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**ST. JOHN'S UNIVERSITY  
NEW YORK**

**Statutes**



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## PART I

### BOARD ORGANIZATION

#### Article I Membership, Officers, and Tenure

- §1.1           a. The Board of Trustees shall consist of not fewer than five nor more than twenty-five *ex officio* and elected members of whom at least one-third shall be priests of the Congregation of the Mission, Eastern Province of the United States.
- b. With the exception of the President of the University (the "President"), no member of the University staff shall be a member of the Board of Trustees.
- §1.2           The President and the Provincial of the Congregation of the Mission, Eastern Province of the United States, shall be *ex officio* members of the Board of Trustees. All other members of the Board shall be elected by the Board of Trustees.
- §1.3           Subject to the limitations of Section 1.1 of this Article, the Board of Trustees shall, in its discretion, elect additional members to the Board.
- §1.4           a. The officers of the Board of Trustees are Chairman, Vice Chairman, and Secretary, and shall be elected at the annual meeting to serve until the next annual meeting and until their respective successors shall have been elected and qualified.
- b. The Chairman shall be a priest of the Congregation of the Mission and shall preside at all meetings of the Board. He shall serve as the principal officer of the Board and shall act as liaison officer between the Board and the President.
- c. In the absence of the Chairman, the Vice Chairman shall be invested with the powers and discharge the duties of the Chairman.
- d. The senior trustee shall possess the powers and perform the duties of Chairman in the absence of both the Chairman and Vice Chairman.
- §1.5           a. An *ex officio* member of the Board of Trustees shall have tenure which shall be coextensive with his tenure in that office to which membership on the Board has been attached.
- b. The term of service of each elected trustee shall be three years, and any elected trustee may succeed himself for an additional three year term. Following the completion of two consecutive three year terms of

§1.5

- b. service on the Board, any elected trustee shall be eligible for reelection after the lapse of one year.
- c. It is the intention of these Statutes that the terms of approximately one-third of the elected trustees will expire annually. To accomplish this end, and notwithstanding the provisions of section 1.5 b, at the annual meeting following the adoption of this section 1.5 of the Statutes, the trustees (other than the trustees *ex officio*) shall be divided by means of lot, into three classes and shall be elected to said three classes, each class consisting of substantially the same number of trustees, whose terms shall expire respectively in one, two, or three years, and until their successors (which successors are to serve full three year terms) shall have been elected and qualified.

§1.6

The Board of Trustees shall fill any vacancy occurring in the office of any elected trustee by electing another for the unexpired term. The office of any elected trustee shall become vacant on his death, resignation, refusal to act, removal from office, or any other cause specified in the charter or in these Statutes. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the Board of Trustees, he shall be deemed to have resigned and the vacancy shall be filled. Except as herein above provided the provisions of Section 226, subdivision 4, of the Education Law of the State of New York relative to the removal and to the manner of filling of vacancies in the Board, shall be deemed not to apply to St. John's University by virtue of the clause in that section specifically excluding its application to an educational corporation established and maintained by a religious order.

Article 2

Committees

§2.1

Members of all standing committees except the Nominations Committee, shall be appointed by resolution adopted by a majority of the trustees upon nomination of the Nominations Committee of the Board, and members of all standing committees shall be appointed for a one year term and may succeed themselves. Except as provided in Section 2.3 in respect of the Executive Committee, a majority of the members of the standing committee shall constitute a quorum for that committee, and all resolutions of said committee shall be enacted by a majority vote of those present and voting.

§2.2

The standing committees shall be:

- Executive Committee
- Nominations Committee
- Educational Policy Committee
- Budget and Finance Committee
- Planning and Development Committee
- Student Activities Committee

§2.3

- a. The Executive Committee shall consist of the Vice Chairman of the Board, the President and five additional members. The Vice Chairman of the Board shall serve as Chairman of the Executive Committee. A majority of the members shall constitute a quorum, and the affirmative vote of not less than four members shall constitute the action of the Executive Committee.
- b. The Executive Committee shall act, within policy limits as defined by the Board, on matters requiring immediate attention between meetings of the Board, except that it shall have no power to grant degrees or make removals from office. Under specified circumstances anticipated by the Board, it shall have authority to take final action in the name of the Board. All such definitive actions shall be reported in full at the next meeting of the Board. All other actions taken by the Executive Committee shall be subject to approval by the Board.

§2.4

- a. The Nominations Committee shall consist of five appointed members. Appointment shall be by resolution adopted by a majority of the trustees upon nomination by the Chairman of the Board.
- b. The Nominations Committee shall submit to the Board for its consideration, nominations for membership on the Board, for the offices of Chairman, Vice Chairman and Secretary of the Board and for the office of President of the University. With regard to nominations of those members of the Board who are required by these Statutes to be priests of the Congregation of the Mission and with regard to nominations for the office of Chairman of the Board and for the office of President of the University, which offices likewise are required by these Statutes to be filled by priests of the Congregation of the Mission, the Nominations Committee shall first request recommendations from the Provincial of the Congregation of the Mission, Eastern Province of the United States. The Nominations Committee shall also submit nominations for membership on standing committees of the Board other than the Nominations Committee; for filling vacancies in the Board and in said offices; and for additional membership in the Board pursuant to Section 1.3. Other nominations may be made for any of these offices and memberships by any member of the Board.

§2.5

The Educational Policy Committee shall consist of five appointed members and shall be concerned with the policies governing the educational and research programs and activities of the University, the long range plans of the University and of each unit, and the organization of the University for instructional purposes. It shall make recommendations to the Board concerning such matters.

§2.6

The Budget and Finance Committee shall consist of five appointed members and shall be responsible for considering and recommending action on financial, business, and administrative management policies. It shall coordinate the formulation of a long-range budget, shall provide a continuing review of the financial condition of the University, and shall present the budget to the

- 2.6 Board. It shall be empowered, subject to final approval by the Board, to approve transactions for the University's investment portfolio.
- 2.7 The Planning and Development Committee shall consist of five appointed members and shall be concerned with plans for the future development of the University and all fund-raising programs required to finance this development. It shall also be concerned with policies affecting public relations and information, special events, community relationships, and alumni affairs.
- 2.8 The Student Activities Committee shall consist of five appointed members and shall be concerned with policies on student services and with co-curricular activities affecting the general welfare of students.
- 2.9 Minutes of all committee meetings shall be made a part of the official records of the Board of Trustees. Each of the committees shall discuss policies in its area and, except as otherwise provided in Section 2.3 in respect of the Executive Committee, shall submit its recommendations to the Board for action.
- 2.10 Special committees may be appointed from time to time as the Board may determine, and advisory committees may be established for the University as a whole or for particular parts thereof.

### Article 3 Meetings

- 3.1 a. The annual meeting of the Board of Trustees shall be held during the week following the second Friday in September.
- b. At least three additional stated meetings shall be held per year at such times and places as the trustees may fix by resolution from time to time.
- c. The Board shall meet on its own adjournment or when required by these Statutes or when summoned by its Chairman or in the event of his prolonged absence, death, or incapacity, by the Vice Chairman, or upon the written request of three members of the Board presented to the Chairman or, in a proper case, the Vice Chairman or senior trustee.
- 3.2 Notice of the time and place of every meeting shall be mailed not less than five days nor more than ten days before the meeting to the usual address of every trustee. So far as legally permissible, a meeting may be held upon shorter notice, provided that at least two-thirds of the members have failed to file a formal protest against such notice after having an opportunity to do so.
- 3.3 A majority of the entire membership of the Board shall constitute a quorum, and all resolutions shall be enacted by a two-thirds majority vote of those present and voting, except as otherwise specifically provided by these Statutes.

§3.4

The usual order of business shall be as follows:

Prayer

Consideration of the minutes

Reports of officers

Reports of committees

(a) Standing committees

(b) Special committees

Unfinished business

New business

Adjournment

#### Article 4

#### Powers and Duties

§4.1

Among the powers and duties of the Board of Trustees, and in addition to all powers authorized by law, are the following:

- a. To establish new academic units of the University or to eliminate existing units according to the needs of the University and the communities which it serves.
- b. Acting through the President, to appoint and fix the salaries of such officers and employees as it shall deem necessary who, unless employed under a contract or an appointment whose duration is expressed therein or in these Statutes, shall hold their offices during the pleasure of the Board.

## PART II

### UNIVERSITY EXECUTIVE ORGANIZATION

#### Article 5 Administrative Officers

- §5.1 The administrative officers of the University shall be the President; the Vice President and Provost; the Vice President for Business Affairs and Treasurer; the Administrative Vice President and Secretary of the University; the Vice President for Student Personnel Services; the Deans for each academic unit; the Dean for Academic Development; the Dean of Admissions and Registrar; Deans of Students; the Director of University Libraries; and such other officers as may be appointed from time to time by the Board of Trustees or by the President acting under the authority of the Board of Trustees.
- §5.2 Administrative officers shall be elected to their respective offices by majority vote of the Board of Trustees and, with the exception of the election for the office of President, on recommendation of the President. They shall serve in their respective offices until a successor is appointed by majority vote of the Board of Trustees.
- §5.3 Said administrative officers shall have the respective duties and responsibilities hereinafter prescribed for them and such other duties and responsibilities as, from time to time, may be designated by the Board of Trustees or by the President acting under the authority of the Board of Trustees.

