

ST. JOHN'S UNIVERSITY
New York

M E M O R A N D U M

Office of the General Counsel

TO: FULL TIME FACULTY AND ADMINISTRATORS
FROM: Herbert D. Schwartzman *HS*
DATE: February 3, 1997
RE: UNIVERSITY STATUTES
Revised as of December, 1996

In accordance with resolutions authorized by the Board of Trustees through December 1996, attached is a complete set of the University Statutes dated 1/97.

Please **replace the 9/95 Statutes** in your red binder **with the** newly revised **Statutes dated 1/97.**

If you have any questions, or require additional copies, please contact my office on Extension 6312 or 6304.

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PART ONE

MISSION STATEMENT

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

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

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

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

St. John's is a **METROPOLITAN** university. We benefit from New York City's cultural diversity, its intellectual and artistic resources, and its unique professional educational opportunities. With this richness comes responsibility. We encourage the metropolitan community to use our resources to serve its needs. On the local, state, national and international levels, our alumni serve as effective leaders and responsible citizens. We pledge to foster those qualities required for anticipating and responding to the educational, ethical, cultural, social, professional and religious needs of a dynamic city in a dynamic world.

PART TWO

BOARD ORGANIZATION

Article 1 Membership, Officers and Tenure

§1.1 a. The Board of Trustees shall consist of not fewer than five nor more than thirty *ex officio* and elected members of whom at least one-third shall be members of the Congregation of the Mission or Daughters of Charity.

 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 a. 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.

 b. *Ex officio* members of the Board and of committees of the Board shall have all the rights, privileges and responsibilities of other members, including voting rights.

§1.3 Subject to the limitations of §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 Chairperson, 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 Chairperson 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 Chairperson in the absence of both the Chairman and the Vice Chairperson.

§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. Any elected trustee shall be eligible for reelection.

c. It is the intention of these Statutes that the terms of approximately one-third of the elected trustees will expire annually.

§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 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, such trustee 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 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.

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

Article 2 Committees

§2.1 The Chairman and the President shall be *ex officio* members of all standing committees of the Board of Trustees. All other members of standing committees, except the Executive Committee, shall be appointed by resolution adopted by a majority of the Trustees upon nomination of the Executive Committee, for a one year term and may succeed themselves. Except as provided in §2.3 in respect of the Executive Committee, a majority of the appointed members of a standing committee shall constitute a quorum for that committee and all resolutions of a committee shall be enacted by a majority vote of those present and voting.

§2.2 The standing Committees shall be:

Executive Committee
Educational Policy Committee
Personnel Committee
Student Life Committee
Budget and Finance Committee
Investment Committee
Development Committee
Facilities Committee
Trusteeship Committee

§2.3 a. The Executive Committee shall consist of the Chairman, Vice Chairperson and Secretary of the Board, the President, and the chairs of each of the other standing committees of the Board. The Chairman of the Board shall serve as Chairperson of the Executive Committee. A majority of the members shall constitute a quorum. The affirmative vote of not less than five members shall constitute the action of the Executive Committee.

b. The Executive Committee shall have authority to take final action in the name of the Board on matters which the Executive Committee considers to be so extraordinary as to require immediate action between meetings of the Board, except that it shall have no power to grant degrees or make removals from office of a member of the Board or to remove the President. All such 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. The Executive Committee shall also be concerned with plans for the future development of the University and shall make recommendations to the Board concerning such matters.

c. The Executive Committee shall submit to the Board for its consideration, nominations for membership on the Board, for the offices of Chairman, Vice Chairperson 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 Executive Committee shall first request recommendations from the Provincial of the Congregation of the Mission, Eastern Province of the United States. The Executive Committee shall also submit nominations for chairperson and membership on standing committees of the Board other than the Executive Committee; for filling vacancies in the Board and in said offices; and for additional membership in the Board pursuant to §1.3. Other nominations may be made for any of these offices and memberships by any member of the Board.

§2.4 The Educational Policy Committee shall consist of not fewer than three 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 as they relate to educational policy and of each unit, and the organization of the University for instructional purposes. It shall make recommendations to the Board concerning such matters.

§2.5 The Personnel Committee shall consist of not fewer than three appointed members. It shall be concerned with all matters relating to appeals from the decision of the University Personnel Committee, the University Personnel Committee for Law School Personnel, the "truly exceptional circumstances" policy of the Board, and all other personnel actions or matters submitted to the Committee by the President of the University.

§2.6 The Student Life Committee shall consist of not fewer than three appointed members and shall be concerned with the policies governing student affairs and activities at the University. It shall make recommendations to the Board concerning such matters.

§2.7 The Budget and Finance Committee shall consist of not fewer than three 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.

§2.8 The Investment Committee shall consist of not fewer than three appointed members and shall be responsible for considering and recommending action on investment policies. It shall be empowered, within the guidelines established by the Board, to supervise and review the University's investment portfolio.

§2.9 The Development Committee shall consist of not fewer than three appointed members and shall be concerned with all fund-raising programs required to finance the future development of the University. It shall also be concerned with policies affecting public relations and information, special events, community relationships, and alumni affairs.

§2.10 The Facilities Committee shall consist of not fewer than three appointed members and shall be concerned with the maintenance, utilization and development of the physical plant of the University.

§2.11 The Trusteeship Committee shall consist of not fewer than three appointed members and shall be concerned with fostering a program of Board orientation, education and evaluation, identifying prospective Board members and recommending to the Executive Committee new Board members and all other individuals nominated by the Executive Committee pursuant to §2.3 c.

§2.12 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 §2.3 in respect to the Executive Committee, shall submit its recommendations to the Board for action.

§2.13 Special committees may be appointed from time to time regarding matters relating to student affairs and such other matters 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 in September.

b. At least two 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 by the President. In the event of the prolonged absence, death or incapacity of the Chairman or the President, the Board shall meet when summoned by the Vice Chairperson, or upon the written request of three members of the Board presented to the senior trustee.

§3.2 Notice of the time and place of every meeting shall be mailed not fewer than five days nor more than ten days before the meeting to the usual address of every trustee. So far as legally permissible, a meeting may be held upon longer or 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.

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

PART THREE
UNIVERSITY EXECUTIVE ORGANIZATION

Article 5 Administrative Officers

§5.1 The administrative officers of the University shall be the President; the Executive Vice President; the Provost; the Vice President for Finance and Treasurer; the Vice President for Campus Ministry; the Secretary of the University; and such other vice presidents as, from time to time, may be appointed by the President.

§5.2 The President, Executive Vice President, Provost, Vice President for Finance and Treasurer, Secretary of the University and 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. All of the other officers of the University shall be appointed by the President, subject to the approval of the Board of Trustees.

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

§5.4 Other administrators of the University shall include: the Deans for each academic unit; the Dean of University Libraries; the Dean of Summer Sessions; and such other administrators as may be appointed from time to time by the President. The Deans for each academic unit shall be elected by majority vote of the Board of Trustees on recommendation of the President. All other administrators shall be appointed by the President and shall have the duties and responsibilities hereinafter prescribed for their offices and such other duties and responsibilities as from time to time may be designated by the President.

§5.5 Any individual may serve concurrently in more than one of the aforesaid offices.

Article 6 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 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 and financial 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 and other administrators to whom he has delegated responsibility, in all matters pertaining to the appointment, reappointment, promotion, compensation, dismissal and other employment relationships of members of the instructional staff and of all other employees of the University, 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 a. He shall have power, together with the Secretary of the Board of Trustees, or the Secretary of the University, to the extent permitted by law of the State of New York, to sign and join in the execution of all deeds and instruments in the name of the Board of Trustees and to affix thereto the corporate seal of the University.

b. He shall have power to execute and to cause the seal of the University to be affixed to any general or other release in respect of claims, suits, and actions by or against the University.

§6.10 a. On or about January 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 requests for the next fiscal year.

b. On or about May 1 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 be, in consultation with the Executive Committee of the Board of Trustees, the authoritative interpreter of the provisions contained in these Statutes.

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

§6.14 The President may designate an educational advisor to serve as a Special Assistant to him. In addition, there may be one or more assistants to the President, who shall be appointed by the President and who shall perform such functions as, from time to time, may be assigned to them by the President.

§6.15 University Committees

§6.15.1 The administrative committees of the University shall be the Budget Control Committee, which shall be responsible for the control of the budget and for making recommendations to the President regarding all capital purchases and expenses; the Athletic Academic Review Committee, which shall be concerned with maintaining academic excellence among student-athletes at the University; and the Committee on Athletics and the Prevention of Drug Abuse, which shall coordinate University-wide efforts to organize informational programs on drugs and alcohol for the purpose of preventing substance abuse among student-athletes and to make recommendations on, and supervise, the University's drug testing program for student-athletes.

§6.15.2 The President shall appoint such additional University committees as he deems necessary to assist in the overall planning and administration of the University.

§6.15.3. The chairpersons and members of the aforesaid committees shall be appointed by the President and shall serve in their respective posts until a successor is appointed by the President.

Article 7 Vice Presidents

§7.1 a. Each of the Vice Presidents shall be responsible, through appropriate procedures, for the budgets of their respective offices. On or about February 1 of each year, they shall submit their proposed budgets to the Comptroller of the University. The Vice Presidents shall include, within their proposed budgets, the budgets of all of the academic or administrative units within their jurisdiction. The Vice President for Finance and Treasurer shall include all budgets in the proposed annual budget of the University. The Vice President for Finance and Treasurer will then present the proposed annual budget to the Executive Vice President for approval. The Executive Vice President will then submit it to the President. Upon approval of the annual budget by the President and the Board of Trustees, the Budget Control Committee shall be responsible for the control of the budget of the University.

b. On or about August 1 of each year, each Vice President shall submit to the President an annual report on the operation of the Vice President's office, its projected needs and recommendations. Such reports shall include a digest of the reports the Vice Presidents shall receive from their respective academic or administrative units. Each Vice President shall make such interim reports as are requested by the President.

§7.2 Executive Vice President

§7.2.1 The Executive Vice President shall be the Chief Operating Officer of the University and the principal advisor to the President for all non-academic matters.

§7.2.2 In the absence of the President, the Executive Vice President shall have the powers and perform the duties of the President. In the event such absence results from a vacancy in the office of the President, the Executive Vice President shall have such powers and perform such duties of the President until an Acting President or a successor President is appointed by a majority vote of the Board of Trustees in accordance with these Statutes.

§7.2.3 With the exception of the Provost and administrators reporting to the Provost, the Executive Vice President shall exercise jurisdiction over all Vice Presidents and all other administrators to the extent the President deems appropriate.

§7.2.4 a. The Executive Vice President 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.

b. The Executive Vice President 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; liaison with academic officers and architects engaged in planning new construction and remodeling existing buildings.

c. The Executive Vice President shall administer and coordinate the business and financial affairs of the University, plant operations, security, mail room, food services, reproduction and printing, and bookstores and shall be responsible for the supervision of all other auxiliary enterprises.

d. The Executive Vice President shall have the power to execute and to cause the seal of the University to be affixed to any general or other release in respect of claims, suits and actions by or against the University.

e. In the negotiation and execution of all other contracts, engagements, conveyances, and releases, except as otherwise provided in these Statutes, the Executive Vice President shall be the agent of the Board of Trustees.

