

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

7.01 Qualifications and Conditions

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

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

7.02 Instructor – General

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

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

7.03 Instructor – College of Professional Studies

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

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

7.04 Instructor - The Peter J. Tobin College of Business

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

7.05 Clinical Instructor - ~~College of Pharmacy and Allied Health Professions~~ College of Pharmacy and Health Sciences

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

7.06 Clinical Instructor – School of Education

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

7.07 Instructor - Professional Library Staff

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

7.08 Assistant Professor- General

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

- a. possess the earned doctoral or professional degree or equivalent normally required for teaching in the field;
- b. demonstrate a marked effectiveness as a teacher both in the classroom and in the guidance of students;
- c. demonstrate capacity for professional growth; and

- d. show promise of those qualities of professional distinction associated with faculty members who hold this or a similar title in the leading universities in the United States.

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

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

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

7.10 Assistant Professor - College of Professional Studies

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

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

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

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

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

7.12 Assistant Clinical Professor - ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences

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

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

7.13 Assistant Clinical Professor – School of Education

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

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

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

#### 7.14 Assistant Professor - Professional Library Staff

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

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

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

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

#### 7.15 Associate Professor - General

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

projects and in the scholarly activities of learned societies. There shall also be evidence that the candidate's intellectual and professional achievements are respected in the outside academic community in his/her chosen field.

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

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

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

#### 7.17 Associate Professor - College of Professional Studies

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

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

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

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

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

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

7.19 Associate Clinical Professor - ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences

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

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

7.20 Associate Clinical Professor – School of Education

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

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

memberships on appropriate Editorial Boards, or awards for research, professional or clinical achievements; and

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

#### 7.21 Associate Professor - Professional Library Staff

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

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

#### 7.22 Professor - General

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

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

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

#### 7.24 Professor - College of Professional Studies

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

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

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

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

#### 7.26 Clinical Professor - ~~College of Pharmacy and Allied Health Professions~~ College of Pharmacy and Health Sciences

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

#### 7.27 Clinical Professor – School of Education

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

#### 7.28 Professor - Professional Library Staff

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

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

#### 7.29 Instructor - Industry Professional – College of Professional Studies

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

#### 7.30 Assistant Professor - Industry Professional – College of Professional Studies

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

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

- e. maintain currency of certifications and licenses.

### 7.31 Associate Professor - Industry Professional – College of Professional Studies

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

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

### 7.32 Professor - Industry Professional – College of Professional Studies

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

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

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

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

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

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

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

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

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

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

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

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

- a. demonstrate marked effectiveness as a teacher both in the classroom and in the guidance of students;
- b. demonstrate:

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

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

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

7.337.38 Instructor – Industry Professional – ~~College of Pharmacy and Allied Health Professions~~ College of Pharmacy and Health Sciences

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

7.347.39 Assistant Professor – Industry Professional – ~~College of Pharmacy and Allied Health Professions~~ College of Pharmacy and Health Sciences

For promotion or appointment as an Assistant Professor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~ College of Pharmacy and Health Sciences the

candidate must meet the requirements for appointment as an Instructor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences (§7.33) and in addition must:

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

7.357.40 Associate Professor – Industry Professional – ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences

For promotion or appointment as an Associate Professor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences the candidate must meet the requirements for appointment as an Assistant Professor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences (§7.34) and in addition the candidate must demonstrate:

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

7.367.41 Professor – Industry Professional – ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences

For promotion or appointment as a Professor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences the candidate must meet the requirement for appointment as an Associate Professor, Industry Professional in the ~~College of Pharmacy and Allied Health Professions~~College of Pharmacy and Health Sciences (§7.35), have 10 years teaching experience, and in addition have a record of distinguished intellectual, educational or professional achievement. There shall be evidence of continued growth and of general recognition among professionals and educators outside the University.