#### Article 5 President

- §6.1 The President shall be a priest of the Congregation of the Mission, Eastern Province of the United States, and shall be the chief executive officer of the University.
- §6.2 The President shall exercise general supervision over all the affairs and property of the University, subject to the control of the Board of Trustees; he shall exercise leadership in the development, implementation and administration of the affairs of the University and in the development of policies within the University relating thereto; he shall be the official medium of communication between the faculty and the Board of Trustees and, when appropriate, transmit the recommendations of the University Senate and other councils and committees to the Board of Trustees; and he shall evaluate all the activities of the University to insure compliance with approved policies and fulfillment of stated objectives of the Board of Trustees.
- §6.3 He shall be an *ex officio* member of every faculty and may at his discretion call a meeting of any such faculty, and shall *ex officio* hold the academic rank of Professor. All administrative officers, members of the instructional



- §6.3 staff and all other employees of the University shall be responsible to him and shall be under his direction, either directly or through officers to whom he has delegated responsibility for units of the University and for their personnel.
- §6.4 He shall supervise, through the appropriate officers, academic affairs, student affairs, business affairs, development, athletic activities, public relations functions and all other affairs of the University.
- §6.5 He shall act for the University, either directly or through officers to whom he has delegated responsibility, in all matters pertaining to the appointment, reappointment, promotion, compensation, dismissal and other employment relationships of members of the instructional staff and of all other employees of the University, except as otherwise specifically provided by these Statutes.
- §6.6 He shall initiate long range planning for the improvement and development of the University, taking into consideration the previously approved plans, objectives, educational developments, and the prospective resources of the University. Upon approval by the Board of Trustees these plans shall become a part of the policy of the University and may not thereafter be changed without the approval of the Board of Trustees.
- §6.7 He shall be responsible for the public relations of the University in its association with the educational world, the community, the faculty and the students of the University. He shall exert his efforts toward the maintenance of University contacts and the establishment of new ones in a continuing program to extend the influence and increase the resources of the University.
- §6.8 He shall preside at commencement exercises and other University assemblies, and he shall sign and confer in the name of the Board of Trustees all certificates, degrees, and honors voted by the Board.
- §6.9 He shall have power, together with the Secretary of the Board of Trustees, to the extent permitted by the law of the State of New York, to sign and join in the execution of all deeds and instruments in the name of the Board of Trustees and to affix thereto the corporate seal of the University.
- §6.10
- a. On or about November 15 of each year, after consultation with the appropriate administrative officers, he shall submit to the administrators who are charged with preparing the annual budget requests, a budget message which will contain guidelines for them in preparing such annual budget request for the next fiscal year.
  - b. On or about March 15 of each year, after following the appropriate procedures set forth in these Statutes, he shall submit the annual budget for the next fiscal year to the Board of Trustees.

- §6.11 On or about September 1 of each year, he shall submit to each member of the Board of Trustees, a written report of the conditions, needs and plans of the University.
- §6.12 He shall have such other powers and perform such other duties as are commonly incident to the office of President.
- §6.13 There may be one or more assistants to the President, appointed by majority vote of the Board of Trustees on recommendation by the President, who shall perform such functions as, from time to time, may be assigned to them by the President.

Article 7 Vice Presidents

§7.1 Vice President and Provost

- §7.1.1 The Vice President and Provost shall be the chief executive officer next to the President.
- §7.1.2 In the absence of the President, he shall have the powers and perform the duties of the President. In the event such absence results from a vacancy in the office of President, he shall have the powers and perform the duties of the President until a successor President is appointed by majority vote of the Board of Trustees in accordance with these Statutes.
- §7.1.3 He shall be the principal educational adviser to the President and shall be an *ex officio* member of the faculty of all academic units of the University. Under the President, he shall be responsible for the development, implementation, and administration of the academic affairs of the University. In furtherance of this responsibility, he shall take the initiative in proposing plans and action in academic matters, in reviewing and implementing educational programs and policies, and in meeting and consulting with administrative officers and faculty members.
- §7.1.4
- a. He shall recommend to the President, after appropriate consultation, the appointment of deans, directors and chairmen of departments and he shall be responsible, through appropriate procedures, for the supervision of deans, directors and chairmen of departments in the administration of their units.
  - b. Under the President, he shall be responsible, through appropriate procedures, for academic appointments, reappointments and assignments.
  - c. He shall be empowered to appoint such faculty committees as are not elected.
  - d. No later than April 1 of each year, after following appropriate procedures, he shall forward to the Board of Trustees, through the President, all recommendations for promotion and tenure.

- §7.1.5 He shall be responsible, through appropriate procedures, for the academic budget and, on or about February 1 of each year, he shall transmit the proposed academic budget to the Vice President for Business Affairs and Treasurer, for inclusion in the proposed annual budget of the University. Upon approval of the annual budget by the Board of Trustees, he shall be responsible for the administration of the academic portion thereof.
- §7.1.6 He shall preside at meetings of the Council of Deans, the University Review Committee and, in the absence of the President, the University Senate.
- §7.1.7 Upon delegation from the President, he shall represent the University in educational and accreditational relationships and shall exercise general supervision over the completion of questionnaires submitted by various educational, accrediting and governmental agencies to the University.
- §7.1.8 On or about August 1 of each year, he shall submit to the President an annual report of the activities of his office and a digest of the reports which he shall receive from the heads of the units reporting to him.
- §7.2 Vice President for Business Affairs and Treasurer
- §7.2.1 The Vice President for Business Affairs and Treasurer shall be the principal fiscal adviser to the President.
- §7.2.2 Under the President, he shall be responsible for the business affairs of the University and shall advise administrative officers in matters of financial and business policy.
- §7.2.3
- a. He shall receive all monies paid to the University and shall be responsible for their custody. He shall deposit all funds of the University in such bank or banks, trust company or trust companies, or with such firm or firms doing a banking business, as the Board of Trustees shall designate. He shall act for the University in respect of all negotiable and non-negotiable paper and its bank accounts. With the consent of the Board of Trustees and under the guidance of the Budget and Finance Committee of the Board of Trustees he shall manage all University investments.
  - b. He shall be responsible for the proper expenditure of all funds of the University and shall keep accurate books of account of the University's transactions which shall be the property of the University and, together with all its property in his possession, shall be subject at all times to the inspection and control of the Board of Trustees.
  - c. He shall be responsible for overall direction and coordination of the system of preparation, review, and execution of the budget. On or about February 15 of each year, after following the appropriate procedures set forth in these Statutes, he shall submit to the President the proposed

- §7.2.3
- c. annual budget of the University. Upon approval of the budget by the Board of Trustees, he shall be responsible for the control and administration of all items thereof, except for the administration of academic items by the Provost, pursuant to these Statutes.
  - d. He shall make reports to the budget administrators at regular intervals.
  - e. He shall arrange for an annual audit of all the accounts and books of the University by an independent firm of certified public accountants approved for that purpose by the President.
- §7.2.4
- a. He shall have the powers of a purchasing agent for the University, with authority to contract, within budget provisions, for the acquisition of materials, supplies and equipment, and for the engagement of installational, maintenance and repair services, and for minor new construction. These powers, or any of them, he may delegate to a person or persons recommended by him and approved by the President as University purchasing agent or agents.
  - b. In the negotiation and execution of all other contracts, engagements, conveyances, and releases, except as otherwise provided in these Statutes, he shall be the agent of the Board of Trustees but he shall act in any such matter only after obtaining the consent of the Board of Trustees to negotiate or to conclude the particular transaction.
- §7.2.5
- He shall have custody of all contracts and other legal documents pertaining to the University and, with the approval of the President, shall procure legal, financial, or other professional advice as agent for the President and the Board of Trustees.
- §7.2.6
- He shall be Chairman and Trustee of the Pension Committee and Chairman of the Committee on Buildings and Grounds of the University.
- §7.2.7
- He shall be responsible for the supervision of auxiliary enterprises and their coordination with the University accounting and purchasing procedures.
- §7.2.8
- a. He shall be responsible for the management of all University buildings and properties, including maintenance, repair, remodeling, insurance coverage, and for payment of taxes or assessments against such buildings and properties.
  - b. He shall be responsible for liaison with academic officers and architects engaged in planning new construction and remodeling existing buildings.
- §7.2.9
- a. Through a Director of Staff Personnel, he shall be responsible for non-academic personnel administration.
  - b. Through a Director of the Data Processing Center, he shall be responsible for the work of that unit.

- §7.2.10 On or about August 1 of each year, he shall submit to the President an annual report of the activities of his office and a digest of the reports which he shall receive from the heads of the various units for which he is responsible. He shall make such interim reports as are requested by the President.
- §7.2.11 He shall have such other powers and perform such other duties as are commonly incident to the office of Treasurer.
- §7.2.12 There may be one or more assistant treasurers, appointed by majority vote of the Board of Trustees on recommendation by the President and the Vice President for Business Affairs and Treasurer, who shall perform such functions as, from time to time, may be assigned to them by the Vice President for Business Affairs and Treasurer.
- §7.3 Administrative Vice President and Secretary of the University
- §7.3.1 The Administrative Vice President and Secretary of the University shall serve as general assistant to the President in administrative matters and shall have administrative responsibility, under the President and the Provost, in all areas of University affairs, not specifically assigned to, or within the jurisdiction of, another administrative officer.
- §7.3.2 a. He shall supervise the coordination of all sponsored research through the office of Government and Research Grants, the President's Advisory Council on Humanities and Professional Research, and the President's Advisory Council on Scientific Research, respectively.
- b. He shall be responsible for all applications for grants and loans from governmental agencies.
- §7.3.3 a. He shall attend the meetings of the Board of Trustees and shall serve as assistant to the Secretary of the Board of Trustees. He shall have custody of the seal of the University, be responsible for the issuance of diplomas, certificates, and the University directory, maintain records of the status of all officers of administration and instruction appointed by the Board of Trustees and issue notices to them of their appointments, and inform the members of the faculty and administration of actions of the Board of Trustees.
- b. He shall be responsible for space allocation used by and for all academic programs.
- §7.3.4 He shall be responsible for all official publications of the University and he shall supervise the program of the University Press. Student publications are not official publications of the University.
- §7.3.5 On or about July 1 he shall submit to the Provost an annual report on the operation of his office, projected needs and recommendations.

