



## 2021 FACULTY BY-LAWS

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## **Article I: Membership of the Faculty**

**Section 1.01:** The Faculty shall consist of the President, Professors, Associate Professors, Assistant Professors, Instructors, Senior Lecturers, Lecturers, Visiting Faculty of All Ranks, Academic Deans (hereafter referred to as “Deans”), and other administrative officers with Faculty rank, as appointed by the Board of Trustees, who are in the full-time employ of the University.

**Section 1.02:** The President shall be Chair of the Faculty or, in the absence of the President, the Vice President for Academic Affairs shall be Chair of the Faculty.

**Section 1.03:** Administrative officers without Faculty rank may attend all meetings of the Faculty except executive sessions but are not eligible to vote nor hold membership on standing committees except as hereinafter specified.

## **Article II: Powers of the Faculty**

**Section 2.01:** The Faculty shall prescribe, subject to the University Charter and approval of the Board of Trustees, requirements for graduate and undergraduate admissions, graduate and undergraduate courses of instruction, graduate and undergraduate conditions of graduation, the degrees conferred, and rules and methods of conducting the educational work of the University.

**Section 2.02:** The Faculty shall be informed by the President, or other designated officers of the administration, of important developments affecting the University, including proposed capital expenditures and annual budgets.

**Section 2.03:** The Faculty shall recommend to the Nominations, Trustees, and Honorary Degree Committee of the Board of Trustees candidates for honorary degrees and shall designate the recipients of fellowships, scholarships, prizes and awards.

**Section 2.04:** Subject to the primary authority of the President, the Faculty may participate with designated officers of the administration in matters of student discipline through the committee structure hereafter defined.

## **Article III: Meetings of the Faculty**

**Section 3.01:** A publicly stated meeting of the Faculty under the President, as Chairperson, shall be held monthly during the academic year.

**Section 3.02:** The President may call additional meetings, including executive sessions, at his or her discretion and, on the petition of ten or more members of the Faculty, the President shall call a meeting.

**Section 3.03:** In the event of the absence of the President, the Vice President for Academic Affairs shall preside at the meetings of the faculty.

**Section 3.04:** The Vice President for Academic Affairs shall establish the date and prepare the principal agenda for each Faculty meeting.

**Section 3.05:** The Vice President for Academic Affairs shall distribute written notice of each meeting, whether stated or called, to each Faculty member, giving the principal agenda of the meeting.

**Section 3.06:** The Faculty Secretary shall keep records of the proceedings of meetings of the Faculty.

**Section 3.07:** Robert's Rules of Order, as revised, shall be the authority of the conduct of these meetings. The Parliamentarian shall advise the presiding officer concerning rules of order.

**Section 3.08:** A majority of the voting members of the Faculty shall constitute a quorum. The number of faculty constituting a quorum shall be announced at the first Faculty meeting of each semester. Neither the President nor the Vice President for Academic Affairs shall be counted toward a quorum.

**Section 3.09:** The voting privilege shall be extended to all members of the Faculty who are in the full-time employ of the University.

**Section 3.10:** The President has the deciding vote in case of a tie but no vote otherwise. In the absence of the President, the Vice President for Academic Affairs, as Chair, has the deciding vote in case of a tie but no vote otherwise.

## **Article IV: Faculty Council**

### **Section 4.01: Membership**

- a. The Faculty Council shall consist of nine elected members of the Faculty who are not administrative officers at the level of Dean, Vice President, or President as follows:
- b. A maximum of two faculty members may be non-tenured tenure-track.
- c. A minimum of two faculty members must be from each undergraduate division, including one member from the School of Adult and Continuing Education (SACE).
- d. The Parliamentarian and Faculty Representative to the Board of Trustees shall be *ex officio* nonvoting members of the Faculty Council.

### **Section 4.02: Election and Terms**

- a. The Faculty Nominating Committee shall present a list of candidates for Faculty Council to the Faculty in the first April Faculty meeting.
- b. Election for the Faculty Council shall be by secret ballot.
- c. Terms for members of the Faculty Council shall be one-year terms renewable up to three years, and terms begin on August 15 of the academic year following election.