§7.2.5 The Executive Vice President 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 The Executive Vice President shall have administrative responsibility over such other areas as, from time-to-time, may be assigned by the President.

§7.3 Provost

§7.3.1 a. The Provost shall be the principal academic adviser to the President and the chief academic officer for all of the academic units of the University.

b. Upon delegation from the President, the Provost shall represent the University in educational and accreditational relationships.

c. The Provost shall exercise jurisdiction over such other Vice Presidents and other administrators to the extent the President deems appropriate.

§7.3.2 The Provost shall be responsible for the general supervision and coordination of the planning and evaluation of the academic affairs of the University. In furtherance of these responsibilities, the Provost shall propose plans and actions in academic matters, shall review plans for new academic programs, and shall assist in the development and implementation of new educational programs and policies.

§7.3.3 a. The Provost shall conduct a systematic and continuing program of evaluation of the academic and related areas of the University.

b. The Provost shall exercise general supervision over the completion of questionnaires, studies and reports submitted by the University to various educational, accrediting and governmental agencies.

c. The Provost shall be an *ex officio* member of every academic committee of the University.

d. The Provost, prior to the commencement of the spring semester and at least four weeks prior to the elections, shall notify the faculty of the time during the spring semester at which the elections for departmental chairpersons and membership on the departmental personnel and budget committees shall take place. The Provost shall likewise notify the faculty of the time for subsequent elections of faculty members to the college personnel committees, the University Personnel Committee, and the

University Personnel Committee for Law School Personnel, and selected other committees and shall notify the faculty and, where appropriate, the students, of the time for elections to the faculty councils and the University Senate.

§7.3.4 The Provost shall recommend to the President, after appropriate consultation, the appointment of directors and chairpersons of departments or divisions [hereinafter referred to as "departments"] and shall be responsible, through appropriate procedures, for the supervision of such directors and chairpersons.

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

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

§7.4 Vice President for Finance and Treasurer

§7.4.1 The Vice President for Finance and Treasurer shall be the principal fiscal adviser to the Executive Vice President.

§7.4.2 Under the Executive Vice President, the Vice President for Finance and Treasurer shall be responsible for the business and financial affairs of the University and shall advise administrative officers in matters of financial policy.

§7.4.3 a. The Vice President for Finance and Treasurer shall: receive all moneys paid to the University and be responsible for their custody; deposit all funds of the University in such bank or banks, trust company or trust companies, or with such firm or firms doing a banking business, as the Board of Trustees shall designate; act for the University in respect of all negotiable and non-negotiable paper and its bank accounts. With the consent of the Board of Trustees and under the direction of the Investment Committee of the Board of Trustees, the Vice President for Finance and Treasurer shall manage all University investments.

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

c. The Vice President for Finance and Treasurer 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 the possession of the Vice President for Finance and Treasurer, shall be subject at all times to the inspection and control of the Board of Trustees and any committee thereof.

d. The Vice President for Finance and Treasurer shall be responsible for the direction, coordination and preparation of the budget. After following the appropriate procedures set forth in these Statutes, the Vice President for Finance and Treasurer shall submit to the Executive Vice President the proposed annual budget of the University. Upon approval of the budget by the President and the Board of Trustees, the Vice President for Finance and Treasurer, in consultation with the appropriate Committees, shall be responsible for the administration of all items thereof.

e. The Vice President for Finance and Treasurer shall make reports to the budget administrators at regular intervals.

f. The Vice President for Finance and Treasurer shall arrange for an annual audit of all the accounts and books of the University by an independent firm of certified public accountants approved for that purpose by the Board of Trustees.

§7.5 Vice President for Campus Ministry

§7.5.1 The Vice President for Campus Ministry shall be a priest of the Congregation of the Mission, Eastern Province of the United States, and shall be the principal adviser to the President regarding campus ministry.

§7.5.2 He shall be responsible for the coordination, administration and supervision of the campus chaplains at the Queens Campus and shall direct, administer and supervise the functions that take place in the campus chapels and the liturgical functions of the University.

§7.5.3 He shall be a liaison between the Diocese and the University and between the various colleges and schools in bringing to the University community, programs, lectures, and other matters which are of interest in light of today's spiritual needs and problems.

§7.5.4 Through the campus chaplains, he shall be responsible for the spiritual welfare of the University community at the Queens Campus.

Article 8 Secretary

§8.1 Secretary of the University

§8.1.1 The Secretary of the University shall: attend the meetings of the Board of Trustees and serve as assistant to the Secretary to the Board of Trustees; have custody of the seal of the University and, at the request of the President, affix the seal to any documents executed by the President, the Executive Vice President, the Vice President for Finance and Treasurer, or by the Secretary of the University; and inform the members of the faculty and administration of actions of the Board of Trustees.

§8.1.2 The Secretary of the University shall have such other powers and perform such other duties as are commonly incident to the office of secretary.

§8.1.3 There may be an Assistant Secretary who, in the absence of the Secretary, shall have the powers and perform the duties of the Secretary. Such Assistant Secretary shall be elected by majority vote of the Board of Trustees, on recommendation by the President.

Article 9 Deans

§9.1 Academic Deans

§9.1.1 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 St. John's College shall be a priest of the Congregation of the Mission, Eastern Province of the United States.

§9.1.2 The Dean of each academic unit shall be responsible for the general academic administration of the unit, which shall be administered in conformity with the policies and procedures specified in these Statutes. The Dean may initiate and implement, through appropriate procedures, such other academic policies affecting the academic unit as are consistent with these Statutes.

§9.1.3 The Dean of each academic unit shall be responsible for the discipline of students in such 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 the academic unit.

§9.1.4 a. The Dean may, after following appropriate procedures, make recommendations to the appropriate Departmental Chairpersons for appointments and reappointments to the instructional staff, for promotion of or conferral of tenure upon members of the faculty.

b. The Dean shall have general supervisory authority for recruitment to the instructional staff so as to insure the adequate staffing of the academic unit and the implementation of the policies of its personnel committees in this respect.

c. In compliance with the calendar issued annually, by the Provost, the Dean shall report to the Provost, together with the Dean's own recommendation thereon, the action recommended by the School or College Personnel Committee with respect to each person considered for appointment, reappointment, promotion or tenure, or the refusal thereof; and the action of the Departmental Personnel and Budget Committee with regard to such matters, where such action by the Departmental Personnel and Budget Committee is deemed by these Statutes to be without appeal.

§9.1.5 a. The Dean shall have immediate supervisory responsibility over the activities of Departmental Chairpersons.

b. The Dean 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 the academic unit.

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

b. The Dean 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 the Dean may deem advisable. The Dean shall be consulted concerning the nomination and appointment of faculty members of the academic unit to committees of other colleges and of the University.

c. The Dean shall preside at meetings of the faculty council of the academic unit. In the case of the Colleges of Liberal Arts and Sciences, the Dean of St. John's College shall preside or, in the absence of such Dean, the Dean of the Graduate School.

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

§9.1.8 a. The Dean shall be responsible, through appropriate procedures, for developing a budget which will be adequate to the attainment of the objectives of the academic unit. The Dean shall receive the tentative departmental budgets from the departmental chairpersons. The Dean shall discuss the tentative departmental budgets with the committee on budget of the faculty council and the Dean shall prepare revised tentative budgets for all budget units within the academic unit. On or before March 15 of each year, the Dean shall transmit the unified budget together with the committee's comments and the Dean's recommendations to the Provost, who shall proceed in accordance with §7.1 of these Statutes.

b. The liberal arts departments shall submit copies of their budget proposals to the Dean of the Graduate School and the Dean of St. John's College. Both of 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 the Dean's designee shall be responsible for the administration of the budget of the academic unit.

§9.1.9 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 University calendar. The material shall conform in all respects to the stated policies of the University.

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

§9.1.11 A person appointed to assist a Dean in the 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. Such person shall act under the supervision, direction and delegation of the Dean.

§9.2 Dean of Summer Sessions

§9.2.1 The Dean of Summer Sessions shall be responsible to the President through the Provost.

§9.2.2 The Dean of Summer Sessions shall be responsible for: determining the program of the summer sessions; organizing with the appropriate Dean and Departmental Chairperson summer institutes, workshops and

special programs; adding, dividing and canceling classes after consultation with the appropriate Departmental Chairpersons and Dean; preparing material for the Summer Sessions Bulletin, brochures and other promotional material.

§9.2.3 The Dean of Summer Sessions shall prepare the budget for the summer sessions and, under the supervision of the Provost shall be responsible for the administration thereof.

§9.2.4 The Dean of Summer Sessions shall appoint members of the summer sessions faculty after consultation with the appropriate Dean and Departmental Chairperson.

§9.2.5 On or about October 1 of each year, the Dean of Summer Sessions shall submit to the Provost an annual report on the operation of the summer sessions, projected needs and recommendations.

Article 10 Dean of University Libraries

§10.1.1 The Dean of University Libraries shall be responsible to the President through the Provost.

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

§10.1.3 The Dean of University Libraries shall prepare an annual budget for the Libraries which shall be transmitted to the Provost on or before March 15 of each year. Under the supervision of the Provost, the Dean of University Libraries shall be responsible for the administration of said budget.

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

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

§10.1.6 A person appointed to assist the Dean of University Libraries in the administration of the Libraries shall be designated Assistant Dean of Libraries. Such person shall be appointed by the President after consultation with the Dean of University Libraries and the Provost and shall act under the supervision, direction and delegation of the Dean of University Libraries.

PART FOUR
INSTRUCTIONAL STAFF AND FACULTY

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 Professor, Associate Professor, Assistant Professor, Instructor, Teaching Fellow, Assistant Legal Writing Professor, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor, Departmental Chairpersons, Laboratory Supervisor, Research Professor, Research Fellow, and Visiting Professor.

§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, and Visiting Professor.

Article 12 University Voting Rule

§12.1 Any individual who, at the time of an election, provided for in Articles 13, 14, 16, 17, 18, 19, 21, 22, 32, 33, 34A and 37 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 an unpaid leave be permitted to vote.

§12.2 Whenever an individual receives notice of non-renewal of contract or resigns, said individual will thereupon be ineligible to participate in any election to which such individual was theretofore eligible under these Statutes.

§12.3 Certification of all elections to faculty agencies established under these Statutes shall be made by appropriate deans or departmental chairpersons to the President of the University within one week of the date of an election. Organizational 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.

§12.4 No faculty member shall be eligible to vote in any matter concerning such faculty member's own reappointment, promotion, conferral of tenure or in any other matter commonly recognized as involving a conflict of interest.