§7.3.6 He shall have such other powers and perform such other duties as are commonly incident to the office of Secretary.

§7.4 Vice President for Student Personnel Services

§7.4.1 The Vice President for Student Personnel Services shall be responsible, under the President and the Provost, for the coordination, administration and supervision of the services performed by the Spiritual Counselors, Deans of Students, Director of the Counseling Center, Director of Placement and Career Development, University Health Counselor, and University Physicians.

§7.4.2 He shall be responsible for the general administration of student personnel services, which he shall administer in accordance with the policies and procedures specified in these Statutes. He may initiate and implement, through appropriate procedures, such other policies affecting student Personnel services as are consistent with these Statutes.

§7.4.3 He shall be Chairman of the Committee on Student Integrity.

§7.4.4 Through the Dean of Students he shall supervise undergraduate non-academic student activities and shall be responsible for the administration of discipline for undergraduate students in accordance with University policy.

§7.4.5 Through the Director of the Counseling Center he shall administer the testing programs and educational and vocational counseling programs.

§7.4.6 Through the Director of Placement and Career Development, he shall be responsible for the placement and career counseling of students and alumni.

§7.4.7 Through the Spiritual Counselors, the Health Counselor and University Physicians, he shall be responsible for the spiritual and physical welfare of students.

§7.4.8 On or about July 1, he shall submit to the Provost an annual report on the operations of his office, projected needs and recommendations.

Article 8 Deans

§8.1 Academic Deans

§8.1.1 Each academic unit of the University shall be administered by a Dean who shall be responsible to the President through the Provost. The Dean of the Colleges of Liberal Arts and Sciences shall be a priest of the Congregation of the Mission, Eastern Province of the United States.

§8.1.2 The Dean shall be responsible for the general academic administration of his academic unit, which he shall administer in conformity with the policies and procedures specified in these Statutes. He may initiate and implement

- §8.1.2 through appropriate procedures, such other academic policies affecting his academic unit as are consistent with these Statutes.
- §8.1.3
- a. The Dean shall be responsible for the discipline of students in his academic unit on academic matters and shall have the right, in accordance with established University procedures, to suspend, dismiss or otherwise discipline students who fail to comply with the academic standards of his academic unit.
  - b. The discipline of graduate students on nonacademic matters shall be the responsibility of the Dean of the student's academic unit.
  - c. The discipline of undergraduate students on non-academic matters shall be the responsibility of the appropriate Dean of Students. Such Dean of Students shall notify the Dean of the student's academic unit of any action taken by such Dean of Students.
- §8.1.4
- a. The Dean may make recommendations to the appropriate department chairmen for appointments and reappointments to the instructional staff for promotion of or conferral of tenure upon members of the faculty.
  - b. He shall have general supervisory authority for recruitment to the instructional staff so as to insure the adequate staffing of his academic unit and the implementation of the policies of its personnel and budget committees in this respect.
  - c. No later than January 10 of each year, the Dean shall report to the Provost, together with his own recommendation thereon, the action recommended by the school or college committee on personnel and budget with respect to each person considered for appointment, reappointment, promotion or tenure, or the refusal thereof; and the action of the departmental committee on personnel and budget with regard to such matters, where such action by the departmental committee is deemed by these Statutes to be without appeal.
- §8.1.5
- a. The Dean shall have immediate supervisory responsibility over the activities of department chairman.
  - b. He shall be responsible for implementing the policies established by the Faculty Council and those established by the University Senate and the Board of Trustees that apply to his academic unit.
  - c. In order to carry out the provisions of this article, the Dean may establish appropriate committees.
- §8.1.6
- a. The Dean shall serve as the medium of communication for all official business of his school within the University; he shall be an *ex officio* member of all committees of his academic unit.

§8.1.6

- b. Within his academic unit, he shall appoint faculty members to serve on committees except where these Statutes require the election of such committees, and assign faculty members to such administrative duties and special posts as he may deem advisable; he shall be consulted concerning the nomination and appointment of faculty members of his academic unit to committees of the schools and of the University.
- c. He shall preside at meetings of the Faculty Council of his academic unit. In the case of the Liberal Arts Faculty Council, the Dean of the liberal arts colleges shall preside or in his absence the Dean of the Graduate School.

§8.1.7

After appropriate consultation with the Provost, the Dean may serve as spokesman for his academic unit and shall make such public and professional contacts as he deems necessary or advantageous for the welfare of his academic unit; he or his designee shall represent his academic unit in educational and professional associations and he shall provide for adequate representation at meetings of pertinent learned and professional societies.

§8.1.8

- a. The Dean shall be responsible, through appropriate procedures, for developing a budget which will be adequate to the attainment of the objectives of his academic unit. He shall receive the tentative departmental budgets from the departmental chairmen. He shall discuss the tentative departmental budgets with the committee on budget of the Faculty Council and he shall prepare revised tentative budgets for all budget units within the academic unit. On or before January 15 of each year, he shall transmit the unified budget together with the committee's comments and his recommendations to the Provost for inclusion in the academic budget of the University.
- b. The liberal arts departments shall submit copies of their budget proposals to the Dean of the Graduate School of Arts and Sciences and the Dean of the Colleges of Liberal Arts and Sciences. Both said deans will collaborate on the preparation of a single budget for liberal arts including administrative sections for each academic unit.
- c. Under the supervision of the Provost, the Dean or his designee shall be responsible for the administration of the budget of his academic unit.

§8.1.9

The Dean shall be responsible for the preparation of appropriate material for the bulletins of the University and shall submit the material to the Editor of such publications, according to the schedule determined by the Editor and the Registrar. The material shall conform in all respects to the stated policies of the University.

§8.1.10

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



§8.1.11

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

§8.2

Dean for Academic Development

§8.2.1

The Dean for Academic Development shall be responsible to the President.

§8.2.2

The Dean shall be responsible for conducting a systematic and continuing program of evaluation of the academic and related areas of the University and, in collaboration with the appropriate University officers and committees, for the development of long-range programs for the University.

§8.2.3

The Dean shall keep informed on developments and innovations in higher education and shall be concerned with their applicability to the University.

§8.2.4

The Office of the Dean for Academic Development shall serve as a centralized source of institutional data needed for reports to educational and accrediting agencies and for proposals for grants.

§8.2.5

On or about July 1 of each year, the Dean shall submit to the President an annual report on the operation of his unit, projected needs and recommendations.

§8.3

Dean of Admissions and Registrar

§8.3.1

The Dean of Admissions and Registrar shall be responsible to the President through the Provost.

§8.3.2

- a. The Dean shall be responsible for implementing policy concerning admissions, financial aid for students, record keeping, registration, and other related functions for all units of the University with the exception of the School of Law.
- b. He shall be responsible for the organization, coordination, and administration of the various university-wide relationships among the administrative officers, faculty, and students as pertain to admissions, financial aid for students, high school relations and counseling, scholarships, student records, statistical reports on admissions and enrollments, scheduling of classes, assignment of classrooms, registration, preparation of University bulletins, veterans' affairs, Selective Service and Social Security certifications, and the certification of students' eligibility for graduation.
- c. He shall prepare reports and provide consultative service on the above activities and on related matters.

- §8.3.3 Under the supervision of the Provost, he shall be responsible for the administration of the budget of his unit.
- §8.3.4 On or about July 1 of each year, he shall submit to the Provost an annual report on the operation of his unit, projected needs and recommendations.
- §8.3.5 A person appointed to assist the Dean in the administration of his units may be designated Associate Dean, Assistant Dean, Assistant to Dean, Associate Registrar, Assistant Registrar, or Assistant to Registrar. Such person shall be appointed by the President after consultation with the Dean and the Provost. He shall act under the supervision, direction and delegation of the Dean.
- §8.4 Dean of Students
- §8.4.1 At each installation of the University there shall be a Dean of Students. Each Dean of Students shall be responsible to the President and the Provost, through the Vice President for Student Personnel Services.
- §8.4.2.
- a. In his respective installation, the Dean of Students shall be responsible for the administration of discipline concerning non-academic matters for undergraduate students and shall notify the Dean of the student's academic unit of any action taken by such Dean of Students.
  - b. He shall be responsible for the regulation and supervision of approved activities of University recognized fraternities, sororities, and non-academic student societies.
  - c. He shall coordinate the non-academic activities of the undergraduate students of the various academic units and maintain a calendar of use of University facilities for such activities.
  - d. He shall approve or disapprove and remit to the Treasurer bills, requisitions and other financial matters relating to University sponsored non-academic student activities.
- §8.4.3 On or about July 1 of each year, each Dean of Students shall submit to the Vice President for Student Personnel Services an annual report on the activities of his office, projected needs and recommendations.
- §8.4.4 A person appointed to assist a Dean of Students may be designated Associate Dean of Students, Assistant Dean of Students or Assistant to the Dean of Students. Such person shall be appointed by the President after consultation with the Dean, the Vice President for Student Personnel Services, and the Provost. He shall act under the supervision, direction and delegation of the Dean of Students he is appointed to assist.