- d. A member who has served three consecutive years must take a leave from the Council for one year before being elected for an additional term.
- e. Vacancies prior to the end of the term shall be filled at the next faculty meeting.
- f. Recall of a member of the Faculty Council shall be for adequate cause and by two thirds vote of the Faculty. Either the vote of the Faculty Council itself or by petition of ten faculty members shall initiate a recall. Adequate cause may include nonattendance at two or more Faculty Council meetings.

#### **Section 4.03: Officers**

- a. The officers of the Faculty Council shall include the Chairperson, Vice-Chairperson, and Secretary, who shall constitute the Council Executive Committee.
- b. The Faculty Council shall elect its officers by secret ballot at its first organizational meeting no later than September 15 of the academic year of service. Elections shall be annual.
- c. Department chairs shall not be officers of the Faculty Council but may serve as members of the Faculty Council.

#### **Section 4.04: Chairperson.**

- a. The chairperson of the Faculty Council shall preside over meetings of the Faculty Council and the Executive Committee of the Faculty Council.
- b. The chairperson shall preside over legislative meetings or legislative portions of meetings of the Faculty. Legislative Faculty meetings, or portions of meetings, shall consist of action items.
- c. The chairperson shall prepare an annual budget for funding the operations of the Faculty Council and submit it to the President.

#### **Section 4.05: Vice-Chairperson.**

- a. The vice-chairperson shall perform the duties of the chairperson in the event of the chairperson's absence or disability.
- b. In the event that the office of the chairperson becomes vacant, the vice-chairperson shall assume the office for the duration of that term.

#### **Section 4.06: Secretary.**

- a. The secretary shall be responsible for the preparation of minutes of all meetings of the Faculty Council and the Faculty.



- b. The secretary shall maintain records of all actions of the Faculty Council including maintaining copies of supporting documents.
- c. The secretary shall be responsible for giving notice of meetings of the Faculty Council.
- d. The secretary shall be responsible for posting notices of meetings, minutes, agendas, and links to supporting documents on the Faculty Portal or successor web location.
- e. The secretary shall transmit or ensure the transmission of official notice of actions of the Faculty Council or Faculty to the appropriate parties.

#### **Section 4.07: Powers and Responsibilities.**

- a. The Faculty Council shall receive all proposals pertaining to Article 2.01\*, vote on said proposals, and prepare them in the form of brief legislative summaries for ratification by the Faculty.
- b. The Faculty Council shall receive all action items from standing committees and other faculty groups and bring them to the Faculty for ratification. The Faculty may ratify, rescind, or send back items brought forward by the Faculty Council. Appeals may be made directly to the Faculty.
- c. The Executive Committee of the Faculty Council shall prepare the agenda and schedule for action items brought before the Faculty. The Faculty Council may call additional Faculty Meetings as needed.
- d. The Faculty Council shall ensure that minutes, agendas, and supporting documents are posted in a timely manner on the Faculty Portal web location. This includes both the proceedings of the Faculty Council and the proceedings of the Faculty.
- e. The Faculty Council shall delegate tasks to Faculty Standing committees, and call for and review reports of faculty committees, chairs of academic departments, and academic deans.
- f. The Faculty Council shall be informed by, advise, and consult with the President, or other designated officers of the administration as specified in 2.02.
- g. The Faculty Council shall report to the Faculty all action and discussion items in minutes of Council meetings.

#### **Section 4.08: Meetings.**

- a. A quorum of the Faculty Council shall consist of five or more members of the Faculty Council present.
- b. Robert's Rules of Order, as revised, shall be the authority of the conduct of Faculty Council meetings. The Parliamentarian shall advise the chair on parliamentary matters.
- c. All members of the Faculty and Administration shall have the right to attend and to speak at Faculty Council meetings.

- d. Gallery privileges shall be extended to all members of the university community. The Faculty Council may grant speaking privileges to members of the gallery.
- e. Meetings of the Faculty Council shall be open to the public unless, through requirement of law or other consideration, a meeting is deemed an executive session of the Council for reasons outlined in the Sunshine Act.
- f. The Executive Committee of the Faculty Council shall prepare legislative summaries of action items approved by the Council and submit them to the Faculty for ratification.
- g. The Faculty Council shall meet on the second Tuesday of each month during the academic year. Additional meetings as needed will be held on the fourth Tuesday of each month and are called by the Executive Committee.