PART FIVE
INSTRUCTIONAL ORGANIZATION

Article 13 The University Senate

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

§13.2 Ex officio members shall be: The President and fifteen other administrators designated by the President.

§13.3 Elected members shall be of four categories: delegates from departments, delegates from schools or colleges, delegates from the professional library staff and delegates from the student body.

a. There shall be fourteen delegates from St. John's College, with not more than one delegate from any department. A majority of the delegates shall be tenured faculty members.

b. There shall be eight delegates from departments in the College of Business Administration, with at least one delegate from each department. A majority of the delegates shall be tenured faculty members.

c. There shall be three delegates from the School of Education and Human Services, with at least one delegate from each division. At least two of the delegates shall be tenured faculty members.

d. There shall be eight delegates from St. Vincent's College, with at least one delegate from each division. A majority of the delegates shall be tenured faculty members.

e. There shall be three delegates from Notre Dame College, with not more than one delegate from any division. At least two of the delegates shall be tenured faculty members.

f. There shall be two delegates from the School of Law, at least one of whom shall be a tenured faculty member.

g. There shall be three delegates from the College of Pharmacy and Allied Health Professions, with at least one delegate from each department. At least two of the delegates shall be tenured faculty members.

h. There shall be two delegates from the professional library staff, one each from the Queens and Staten Island Campuses. At least one of the delegates shall be a tenured professional librarian.

i. There shall be eight delegates from the student body selected by the students in accordance with §13.4. b., and on the following basis: four delegates from the Queens undergraduate student body, two delegates from the Staten Island undergraduate student body and two delegates from the graduate or graduate professional divisions of the student body.

j. Only faculty members possessing the qualifications set forth in §12.1 shall be eligible for election as delegates to the University Senate. If, for any reason, a department, school or college faculty, or the professional library staff, is unable or unwilling to elect its quota of delegates, the Provost, after consultation with the Chairperson of the Department and/or the Dean or Deans of the schools or colleges concerned or the Dean of University Libraries, shall appoint a faculty member or members to fill the resulting vacancies. These appointees shall be chosen from the department, school or college or the professional library staff concerned. The same qualifications for voting and for election shall apply to the choice of persons to fill unexpired or temporary vacancies.

§13.4 a. Tenured delegates from schools or colleges, departments and the professional library staff, shall be elected for three year terms. Non-tenured delegates shall be elected for a one year term. Regular elections of department, school, college and professional library staff delegates shall be by secret ballot by the members of the faculty entitled to vote in each department, school, college or the professional library staff.

b. The method of selection and the term of office of the senators to be elected from the full-time student body by the students shall be determined by representatives of the full-time student body, in consultation with, and with the approval of, the University Senate.

c. It is the intention of these Statutes that the terms of approximately one-third of the elected delegates shall expire annually.

§13.5 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 bylaws 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, among others, the Provost and four student senators.

b. Among the standing committees of the University Senate shall be a Committee on Student Affairs including in its membership, among others, the Vice President with jurisdiction over student life at Queens, and the Senior Vice President, Staten Island, or their designees, who need not be members of the University Senate, and four student senators.

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.

§13.6 The President of the University shall preside at meetings of the University Senate or, in his absence, such other administrator as designated by the President.

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

Article 14 Faculty Councils

§14.1 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.

§14.2 Separate Faculty Councils in the College of Business Administration, in the School of Education and Human Services, in St. Vincent's College, in the School of Law, in the College of Pharmacy and Allied Health Professions and in Notre Dame College shall consist of the Dean, the Associate Dean, the Assistant Dean or Deans, full-time faculty members who are eligible to vote under Article 12 of these Statutes. In addition, each separate Faculty Council, other than the Faculty Council of the School of Law, in its bylaws, shall provide for membership by students of such school or college and for the number or proportion and means of selection of such student members. The Dean of each school or college or, in the Dean's absence, the senior Professor present, shall preside at meetings of the separate Faculty Councils.

§14.3 a. A single Faculty Council for the liberal arts shall exercise jurisdiction over the educational policies of St. John's College and of the Graduate School of Arts and Sciences. The Liberal Arts Faculty Council shall consist of two classes of members: *ex officio* and elected. In addition, the Liberal Arts Faculty Council, in its bylaws, shall provide for membership by students of St. John's College and of the Graduate School of Arts and Sciences, and for the number or proportion and means of selection of such student members.

b. *Ex officio* members shall be the Dean of St. John's College, the Dean of the Graduate School of Arts and Sciences, the Associate and Assistant Deans of the two units, the Departmental Chairperson of each liberal arts instructional department, and the Director of each liberal arts instructional division.

c. Elected members shall be two delegates from each instructional department and each instructional division in the two liberal arts units.

d. Full-time faculty members who are eligible to vote under Article 12 of these Statutes 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 St. John's College, after consultation with the Chairperson of the department involved and the Dean of the Graduate School of Arts and Sciences, 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.

e. Membership on the Liberal Arts Faculty Council shall be for a two year term. All elections shall be by secret ballot by the members of the faculty entitled to vote in each department.

f. The Dean of St. John's College shall preside at meetings of the Liberal Arts Faculty Council or, in his absence, the Dean of the Graduate School of Arts and Sciences. If both Deans are absent, the senior Professor present shall preside.

§14.4 Faculty councils shall be responsible, subject to the Board of Trustees, for the formulation of policy relating to school or college curricular matters, and regulations pertaining to the admission, retention and graduation of students which concern only the school or college which the Faculty Council represents. Each Faculty 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 its 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 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.

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

§14.6 The Faculty Council of the School of Law shall also be responsible, subject to the Board of Trustees, for the formulation of policies relating to faculty such as faculty selection, appointment, reappointment, promotion and tenure. In addition, responsibilities which are defined in these Statutes as appropriate for actions by the Law School Personnel Committee may be performed by the Faculty Council of the School of Law, or a committee or segment thereof, as specified in its Bylaws. At the commencement of each academic year, the Dean of the School of Law shall deliver to the President and the Provost copies of the Bylaws of the Faculty Council.

Article 15 Graduate Council

§15.1 a. 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 13 of these Statutes, shall be vested in the Graduate Council. This Council shall be responsible for the formulation of policy relating to graduate curricular matters and regulations pertaining to the admission, retention and graduation of students in graduate programs.

b. Questions concerning graduate study may originate at the departmental or school or college 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.

c. The Council shall make its own bylaws.

§15.2 a. The Graduate Council shall consist of two classes of members: *ex officio* and elected. *Ex officio* members shall be the Executive Vice President, the Provost, the Dean of each graduate school and division of the University and chairpersons of departments or divisions that offer graduate programs. Elected members shall be twelve in number, chosen according to the procedures described in the Council's bylaws. In addition, the Graduate Council, in its bylaws, shall provide for membership by students and for the number or proportion and means of selection of such student members.

 b. 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.

 c. Elections shall be by secret ballot. All elected members shall hold office for a period of three years.

§15.3 a. The presiding officer of the Graduate Council shall be the Provost or his/her designee.

 b. The Secretary of the Graduate Council shall be nominated and elected by the Graduate Council at the first meeting of each academic year.

PART SIX

DEPARTMENTAL ORGANIZATION

Article 16 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 Statutes, shall have control of the educational, personnel, and budget policies of the department through the vote of all its members who are full-time faculty members and who are eligible to vote under Article 12 of these Statutes. Each department shall cooperate with related departments, and with University agencies in general in the development of school, college, and university- wide interests.

Article 17 Departmental Chairperson

§17.1 The Departmental Chairperson is at the same time a faculty member with respect to his or her teaching obligations as well as serving as the departmental liaison to the administration. As the academic leader of his or her department, he or she is obliged to represent its interest and serve its welfare. In an equal sense, the Departmental Chairperson has the professional responsibility to consider the departmental needs in conjunction with the overall interests of the University community. The Departmental Chairperson has a special obligation to build a department strong in scholarship and teaching capacity.

§17.2 The duties of the Chairperson, subject to appropriate procedures and supervision, shall include, but not be limited to, the following duties.

§17.2.1 Personnel - The Chairperson shall:

a. Preside at the Departmental Personnel and Budget Committee meetings.

b. Have primary responsibility for recruiting appropriate candidates for the instructional staff of the department.

c. Proceed in the assignment of faculty to specific courses and arrange faculty schedules in conjunction with the appropriate departmental committees and in conformity with the procedures existing at the University.

d. Monitor and guide the professional development of the members of the instructional staff of the department, especially of probationary faculty. In this connection, he or she shall evaluate and confer with each member of the instructional staff, where the Chairperson deems

it appropriate, regarding the individual's performance as a teacher and as a researcher, the relationships of the individual with students and colleagues, and the individual's professional and creative work.

e. Administer the duly established system of evaluation of faculty members in the department.

f. Supervise the activities of all non-instructional personnel in the department.

§17.2.2 Program Development and Administration - The Chairperson shall:

a. Preside at the Departmental Educational Policy Committee meetings.

b. Provide departmental leadership in developing programs of study, up-dating existing degree programs, maintaining current course syllabi, textbooks, and other instructional materials and assuring appropriate support for programs of study in the University libraries and in other similar University facilities.

c. Have initial responsibility for planning course offerings for each semester and summer session in conjunction with the appropriate departmental committees.

§17.2.3 Services to Students - The Chairperson shall:

a. Effectuate faculty policies regarding admissions and academic standing.

b. Provide departmental leadership in initiating and implementing the proper advisement of graduate and undergraduate students.

c. Supervise the preparation and coordination of examinations for graduate and undergraduate students, and supervise the direction of theses and dissertations of graduate students.

d. Have initial responsibility for receiving, evaluating and resolving student complaints regarding academic matters pertaining to the department.

e. Be available until such time as the final grades are posted by all faculty in the department.

§17.2.4 Additional Duties - The Chairperson shall:

- a. Prepare the departmental budget in conjunction with the Departmental Personnel and Budget Committee and administer the final departmental budget.
- b. Prepare material for the *Bulletin*.
- c. Prepare the departmental annual report.
- d. Maintain departmental records.
- e. Supervise the use of the physical facilities and special equipment of the department. In departments in the College of Pharmacy and Allied Health Professions which offer laboratory courses and the departments of biological sciences, chemistry and physics of St. John's College, this shall include, upon the request of and at the expense of the University, the duty to obtain such certifications as are required by governmental authorities.
- f. Review all grant proposals before they are submitted to the proper authorities by departmental faculty and, where appropriate, by students.
- g. Meet periodically with the faculty members of the department to conduct the regular business of the department.
- h. Attend meetings of Chairpersons called by the Dean and/or the Provost at least once a month and at other reasonable times; maintain office hours at least four days a week.
- i. Represent the department at scholarly and professional meetings when such attendance is deemed by the Dean to be necessary or desirable and when a travel allowance is authorized therefor.
- j. Supervise and participate in the registration of graduate and undergraduate students during all registration periods (including, to the extent requested by the dean, the two week period prior to the beginning of a semester), and those of summer sessions. Past practices with regard to registration by Chairpersons for the summer session shall continue.