Article 9      Directors

§9.1      Director of University Libraries

- §9.1.1      The Director of University Libraries shall be responsible to the President through the Provost.
- §9.1.2      The Director shall define the functions and scope of each library in accordance with established policy and shall be responsible for the arrangement, care and over-all administration of the libraries.
- §9.1.3      He shall prepare an annual budget for the libraries which shall be transmitted to the Provost on or before January 15 of each year. Under the supervision of the Provost, he shall be responsible for the administration of said budget.
- §9.1.4      He shall be an *ex officio* member of the library committee of each school in which one exists.
- §9.1.5      On or about July 1 of each year, he shall submit to the Provost an annual report on the operation of the libraries, projected needs and recommendations.
- §9.1.6      A person appointed to assist the Director in the administration of his units may be designated Librarian or Assistant Librarian. He shall be appointed by the President after consultation with the Director and the Provost. He shall act under the supervision, direction and delegation of the Director.
- §9.1.7      None of the foregoing provisions of this Article shall apply to the library of the School of Law.

## PART III

### Article 11. Definitions of the University Instructional Staff and Faculty

- §11.1 The Instructional Staff of St. John's University shall consist of all persons employed in the titles of president, assistant to the president, vice president, dean, associate dean, assistant dean, director, coordinator, chairman of department, departmental, representative, professor, associate professor, assistant professor, instructor, lecturer, professorial lecturer, teaching fellow, adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, research professor, laboratory assistant, laboratory instructor, research associate, research fellow, visiting professor, librarian, assistant librarian, registrar, and assistant registrar.
- §11.2 The Faculty of St. John's University shall consist of all persons employed full time in the ranks of professor, associate professor, assistant professor, instructor, research professor, laboratory instructor, research associate, and visiting professor.

### Article 12 University Voting Rule

- §12.1 Any individual who, at the time of an election provided for in articles 14, 15, 18, 19, 20 or 21 of these statutes is then, and since the beginning of the then current academic year has been, a full-time member of the faculty of the University in the rank of instructor, assistant professor, associate professor, or professor, is eligible to vote therein. Proxy or mail voting shall not be permitted, nor shall individuals on leave be permitted to vote.
- §12.2 Whenever an individual receives notice of non-renewal of contract, said individual will thereupon be ineligible to participate in any election to which he was theretofore eligible under these Statutes.

## PART IV

### INSTRUCTIONAL ORGANIZATION

#### Article 13      The General Assembly

The General Assembly of the University shall consist of all members of the University Instructional Staff as defined in Article 11. The Assembly shall meet at least once in each semester or oftener upon call by its executive officers, or by petition of ten percent of its members. The General Assembly shall have no legislative powers, but it shall have the privilege of submitting advisory opinions to the University Senate, or to the Faculty Councils of individual schools or colleges, on matters of University-wide concern. Such advisory opinions shall become mandated agenda-items for consideration by the legislative body to which they are submitted. The Assembly shall make its own bylaws. The president of the University, or a vice-president designated by him, shall preside at its meetings.

#### Article 14      The University Senate

§14.1      Legislative authority over University-wide educational policy, subject only to the Board of Trustees and to other provisions of these bylaws, shall be vested in a University Senate. The University Senate shall consist of two classes of members: *ex officio* and elected.

§14.2      "Ex officio members shall be: the president, the vice presidents, the deans of the schools and colleges, the dean for academic development, the dean of admissions and registrar, and the director of libraries.

§14.3      Elected members shall be of two categories: delegates from departments and delegates from schools or colleges.

- a. One delegate from each of the following departments shall be selected in the manner and shall possess the qualifications described in paragraph *d* below: Accounting, Biology, Business Law, Chemistry, Classical Languages, Economics, Fine Arts, Library Science, Management, Marketing, Physics, Political Science, Psychology, Sociology, Speech.
- b. Two delegates from each of the following departments shall be selected in the manner and shall possess the qualifications described in paragraph *d* and *e* below: English, History, Mathematics, Modern Foreign Languages, Philosophy, Theology.
- c. Delegates from each of the following schools or colleges in the number indicated shall be selected in the manner and shall possess the qualifications described in paragraph *d* below: School of Education, 3; School of Law, 1; College of Pharmacy, 1.

§14.3

- d. All delegates elected during the academic year 1965-66 shall be chosen from the ranks of associate professor and professor who have completed three or more years of consecutive full time service at St. John's University; thereafter only faculty members possessing tenure shall be eligible for election as delegates to the University Senate. If, for any reason, a department, school or college faculty is unable or unwilling to elect its quota of delegates, the vice president and provost, after consultation with the chairman of the department and/or the dean or deans of the schools or colleges concerned, shall appoint a faculty member or members to fill the resulting vacancies. These appointees shall be chosen from the department, school or college concerned. The same qualifications for voting and for election shall apply to the choice of persons to fill unexpired or temporary vacancies.
- e. No two delegates elected from a single department under the provisions of paragraph b above shall be chosen from faculty assigned to the same campus center of the University. The only exception to this rule shall be in the case where no faculty member with the requisite qualifications is assigned to one of the two University centers. In such case both departmental delegates may be individuals assigned to the same center.

§14.4

Initial elections to membership in the University Senate shall be without term. As soon as practicable after the organization of the Senate the length of service of department delegates shall be determined by lot, the delegates of one-third of the departments receiving one-year terms, the delegates of one-third of the departments receiving two-year terms, and the delegates of one-third of the departments receiving three-year terms. The first full year of operation under these provisions shall be deemed to be such part of the academic year 1965-66 as shall remain after their enactment and the academic year 1966-67, ending June 30, 1967.

The terms of school and college delegations shall be similarly determined by their participation with the departments in the drawing of lots. Thereafter all elections shall be for three-year terms. Regular elections of department, school, and college delegates shall be by secret ballot by the members of the faculty entitled to vote in each department, school, or college during the first full week in May following the initial term of office to which delegates were elected during the academic year 1965-66.

§14.5

The University Senate shall be responsible, subject to the Board of Trustees, for the formulation of policy relating to: curriculum matters affecting more than one school or college; the admission, retention, and graduation of students; student activities and student discipline. It shall make its own by-laws and conduct the educational affairs customarily cared for by a university faculty, subject to the following provisos.

- a. Among the standing committees of the University Senate shall be a committee on educational programs and developments including in its membership the University Dean for Academic Development.

ss 14.5

- b. Among the standing committees of the University Senate shall be a committee on student activities including in its membership the Vice President for Student Personnel Services or his delegate who need not be a member of the University Senate and more than one representative of the full-time student body.
- c. Among the standing committees of the University Senate shall be a committee on budget which shall be empowered to receive and report to the Senate upon the annual budget of the University.

ss 14.6

The President of the University shall preside at meetings of the University Senate, or in his absence the Vice President and Provost, another vice president or dean designated by the president.

ss 14.7

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

## Article 15

### Faculty Councils

ss 15.1

Legislative authority over school or college educational policy, subject only to the Board of Trustees, shall be vested in Faculty Councils for particular schools and/or colleges.

ss 15.2

Separate Faculty Councils in the College of Business Administration, in the School of Education, in the School of Law, and in the College of Pharmacy shall consist of the dean, the associate dean, the assistant dean or deans, and until the end of the first full academic year of operation under these bylaws, of all members of the respective school or college faculty in the ranks of associate professor and professor. Thereafter, in addition to the dean, his associate, and his assistants, all members of the school or college faculty possessing tenure shall be members of the Faculty Council *in their respective school or college*. The dean of each school or college or, in his absence, the senior professor present, shall preside at meetings of the separate Faculty Councils.

ss 15.3

A single Faculty Council for the liberal arts shall exercise jurisdiction over the educational policies of St. John's College, of University College, and of the Graduate School. The liberal arts Faculty Council shall consist of two classes of members: *ex officio* and elected.

- a. Ex officio members shall be: the dean of the liberal arts colleges, the dean of the graduate school, the associate and assistant deans of the three units, and the chairman of each liberal arts instructional department.
- b. Elected members shall be one delegate from each instructional departments in the three liberal arts units.

§15.3

- c. All delegates elected during the academic year 1965-66 shall be chosen from the ranks of associate professor and professor who have completed three or more years of consecutive full-time service at St. John's University; thereafter only faculty members possessing tenure shall be eligible for election as delegates to the liberal arts Faculty Council. If, for any reason, a department is unable or unwilling to elect its delegate, the dean of the liberal arts colleges, after consultation with the chairman of the department and the dean of the graduate school, shall appoint a faculty member to fill the existing vacancy. The appointee shall be chosen from the department concerned. The same qualifications for voting and for election shall apply to the choice of persons to fill unexpired or temporary vacancies.
- d. Initial elections to membership in the liberal arts Faculty Council shall be for such part of the academic year 1965-66 as shall remain after the enactment of this bylaw and for the academic year 1966-67, ending June 30, 1967. Thereafter all elections shall be for two-year terms. All elections shall be by secret ballot by the members of the faculty entitled to vote in each department. Regular elections shall take place during the first full week in May following the initial term of office to which delegates were elected during the academic year 1965-1966.
- e. The dean of the liberal arts colleges shall preside at meetings of the liberal arts Faculty Council, or in his absence the dean of the graduate school. If both deans are absent the senior professor present shall preside.