#### **Section 4.09: Annulment**

- a. After three academic years of operation of the Faculty Council, the Faculty may annul all the By-Laws pertaining specifically to the Faculty Council, and the Faculty By-Laws must return to its pre-Council version.
- b. Upon annulment, non-Faculty Council related updates to the Faculty By-Laws shall remain in effect. The annulment shall take effect at the beginning of the following academic year.
- c. Annulment requires a two-thirds vote of a quorum of the Faculty, and a minimum of a majority of the Faculty, and there must be a ten-day notice of the annulment vote and the By-Laws to be annulled posted on the Faculty Portal. Only one annulment vote may be taken per academic year, but a vote may be taken in successive years.
- d. An annulment vote does not require Board of Trustees approval.

### **Article V: Standing Committees & Other Elective or Appointed Positions**

**Section 5.01:** Elections to committees shall be held by ballot at the last regular Faculty meeting of the academic year, except that the Committee on Nominations shall be constituted at the first regular Faculty meeting in the second semester.

**Section 5.02:** Unless otherwise specified, the beginning date of committees is the start of the next academic year after election of committees.

**Section 5.03:** Except as otherwise specified and to fill an incomplete term, Faculty members of committees, whether elective or appointive, serve for three year terms, and will be eligible for reelection or reappointment. New

committees and initial terms of committees will be staggered in one, two, and three year terms.

**Section 5.04:** Vacancies shall be filled by election or by appointment and shall be filled for the remainder of the term of the vacating faculty member.

**Section 5.05:** The first officially listed member of each Committee will convene the Committee and the Committee shall choose its own chairperson unless otherwise designated.

**Section 5.06:** Where the Chairperson is not designated or chosen by the Committee, he or she shall be appointed by the President from members of the Committee.

**Section 5.07:** Students shall be invited to serve on committees as specified hereafter, or upon the invitation of any committee. Student members shall be permitted to vote on committees.

**Section 5.08:** Nominations. The Committee on Nominations shall make nominations for all elective posts at the last regular meeting of the academic year. Any members of the Faculty qualified to vote may make additional nominations from the floor.

**Section 5.09: Standing Committees:**

**a. The Committee on Admissions, Academic Standing, and Financial Aid:**

The Committee on Admissions, Academic Standing, and Financial Aid composed of five members elected by the Faculty, three from the Undergraduate Faculty and two from SACE, the Director of the Graduate Center or designee, the Director of undergraduate Admissions or designee, the Registrar or designee, the Director of Financial Aid or designee, and the Director of the Academic Advising Center or designee and two students.

**b. The Committee on Assessment and Evaluation:**

Composed of one Faculty person from each undergraduate division, one from the professional staff in the Library, one from SACE, the Vice-President for Academic Affairs, the Director of Assessment, one alumnus on staff, one undergraduate student, and one graduate student.

**c. The Committee on Athletics:**

The Committee on Athletics shall be composed of four members of the Faculty (three elected at large and the Faculty Athletics Representative appointed by the President), two athlete academic advisors (one appointed by the office of Academic Affairs and one appointed by Student Affairs and Enrollment Management), three students (one male athlete, one female athlete, and one student nominated by the Student

Government Association), the Director of Athletics, and the Senior Woman Administrator in the Athletics Department

**d. The Committee on Campus Activities:**

Composed of the Head Librarian or designee, the Chaplain, five members elected by the Faculty, and four students.

**e. The Curriculum Committee:**

Composed of the Vice President for Academic Affairs, the Registrar, four elected members of the Faculty, one from each of the undergraduate divisions of study, one from SACE, and two students.

**f. The Committee on Distance Learning:**

Composed of four elected faculty members, one from each undergraduate division and one at large. A minimum of two of the elected faculty members must be trained in online learning and have taught at least one online or hybrid course.

