consecutive term has ended. Likewise, a faculty member who serves two non-consecutive terms within any eight year period may not begin to serve another term on the board until five years have elapsed from the date on which the second non-consecutive term has ended.

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

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

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

In carrying out its charge, the board periodically reviews policies, procedures, and practices that affect the educational experience of student-athletes and advises the President of its findings. The board provides appropriate mechanisms for considering concerns of student-athletes. Periodically, the board reviews data on admission of student-athletes, academic performance, progress toward degree, and graduation rates, and assesses the effectiveness of institutional support for student-athletes. In addition, the board sets and modifies, as necessary, guidelines for all student petitions for a fifth year of athletic eligibility and

decides whether to approve each petition. The board reviews and amends, as necessary, guidelines for all intercollegiate athletic schedules and qualifications for the captaincies of all University teams and decides whether to approve any schedule or captain candidate not in compliance with those guidelines. The board also assesses and revises, as necessary, procedures for resolving conflicts between final examinations and post-season championship tournaments. In its role as liaison to the broader faculty, the board disseminates appropriate, non-confidential information and initiates discussions on educational issues related to intercollegiate athletics of concern to the faculty and administration. The board may assume other duties as assigned by the President. The chair of the board provides an annual report of its activities to the Academic Council.

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

Subsection (k) University Committee on Women Faculty and Students

The University Committee on Women Faculty and Students consists of thirteen representatives from the faculty, four student representatives and three non-voting members. Nine faculty members of the committee are elected and four appointed by the President. Seven of the faculty members are elected from the tenured and tenure-track faculty of the Colleges and Schools: two from Arts and Letters, one from Business, one from Engineering, one from Science, one from Law, and one from Architecture. One faculty member is elected from the library faculty and one from the special professional faculty. The remaining faculty members on the committee, one of whom is a Vice President and Associate Provost or his/her designee, are appointed by the President. Four students—two undergraduates and two graduates—are appointed by the appropriate elected representatives of the Student Government and the Graduate Student Union. Elected committee members serve staggered three-year terms. Appointed members serve one-year terms. No voting member serves for more than six consecutive years. The Director of the Office of Institutional Equity, the Director of the Gender Relations Center, and the University's Title IX designee as designated by the chair of the committee, serve as non-voting members of the committee. The committee annually elects as chair one of its tenured faculty members.

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

Subsection (l) Provost's Advisory Committee

The Provost's Advisory Committee is chaired by the Provost and composed of the Deans of the Colleges, the Dean of the Law School, the Dean of the School of Architecture, the Dean of the School of Global Affairs, the Dean of the First Year of Studies, the Vice President for Research, 12 elected faculty members, and such other persons as the Provost appoints. The

elected members are elected by simple majority vote and are elected by and from the Colleges and Schools: four from the College of Arts and Letters, two each from the Colleges of Business, Engineering, and Science, and one each from the Law School and the School of Architecture. The elected faculty members must be from the tenured and tenure-track faculty and hold the rank of professor with tenure. The elected members serve staggered three-year terms. A faculty member who is elected to a three-year term may not stand for election to another three-year term until five years have elapsed from the end of the preceding term. About one-half of the membership of the Provost's Advisory Committee should be composed of elected members. The Provost's Advisory Committee advises the Provost about academic matters, including especially the reappointment, promotion, and tenure of members of the tenured and tenure-track faculty.

Subsection (m) University Committee on Appeals

The University Committee on Appeals considers appeals from members of the tenured and tenure-track faculty who have been denied reappointment, promotion, or tenure. The University Committee on Appeals shall consist of: (1) those elected members of the Provost's Advisory Committee who agree to serve for a three-year term; (2) those former elected members of the Provost's Advisory Committee who agree to serve for a three-year term, provided that to be eligible for such service the former elected member must have served on the Provost's Advisory Committee within the past five years at the commencement of the three-year term; and (3) 12 members from the tenured faculty who have served on a departmental CAP elected to staggered three-year terms by simple majority vote by and from the Colleges and Schools: four from the College of Arts and Letters, two each from the Colleges of Business, Engineering, and Science, one from the Law School, and one from the School of Architecture. No member of the University Committee on Appeals will be required to serve on more than one review committee at a time, or to serve on more than two review committees during a three-year term. When a Review Committee is being selected in an appeal where the petitioner has alleged discrimination, the Provost, of his (her) initiative, or at the request of the petitioner, may ask additional member(s) of the tenured faculty to be added to the committee from which the Provost, petitioner, and committee would choose.

Subsection (n) University Committee on Research, Library, and Special Professional Faculty Appeals

The University Committee on Research, Library, and Special Professional Faculty Appeals considers appeals from members of the research, library, and special professional faculty who have been denied reappointment or promotion. The University Committee on Research, Library, and Special Professional Faculty Appeals shall consist of at least 21 members of the regular faculty, none below the rank of associate, elected to staggered three-year terms by simple majority vote as follows: six by the research faculty; six by the library faculty; and nine by the special professional faculty. No member of the University Committee on Research, Library, and Special Professional Faculty Appeals will be required to serve on more than one review committee at a time, or to serve on more than two review committees during a three-year term. When a Review Committee is being selected in an appeal where the petitioner has alleged discrimination, the Provost, of his(her) own initiative or at the request of the petitioner, may ask additional member(s) of the regular faculty ranked at associate or above to be added to the committee from which the Provost, petitioner, and committee would

choose.