§15.4

Faculty Councils shall be responsible, subject to the Board of Trustees, for the formulation of policy relating to school or college curriculum matters, and regulations pertaining to the admission, retention, and graduation of students which concern only the school or college which they represent. Each council shall make its own bylaws and conduct the educational affairs customarily cared for by a school or college faculty subject to the following provisions.

- a. Among the standing committees of each Faculty Council shall be a committee on curriculum and a committee on budget. The committee on budget shall be empowered to receive and report to the Council on the annual budget of the school or college.
- b. Should a Faculty Council find it necessary to develop policies relating exclusively to students in their own school or college, any committee established to deal with such questions shall provide authorized representatives of the full-time students concerned an opportunity to express their views.
- c. Each Faculty Council shall concern itself, in the formulation of curricular policy and the regulation of the admissions, retention and



ss 15.4

- c. graduation of students, exclusively with the schools or colleges it represents. Where an instructional department of a particular school or college provides special instructional services for students of a different school or college (other than liberal arts courses open to students of all schools), that instructional department, with regard solely to such special instructional services, shall be subject to the jurisdiction of the Faculty Council of the school or college whose students are thus serviced.

ss 15.5

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

Article 15a. Graduate Council

ss 15a.1

Legislative authority over all matters of educational policy affecting graduate study, subject only to the Board of Trustees and to the University Senate as provided in Article 14 of these Statutes, shall be vested in the Graduate Council. This Council shall be responsible for the formulation of policy relating to graduate curriculum matters and regulations pertaining to the admission, retention and graduation of students in graduate programs.

Questions concerning graduate study may originate at the departmental or school levels, but must be referred to the Council for its decision in all cases. When matters originate in the Council itself, the appropriate faculty council shall be advised of its deliberations to allow consultation on questions of common interest before final action is taken by the Graduate Council.

The Council shall make its own by-laws.

ss 15.2

- a. Membership in the Graduate Council may be either *ex officio* or elected.

*Ex officio* members shall be the Dean or Director of each graduate school or division of the University which is a member of the Graduate Council.

- b. Elected members shall be twelve in number, chosen according to the procedures described in the Council's by-laws.
- c. All full-time members of the graduate faculty are eligible to vote for Council members and to be elected to the Council. The graduate faculty is understood to include all faculty members who normally teach one or more graduate courses and who share in the other responsibilities of graduate programs.
- d. Elections shall be by secret ballot and shall take place during the first full week in May. For the academic year 1967-68, this election

§15a.2 will be held as soon as these regulations are approved by the Board of Trustees. All elected members shall hold office for a period of three years. For the academic year 1967-1968, one, two, and three-year terms will be distributed by lot among the membership.

§15a.3 Structure of the Council

- a. For the academic year 1967-1968, the presiding officer of the Graduate Council will be the Dean of the Graduate School of Arts and Sciences. Thereafter it shall be as determined by the Council.
- b. The secretary of the Graduate Council shall be nominated and elected by the Council at the first meeting of each academic year.

Article 16 Coordination

§16.1 Certification of all elections to Faculty agencies established under these bylaws shall be made by appropriate deans or department chairmen to the President of the University within one week of the date of an election. Organization meetings of these faculty agencies shall be convened as soon as practicable after the membership rosters are complete, but in no case more than one month after all have been certified to the President.

§16.2 A Bylaw Coordinating Committee shall be appointed by the President of the University for the purpose of reviewing proposed bylaws of the University Senate and of the Faculty Councils to insure their conformity with these bylaws and with one another. This review shall be confined to the elimination of contradictory provisions and to the proposal of methods for the reconciliation of possible conflicts of jurisdiction among the bylaws of the various University agencies.

- a. The Administrative Vice President and Secretary shall be chairman of the Bylaw Coordinating Committee. Other members shall be the Vice President and Provost and the deans of the respective schools and colleges. The University Senate shall, at its organizational meeting, elect three of its members as representatives on this committee. Each Faculty Council shall, at its organizational meeting, elect one representative to membership on this committee.
- b. Upon certification to the President of the completion of its task, and of the non-conflicting character of the bylaws of the University Senate and those of the Faculty Councils, the Bylaw Coordinating Committee shall cease to exist.

## PART V

### DEPARTMENTAL ORGANIZATION

#### Article 17

Purpose. Each Department of instruction, subject to the approval of the appropriate Faculty Council and of the University Senate, and subject to the provisions of other sections of these bylaws, shall have control of the educational, personnel, and budget policies of the department through the vote of all of its members who are members of the faculty and have been serving continuously for at least three academic years. It shall co-operate with related departments, and with university agencies in general in the development of school, college, and university-wide interest.

#### Article 18

##### Department Chairman

##### §18.1

The department chairman shall be the executive officer of his instructional department and shall carry out the department's policies as well as those of Faculty Council, of the University Senate, and of the Board of Trustees related to it. He shall be responsible for (a) the administrative work of the department such as departmental correspondence and records; (b) the assignment of courses to, and arrangement of programs of individual teachers; and (c) the general supervision of the department. He shall have authority to initiate policy and action concerning departmental affairs subject to the powers delegated to the committees on educational policy and departmental personnel and budget. He shall represent the department before faculty legislative agencies, administrative authorities, and the Board of Trustees. He shall preside at meetings of his department. He shall prepare the tentative departmental budget, shall discuss it with the committee on departmental personnel and budget and shall transmit it, together with the committee's comments and his recommendations to the designated budgetary authorities of the University. The chairman shall also be charged with responsibility for assuring careful observation and guidance of those members of the instructional staff of the department who are on probationary appointment. In this task he may require the assistance of other faculty members in the department. The chairman of the department, when recommending such probationary appointees for reappointment beyond three full years of consecutive service shall make full report to the dean or deans of his schools or colleges and/or to the vice president for academic affairs, as well as to the faculty personnel and budget committee and/or the review committee regarding the appointees' teacher qualifications and classroom work, the relationships of said appointees with their students and colleagues, and their professional and creative work.

##### §18.2

The chairman of the department shall be a tenured person in one of the professorial ranks (except as provided in paragraph 18.2c below).

appointed by the Board of Trustees upon recommendation of the appropriate school or college dean, the vice president for academic affairs, and the president. No such recommendations shall be made to the Board until the following procedures have been complied with.

- a. As soon as practicable after the enactment of this bylaw in each department, all faculty members in the department who are eligible to vote under Article 12 of these bylaws shall be convened by the present chairman of department, or in his absence by an appropriate school or college dean, for the purpose of nominating candidates for the position of department chairman. The qualified faculty members present at this meeting shall by majority vote determine the procedures to be followed at the meeting for the presentation of individual names and for the discussion, if any, of the qualifications of prospective nominees. Final voting on nominees shall in every instance be by secret ballot. Proxy or mail voting shall not be permitted, nor shall individuals on leave be permitted to vote.
- b. Each department shall by this procedure nominate no more than three candidates for position of department chairman. These nominations, together with a tally of all votes cast in the selection process shall be notified to the vice president for academic affairs. The vice president, after consultation with the appropriate dean or deans, shall select from among the candidates so presented the person to be recommended for appointment as chairman. His name, together with those of others nominated with him, shall be forwarded to the president for recommendation to the Board of Trustees. Should a department submit but one nominee to the vice president for approval, the vice president shall have the privilege of recommending in place of the single nominee a person of his own choosing who meets the qualifications for department chairman set forth in paragraph 18.2 above.
- c. During the academic year 1965-66 only, untenured individuals in the ranks of associated professor and professor who have completed three or more years of consecutive service in full-time faculty positions at St. John's University shall be eligible for selection as chairman of department and may continue to hold that position, although untenured, until the expiration of the term of office for which they are appointed. Until the end of the initial year of operation under these bylaws, present chairmen of departments in the rank of assistant professor may be continued in their present positions.
- d. Chairmen of departments selected in 1965-66 shall serve initial terms of one, two or three years, depending upon the lots which fall to their departmental delegates to the University Senate. Thereafter all chairmen shall serve for three years. Should any department have no delegate in the University Senate, the initial term of office of its chairman shall be fixed by the vice president for academic affairs in

§18.2

- d. such manner as to preserve an approximate equality in the number of annual departmental nominations. The initial year of operation under these provisions shall be deemed to be such part of the academic year 1965-66 as shall remain after their enactment and the academic year 1966-67, ending June 30, 1967.

Successors of department chairmen first appointed under the provisions of the preceding paragraphs shall be nominated in accord with the provisions of paragraphs 18.2, 18.2a, 18.2b above, during the first full week in May prior to the expiration of their terms of office. Appointments shall be announced by the Board of Trustees no later than June fifteenth thereafter, and shall take effect July first thereafter. Vacancies shall be filled in the same manner and shall be for the unexpired term.

- e. Should the president not approve any person nominated by a department for the office of chairman, he shall confer with the members of the department qualified to participate in nominations, and thereafter shall report to the Board of Trustees any subsequent action by the department with respect thereto, together with his own recommendation of a chairman. A recommendation by the president to the Board of Trustees for the appointment of a department chairman other than one nominated by the department should occur only after careful consideration by the President of the qualifications of all those nominated by the department. The president should base his recommendation on the capacity of the individual selected to act effectively as the departmental administrator and spokesman, and as a participant in the formation, development, and interpretation of University-wide interest and policy.