**g. The Committee on Educational Policies:**

The Composed of the Vice President for Academic Affairs (chairperson), two students, and five members elected by the Faculty, one from each undergraduate division, one at large, and one from SACE, and the Registrar. This committee shall meet at least once per academic semester with the Academic Affairs Committee of the Board of Trustees.

**h. The Committee on Faculty By-Laws:**

Composed of three members elected by the Faculty and one student.

**i. Faculty Research and Development Committee:**

Composed of one elected member from each undergraduate division, one elected from the Library, one elected from SACE, three elected at large, the Vice President for Academic Affairs, and two students.

**j. The Committee on General Education:**

Composed of nine members elected by the Faculty, one representative from the Administration, and one student. The elected members include two faculty members from each undergraduate division (one from each must have General Education instructional responsibilities), one Faculty member from the Library, and two Faculty members at large. The Provost and Vice President for Academic Affairs or his/her designee represents the

Administration, and the student is elected/appointed by the Student Government Association.

**k. The Committee on Graduate Studies:**

Composed of one elected Faculty member from each graduate program, two graduate students, the Director of the Graduate Center, the Head Librarian, and the Vice-President for Academic Affairs.

**l. The Committee on Honors, Awards, and Honorary Degrees:**

Composed of six members elected by the Faculty, three appointed by the President, the Director of the Honors Program, and four students. This committee shall meet no later than September 30 to consider Faculty recommendations for honorary degrees. It shall thereafter meet with a similar committee of the Board of Trustees for the purpose of making recommendations to the faculty.

**m. The Judicial Committee:**

Composed of three non-administrative members with permanent tenure elected by the Faculty. The President and Contract Administrator for the LUC-AAUP are not eligible to serve on this Committee.

**n. The Juridical Review Committee:**

Composed of three members elected from the Faculty and four students.

**o. The Library and Information Technology Committee:**

Composed of the Head Librarian, eight members elected by the Faculty, two from each undergraduate division, one from the library, and one from SACE, the Chair of the Mathematics Department, the Chair of the Computer Science Department, the Director of IT, the Director of Academic Technology Support, the Associate VP for External Relations, Marketing & Communications, and two students.

**p. The Committee on Nominations:**

Composed of three members elected by the Faculty, one from each undergraduate division, and one student.

**q. The Committee on Post-Tenure Review:**

Composed of six tenured faculty members (one undergraduate faculty member from each undergraduate division, one from the library, one from SACE, and one appointed by the Provost/Vice President for Academic Affairs). A faculty member serving during a year when he/she is undergoing post-tenure review must step down from the committee for that year.

**r. The Pre-Tenure Review Committee:**

Composed of three tenured members elected by the Faculty (one from each undergraduate division).

**s. The Committee on Promotions, Tenure, and Severance:**

Composed of three members elected by the Faculty, one from each undergraduate division. Only members of the Faculty on permanent tenure and of Professor rank shall be eligible for election. The Chairperson of the committee shall be the elected Faculty member with seniority on the committee. An alternate member shall be elected each year from the division of the retiring member of the committee to participate in discussions, and voting when a regular member of the committee is unavailable, for any reasons, to participate in the discussion and voting on a given application. The alternate member becomes a full member of the Committee for three years in succession to the retiring member of the Committee.

**t. The Committee on Student Health and Welfare:**

Composed of two administrative officers responsible for student affairs, five members elected by the Faculty, one of whom shall serve as chairperson and shall vote in case of a tie, the Director of Student Health Services, and six students chosen from the upper classes by the Committee's Faculty members. The Committee shall be empowered to form a subcommittee to investigate, study and evaluate student attitudes, behavior, health and general welfare. A University designated physician, psychiatrist, or psychologist shall be consulted as the need arises.

**u. The Study Abroad Committee:**

Shall be composed of three elected undergraduate Faculty members (one from each undergraduate division), one Faculty from SACE, one from the Foreign Language Faculty, one from the International Relations program, the director of the Horace Mann Bond Honors Program or a designee, two students who have studied abroad, the Dean of Students or designee, and one representative from each of the following offices: Registrar's Office, Financial Aid and Enrollment. The Director of the Office of International Programs and Services and the Study Abroad Academic Advisor will serve as *ex officio* members.