7.377.42 Instructor – Institute for Core Studies

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

7.387.43 Assistant Professor – Institute for Core Studies

For promotion or appointment as an Assistant Professor, Institute for Core Studies the candidate must meet the requirements of appointment as Instructor (§7.37) and in addition must meet the following requirements:

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

7.397.44 Associate Professor – Institute for Core Studies

For promotion or appointment as an Associate Professor, Institute for Core Studies the candidate must meet the requirements for appointment as an Assistant Professor (§7.38) and in addition must meet the following requirements:

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

7.407.45 Professor – Institute for Core Studies

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

- a. prior service for ten (10) years as a faculty member of the Institute for Core Studies;
- b. demonstrate distinguished teaching in the core specialty;
- c. demonstrate distinguished pedagogical, writing, and other communication abilities in the core specialty; and

- d. demonstrate service to the Institute of Core Studies and the University, and a record of distinguished intellectual, or artistic achievement in three or more of the following, where (iv) must be one of the three areas:
  - i. Pedagogy, writing, and other communication abilities in the core specialty.
  - ii. Continuing professional development in the core specialty.
  - iii. Professional involvement with the theory and pedagogy of the core specialty.
  - iv. Service to the Institute for Core Studies and the University.

ARTICLE 9  
DEFINITIONS AND ELIGIBILITY FOR  
THE CONFERRAL OF TENURE

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

9.01 Tenure

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

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

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

9.01.A Tenure – Institute for Core Studies

a. Tenure for faculty members of the Institute for Core Studies shall mean the right of a faculty member to hold a position during good behavior, efficient and competent service, the existence of the program in which tenure was granted, and not to be removed except for cause in the manner described in Article 10 of these Statutes. Tenure for faculty of the Institute for Core Studies, thus shall be construed as programmatic in character with the rights and privileges of tenure ceasing, should the Institute for Core Studies or any of its core specialties be terminated for reasons of cessation of the core curriculum or that portion taught by a core specialty. Every effort would be made to place affected faculty into departments or divisions for which the faculty member may qualify; provided, however, that the rights and procedures set for in Articles 18, 19 and 20 of the Collective Bargaining Agreement dated July 1, 2007 (and any amendments thereto) shall not apply.

b. Statute sections 9.02, 9.03, 9.04 and 9.05 shall govern eligibility for tenure, eligibility restrictions, Members of the Congregation of the Mission, and Procedure for Tenure within the Institute for Core Studies.

## 9.02 Eligibility for Tenure - General

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

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

c. It may be agreed in writing that an initial appointment in the rank of Instructor or above is for an evaluation period of not more than four years of full-time faculty service even though the person has served three or more years as a full-time member of the faculty of another accredited university in the rank of Instructor or above or has served at the University in a non-tenure track position. Notice shall be given by June 30 of the year prior to the expiration of the evaluation period if the faculty member is not to be continued in service after the expiration of that period.

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

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

## 9.03 Eligibility Restrictions

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

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

#### 9.04 Members of the Congregation of the Mission

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

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

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

#### 9.05 Procedure for Tenure

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

- i. at the Department level, by the Department Personnel and Budget Committee;
- ii. at the School level, by the College Personnel Committee;
- iii. at the University level, by the University Personnel Committee, and
- iv. by the Board of Trustees, which has final authority to approve or disapprove an application for tenure.

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

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

Personnel Committee shall then reconsider its decision after considering the Department's position and render a final decision.

- d. Applications for tenure shall be subject to the following schedule and procedures:
  - i. On or before June 1 of each calendar year, the Provost and VPAA shall notify faculty members to submit applications and supporting data to the Department Personnel and Budget Committee on or before a specified date in October. The notice shall specify all dates relevant to the tenure process.
  - ii. On or before a specified date in November of each calendar year, the Chairperson of each department shall report to the Dean and the College Personnel Committee, the names of eligible faculty members recommended for promotion by the Department Personnel and Budget Committee. Each recommendation shall be accompanied by a dossier of information detailing the academic credentials that justify the tenure and reporting the outcome of departmental consideration of the recommendation. If the application is denied and the applicant has completed probation, the Personnel and Budget Committee shall state, in writing, the reasons for the denial, and the Chair of the Department shall provide the applicant with a copy of the written statement.
  - iii. On or before a specified date in December of each calendar year, each Dean shall report to the Chairperson of the University Personnel Committee the action recommended by the College Personnel Committee. Any member of the College Personnel Committee who wishes to record a difference of opinion with the majority, shall prepare a written report to be placed in the dossier of the faculty member. A copy of any documents added to the personal dossier shall be transmitted to the Chairperson of the department where the faculty member teaches and shall be promptly communicated to the applicant. If the application is denied and the applicant has completed probation, the College Personnel Committee shall state in writing the reasons for the denial, and the Dean shall provide the applicant with a copy of the written statement.
  - iv. On or before a specified date in March of each calendar year, the Chairperson of the University Personnel Committee shall forward to the Board of Trustees through the President of the University all recommendations for promotion which have come to the University Personnel Committee from the College Personnel Committees, and have been reviewed and acted upon by the University Personnel Committee. If the University Personnel Committee does not support a College Personnel Committee recommendation, both the positive recommendation and the University Personnel Committee's reasons for disapproving the recommendation shall be forwarded to the President. The President shall forward all these materials to the Board and may add to them his own recommendations for Board action. A copy of any adverse