Article 19. Departmental Representative

Where the work of a department is divided between the Jamaica campus and other centers of instruction, there may be a departmental representative at each such additional center; excepting that where only a small number of persons of a department are assigned to such additional center, the president shall have discretion in determining whether there shall be a departmental representative. The departmental representative shall be a member of the department whose principal instructional duties are allocated to the center concerned. The qualifications for departmental representative and for participating in his selection, as well as the procedures to be followed in appointing him shall be the same as the qualifications and procedures outlined in article 18 for the selection and appointment of department chairmen. Such departmental representative shall exercise the responsibilities of department chairman for purposes of action on matters concerning exclusively the work of the center to which he is assigned.

Article 20.

Educational Policy

§20.1

Each department of instruction shall be responsible for the development of policy concerning its own educational affairs, and shall have the fullest measure of autonomy consistent with the maintenance of general educational policy of the university. Departmental authority shall extend (but not be limited) to the content and frequency of specific course offerings, major and minor requirements, prerequisites, and other matters which may affect the level and quality of instruction. Each department shall be responsible for transmitting its policy recommendations to the appropriate faculty council and/or the university senate on matters affecting its own discipline, and shall comment, when requested by school, college, or university curriculum committees, on proposals from other departments or agencies affecting the department curriculum.

- a. Where an instructional department of a particular school or college provides special instructional services for students of a different school or college (other than liberal arts courses open to students of all schools), it shall make provision for liaison with the Faculty Council of the school or college whose students are thus serviced and, with regard solely to such special instructional services, shall be subject to the jurisdiction of said Faculty Council. Disputed decisions involving such interschool curricular relationships shall be reviewable by the Committee on Educational Programs and Developments.

§20.2

Procedures for the development of departmental educational policy shall be determined by each department in accord with the following provisos.

- a. There shall be in each instructional department with ten or more faculty members an educational policy committee of not less than four members including the department chairman as chairman of the committee. The committee shall not include at any one time more than one instructor who shall have completed at least three years of consecutive full-time service in the university. Committee members other than the chairman shall be elected by all faculty members in the department. Vacancies, whether temporary or permanent, shall be filled in the same manner. Each departmental committee on educational policy shall serve a three-year term coinciding with the term of office of the department chairman. Elected members shall be chosen at the time of selection of the chairman.
- b. Each department engaged in both graduate and undergraduate instruction and with a faculty membership of ten or more shall establish two educational policy committees, one to deal with undergraduate matters, the other to deal with graduate matters. Both committees shall be chosen in accord with the provisions of paragraph 20.2a above.

- c. Departments in the professional schools and colleges, and liberal arts departments with fewer than ten members, may exercise their educational policy functions through a faculty council curriculum committee or through a departmental committee-of-the-whole, provided that in the latter case only faculty members with at least three consecutive years of full-time service shall participate.

Article 21.

Personnel and Budget Policy

§21.1

There shall be in each instructional department in the liberal arts colleges and in the graduate school a departmental committee on personnel and budget consisting of five members, where possible, including the department chairman as chairman of the committee. Committee members other than the chairman shall be elected by all faculty members in the department. Members of the department committee on personnel and budget shall possess the qualifications for membership in faculty council (see paragraph 15.3c above). Vacancies, whether temporary or permanent, shall be filled in the same manner. Each departmental committee on personnel and budget shall serve a three-year term coinciding with the term of office of the department chairman. Elected members shall be chosen at the time of selection of the chairman.

§21.2

The department committee on personnel and budget shall be responsible for departmental policy formulation and administrative action in the areas of staff recruitment, appointments, reappointments, promotions, and the granting of tenure. The committee shall review and express its opinion on department budget requests as prepared by the chairman, and shall exercise such authorities and responsibilities as may be allocated to it in other portions of these bylaws, and as may be consistent with general school, college, and university personnel and budget policies.

Article 22.

Status of Priests and Religious

§22.1

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

§22.2

For purposes of holding office in university faculty agencies, members of the Congregation of the Mission who have served seven or more years in faculty ranks in educational institutions referred to in paragraph 22.1 shall be deemed to possess the qualifications conferred by tenure.

§22.3

Members of the Congregation of the Mission assigned to faculty posts at St. John's University, subject to the provisions of paragraphs 22.1 and 22.2 above, possess the same rights and duties as other faculty members of like rank and status.

22.4

Priests and religious other than members of the Congregation of the Mission shall enjoy the same status as members of the Congregation of the Mission as set forth in paragraphs 22.1, 22.2, and 22.3 above.



## PART VI

### PROCEDURES FOR APPOINTMENTS, REAPPOINTMENT, PROMOTION, AND THE CONFERRAL OF TENURE

#### Article 23

##### Recommendations

Recommendations for original appointments and reappointments to the instructional staff of the university, and for the promotion of or conferral of tenure upon members of the faculty shall be made by the president, by the vice president for academic affairs, by the dean of faculty, by the deans of schools or colleges, or by the chairmen of departments in which vacancies to be filled exist or in which faculty members eligible for reappointment, promotion or tenure teach. All such recommendations, accompanied by written information concerning the qualifications of the candidates involved, shall be transmitted through the department chairman to the department committee on personnel and budget for discussion and advice. Actions of the department committee shall be recorded and the results of its deliberation, together with any minority report, shall be forwarded by the department chairman to the chairman of the appropriate school or college personnel and budget committee.

#### Article 24

##### School or College Committees on Personnel and Budget

##### §24.1

Personnel and budget committees in the schools and colleges of the university shall be organized in conformity with the provisions of paragraphs 24.2, 24.3 and 24.4 below, and shall exercise the authorities described in paragraphs 24.5, 24.6 and 24.7 below.

##### §24.2

The committees on personnel and budget of the school of education, of the school of law, and of the college of pharmacy shall consist of the dean of the school or college as chairman and four members of the faculty of the appropriate school or college. Committee members other than the dean shall be elected by all faculty members in the school or college who possess the qualifications for voting for members of the university senate. Members of the committee on personnel and budget shall possess the qualifications for membership in the university senate (see Paragraph 14.3d above). Vacancies, whether temporary or permanent, shall be filled in the same manner.

##### §24.3

The committee on personnel and budget of the college of business administration shall consist of the dean of the college as chairman and of the chairmen of each department of instruction within the college.

##### §24.4

A single committee on personnel and budget shall be established for the liberal arts colleges and the graduate school. This committee shall consist

- §24.4 of the dean of the liberal arts colleges as chairman, the dean of the graduate school, and the chairman of each liberal arts instructional department.
- §24.5 All department recommendations for appointment, reappointment, promotion, or tenure within the respective schools or colleges shall be considered by the school or college committee on personnel and budget, the results of such consideration shall be reported to the vice president for academic affairs.
- §24.6 Appointments and reappointments to the instructional staff in grades not of faculty rank shall be final when approved by the school or college committee on personnel and budget and by the vice president for academic affairs. Should the vice president for academic affairs withhold his approval all pertinent recommendations, together with supporting documents, shall be referred to the university review committee for final decision.
- §24.7 All recommendations for appointments and reappointments to faculty rank, for promotions in faculty rank, and for the conferral of tenure on faculty members shall be reviewed by the appropriate school or college committee on personnel and budget. Notice of the action taken on each such recommendation, together with all credentials pertaining to the individuals involved shall be referred to the university review committee which will also be responsible for drawing up and maintaining a list of individuals who shall be eligible to vote under these statutes.

Article 25 University Review Committee

- §25.1 Final review of individual credentials supporting recommendations for faculty appointments, reappointments, promotion, and tenure, and of general university fiscal ability to implement such recommendations shall be provided by the university review committee.
- §25.2 The vice president for academic affairs shall be chairman of the university review committee. Other members shall be the executive vice president, the vice president for financial affairs, the dean of faculty, the dean of each school or college and the chairman of the university senate committee on budget.
- §25.3 The university review committee shall receive all university senate recommendations with respect to university-wide personnel and budget policies and shall forward such recommendations, with or without comment, through the president to the board of trustees. The committee may request university senate comments and/or recommendations on personnel and budget matters of university-wide concern. Recommendations for the appointment or reappointment of instructors and assistant professors shall be submitted by the

§ 25.3

university review committee to the president, whose decision shall be final. Recommendations for the appointment or reappointment of associate professors and professors and for the conferral of tenure shall be submitted to the president for transmission, with or without comment, to the board of trustees, whose decision shall be final.

Article 26. Promotions

§ 26.1

Promotions in faculty rank shall be made in accord with the procedures set forth in paragraphs 26.2, 26.3, 26.4, 26.5 and 26.6 below, and shall conform to the criteria for promotion described in Article 29 of these bylaws.

§ 26.2

No later than February 1 of each calendar year the chairman of each department shall report to the dean of his school or college and to the school or college committee on personnel and budget the names of eligible individuals recommended for promotion by the departmental committee on personnel and budget. Each recommendation shall be accompanied by a dossier of information detailing the academic experience of the person concerned, listing the academic credentials which justify the promotion, and reporting the outcome of departmental consideration of the recommendation.

§ 26.3

No later than March 1 of each calendar year the dean of each school or college shall report to the Vice President for Academic Affairs the action recommended by the school or college committee on personnel and budget with respect to every person considered for promotion. In cases where the committee rejects a departmental recommendation, where the dean differs with the recommendation of the school or college committee on personnel and budget, or where a minority of the committee wishes to record a difference of opinion with the majority, reasons for the rejection of the recommendation or for the differences of opinion shall be reduced to writing and shall be placed in the individual's dossier when it is forwarded for further action to the Academic Vice President. Copies of all such documents added to the personal dossiers shall be sent to the chairman of the respective individual's department and shall be promptly communicated to the individual concerned.