**v. The Faculty Committee on Writing:**

Composed of six members elected by the Faculty, one from the Library, the Director of the English Composition Program, one member of the staff in the writing lab, and one student who has passed the Writing Proficiency Exam.

**Section 5.10: Other Elective positions:**

- a. The Faculty nonvoting Representative to the Board of Trustees whom the Faculty elects for two years, reports Faculty concerns to the Board of Trustees as necessary and reports back to the Faculty. The Faculty Representative must be a tenured full or Associate Professor.
- b. Parliamentarian, whom the Faculty elects annually.
- c. Faculty Secretary, whom the Faculty elects annually.

**Section 5.11: Special Committees:**

- a. The President shall have the power to appoint special or ad hoc committees except as provided by statute to assist him or her in the performance of his or her duties. The President may serve as chairperson of any special committee or may appoint a chairperson.
- b. Special or ad hoc committees may be created upon the request of a majority of those present and eligible to vote in any Faculty meeting.

**Section 5.12.** The President shall be *ex officio* a member of all committees.

**Article VI: Departments of Instruction & Department Chairpersons**

**Section 6.01:** The Chairperson of each department shall be appointed by the President at the time contracts are issued, based on the recommendations of the Vice-President for Academic Affairs, the Dean of Faculty, as well as all other faculty in his or her department.

**Section 6.02:** The Chairperson of each department shall serve a term of four academic years and may be reappointed for a second term. The Chairperson shall not serve more than two consecutive terms.

**Section 6.03:** Exceptions to 6.02 shall be determined by the President in consultation with the Vice-President for Academic Affairs, and the Dean of Faculty.

**Section 6.04:** The performance of each Chairperson shall be reviewed annually by the Dean of Faculty in consultation with the other Faculty members in the Chairperson's Department. The Dean shall submit a written annual report to the Vice President for Academic Affairs.

**Section 6.05:** The Chairperson shall be consulted on, and may make recommendations concerning appointments and promotions in his or her department.

**Section 6.06.** The Chairperson shall submit annually a Departmental Strategic Plan outlining the departmental goals, objectives, and accomplishments to the President, to the Vice-President for Academic Affairs, and to the Dean of Faculty.

**Section 6.07:** The Chairperson shall be subject to the duties and responsibilities of members of the Faculty in 9.02.

**Section 6.08:** A department Chairperson may submit his or her resignation prior to the end of his or her term of service.

**Section 6.09:** A department Chairperson may be removed by the decision of the President on the recommendation of the Vice President for Academic Affairs in consultation with the Dean of Faculty and members of his or her department.

## **Article VII: Divisions of the Faculty**

**Section 7.01:** Departments of instruction shall be grouped into the following divisions: Arts & Humanities, Social Sciences, Natural Sciences, and the School of Adult and Continuing Education (SACE).

**Section 7.02:** Departments of instruction shall include all undergraduate and graduate degree programs.

**Section 7.03:** Each division shall convene at least twice a semester during the academic year for consideration of and appropriate action on matters common to the several departments. The Dean of Faculty shall call such meetings, preside over them, and assemble and distribute minutes.

**Section 7.04:** The President, in consultation with the Vice President for Academic Affairs and the Departments of study, shall appoint a Dean of Faculty as the chief officer for the divisions.

**Section 7.05:** The duties and responsibilities of the Dean of Faculty shall be determined by the Vice President for Academic Affairs in consultation with the departments of instruction and the approval of the President.

**Section 7.06:** Dean of Faculty shall serve at the discretion of the Vice President for Academic Affairs and shall be evaluated on an annual basis in the last month of the academic year. Evaluations shall be conducted by the Vice President for Academic Affairs in consultation with the departments of instruction.

## **Article VIII: Officers of Instruction: Appointment, Promotion and Tenure**

**Section 8.01:** The Committee on Promotions, Tenure, and Severance shall make recommendations to the Vice President for Academic Affairs who will make



recommendations to the President on all faculty promotions, admissions to tenure, sabbatical leaves and severances.

**Section 8.02:** The Committee on Promotion, Tenure, and Severance shall make recommendations for promotion and tenure as specified in the Promotion and Tenure Guidelines.