§17.3.1 Qualifications for Chairperson - A nominee for the office of Chairperson:

- a. Must be an Associate or Full Professor in departments having a graduate program and may be an Assistant Professor with ten years of full-time faculty service at the University in departments having only undergraduate programs.

b. Must be tenured.

c. Must have a terminal degree or its equivalent as defined in the University Statutes in departments having a graduate program.

§17.3.2 Normally, an individual may not serve as Chairperson more than two consecutive terms.

§17.3.3 The President, in his discretion, may waive any of the above requirements.

§17.4 Selection of Chairperson

§17.4.1 At least four weeks prior to the time designated in §7.3.3 d. of these Statutes for the election of nominees for Chairpersons whose terms are expiring, the names of all persons in the department fulfilling the qualifications for Chairperson as set forth in paragraph 17.3.1 shall be submitted to the department by the Provost. Prior to the department's election of nominees for Chairperson, the Provost may meet with the Dean and collectively with all of the members of the department who are qualified to serve as Chairperson and discuss the particular needs of the department which, in the opinion of the Provost, shall be taken into consideration in considering the nominees of the department. An eligible faculty member may have his or her name removed from the ballot by written request delivered to the Provost at least 10 but not more than 20 school days prior to the election.

§17.4.2 a. At the time designated in §7.3.3 d. of these Statutes for the election of nominees for Chairperson whose terms are expiring, all faculty members in the department who are eligible to vote under Article 12 of these Statutes shall be convened by the then Chairperson of the department, or in the absence of the then present Chairperson, by an appropriate school or college Dean, for the purpose of nominating candidates for the position of Departmental Chairperson.

b. One election of nominees for Departmental Chairperson shall be conducted by the department using the existing form of ballot. Such ballot shall list all members of the department eligible to serve as Chairperson who possess the qualifications set forth in §17.3.1 above. The name of any faculty member who has made a written request to the Provost requesting removal of his or her name from the ballot in accordance with the preceding subsection shall be stricken from the ballot. Final voting on nominees shall, in every instance, be by secret ballot.

c. Each department shall by this procedure nominate no more than three candidates for the position of Departmental Chairperson.

§17.4.3 a. Immediately after the election of the nominees by the department, the then Chairperson of the department shall submit to the Provost the ballots and the tally. The Provost and the Dean may then interview each of the nominees. In the event any of the nominees indicate they are unwilling to serve as Chairperson of the department, such individuals shall not be considered in determining the number of nominees submitted by the department pursuant to this §17.4.

b. The Provost, after consultation with the appropriate Dean or Deans, shall select from among the candidates so presented the person to be recommended for appointment as Departmental Chairperson. The name of the person recommended, together with those of the others nominated, shall be forwarded to the President for recommendation to the Board of Trustees. Should a department submit but one nominee to the Provost for approval, the Provost shall have the privilege of recommending in place of the single nominee a person of the Provost's own choosing who meets the qualifications for Departmental Chairperson set forth in §17.3.1 above.

§17.4.4 Except in those instances where the Provost has the privilege of recommending in place of a single nominee a person of the Provost's own choosing in accordance with §17.4.3 b., should the Provost not approve any person nominated by a department for the office of Chairperson, he/she shall confer with the members of the department qualified to participate in nominations, and thereafter shall report to the President any subsequent action by the department with respect thereto, together with his or her own recommendation of a Chairperson. A recommendation by the President to the Board of Trustees for the appointment of a Departmental Chairperson other than one nominated by the department should occur only after careful consideration by the President of the qualifications of all those nominated by the department. The President should base his recommendation on the capacity of the individual selected to act effectively as the departmental administrator and spokesperson, and as a participant in the formation, development, and interpretation of University-wide interest and policy.

§17.4.5 Appointments shall be announced by the Board of Trustees no later than the June 15 after the candidates have been nominated by the department and shall take effect the July 1 thereafter. Vacancies shall be filled in the same manner and shall be for the unexpired term.

Article 18 Educational Policy

§18.1 a. 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 recommendation regarding its own curriculum to the Faculty Council of its school or college.

b. When a school or college requires the instructional services of a department in a different school or college in order to complete its curriculum, it shall be the responsibility of the school or college seeking such services to request them from the department in question through the Dean of the school or college to provide such service.

Subsequent to the Dean's approval, it shall be the joint responsibility of the department providing such service and the school serviced to develop suitable courses or programs and to maintain an effective liaison with each other. Courses or programs so developed shall be subject to the jurisdiction of the school or college requesting them.

c. A department providing courses for a school or college other than its own shall have the right to have a representative present at meetings of the Faculty Council of the school or college for which such services are provided when matters regarding courses it teaches are discussed.

d. When curricular changes are contemplated by a department of a school or college that will affect the number or quality of the personnel in a department of a different school or college, reasonable efforts shall be made to acquaint both the Dean of the school or college affected and the Chairperson of the department affected with the contemplated changes sufficiently in advance of their proposed implementation so that adjustments in personnel may be accomplished with as little difficulty as possible.

e. All curricular changes whether on the department or school or college level shall be reported in advance of their implementation to the University Senate through its educational programs and developments committee.

§18.2 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 fewer than four members including the Departmental Chairperson as chairperson of the committee. All full-time faculty members who are eligible to vote under Article 12 of these Statutes shall be eligible for election to this committee. Committee members other than the Chairperson shall be

elected by all faculty members in the department who are eligible to vote under Article 12 of these Statutes. 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 Departmental Chairperson. Elected members shall be chosen at the time of selection of the Chairperson.

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 §18.2 a. 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 full-time faculty members who are eligible to vote under Article 12 of these Statutes shall participate.

Article 19 Personnel and Budget Policy

§19.1 Personnel and Budget Committees shall be established in all departments of the following schools or colleges: College of Business Administration; St. John's College; School of Education and Human Services; St. Vincent's College; Notre Dame College; the College of Pharmacy and Allied Health Professions.

§19.2 Each Departmental Personnel and Budget Committee in the schools or colleges set forth in §19.1 above shall consist of no fewer than three nor more than five tenured faculty members, including the Departmental Chairperson as chairperson of the committee, with vote. Where there are fewer than three tenured faculty members eligible and willing to serve in a department, non-tenured faculty members shall be added to achieve the minimum of three on the committee, but such additional non-tenured faculty members may not vote on tenure or promotion matters or on any matter relating to the appointment of a faculty member with concomitant tenure. In such departments with fewer than three tenured faculty members, matters relating to promotion, tenure or an appointment with concomitant tenure shall be submitted to the College Personnel Committee for initial consideration and vote. Under such circumstances, the College Personnel Committee shall request recommendations from the department, giving special weight to the recommendations of the tenured members of the department.

§19.3 All full-time faculty members who are eligible to vote under Article 12 of these Statutes, subject to the provisions of §19.2 above, shall be eligible for election to the Departmental Personnel and Budget Committee. Committee members other than the Chairperson shall be elected by all faculty members in the department who are eligible to vote under Article 12 of these Statutes. Membership on the Departmental Personnel and Budget Committee shall be for a three year term. With the exception of the Chairperson, the term of service of approximately one-third of the members of the Departmental Personnel and Budget Committee will ordinarily expire annually.

§19.4 The Departmental Personnel and Budget Committee 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 Chairperson and shall exercise such authorities and responsibilities as may be allocated to it in other portions of these Statutes, and as may be consistent with general school, college, and University personnel and budget policies.

PART SEVEN

PERSONNEL COMMITTEE

Article 20 General

In addition to the Departmental Personnel and Budget Committees in schools and colleges other than the School of Law, the Personnel Committee of the Board of Trustees, and the Board of Trustees, there shall be School or College Personnel Committees, the Library Personnel Committee, the University Personnel Committee, and the University Personnel Committee for Law School Personnel.

Article 21 School or College Personnel Committees

§21.1 a. There shall be in each school or college of the University, including the University Libraries and the Institute of Asian Studies, a personnel committee including in each instance the Dean or, where appropriate, the Director as chairperson of the Committee, with vote; and not more than four elected tenured faculty members. Present practices regarding the qualifications for, method of selection and term of office of, elected members shall continue. Committee members other than the Dean or, where appropriate, the Director, shall be elected by all full-time faculty members in the school or college or of the University Libraries, who are eligible to vote under Article 12 of these Statutes. Vacancies, whether temporary or permanent, shall be filled in the same manner.

b. The school or college personnel committee for the School of Law shall be known as the Law School Personnel Committee. The Committee shall be comprised of the Dean as Chairperson of the Committee, with vote; and four elected tenured faculty members. The present practice regarding the qualifications for, method of selection and term of office of elected members of the Law School Personnel Committee shall continue. To the extent its Bylaws so authorize, the Faculty Council of the School of Law, or any committee or segment thereof, may perform the duties imposed by these Statutes on the Law School Personnel Committee. Any such actions of the Faculty Council shall be binding upon the Law School Personnel Committee to the extent provided in the Bylaws of the Faculty Council.

§21.2 All recommendations for reappointments, for promotions in faculty rank, and for the conferral of tenure on faculty members shall be considered by the appropriate School or College Personnel Committee and the results of each such recommendation shall be reported to the Provost.

Article 22

University Personnel Committee

§22.1 Final review of individual credentials supporting recommendations for faculty reappointments, promotion and tenure, other than the School of Law, and of general University fiscal ability to implement such recommendations shall be provided by the University Personnel Committee.

§22.2 The Provost shall be the Chairperson of the University Personnel Committee. Other members shall be the Executive Vice President, the Vice President for Finance and Treasurer; the Dean of University Libraries; the Dean of St. John's College; the Dean of the Graduate School of Arts and Sciences; the Dean of the College of Business Administration; the Dean of the College of Pharmacy and Allied Health Professions; the Dean of St. Vincent's College; the Dean of the School of Education and Human Services; Dean of the Undergraduate College at Staten Island; and two other academic administrators, to be designated by the President. The President may designate such other administrators as he, in his sole discretion, may determine may serve in the place and stead of any of the administrators which have been designated above, who are or become unable to serve. In addition, there shall be ten elected tenured faculty members with the rank of Professor or Associate Professor, of whom three shall be elected by and from St. John's College faculty, two shall be elected by and from the College of Business Administration, and one member by and from each of the other schools and colleges, not including the School of Law; and one member from the University Libraries, not including the School of Law Library. No more than one elected faculty member shall be from any one department.

§22.3 The University Personnel Committee shall receive all University Senate recommendations with respect to University-wide personnel and budget policies and shall forward such recommendations, with or without comment, 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 reappointment of instructors and assistant professors shall be transmitted by the University Personnel Committee to the President, whose decision shall be final. Recommendations for promotion to any rank, for the conferral of tenure and for the reappointment of associate professors and professors, shall be submitted to the President for transmission, with or without comment, to the Board of Trustees, whose decision shall be final.