§ 26.4

No later than April 1 of each calendar year the Vice President for Academic Affairs shall forward to the Board of Trustees through the President of the University all recommendations for promotion which have come to him from the personnel and budget committees of the various schools and colleges and which have been reviewed and acted upon by the University Review Committee. Should the Review Committee not support a school or college recommendation, both the positive recommendation and the Review Committee's reasons for disapproving it shall be forwarded to the president. The president shall forward all these materials to the Board, and may add to them his own recommendations for Board action. Copies of adverse recommendations by the University Review Committee or the president shall be

§26.4

transmitted to the dean of the school or college involved, to the chairman of the affected faculty member's department, and to the individual concerned.

§26.5

No later than May 15 of each calendar year the Board shall act upon the recommendations for promotion and, no later than June 1, shall certify receipt of promotion in writing to each person to whom a promotion has been granted.

§26.6

Appeals procedures shall be available for the use of individual faculty members who may consider themselves aggrieved at any stage in the promotional process. All such appeals shall be submitted in writing to the appropriate body by the individual concerned, and shall be accompanied by such written evidence as the individual may consider supportive of a request for promotion. Each aggrieved person shall also be entitled to a personal hearing by the appeals agency. An appeal from the action of a department committee on personnel and budget shall be submitted to the dean of the applicant's school or college and shall be considered by the committee on personnel and budget of that school or college. An adverse decision of the school or college committee on personnel or budget shall be final. Where a school or college committee on personnel and budget has rejected a department recommendation for promotion, or where the school or college dean or a committee minority has filed an adverse report, the individual shall direct his appeal to the Academic Vice President. The appeal shall be considered by the University Review Committee whose decision, if adverse, shall be final. Appeals from adverse recommendations by the University Review Committee or the President shall be directed to the Chairman of the Board of Trustees and shall be considered by an appropriate Board committee whose decision shall be final. Should the Board of Trustees itself reject a promotional recommendation which has been approved by all requisite University agencies, the Board shall state its reasons in writing, shall communicate them to the person involved as well as to the President, the Academic Vice President, the appropriate school or college dean, and the chairman of the individual's department. The Board shall reconsider or affirm its action after having received a written appeal from and granted a hearing to the person affected by the action.

## Article 27

### Tenure

§27.1

No later than January 1 of each calendar year the Dean of Faculty shall develop a master list of faculty eligible for tenure as of the beginning of the following academic year. This list shall identify the department and school or college affiliation of each individual included. The Dean of Faculty shall supply the chairman of each department and the dean of each school or college with a copy of that portion of the list pertaining to his own instructional division.

§ 27.2

No later than February 1 of each calendar year the chairman of each department shall report to the dean of his school or college and to the school or college committee on personnel and budget the names of eligible individuals recommended for tenure by the departmental committee on personnel and budget and the names of those not so recommended. Each affirmative recommendation shall be accompanied by a dossier of information detailing the academic experience of the person concerned, listing the academic credentials which justify the conferral of tenure, and reporting the outcome of departmental consideration of the recommendation. Eligible persons not recommended for tenure by the department committee shall be promptly informed by the chairman of that fact and of the reasons for it.

§ 27.3

No later than March 1 of each calendar year the dean of each school or college shall report to the Vice President for Academic Affairs the action recommended by the school or college committee on Personnel and Budget with respect to every person considered for tenure. In cases where the committee rejects a departmental recommendation, where the dean differs with the recommendation of the school or college committee, or where a minority of the committee wishes to record a difference of opinion with the majority, reasons for the rejection of the recommendation or for the differences of opinion shall be reduced to writing and shall be placed in the individual's dossier when it is forwarded for further action to the Academic Vice President. Copies of all such documents added to the personal dossiers shall be sent to the chairman of the respective individual's department and shall be promptly communicated to the individual concerned.

§ 27.4

No later than April 1 of each calendar year the Vice President for Academic Affairs shall forward to the Board of Trustees through the President of the University all recommendations for tenure which have come to him from the personnel and budget committees of the various schools and colleges and which have been reviewed and acted upon by the University Review Committee. Should the review committee not support a school or college recommendation, both the positive recommendation and the review committee's reasons for disapproving it shall be forwarded to the president. The president shall forward all these materials to the Board, and may add to them his own recommendations for Board action. Copies of adverse recommendations by the University Review Committee or the President shall be transmitted to the dean of the school or college involved, to the chairman of the affected faculty member's department, and to the individual concerned.

§ 27.5

No later than May 15 of each calendar year the Board shall act upon the recommendations for tenure and, no later than June 1, shall certify receipt of tenure in writing to each person upon whom tenure has been conferred.

Appeals procedures shall be available for the use of individual faculty members who may consider themselves aggrieved at any stage in the process of consideration for tenure. All such appeals shall be submitted in writing to the appropriate body by the individual concerned, and shall be accompanied by such written evidence as the individual may consider supportive of a request for the conferral of tenure. Each aggrieved person shall also be entitled to a personal hearing by the appeals agency. An appeal from the action of a department committee on personnel and budget shall be submitted to the dean of the applicant's school or college and shall be considered by the committee on personnel and budget of that school or college. An adverse decision of the school or college committee on personnel and budget shall be final. Where a school or college committee on personnel and budget has rejected a department recommendation for tenure, or where the school or college dean or a committee minority has filed an adverse report, the individual shall direct his appeal to the Academic Vice President. The appeal shall be considered by the University Review Committee whose decision, if adverse, shall be final. Appeals from adverse recommendations by the University Review Committee or the President shall be directed to the Chairman of the Board of Trustees and shall be considered by an appropriate Board committee whose decision shall be final. Should the Board of Trustees itself reject a tenure recommendation which has been approved by all requisite University agencies, the Board shall state its reasons in writing, shall communicate them to the person involved as well as to the President, the Academic Vice President, the appropriate school or college dean, and the chairman of the individual's department.

The Board shall reconsider or affirm its action after having received a written appeal from and granted a hearing to the person affected by the action.

## Article 28

### Conflict of Interests

No faculty member shall be eligible to vote in any matter concerning his own reappointment, promotion, conferral of tenure or special compensation.

## QUALIFICATIONS AND CONDITIONS FOR APPOINTMENT, REAPPOINTMENT AND PROMOTION OF MEMBERS OF THE INSTRUCTIONAL STAFF

## Article 29

## Qualifications and Conditions

**§ 29.1**

29. 2

29.3

**§29.4**

**§ 29.5**

**§ 29.6**

Conditions: Service in the rank of instructor is normally limited to four years.

§ 29.7

- § 29.7      doctoral or professional degree or equivalent normally required for teaching in his field; 2) Give evidence of marked effectiveness as a teacher both in the classroom and in the guidance of students; 3) Demonstrate capacity for professional growth; and 4) Give promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in the leading universities in the United States.
- § 29.8      Associate Professor. Qualifications: For promotion or appointment as associate professor the candidate must possess the qualifications for an assistant professor, and in addition a record of significant achievement in his field or profession or as an administrator. Evidence of scholarship, research, or creative activity may be manifested through scholarly publications in professionally recognized media as well as through such subsidiary evidence as direction of or significant participation in research projects and in the scholarly activities of learned societies. There shall furthermore be evidence that his alertness and intellectual energy are respected outside his own immediate academic community.
- § 29.9      Professor. Qualifications: For promotion or appointment as professor the candidate must possess the qualifications of an associate professor, and in addition a record of distinguished intellectual, educational, or artistic achievement. There shall be evidence of continued growth and of general recognition among scholars and educators outside the University.
- § 29.10     Lecturer. Qualifications: For appointment as lecturer the candidate must possess a master's degree or its equivalent in the field of his teaching assignment together with such additional indications of scholarly and teaching ability as the department and the dean of the school or college may deem desirable.
- Conditions: Appointment to the grade of lecturer may be for no longer than one year at a time. Original appointments may normally be renewed no more than two times. Exceptions to this rule may be made upon recommendation of appropriate departmental, school or college, and administrative agencies in the case of individuals who have special abilities considered to be of educational value but who do not aspire to appointment as instructor. No one ordinarily shall be appointed to the grade of lecturer who is a candidate for a degree at St. John's University

(Paragraphs 29.11 through 29.23 are reserved for descriptions of the qualifications and conditions required for appointment, reappointment, and promotion in the instructional staff grades of professorial lecturer, teaching fellow, adjunct professor, research professor, laboratory assistant, laboratory instructor, research associate, research fellow, visiting professor, assistant librarian, librarian, assistant registrar, and registrar.)



Article 30

Probationary Periods and Non-Reappointment

- §30.1 All initial appointments in faculty ranks are probationary, with the exception of persons first appointed with tenure to the rank of professor. During the probationary period an individual may be notified of non-reappointment without specification of cause. Notice of non-reappointment after the conclusion of the probationary period but prior to the conferral of tenure shall be accompanied by a statement to the person whose appointment is not being renewed of the reasons for such non-reappointment.
- §30.2 The probationary period for persons in the ranks of professor and associate professor shall terminate with their second reappointment.
- §30.3 The probationary period for persons in the ranks of assistant professor and instructor shall terminate with their third reappointment.
- §30.4 In every case of non-reappointment, whether or not the person involved is in probationary status, notice of non-reappointment shall be given in writing in accord with the following schedule.
- a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
  - b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
  - c. At least twelve months before the expiration of an appointment after two or more years in the institution.
- §30.5 Should any of the university agencies which participate in approving appointments and reappointments under the provisions of Part VI of these bylaws refuse approval of a recommended initial appointment or of a recommended reappointment of a person on probationary status in any rank, that refusal shall terminate the recommendation without appeal.