recommendations by the University Personnel Committee or the President shall be transmitted to the Dean, the Chairperson of the applicant's department and shall be communicated promptly to the applicant.

- v. No later than May 15 of each calendar year, the 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 tenure has been granted.

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

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

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

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

10.01 Chairperson Meeting

If the Chairperson/Dean becomes aware of a matter that involves an academic issue concerning a faculty member's teaching, research and scholarship, or service responsibilities (as set for in Article 9 of the Collective Bargaining Agreement), the Chairperson/Dean may meet with the faculty member. This meeting will ordinarily be conducted by the Chairperson. However, there may be circumstances where, after conferral among the Chairperson and Dean, the Dean wishes to meet with the faculty member. In all circumstances the faculty member will be provided with written notice from the Chairperson/Dean setting forth the reason for the meeting. The faculty member is required to meet with the Chairperson/Dean and may be accompanied by a union representative from the AAUP-FA. The Chairperson/Dean and faculty member will discuss the underlying issue(s) and, if the Chairperson/Dean determines that it is necessary, establish a written action plan that includes: (i) a description of the issue; (ii) the steps necessary to correct it or achieve satisfactory improvement; and (iii) a schedule time frame for follow-up. This shall not be interpreted so as to constitute interference with academic freedom. If the Chairperson conducts the meeting and establishes a written action plan, the Chairperson will send a copy of the action plan to the Dean, together with any follow-up activity. If the faculty member disputes the written action plan established by the Chairperson/Dean, s/he may appeal to the Provost and VPAA to review the action plan. The faculty member must file such appeal with the Provost and VPAA in writing within seven (7) school days of receipt of the action plan. The appeal will set forth the grounds for the appeal and the reasons the action plan is unsatisfactory. The Provost and VPAA may decide to meet with the faculty member and/or Chairperson/Dean. The Provost and VPAA will communicate a written decision to all persons concerned as promptly as possible, but not later than seven (7) school days after the appeal. The decision of the Provost and VPAA is final and not grievable.

10.02 Grounds for Removal, Discipline or Suspension of Faculty Members

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

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

### 10.03 Suspension Pending Investigation

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

### 10.04 Investigation and Service of Charges

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

### 10.05 Investigation of Title IX and Article 129-B Charges

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

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

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

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

e. Based upon the findings of the Investigator, the ~~Hearing and Deciding Investigation~~ Committee shall ~~make explicit findings with respect to each of the grounds of removal or other discipline imposed.~~ prepare a written report.

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

Not later than ~~thirty (30)~~ten (10) days after the Investigator provides his or her report, the ~~Hearing and Deciding~~Investigation Committee shall ~~make its decision and~~ transmit its report to the Office of General Counsel. ~~The decision of the Hearing and Deciding Committee shall be kept confidential until the Board of Trustees has considered the matter.~~

f. The Office of General Counsel shall simultaneously transmit the written report of the Investigator and the report of the Committee on Investigation and Advice of Charges Against a Faculty Member to the President and the Committee on Hearing and Deciding Charges Against a Faculty Member.

g. The Hearing and Deciding Committee shall consider the written report of the Investigator, and the report of the Committee on Investigation and Advice of Charges Against a Faculty Member. Based upon these reports, the Committee shall make explicit findings with respect to the charges, and make recommendations about any discipline to be imposed.