§22.4 With respect to the University Personnel Committee, the following shall obtain:

- a. The Provost shall cast a vote only to break a tie.
- b. The Dean of the school or college involved must be disqualified from voting since normally the Dean casts a vote on the school or college level.
- c. The principle of voting parity shall be preserved under any changed circumstances.
- d. The Chairperson of the University Personnel Committee shall notify the applicant as soon as practicable of its decision. When the decision of the Committee is negative, the reason(s) will be transmitted, in writing, promptly following the decision.
- e. No new evidence may be considered by the University Personnel Committee in connection with an appeal. In cases other than an appeal, if the University Personnel Committee raises new questions which require the introduction of new evidence (being matters which were not known or reasonably could not have been known by the lower committees or matters which were not reasonably available to the lower committees) the case shall be remanded to the lower committees for reconsideration in light of such new evidence.

§22.5 a. The following provisions shall apply to the School of Law in lieu of §22.1 through §22.4.

b. Final review of individual credentials supporting recommendations for law school faculty reappointments, promotion and tenure, and of general University fiscal ability to implement such recommendations shall be provided by the University Personnel Committee for Law School Personnel.

c. The Provost shall be Chairperson of the Committee and shall cast a vote only to break a tie. Other members shall be the Executive Vice President, the Vice President for Finance and Treasurer and two tenured faculty members with the rank of Professor or Associate Professor, to be elected by and from the law school faculty. The President may designate such other administrators as he, in his sole discretion, may determine may serve in the place and stead of any of the administrators which have been designated above, who are or become unable to serve. The Dean of the School of Law shall attend as a non-voting member and present the case to the University Personnel Committee for Law School Personnel.

d. Recommendations for the reappointment of instructors and assistant professors shall be submitted by the University Personnel Committee for Law School Personnel to the President, whose decision shall be final. Recommendations for the reappointment of Associate Professors and Professors, for promotion to any rank, 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.

e. For the purposes of these Statutes, wherever references are made in these Statutes (other than in this Article) to the "University Personnel Committee," insofar as they affect law school personnel, such references shall be deemed to refer to the "University Personnel Committee for Law School Personnel."

PART EIGHT

PROCEDURES FOR APPOINTMENT, REAPPOINTMENT, PROMOTION AND THE CONFERRAL OF TENURE

Article 23 Recommendations

§23.1 Recommendations for original full-time appointments to the instructional staff of the University shall be made by the President, by the Provost, by the Deans of schools or colleges, by the Dean of University Libraries, or by the Chairperson of the department in which vacancies to be filled exist. All such recommendations, accompanied by written information covering the qualifications of the candidates involved, shall be transmitted to the Departmental Personnel and Budget Committee for discussion and advice. The initial decision on such recommendations shall be made by the Departmental Personnel and Budget Committee. In accordance with present practices and understandings, actions of the Departmental Committee, together with any minority report, may be forwarded by the Departmental Chairperson to the Chairperson of the appropriate School or College Personnel Committee. Actions of either the Departmental Personnel and Budget Committee and/or the School or College Personnel Committee shall be forwarded to the appropriate Dean. If the recommendation is approved by the Dean, the Dean shall forward it to the Provost for review and final action. Except where the President deems it appropriate to infuse new life into a department, no full-time faculty member shall be appointed without the approval of the appropriate Departmental Personnel and Budget Committee.

§23.2 Recommendations for full-time reappointments to the instructional staff of the University, and for promotion of or conferral of tenure upon members of the faculty shall be made by the President, by the Provost, by the Dean of schools or colleges, by the Dean of University Libraries, or by the Chairperson of departments in which faculty members eligible for reappointment, promotion or tenure teach. All such recommendations, accompanied by written information covering the qualifications of the candidates involved, shall be transmitted through the Departmental Chairperson to the Departmental Personnel and Budget Committee for discussion and advice. Actions of the Departmental Committee shall be recorded and the results of its deliberation, together with any minority report, shall be forwarded by the Departmental Chairperson through the Dean to the appropriate School or College Personnel Committee. All recommendations concerning the professional library staff shall be transmitted through the Dean of University Libraries to the Library Personnel Committee. Actions of the appropriate personnel committees shall be recorded and the results of their deliberations, together with any minority report, shall be forwarded by the Dean or, where appropriate, the Dean of University Libraries, to the chairperson of the University Personnel Committee.

§23.3 Recommendations for original full-time appointments to the instructional staff of the School of Law shall be made by the President, by the Provost and by the Dean of the School of Law. No full-time faculty member shall be appointed without the approval of the Faculty Council of the School of Law or a committee or segment thereof designated by it.

Article 24 Promotions

§24.1 Promotions in faculty rank shall be made in accordance with the procedures set forth in §24.2, §24.3, §24.4, §24.5 and §24.6 below and shall conform to the criteria for promotion described in Article 26 of these Statutes.

On or before June 1 of each calendar year the Provost shall notify faculty members to submit applications and supporting data to Departmental Personnel and Budget Committees on or before a specified date in October. The Provost shall likewise specify the dates referred to in §24.2 through §24.6 and notify the faculty thereof.

§24.2 On or before a specified date in November of each calendar year the Chairperson of each department shall report to the Dean of the appropriate school or college and to the School or College Personnel Committee, the names of eligible faculty members recommended for promotion by the Departmental Personnel and Budget Committee. Each recommendation shall be accompanied by a dossier of information detailing the academic credentials which justify the promotion and reporting the outcome of departmental consideration of the recommendation.

§24.3 On or before a specified date in December of each calendar year, the Dean of each school or college or, where appropriate, the Dean of University Libraries, shall report to the Chairperson of the University Personnel Committee the action recommended by the School or College Personnel Committee. 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 faculty member's dossier. Copies of all such documents added to the personal dossier shall be transmitted to the Chairperson of the faculty member's department and shall be promptly communicated to the faculty member concerned.

§24.4 On or before a specified date in March of each calendar year the Chairperson of the University Personnel Committee shall forward to the Board of Trustees through the President of the University all recommendations for promotion which have come to the University Personnel Committee from the personnel committees of the various schools and colleges and of the University Libraries, which have been reviewed and acted upon by the University Personnel Committee. Should the University Personnel Committee not support a school or college recommendation, both that positive recommendation and the University Personnel Committee's

reasons for disapproving the recommendation 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 Personnel Committee or the President shall be transmitted to the Dean of the school or college involved or, where appropriate, to the Dean of University Libraries, to the Chairperson of the affected faculty member's department and shall be promptly communicated to the faculty member concerned.

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

§24.6 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 faculty member concerned and shall be accompanied by such written evidence as the faculty member may consider supportive of a request for promotion. Each aggrieved faculty member shall also be entitled to a personal hearing by the appeals agency. An appeal from the action of a Departmental Personnel and Budget Committee shall be submitted to the Dean of the faculty member's school or college and shall be considered by the personnel committee of that school or college. An adverse decision of the School or College Personnel Committee shall be final. Where a School or College Personnel Committee has rejected a departmental recommendation for promotion, or where the school or college Dean or a committee minority has filed an adverse report, the faculty member shall direct the appeal to the Chairperson of the University Personnel Committee. The appeal shall be considered by the University Personnel Committee whose decision, if adverse, shall be final. Appeals from adverse recommendations by the University Personnel 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 faculty member involved as well as to the President, the Provost, the appropriate school or college Dean and the Chairperson of the faculty member's department. The Board shall reconsider or affirm its action after having received a written appeal from and granted a hearing to the faculty member affected by the action.

Article 25 Tenure

§25.1 The conferral of tenure shall be made in accordance with the procedures set forth in §25.2, §25.3, §25.4, and §25.6 below and shall conform to the criteria for the conferral of tenure described in Article 29 of these Statutes.

On or before June 1 of each calendar year the Provost shall notify faculty members to submit applications and supporting data to Departmental Personnel and Budget Committees on or before a specified date in October. The Provost shall likewise specify the dates referred to in §25.2 through §25.6 and notify the faculty thereof.

§25.2 On or before a specified date in November of each calendar year the Chairperson of each department shall report to the Dean of the appropriate school or college and the School or College Personnel Committee, the names of eligible faculty members recommended for the conferral of tenure by the Departmental Personnel and Budget Committee. Each recommendation shall be accompanied by a dossier of information detailing the academic credentials which justify the conferral of tenure and reporting the outcome of departmental consideration of the recommendation.

§25.3 On or before a specified date in December of each calendar year the Dean of each school or college or, where appropriate, the Dean of University Libraries, shall report to the chairperson of the University Personnel Committee the action recommended by the School or College Personnel Committee. 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 faculty member's dossier. Copies of all such documents added to the personal dossier shall be transmitted to the Chairperson of the faculty member's department and shall be promptly communicated to the faculty member concerned.

§25.4 On or before a specified date in March of each calendar year the Chairperson of the University Personnel Committee shall forward to the Board of Trustees through the President of the University all recommendations for the conferral of tenure which have come to the University Personnel Committee from the Personnel Committees of the various schools and colleges and of the University Libraries, which have been reviewed and acted upon by the University Personnel Committee. Should the University Personnel Committee not support a school or college recommendation, both that positive recommendation and the University Personnel Committee's reasons for disapproving the recommendation 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

Personnel Committee or the President shall be transmitted to the Dean of the school or college involved or, where appropriate, to the Dean of University Libraries, to the Chairperson of the affected faculty member's department and shall be promptly communicated to the faculty member concerned.

§25.5 No later than May 15 of each calendar year the Board of Trustees shall act upon the recommendations for the conferral of tenure and, no later than June 1, shall certify the conferral of tenure in writing to each faculty member upon whom tenure has been conferred.

§25.6 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 faculty member concerned, and shall be accompanied by such written evidence as the faculty member may consider supportive of a request for the conferral of tenure. Each aggrieved faculty member shall also be entitled to a personal hearing by the appeals agency. An appeal from the action of a Departmental Personnel and Budget Committee shall be submitted to the Dean of the faculty member's school or college and shall be considered by the personnel committee of that school or college. An adverse decision of the School or College Personnel Committee shall be final. Where a School or College Personnel Committee has rejected a departmental recommendation for tenure, or where the school or college Dean or a committee minority has filed an adverse report, the faculty member shall direct the appeal to the Chairperson of the University Personnel Committee. The appeal shall be considered by the University Personnel Committee whose decision, if adverse, shall be final. Appeals from adverse recommendations by the University Personnel 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 faculty member involved, as well as to the President, the Provost, the appropriate school or college Dean, and the Chairperson of the faculty member's department. The Board shall reconsider or affirm its action after having received a written appeal from and granted a hearing to the faculty member affected by the action.

PART NINE

QUALIFICATIONS AND CONDITIONS FOR APPOINTMENT, REAPPOINTMENT AND PROMOTION

Article 26 Qualifications and Conditions

§26.1 No person shall be required to meet the following qualifications in order to remain in the present rank, but all persons shall be required to meet such qualifications for any higher rank as a requirement for entrance therein. Conditions restricting length of service or defining probationary periods and the procedures to be followed in the case of nonreappointment apply to all present and future members of the faculty.