## PART VIII

### FACULTY TENURE

#### Article 31 Definition, Rights and Obligations

- §31.1 Tenure shall mean the right of a person to hold his position during good behavior and efficient and competent service, and not to be removed except for cause in the manner hereinafter provided.
- §31.2 The right to grant tenure resides in the University alone and shall be exercised by the Board of Trustees upon the recommendation of faculty and administrative authorities in accord with the provisions of this article and of articles 21, 22, 23, 24, 25, 27 and 28 of these Bylaws.
- §31.3 Tenure shall be granted only to faculty members on full-time appointment, and shall be governed by carefully defined criteria and by formulated standards of judgment as an extension of these criteria. Such criteria and standards shall be prepared by the University Senate in cooperation with other faculty agencies and with administrative officials of the University and shall be submitted to the Board of Trustees for final approval.
- §31.4 All University procedures governing the conferral or revocation of tenure shall conform to the Statement of Principles on Academic Freedom and Tenure adopted in 1940 by the Association of American Colleges. It shall be specifically understood that the reference in this Statement to "Freedom..... of Extramural Activities" shall not be interpreted as limiting the right of the University reasonably to restrict extramural classroom teaching or other compensated employment by full-time members of the St. John's University faculty.

#### Article 32 Eligibility for Tenure

- §32.1 Tenure is attached normally to the ranks of professor and associate professor, under exceptional circumstances to the rank of assistant professor, and is granted:
- a. To persons promoted to the ranks of professor or associate professor.
  - b. To persons appointed to the rank of professor not later than three years after appointment, unless notification of the expiration of appointment has been given at least twelve months in advance. Tenure upon appointment without term may be granted in exceptional cases to professors who enjoy tenure in another accredited institution of higher learning.
  - c. To persons appointed to the rank of associate professor, not later than four years after appointment, unless notification of the expiration of

§§ 32.1

appointment has been given at least twelve months before the end of this period:

- d. Upon the recommendation of appropriate faculty and administrative authorities, and in exceptional cases only, to persons in the rank of assistant professor or to persons promoted to that rank. Such recommendations shall be made only on behalf of persons whose academic credentials do not meet stated requirements for promotion to a higher rank, and shall be accompanied by convincing evidence that their continuation as faculty members will contribute to the educational welfare of the University.

§§ 32.2

Tenure is not attached to:

- a. The rank of instructor;
- b. Administrative positions. Individuals serving as administrators may be granted tenure as members of the faculty if they fall within one of the categories enumerated above;
- c. Visiting or adjunct professorial positions;
- d. Part-time teaching positions;
- e. The non-faculty grade of lecturer.

## Article 33.

### Probationary Periods for Tenure

§§ 33.1

In the event that a person in the rank of lecturer receives an appointment as instructor, the period of service as lecturer shall not be counted as part of the probationary period required for tenure. Service in the non-faculty rank of lecturer shall not ordinarily exceed three years. However, persons with special teaching qualifications but without academic qualifications for faculty status and tenure may be permitted to remain as lecturers without limitation on their years of service.

§§ 33.2

Service in the rank of instructor ordinarily shall not exceed four years.

§§ 33.3

Service in the rank of assistant professor shall not exceed seven years except in cases where tenure has been granted to assistant professors under the provisions of § 32.1d above.

§§ 33.4

No person shall serve at this University or any other University a combined probationary period longer than seven years in the ranks of instructor and assistant professor prior to promotion to the rank of associate professor and receipt of tenure except as provided in § 32.1d, above. But when a person appointed to the faculty of St. John's University has served three or more years in full-time faculty status in the rank of instructor or of assistant professor in other accredited universities or colleges, it may be agreed to in writing

§33.4

that his new appointment is for a probationary period of not more than four years, even though his total probationary period in the academic profession is thereby extended beyond the normal maximum of seven years.

#### Article 34

##### Interim Tenure Arrangements

§34.1

At such time as these Bylaws become effective, those who already enjoy tenure at St. John's University shall be confirmed in that status.

§34.2

Other persons in the rank of associate professor or professor as described below shall be considered for tenure under the procedures described in Articles 21, 22, 23, 24, 25, and 27 of these Bylaws, except that the dates for such consideration shall be adjusted to provide the earliest possible conclusion of the total process. Such consideration shall be granted to the following categories of associate professors and professors:

- a. Those who have completed seven consecutive years of full-time service at St. John's University in the rank of instructor or higher.
- b. Those who have completed two consecutive years of full-time service at St. John's University in the rank of professor.
- c. Those who have completed three consecutive years of full-time service at St. John's University in the rank of associate professor.

§34.3

Other persons in the rank of instructor or assistant professor who, by the end of the current academic year, will have completed seven consecutive years of full-time service at St. John's University in either or both of these ranks shall be considered for tenure under the procedures described in Articles 21, 22, 23, 24, 25, 27 and 28 of these Bylaws, except that the dates for such consideration shall be adjusted to provide the earliest possible conclusion of the total process. Should a present instructor be recommended for tenure, he shall be concurrently considered for promotion to the rank of assistant professor.

§34.4

Those persons who, within twelve months of the effective date of these Bylaws, have held appointment in the rank of instructor or assistant professor or both for less than seven years may serve for a maximum period of ten years in either or both ranks (except as provided in 32.1d above) prior to eligibility for promotion to the rank of associate professor and receipt of tenure.

§34.5

Nothing in this article shall be construed as providing grounds for the extension of a probationary period of shorter duration already agreed upon by an individual faculty member and the University.

§34.6

The provisions of this article shall become null and void at such time as a final determination of the tenure status of all persons affected by it has been made by the Board of Trustees.

Article 35      Grounds for Removal or Suspension

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

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

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

Article 36      Investigation and Service of Charges

§36.1      Charges against a member of the faculty who has tenure or whose term appointment has not expired may be made by the President, a vice-president, a dean, a department chairman, a member or committee of the Board of Trustees or by the Board of Trustees itself. Such charges shall be confidentially presented to the President in first instance. The President shall discuss the matter with the faculty member concerned in personal conference. If a mutually satisfactory adjustment does not result from this conference, the matter shall be referred to a standing committee of the University Senate charged with rendering confidential advice in such situations. The committee shall consult with the President and with the faculty member involved and shall seek to effect a mutually satisfactory adjustment. If no adjustment is reached the committee and the President, or the President alone should there be disagreement between the committee and the President, shall formulate in writing the charge made against the faculty member and the principal points of such evidence as would support the charge.

§36.2      Immediately after the formulation of charges against a faculty member under the terms of §36.1 above, the President shall have served upon the person involved a copy of such charges. At the time of service of charges the individual shall be notified of his right to a hearing by a faculty committee to determine whether he should be removed from his faculty position on the grounds stated. The time and place of such hearing shall be indicated, and the faculty member shall be informed, in detail or by reference to these Bylaws, of the procedural rights that will be accorded to him. The faculty member shall state in reply whether he wishes a hearing, and, if so,

§36.2

shall answer in writing, not less than one week before the date set for the hearing, the charges made against him. The person charged shall be accorded no less than ten nor more than twenty days from the date of service of charges in which to file his answer to them.

## Article 37

### Hearing Committee

The hearing committee shall be an elected standing committee of the University Senate of no fewer than three nor more than five members not previously concerned with the case to be heard.

## Article 38

### Hearing Procedures

§38.1

The hearing committee shall consider the formal charges, written supporting evidence, and the faculty member's written reply to the charges. If the faculty member has not requested a hearing, the committee shall consider the case on the basis of obtainable information and shall confirm or dismiss the charges; otherwise the hearing shall proceed.

§38.2

The President shall have the option of attendance during the hearing. He may designate an appropriate representative to assist in developing the case; but the committee shall determine the order of proof, shall normally conduct the questioning of witnesses, and, if necessary, shall secure the presentation of evidence important to the case.

§38.3

The faculty member shall have the option of assistance by counsel, whose functions shall be similar to those of the representative chosen by the President. There shall be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony shall include that of teachers and other scholars either from the University or from other institutions. The faculty member shall have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or his counsel and the representative designated by the President shall have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all witnesses adverse to him. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his statements, shall nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence shall be duly recorded. Unless special circumstances warrant, formal rules of court procedure need not be followed.

§38.4

The committee shall reach its decision in conference, on the basis of the hearing. Before doing so, it shall give opportunity to the faculty member or his counsel and the representative designated by the President to argue

§38.4

orally before it. If written briefs are helpful, the committee may request them. The committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision is aided thereby. It shall make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable. Publicity concerning the committee's decision shall be withheld until consideration has been given to the case by the Board of Trustees. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing. Any release to the public shall be made through the President's office.

#### Article 39

##### Action by the Board of Trustees

The President shall transmit to the Board of Trustees the full report of the hearing committee stating its action. If the Board of Trustees chooses to review the case, its review shall be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The decision of the hearing committee shall either be sustained or be returned to the committee with objections specified. In such case the committee shall reconsider, taking account of the stated objections and receiving new evidence if necessary. It shall frame its decision and communicate it in the same manner as before. After study of the committee's reconsideration the Board of Trustees shall make a final decision confirming or dismissing the charges.

#### Article 40

##### Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by the faculty member, the hearing committee, or administrative officers shall be avoided until the proceedings have been completed. Official announcement of a final decision shall be limited to a statement of the charges and of the action taken with respect to them by the hearing committee and the Board of Trustees.