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

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

i. The Personnel Committee of the Board of Trustees (the "Personnel Committee") shall review the case based on the Report of the Investigator and the written decision of the Hearing and Deciding Committee. ~~Within seven (7) days of receiving the Hearing and Deciding Committee's Decision, the Complainant and/or Respondent may appeal the Decision to the Personnel Committee of the Board of Trustees by delivering a written appeal to the Office of General Counsel. In all cases, the Personnel Committee of the~~ The Personnel Committee Board of Trustees shall review all cases, together with any appeals, and shall make a final decision confirming or dismissing the charges and affirming or modifying any penalty imposed.

g-j. Within seven (7) days of receiving the Decision of the Personnel Committee, the Complainant and/or Respondent may appeal the Decision to the Board of Trustees by delivering a written appeal to the Office of General Counsel. The Board of Trustees shall review and decide all appeals; provided, however, that members of the Personnel Committee shall ~~not~~ participate in be recused from the deliberations and vote relating to the appeal.

#### 10.06 Committee on Investigation and Advice of Charges Against a Faculty Member

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

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

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

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

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

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

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

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

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

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

d. If a member of the Committee is involved directly or indirectly, in the making of charges against the faculty member, or is privy to information that will reduce or impair his or her

objectivity, or is the party against whom the charges are made, such member shall not serve on the Committee during its hearing on that particular case.

#### 10.08 Hearing Procedures

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

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

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

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

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

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

#### 10.09 Decision of Committee

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

b. There may be instances where the conduct of the faculty member warrants a penalty less severe than removal. If a faculty member is found to have violated any of the grounds specified herein the punishment imposed shall be proportionate to the offense. ~~There may be instances where the conduct of the faculty member warrants a penalty less severe than removal.~~ In such cases, the Hearing and Deciding Committee may impose another penalty which it considers appropriate to the seriousness of the conduct including one or more of the following:

i. counseling;

ii. remedial training;

iii. written censure;

iv. ineligibility for overtime teaching for a period up to one year;

v. ineligibility for summer session and mini-session teaching for a period up to one year; and

vi. loss of salary increment for a period of up to one year.

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

d. 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. The President shall transmit to the Board of Trustees the full report of the Hearing Committee.

#### 10.10 Action by the Board of Trustees

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

#### 10.11 Publicity

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

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

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

- i. Incompetent or inefficient service as a Department Chairperson.
  - ii. Demonstrated neglect or unwillingness to perform the duties of Department Chairperson in accordance with the established policies and procedures of the University.
  - iii. Conduct inconsistent with accepted professional standards normally associated with the position of Department Chairperson.
- b. A Chairperson may be recalled during the academic year after one semester in office if written charges are signed by:
- i. the Dean; or
  - ii. at least thirty percent (30%) of the Eligible Faculty members of the department. Where charges are brought by a department with six or fewer faculty members, at least two (2) signatures shall be necessary to bring the charges; the next highest integer shall be used in reference to fractions.
- c. The procedure to bring written charges against a Chairperson may not be invoked more than once in any semester.
- d. If the charges are made by members of the department, the charges shall be presented to the Dean. If the charges are made by the Dean, the charges shall be presented to the Provost and VPAA.
- e. The Dean or the Provost and VPAA shall, within ten (10) school days, discuss the matter with the Chairperson in personal conference. Within ten (10) school days thereafter the Dean or the Provost and VPAA shall discuss the matter with the party who brought the charges.
- f. If the Dean or the Provost and VPAA considers that there is insufficient evidence to support the charges, the charges and any supporting information shall be presented to the Committee on Investigation and Advice of Charges Against a Faculty Member for its determination of the sufficiency of the charges. If, after investigation, the Committee considers the charges to be insufficient, the proceeding is terminated.
- g. If the Dean, the Provost and VPAA, or Committee considers the charges to be sufficient, then the Dean or Provost shall have a conference with the Department Chairperson in an effort to resolve the matter. If the matter is not resolved, the Dean or the Provost and VPAA shall convene a special meeting of the department, within ten (10) days, for the purpose of resolving the matter. Notice of this special meeting shall be accompanied by the written charges and shall be addressed to the home of the Eligible Faculty members, within the department, not later than three (3) days before the meeting. At the meeting, the vote shall be by secret ballot. The Chairperson shall not be entitled to vote on the matter. The matter shall be resolved by a majority vote of the department.
- h. If the department recalls the Chairperson, it shall nominate a successor in accordance with the provisions of these Statutes and the President shall designate an acting Chairperson from the nominees submitted by the department. The President shall 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.

i. The Board of Trustees or the ~~Executive Committee~~Strategy Committee shall consider these recommendations at the meeting next occurring.

#### 10.13 Faculty Status

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