§26.2 Instructor

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

b. The candidate must evidence satisfactory qualities of personality and character, ability to teach successfully, interest in productive scholarship or creative achievement, and willingness to cooperate with others in the achievement of the objectives of St. John's University.

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

d. The foregoing provisions of this section shall not apply to candidates for appointment to the rank of Instructor in St. Vincent's College, the College of Business Administration, the professional library staff, and to Clinical Instructors in the College of Pharmacy and Allied Health Professions, which conditions and qualifications are set forth in §26.3 to §26.6, respectively, nor shall these provisions apply to the School of Law.

§26.3 Instructor - St. Vincent's College

For appointment as an Instructor in St. Vincent's College, the candidate must possess an appropriate master's degree and at least two years of college teaching or the equivalent, except that:

a. for an appointment as an Instructor in accounting, the candidate must possess CPA certification and a master's degree appropriate to the business discipline and at least two years of college teaching or the equivalent; and

b. for appointment as an Instructor in business law or related areas of criminal justice, the candidate must possess the LL.B. or J.D. degree and at least two years of college teaching or the equivalent. The candidate must evidence satisfactory qualities of personality and character, ability to teach successfully and counsel students effectively, interest in scholarship or creative achievement, and willingness to cooperate with others in the achievement of the objectives of St. Vincent's College and St. John's University.

§26.4 Instructor - College of Business Administration

For appointment as an Instructor in the College of Business Administration, the candidate must possess an appropriate master's degree. The candidate must evidence satisfactory qualities of personality and character, ability to teach successfully and counsel students effectively, interest in scholarship or creative achievement, and willingness to cooperate with others in the achievement of the objectives of the College of Business Administration and St. John's University. Since service in the rank of Instructor is normally limited to four years and since the terminal doctoral degree or its equivalent is a condition for tenure, appointment to the rank of Instructor is usually made to those doctoral candidates who have completed their course requirements and show satisfactory evidence of at least beginning work on the dissertation. Appointment as an Instructor in the department of accounting and taxation will be based on a master's degree appropriate to the accounting discipline. Appointment as an Instructor in the department of law will be based on the LL.B. or J.D. degree.

§26.5 Instructor - Professional Library Staff

For appointment as an Instructor on the professional library staff the candidate must possess a master's or fifth-year degree in library science or a master's degree in an academic or professional field relevant to the needs of the library. The candidate must also give evidence of satisfactory qualities of character and personality, capacity for the effective performance of library assignments and for dealing with the problems of librarianship, interest in professional growth, and willingness to cooperate with others in the achievement of the objectives of St. John's University.

§26.6 Clinical Instructor - College of Pharmacy and Allied Health Professions

For appointment as a Clinical Instructor in the College of Pharmacy and Allied Health Professions the candidate must possess the professional degree, be licensed to engage in professional practice, and have at least one year of college teaching or professional practice. The candidate must evidence satisfactory qualities of professionalism, personality and character, ability to serve as preceptor and teacher, and willingness to cooperate with others in the achievement of the objectives of the College of Pharmacy and Allied Health Professions and St. John's University. Service in the rank of Clinical Instructor is normally limited to four years.

§26.10 Assistant Professor

a. For promotion or appointment as an Assistant Professor the candidate must meet the requirements for appointment as an instructor and in addition must:

1. possess the earned doctoral or professional degree or equivalent normally required for teaching in the 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.

b. The foregoing provisions of this section shall not apply to candidates for appointment or promotion as an Assistant Professor in the Department of Psychology; in St. Vincent's College, the College of Business Administration and the professional library staff; in the Department of Pharmacy; in the School of Law; in the School of Law, which conditions and qualifications are set forth in §26.11 to §26.17, respectively.

§26.11 Assistant Clinical Professor - Department of Psychology

For appointment as an Assistant Clinical Professor in Psychology the candidate must:

- a. possess the highest Professional Degree (Ph.D. or Psy.D.) in a Clinical Psychology program accredited by the American Psychological Association;

b. be a licensed Psychologist in New York State and a clinical staff member for at least one of the last three years;

c. have at least one year of full-time teaching experience in psychology at the college or university level or one year of clinical supervisory experience and at least one additional year of supervised clinical practice in an accredited and organized mental health care or university-based facility;

d. evidence satisfactory qualities of professionalism, personality and character;

e. demonstrate capacity for professional growth;

f. evidence marked effectiveness to serve as supervisor, mentor and teacher;

g. evidence active involvement in clinically-related research and potential for publications;

h. give promise of those qualities of professional distinction associated with faculty members who hold this or similar titles in the leading universities in the United States;

i. evidence willingness to cooperate with others in the achievement of the objectives of St. John's University, the Department of Psychology and, more specifically, the Psychological Services Center.

§26.12 Assistant Professor - St. Vincent's College

For promotion or appointment as an Assistant Professor in St. Vincent's College the candidate must meet the requirements for appointment as an Instructor in St. Vincent's College and in addition must:

a. have at least four years of college teaching or the equivalent;

b. give evidence of marked effectiveness as a teacher both in the classroom and in the guidance of students; and

c. demonstrate capacity for professional growth.

§26.13 Assistant Professor - College of Business Administration

I. For faculty whose appointments commenced on or before September 6, 1988:

a. For promotion or appointment as an Assistant Professor in the College of Business Administration the candidate must meet the requirements for appointment as an Instructor in the College of Business Administration and in addition must:

1. possess the terminal degree or its equivalent as specified in §26.4 for faculty members in the department of law. For the department of accounting and taxation, the candidate must possess the CPA certification and a master's degree appropriate to the accounting discipline or be a doctoral candidate who has completed his/her course requirements and possess satisfactory evidence of at least beginning work on the dissertation and possess a master's degree appropriate to the accounting discipline;

2. give evidence of marked effectiveness as a teacher both in the classroom and in the guidance of students; and

3. demonstrate capacity for professional growth by professional consultant activities; initial efforts toward research which may or may not necessarily lead to publications and/or activity in professional societies or meetings as an active contributory participant or speaker. For promotion, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activity to the department, the College of Business Administration and/or the University.

II. For faculty whose appointments commenced after September 6, 1988:

a. For promotion or appointment as an Assistant Professor in the College of Business Administration the candidate must meet the requirements for appointment as an Instructor in the College of Business Administration and in addition must:

1. possess the terminal degree, or its equivalent as specified in §26.4 for faculty members in the department of law;

2. give evidence of marked effectiveness as a teacher both in the classroom and in the guidance of students; and,

3. demonstrate capacity for:

(i) research which may lead to publications;

(ii) activity in professional/academic societies or meetings as an active contributor or speaker; and/or

(iii) professional consultancy activities.

b. For promotion to this rank, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activity to the department, the College of Business Administration and/or the University.

§26.14 Assistant Professor - Professional Library Staff

a. For promotion or appointment as an Assistant Professor on the professional library staff the candidate must meet the requirements for appointment as an Instructor on the professional library staff and in addition must:

1. give evidence of a marked capacity for the effective performance of library assignments and for dealing with the common problems of librarianship;

2. demonstrate a capacity for professional growth; and,

3. have at least four years of full-time professional experience in college library work or its equivalent.

b. For the purposes of promotion, as set forth in §26.10 a, §26.15 and §26.20 and Tenure, as set forth in Article 29:

1. "professional experience" is experience acquired in library work or in an area of subject specialization after the reception of the master's or earned doctoral degree in library science or in the subject area;

2. the "equivalent" of college library work is:

(i) college teaching in the subject area of the master's or earned doctoral degree, or

(ii) professional experience in library work in a public, private or special library oriented to academic research or professional needs, or

(iii) professional experience in an academic or professional field relevant to the needs of the library.

§26.15 Assistant Clinical Professor - College of Pharmacy and Allied Health Professions

For promotion or appointment as an Assistant Clinical Professor in the College of Pharmacy and Allied Health Professions the candidate must meet the requirements for appointment as a Clinical Instructor in the College of Pharmacy and Allied Health Professions and in addition must:

- a. possess the master's degree or the equivalent normally required for teaching in the field;
- b. give evidence of marked effectiveness as a teacher in the classroom and in the professional setting;
- c. demonstrate capacity for professional growth; and,
- d. 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.

§26.16 Assistant Professor - School of Law

For appointment as an Assistant Professor of Law School of Law, the candidate must evidence:

- a. The potential for effectiveness as a teacher both in the classroom and in the counseling of students;
- b. The potential for professional growth;
- c. Promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in leading law schools in the United States;
- d. Satisfactory qualities of character, personality, professionalism, and capacity to cooperate with others in the achievement of the objectives of the School of Law and St. John's University; and
- e. The potential for service to the School of Law, St. John's University and the community.

§26.17 Assistant Clinical Professor - School of Law

For appointment as an Assistant Clinical Professor in the School of Law the candidate must evidence:

- a. The potential for effectiveness as a teacher in the classroom and in the professional setting;
- b. The potential for professional growth;
- c. Promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in leading law schools in the United States;

d. Satisfactory qualities of character, personality, professionalism, and capacity to cooperate with others in the achievement of the objectives of the School of Law and St. John's University; and

e. The potential for service to the School of Law, St. John's University and the community.

§26.20 Associate Professor

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

b. The foregoing provisions of this section shall not apply to candidates for appointment or promotion to Associate Professor in St. Vincent's College, the College of Business Administration and the professional library staff; Associate Clinical Professors in the Department of Psychology and in the College of Pharmacy and Allied Health Professions, and to Associate Professors and Associate Clinical Professors in the School of Law, which conditions and qualifications are set forth in §26.21 to §26.27, respectively.

§26.21 Associate Clinical Professor - Department of Psychology

For promotion or appointment as an Associate Clinical Professor in Psychology, the candidate must meet all the requirements for appointment as an Assistant Clinical Professor, be a licensed practitioner for at least three of the last five years, have at least three years of supervised clinical experience and have a record of significant achievement in the field or profession or as an administrator. In addition, the candidate must satisfy the following:

a. Must give evidence of clinical practice expertise as manifested through the quality of his/her teaching and supervision of students in clinical areas, clinical practice achievement, professional presentations on clinical issues and other clinically-related activities. Evidence of a clinical practice expertise may also be manifested through the acquisition of a Diplomate in clinical psychology conferred by the American Board of Professional Psychology, or a Post-Doctoral Certificate in a clinical specialty area from an accredited institute or university or a Certificate as a Fellow conferred by the American Psychological Association, Clinical Division, Division 12.

b. Must give evidence of scholarship, research or creative professional activity as manifested through participation in professionally oriented research or other scholarly pursuits related to problems in the delivery of Psychological services. Evidence of such scholarly pursuits may be presented in the form of refereed publications related to clinical practice, scholarly writings in professionally recognized media, preparation of research and/or training grant proposal(s) and/or significant participation in research projects and in scholarly activities of learned societies.

c. Must give evidence of professional activities as manifested through consultancies, in-service education, activities in professional societies, membership on Editorial Boards of Scientific/Professional Journals, awards for research, professional or clinical practice achievement.

d. Must give evidence of service activities as manifested by participation on University, College and departmental committees; participation in community activities that enhance understanding of the University, College and/or the profession; participation in professional continuing education programs, and administrative duties within the University, College or department.