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

Section 4/College Councils

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

The principal functions of the College Council are to review the policies, practices, and procedures of the College and to recommend to the Dean the establishment or discontinuance of any undergraduate program of study housed in the College. If the Council recommends the establishment or discontinuance of an undergraduate program of study housed in the College that leads to a degree and the Dean supports the recommendation, the Dean forwards the recommendation for final approval to the Academic Council. If the Council recommends the establishment or discontinuance of an undergraduate program of study housed in the College that does not lead to a degree, the Dean has authority to approve the recommendation and shall notify the Provost of such recommendations that the Dean approves. If the Council recommends the establishment or discontinuance of a graduate program of study housed in the College and the College Dean supports the recommendation, the College Dean forwards the recommendation to the Associate Provost and Dean of the Graduate School (hereafter, Graduate Dean). For degree programs, the Graduate Dean will review the proposal and offer comments before forwarding it to the Advanced Studies Committee of the Academic Council. For non-degree programs, the Graduate Dean will review the proposal and offer comments before returning it to the College Council.

The College Council meets at the call of the chairperson, and any Council member may request a special meeting. The chairperson also calls a meeting upon petition of 20 percent of the Council members. Decisions of the Council are by majority vote and subject to the

approval of the Dean. At its discretion, the Council may call meetings of or conduct referenda among the College faculty.

Section 5/Departmental Committees

Subsection (a) Committee on Appointments and Promotions

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

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

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

Section 6/ Committee Procedures

Subsection (a) Elections.

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

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

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

Subsection (b) Procedures.

University, College and departmental committees, councils and other committees charged by these academic articles with electing members to serve on a committee shall establish procedures that address election for participation on such committees. All University, College and departmental committees, councils and other committees described in the academic articles should also establish rules regarding voting rights of non-members who participate in meetings in the absence of a member of the committee. These committees and councils are encouraged to consider diversity (including but not limited to race, gender, and academic disciplines) in electing or appointing members of a committee.

Article V, Procedures for Reviewing and Amending the Academic Articles

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

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

Amendments to these articles must generally be approved by the President and the Board of Trustees. However, the Executive Committee has the authority to make changes deemed "minor" or "administrative." When such changes are made by the Executive Committee, they must be reported to the Academic Council at its next regularly scheduled meeting and approved by the President. These changes must also be reported to the Governance and Nominating Committee of the Board of Trustees at its next regularly scheduled meeting. Amendments to these articles become effective at the beginning of the academic semester that follows their adoption by the Executive Committee or their approval by the Board of Trustees, as applicable, except that the President has discretion to establish an earlier or later date of effect for any approved amendment.

Violations of the provisions of the academic articles (other than those covered by the appeals and grievance procedures described in these academic articles) may be reported to the general counsel who shall review the allegations and recommend to the Provost or

the President appropriate action. If there is a genuine ambiguity in the relevant provisions of the academic articles, the general counsel shall solicit the Academic Council's interpretation of the provisions in question, as provided in Article IV, Section 3, Subsection (a).

Appendix A

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

- a. Following an adverse decision on contract renewal, promotion, or tenure, which a faculty member believes was the product of discrimination based on sex, the faculty member must consult with the faculty member's department chair, Dean, and the Provost, in that order, or in the case of library faculty, with the Library director and then the Provost. Such consultation must be completed within 60 days (excluding June, July, and August) after notification of the original adverse decision.
- b. If the faculty member (the "petitioner") is not satisfied after such consultation, the petitioner may, no later than 60 days (excluding June, July, and August) after notification of the original adverse decision or 30 days after the decision of the Provost following consultation, whichever is later, submit a petition to the Provost requesting a review of the petitioner's case and setting forth the following information:
 - i. a description of the contract renewal, promotion, or tenure decision complained of;
 - ii. a specific allegation that the decision was the product of discrimination on the basis of sex, together with a statement of such facts supporting that allegation as are then known to the petitioner; and
 - iii. such documents supporting that allegation as are then available to the petitioner.
- c. After receiving a petition in accordance with subparagraph b. above, the Provost shall give the petitioner the names of the panel of reviewers from which the petitioner shall select one reviewer to consider the petitioner's case, except that the reviewer cannot be a faculty member in the petitioner's department. The panel of reviewers shall be appointed by the Provost, in consultation with the Executive Committee of the Academic Council, at the beginning of each academic year. The panel of reviewers shall consist of nine tenured faculty members, at least three of whom shall be female.
- d. After a reviewer is selected by the petitioner, the reviewer shall receive and review the petition submitted to the Provost, the petitioner's entire CAP file, and afford the petitioner, the members of the CAP that originally considered the petitioner's case, and all other parties involved, the opportunity to confer with the reviewer.
- e. If the reviewer finds evidence of discrimination on the basis of sex of such a magnitude that it may have affected the disposition of the case, the reviewer shall remand the case for reconsideration, beginning with the Provost's Advisory Committee and proceeding forward

through review by the Provost and President. In reaching this decision, the reviewer shall not consider the propriety per se of the standards used to judge the petitioner or the rigor of their application, but shall consider allegations of discrimination in the application of such standards.

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

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

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

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