§26.22 Associate Professor - St. Vincent's College

For promotion or appointment as an Associate Professor in St. Vincent's College the candidate must possess the qualifications for an Assistant Professor in St. Vincent's College, and in addition must:

a. possess the master's degree in the field of specialization;

b. present evidence of the successful completion of thirty graduate credits beyond the master's degree, leading to the terminal degree in the field of specialization or in the teaching of the field of specialization or possess the terminal degree or its equivalent as specified in §26.3 for faculty members in accounting, business law or related areas of criminal justice;

c. complete seven years of full-time college teaching; and

d. evidence professional achievement in the field of specialization or in the teaching of the field of specialization through two or more of the following: noteworthy professional activities in the arts and/or humanities; active membership in professional societies and a record of attendance at meetings of learned societies; professional growth and/or recognition such as professional consultation or professional practice; active participation in community work of a significant educational nature. For promotion, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activities to the division, St. Vincent's College and/or the University.

§26.23 Associate Professor - College of Business Administration

I. For faculty whose appointments commenced on or before September 6, 1988:

For promotion or appointment as an Associate Professor in the College of Business Administration, the candidate must possess the qualifications for an Assistant Professor in the College of Business Administration and in addition must satisfy two or more of the following:

a. the candidate must have performed as a contributory supporter in a professional society or societies as evidenced by the delivery of several lectures and/or papers;

b. present evidence of research resulting in publication in professional journals;

c. present evidence of professional growth and recognition such as professional consultation, practice or society activity;

d. for the department of accounting and taxation, an acceptable doctoral degree. For promotion, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activity to the department, the College of Business Administration and/or the University.

II. For faculty whose appointments commenced after September 6, 1988:

a. For promotion or appointment as an Associate Professor in the College of Business Administration, the following qualifications are required:

1. the candidate must satisfy the qualifications for an Assistant Professor in the College of Business Administration;

2. the candidate must present evidence of continuing research resulting in publication in scholarly and/or professional publications;

3. the candidates must satisfy one of the following:

(i) provide contributory support in a professional society or societies as evidenced by the delivery of several lectures and/or papers; or

(ii) present evidence of professional growth and recognition such as professional consultation, practice or society activity.

b. For promotion to this rank, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activity to the department, the College of Business Administration and/or the University.

§26.24 Associate Professor - Professional Library Staff

For promotion or appointment as an Associate Professor on the professional library staff the candidate must meet the requirements for appointment as an Assistant Professor on the professional library staff and, in addition, must:

a. possess a master's or fifth-year degree in library science supported by a second master's or earned doctoral degree in an academic or professional field;

b. complete seven years of full-time professional experience in college library work or its equivalent; and

c. give evidence of sustained capacity for the effective performance of library assignments and for dealing with increasingly complex problems of librarianship, further professional growth, and, for promotion, significant exercise of campus citizenship through service on library or University committees and in other ways.

§26.25 Associate Clinical Professor - College of Pharmacy and Allied Health Professions

For promotion or appointment as an Associate Clinical Professor in the College of Pharmacy and Allied Health Professions the candidate must meet the requirements for appointment as an Assistant Clinical Professor in the College of Pharmacy and Allied Health Professions and in addition the candidate must satisfy two or more of the following:

a. Evidence of scholarship, research or creative professional activity as manifested through professionally oriented research or other scholarly pursuits including clinical research dealing with problems in drug use, practice development projects involving the application of innovative techniques to problems in delivery of pharmacy services or educational research problems. Evidence of such scholarly pursuits may be presented in the form of publications related to the research component, clinical pharmacy practice or other scholarly writings in professionally recognized media.

b. Evidence of clinical practice expertise as manifested through presentations on research and scholarly work, consultantships, in-service education, participating in the selection of rational drug therapy, activities in professional societies, membership on editorial boards of scientific/professional journals, awards for research, professional or clinical practice achievement. Evidence of clinical practice expertise may be presented in the form of faculty supplied descriptions of clinical endeavors and accomplishments and correspondence from hospital personnel at a respective clinical practice site.

c. Evidence of service activities as manifested by participation on University, college and departmental committees and task forces, participation in community activities that enhance understanding of the University, college and/or the profession, participation in professional continuing education programs, and administrative duties within the University, college or department.

§26.26 Associate Professor - School of Law

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

b. For promotion, the candidate must also have demonstrated adequate service in the way of committee assignment or similar activity to the School of Law and/or the University.

c. For promotion, the candidate must also satisfy the threshold time requirements of full-time teaching or equivalent experience as set forth in the "St. John's University School of Law Standards Governing Faculty Promotion and Tenure." A copy of the Standards shall be delivered by the Dean of the School of Law to the President and the Provost prior to the commencement of each academic year. An individual applying for promotion to Associate Professor of Law need not concurrently apply for conferral of tenure.

§26.27 Associate Clinical Professor - School of Law

For promotion or appointment as an Associate Clinical Professor in the School of Law the candidate must possess the requirements for

appointment as an Assistant Clinical Professor in the School of Law and in addition must evidence:

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

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

§26.30 Professor

a. For promotion or appointment as a 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.

b. The foregoing provisions of this section shall not apply to candidates for appointment or promotion in St. Vincent's College, the College of Business Administration, the professional library staff, Clinical Professors in the Department of Psychology and in the College of Pharmacy and Allied Health Professions, and to Professors and Clinical Professors in the School of Law, which conditions and qualifications are set forth in §26.31 to §26.37, respectively.

§26.31 Clinical Professor - Department of Psychology

For promotion or appointment as a Clinical Professor in Psychology, the candidate must meet all the requirements for appointment as an Associate Clinical Professor; must have either a Diplomate in clinical psychology conferred by the American Board of Professional Psychology, or a Post-Doctoral Certificate in a specialty area from an accredited institute or university, or a Certificate as a Fellow conferred by the American Psychological Association, Clinical Division, Division 12; possess a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

§26.32 Professor - St. Vincent's College

For promotion or appointment as a Professor in St. Vincent's College the candidate must possess the terminal degree in the field of specialization or in the teaching of the field of specialization and in addition must:

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

§26.33 Professor - College of Business Administration

For promotion or appointment as a Professor in the College of Business Administration the candidate must possess the qualifications of an Associate Professor and in addition a record of distinguished achievement both within the business profession and professional academic community. There shall be evidence of continued growth and of general recognition among scholars and educators outside the university who are associated with professional education for business.

§26.34 Professor - Professional Library Staff

For promotion or appointment as a Professor on the professional library staff the candidate must meet the requirements for appointment as an Associate Professor on the professional library staff and, in addition, must:

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

§26.35 Clinical Professor - College of Pharmacy and Allied Health Professions

For promotion or appointment as a Clinical Professor in the College of Pharmacy and Allied Health Professions the candidate must meet the

requirements for appointment as an Associate Clinical Professor in the College of Pharmacy and Allied Health Professions and in addition a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

§26.36 Professor - School of Law

a. For promotion or appointment as a Professor of Law, the candidate must possess the qualifications of an Associate Professor and in addition a record of distinguished intellectual, educational, or professional achievement. There shall be evidence of continued growth and of general recognition among scholars, educators, and members of the legal profession outside the University.

b. For promotion, the candidate must also satisfy the threshold time requirements of full-time teaching or equivalent experience as set forth in the "St. John's University School of Law Standards Governing Faculty Promotion and Tenure." An individual applying for promotion to Professor of Law need not concurrently apply for conferral of tenure.

§26.37 Clinical Professor - School of Law

For promotion or appointment as Clinical Professor in the School of Law, the candidate must possess the requirements for appointment as an Associate Clinical Professor in the School of Law and in addition a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

Article 27 Probationary Periods and Non-Reappointment

§27.1 a. 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 a faculty member may be notified of non-reappointment without specification of cause.

b. 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 faculty member whose appointment is not being renewed of the reasons for such non-reappointment.

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

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

§27.4 In every case of non-reappointment, whether or not the faculty member involved is in probationary status, notice of non-reappointment shall be given in writing in accordance 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. Not later than the June 30 of the year preceding the expiration of an appointment after two or more years in the institution.

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

b. A faculty member who is on a leave of absence for any semester during any probationary period shall not have that academic year counted toward the probationary period referred to above nor toward the probationary period for tenure.

§27.6 Should any of the University agencies which participate in approving reappointments under the provisions of Part Eight of these Statutes refuse approval of a recommended reappointment of a faculty member on probationary status in any rank, that refusal shall terminate the recommendation without appeal.

PART TEN

DEFINITIONS AND ELIGIBILITY FOR THE CONFERRAL OF TENURE

Article 28 Definition, Rights and Obligations

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

§28.2 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 accordance with the provisions of this article and of Articles 19, 20, 21, 22, 23, 25, and 30 of these Statutes.

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

Article 29 Eligibility for Tenure

§29.1 Eligibility for Tenure - Schools and Colleges of the University Other Than The School of Law.

a. Tenure may be granted to any full-time faculty member or professional librarian of the University who fulfills the criteria for promotion to the rank of Associate Professor and who has completed three years of full-time faculty service at the University, provided that said three year period and any time requirement for the rank of Associate Professor shall be waived where an earlier tenure decision is mandatory.

b. The probationary period for tenure shall not exceed seven years of full-time college teaching in the rank of Instructor or above; provided, however, that upon initial appointment at this University to the rank of Instructor or above, of a person who has served three or more years as a full-time member of the faculty of another accredited university in the rank of Instructor or above, it may be agreed to in writing that such appointment is for a probationary period of not more than four years, even though the total probationary period is thereby extended beyond the normal

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

c. Tenure may be granted to members of the professional library staff in accordance with the provisions set forth in paragraphs (a) and (b) of this section, except that the phrase "full-time professional experience in college library work or its equivalent" shall in all cases be substituted for the phrase "full-time college teaching."

§29.2 Eligibility for Tenure - School of Law

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

b. The probationary period for tenure shall not exceed seven years of full-time law school teaching in the rank of Instructor or above; provided, however, that upon initial appointment at this University to the rank of Assistant Professor or above, of a person who has served three or more years as a full-time faculty member of another Association of American Law Schools law school or its equivalent, it may be agreed to in writing that such appointment is for a probationary period of not more than four years, even though the total probationary period is thereby extended beyond the normal maximum of seven years. Notice shall be given by June 30 of the year prior to the expiration of the probationary period if the faculty member is not to be continued in service after the expiration of that period.

§29.3 Tenure is not attached to:

- a. Administrative positions. Individuals serving as administrators may be granted tenure as members of the faculty.
- b. Visiting or adjunct professorial positions.
- c. Assistant Legal Writing Professor.
- d. Part-time teaching positions.
- e. Part-time professional librarian appointments.

Article 30 Status of Priests and Religious

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

§30.2 For the purposes of holding office in University faculty agencies, members of the Congregation of the Mission who have served seven or more years in faculty ranks in educational institutions referred to in §30.1 shall be deemed to possess the qualifications conferred by tenure.

§30.3 Members of the Congregation of the Mission assigned to faculty posts at St. John's University, subject to the provisions of §30.1 and §30.2 above, possess the same rights and duties as other faculty members of like rank and status.

PART ELEVEN

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

**Article 31 Grounds for Removal, Discipline or Suspension of
Faculty Members**

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

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

§31.2 a. It is recognized that there may be instances of matters set forth in §31.1 b. and §31.1 c., above, where the circumstances are such that removal may not be warranted. Accordingly, where, in the opinion of the appropriate committee, the penalty of removal is not justified for such conduct, the appropriate committee can impose any one of the following penalties:

1. ineligibility for overtime teaching for a period up to but not to exceed one year;
 2. ineligibility for summer session and mini-session teaching for a period up to but not to exceed one year; and
 3. loss of any increment for a period up to but not to exceed one year; provided however, that at the end of the period for which there is a loss of an increment, the faculty member shall thereafter be placed at the same position on the salary schedule that he or she would have been placed upon had no interim loss of an increment been determined by the appropriate committee.
- b. Such penalty shall bear a reasonable relationship to the seriousness of the conduct.

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

Article 32 Investigation and Service of Charges

§32.1 Charges against a member of the faculty who has tenure or whose term appointment has not expired may be made by the President, the Executive Vice President, the Provost, an Academic Dean, a member or committee of the Board of Trustees or the Board of Trustees itself. Such charges shall be confidentially presented to the President in the 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 the Committee on Investigation and Advice of Charges Against a Faculty Member.

§32.2 a. The Committee on Investigation and Advice of Charges Against a Faculty Member shall be composed of five members, all of whom shall be full-time, tenured faculty members with the rank of Full Professor, who shall be elected to two-years terms by all faculty members who are eligible to vote under Article 12 of these Statutes.

b. The terms of all committee members shall be two years with approximately one-half of the committee members' terms expiring annually. The election for members of the Committee on Investigation and Advice of Charges Against a Faculty Member shall be held at the same time as the election for members to the University Senate and members of the personnel committees.

c. In the event that a member of this committee is involved, directly or indirectly, in the making of charges against the faculty member, or is privy to information that will reduce or impair his objectivity, or is the party against whom the charges are made, said member shall not serve on the committee during its consideration of that particular case. A quorum of said committee shall be three members.

d. The committee shall consult with the President and with the faculty member involved and shall seek to affect 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.

§32.3 Immediately after the formulation of charges against a faculty member under the terms of §32.1 and §32.2 above, the President shall have served upon the faculty member a copy of such charges. At the time of service of charges the individual shall be notified of the right to a hearing by the Committee on Hearing and Deciding Charges Against a Faculty Member to determine whether the faculty member should be removed from the faculty position on the grounds stated or otherwise disciplined. The time and place of such hearing shall be indicated, and the faculty member shall be informed, in detail or by reference to these Statutes, of the procedural rights that will be accorded to the faculty member. The faculty member shall state in writing whether a hearing is desired, and, if so, shall answer in writing, not less than one week before the date set for the hearing, the charges made against the faculty member. The person charged shall be accorded no less than ten nor more than twenty days from the date of service of the charges in which to file an answer to the charges.

**Article 33 The Committee on Hearing and Deciding Charges
Against a Faculty Member**

§33. a. The Committee on Hearing and Deciding Charges Against a Faculty Member shall be composed of five members, all of whom shall be full-time, tenured faculty members with the rank of Full Professor, who shall be elected to two-year terms by all faculty members who are eligible to vote under Article 12 of these Statutes.

b. The terms of all committee members shall be two years with approximately one-half of the committee members' terms expiring annually. The election for members of the Committee on Hearing and Deciding Charges Against a Faculty Member shall be held at the same time as the election for members of the University Senate and members of the personnel committees.

c. In the event that a member of this committee is involved directly or indirectly, in the making of charges against the faculty member, or is privy to information that will reduce or impair his objectivity, or is the party against whom the charges are made, said member shall not serve on the committee during its hearing on that particular case. A quorum of said committee shall be three members.

Article 34 Hearing Procedures

§34.1 The Committee on Hearing and Deciding Charges Against a Faculty Member shall consider the formal charges, written supporting evidence and the faculty member's written 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.

§34.2 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.

§34.3 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 the faculty member's 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 the faculty member. Where unusual and urgent reasons move the committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the witness's 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.

§34.4 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 the faculty member's counsel and to the representative designated by the President to argue 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 the committee 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 or other discipline 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 34A Grounds and Procedures for Removal or Suspension of
Faculty Members of the School of Law**

§34A.1 Members of the faculty may be removed for one or more of the following reasons:

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

§34A.2 The President may suspend a member of the faculty pending the investigation of the charges against the faculty member. Such a suspension shall normally be with pay.

§34A.3 a. Charges against a member of the faculty of the School of Law who has tenure or whose term appointment has not expired may be made, in writing, by the President, the Executive Vice President, the Provost, the Dean of the School of Law, a member or committee of the Board of Trustees or the Board of Trustees itself. Such charges shall be confidentially presented to the President in the 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 President shall have served upon the faculty member a copy of the charges and the matter shall be referred to the Committee on Investigation and Advice of Charges Against a Faculty Member of the School of Law.

b. The Committee on Investigation and Advice of Charges Against a Faculty Member of the School of Law shall be composed of three tenured faculty members, who shall be elected to three-year terms by and from faculty members of the School of Law who are eligible to vote under Article 12 of these Statutes.

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

d. The procedures specified in §32.2 d. and §32.3 of these Statutes shall be followed by the Committee on Hearing and Deciding charges Against a Faculty Member of the School of Law.

§34A.4 a. The Committee on Hearing and Deciding Charges Against a Faculty Member of the School of Law shall be composed of five members. Four of said members shall be the faculty members of the Law School Personnel Committee. The remaining faculty member shall be a tenured faculty member who is to be elected to a three-year term by and from faculty members of the School of Law who are eligible to vote under Article 12 of these Statutes.

b. The Committee on Hearing and Deciding Charges Against a Faculty Member of the School of Law shall follow the procedures set forth in Article 34.

Article 35 Action by the Board of Trustees

The President shall transmit to the Board of Trustees the full report of the appropriate 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 returned to the committee with the objections specified. In such case the committee shall reconsider, taking account of the stated objections and receiving new evidence if necessary. The Hearing Committee shall frame its decision and communicate it in the same manner as before. After study of the committee's reconsideration the Board of Trustees shall make a final decision confirming or dismissing the charges.

Article 36 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 appropriate Hearing Committee or the 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.

Article 37 Grounds and Procedures for Removal of Departmental Chairpersons

§37.1 a. A Chairperson may be subject to recall during the academic year after one semester in office if written charges are signed by:

1. at least thirty per cent (30%) of the members of the department eligible to vote pursuant to Article 12 of these Statutes; or
2. by the Dean.

b. Where charges are brought by the department, in departments of six or fewer faculty members, at least two (2) signatures shall be necessary to bring the charges; the next highest integer shall be used in reference to fractions. The foregoing provision for the recall of a Chairperson may not be invoked more than once in any semester.

c. Charges may be brought against a Departmental Chairperson on the following grounds:

1. Incompetent or inefficient service as a Departmental Chairperson.
2. Demonstrated neglect or unwillingness to perform the duties of Departmental Chairperson in accordance with the established policies and procedures of the University and those responsibilities set forth herein.
3. Conduct inconsistent with accepted professional standards normally associated with the position of Departmental Chairperson.

d. In the event the charges are made by members of the department, the charges shall be presented to the Dean. In the event the charges are made by the Dean, the charges shall be presented to the Provost.

e. The Dean or the Provost, as the case may be, shall, within ten school days, discuss the matter with the Chairperson concerned in personal conference. Within ten school days thereafter the Dean or the Provost, as the case may be, shall discuss the matter with the petitioning faculty members or their designees, or the Dean, as the case may be.

f. In the event that the Dean or the Provost, as the case may be, shall consider that there is insufficient evidence to support the charges, the Dean or the Provost, as the case may be, shall transmit the charges to the Committee on Investigation and Advice of Charges Against a Faculty Member, referred to in §32.2, for its determination of the sufficiency of the charges. If, after investigation and consultation with the Chairperson involved and such members of the department as the Committee may deem appropriate, the charges are considered by the committee to be insufficient, no further proceedings for the removal of the Chairperson shall be taken, pursuant to the submitted charges.

g. In the event that the Dean, the Provost, or Committee as the case may be, considers the charges to be sufficient and if a mutually satisfactory adjustment does not result from the conferences set forth in subsection (c) hereof, the Dean or the Provost, as the case may be, shall within ten (10) school days after the conferences referred to in subsection (c) hereof or the determination of sustaining the sufficiency of the charges by the Committee, convene a special meeting of the department for the purpose of discussing and resolving the matter. Notice of this special meeting shall be accompanied by the written charges and shall be addressed to the home of the faculty members eligible to vote, not later than five (5) school days prior to the meeting. The voting at the meeting shall be by secret ballot but in no event shall the Chairperson involved be entitled to vote on the matter.

h. In the event the department, by a majority vote, recalls the Chairperson, it shall, at the same time, send to the President its recommendation for a successor in accordance with the provisions of these Statutes. Immediately after the departmental meeting, the President shall designate an acting Chairperson from the nominees for successor Chairperson submitted by the department. The President shall concurrently submit to the Board of Trustees the department's recommendation for recall together with his recommendation, in accordance with these Statutes, for a successor Chairperson to complete the unexpired term of office.

§37.2 Nothing contained in this article shall be deemed to affect the faculty status of any Departmental Chairperson whose appointment has been so terminated nor shall such termination be subject to the grievance-arbitration procedures herein. However, any claim of arbitrary, unreasonable or discriminatory actions in regard to the procedures for removal of a Chairperson shall be subject to the grievance-arbitration procedures herein. Furthermore the provisions of Articles 31 through 36 of the Statutes shall continue to apply.

PART TWELVE
AMENDMENT AND AUTHORITY OF STATUTES

Article 38 Amendment of Statutes

§38.1 These Statutes may be amended or revoked in whole or in part, in accordance with the procedures set forth in these Statutes, by a two-thirds majority of the Board of Trustees upon notice in writing to the members of the Board outlining the subject matter of the proposed amendment.

§38.2 A proposed amendment may itself be amended by a two-thirds vote of the Board of Trustees at the same meeting at which the original amendment was to be considered.

Article 39 Authority of Statutes

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