**Section 8.03:** Members of the Faculty on tenure-track shall be appointed as Full-time Instructor, Assistant Professor, Associate Professor, or Professor.

**Section 8.04: Terms of appointment.**

- a. Instructors shall be on one-year appointments. Such appointments may be renewed from year to year.
- b. Assistant Professors, Associate Professors, and Professors shall be appointed for a term not exceeding three years on their initial appointment. They may be reappointed.

**Section 8.05: Notifications.**

- a. Non-reappointment or severance for full-time temporary faculty (Visiting Lecturers and Senior Lecturers). Notification of non-reappointment or severance for the following academic year shall be made in writing by the President or designee by March 1, in the first year of appointment, by December 15, in the second year of appointment, and in subsequent years a full twelve months prior to the termination of service.
- b. Resignations. Resignations of members of the Faculty shall be submitted within one month after receipt of contract to the Vice President for Academic Affairs.
- c. Reappointment. Notifications of reappointments for the following academic year shall be in writing by the President or designee and shall be kept on file.
- d. Tenure-track Schedule. The final decision date by which a faculty member must make formal application for tenure and the final tenure decision year shall be specified in a new faculty member's initial contract as well as in all subsequent contracts.

**Section 8.06: Gaining Tenure.**

- a. Procedures for application and evaluation for tenure-track Faculty shall be specified in the *Promotion, Tenure and Sabbatical Guidelines* as approved by the Faculty and the Board of Trustees.
- b. No member of the Faculty shall be admitted to tenure unless he or she has made formal application to the Promotions, Tenure, and Severance Committee as specified in the Promotion and Tenure Guidelines.

- c. Promotion and tenure guidelines. Each tenure-track faculty member shall be provided a copy of the *Promotion, Tenure and Sabbatical Guidelines* by the Vice President for Academic Affairs at the time of initial appointment.
- d. Evaluation. All non-tenured members of the Faculty on tenure-track must be evaluated annually by the chairperson of their department, or in the case of chairpersons, by the Dean of Faculty, by July 1, in accordance with 8.06 c., to determine progress toward gaining tenure. Such evaluation must be shared with and signed by the Faculty member with the opportunity to respond.
- e. Prospect of Tenure. Instructors and Assistant Professors shall be given written notice of their prospect for tenure by the Vice President for Academic Affairs in consultation with the department Chair and Dean of Faculty not later than four years from the time of their initial appointment.

**Section 8.07:** Members of the Faculty may gain tenure through reappointment or promotion as set forth below if they have made formal application to the Promotions, Tenure, and Severance Committee in accordance with 8.06 a.

- a. Members of the Faculty employed as Instructors or Assistant Professors, or some combination thereof, for a period of seven years shall be granted permanent tenure upon appointment to their eighth year.
- b. Members of the Faculty employed as Instructors or Assistant Professors but with three or more years of service as a full-time Faculty member at any other accredited institution of higher education shall be granted permanent tenure upon appointment to a fifth year at Lincoln University. Years of service shall be determined at the time of initial appointment and stated in the written contract.
- c. Members of the Faculty employed as Instructors or Assistant Professors shall be granted permanent tenure when promoted to the rank of Associate Professor or Professor.
- d. Members of the Faculty employed as Associate Professors shall be granted permanent tenure when promoted to the rank of Professor.
- e. Members of the Faculty employed as Associate Professors or Professors shall be granted permanent tenure when reappointed after three years in either rank.

**Section 8.08:** Initial Appointment with Tenure. Members of the Faculty may be initially appointed with permanent tenure in the rank of Associate Professor or Professor by the President, but no member of the Faculty shall be initially

appointed with tenure without prior review and written recommendation to the President by the Committee on Promotions, Tenure, and Severance.

**Section 8.09:** All applications for promotion must be submitted to the Promotion, Tenure and Severance Committee as specified below.

- a. Applications for promotion to Associate Professor or Professor shall be combined with applications for tenure.
- b. Applications for promotion to Assistant Professor are subject to the rules and regulations as stipulated in the *Promotion, Tenure & Sabbatical Guidelines*

## **Article IX: Duties of Faculty**

**Section 9.01:** Duties of the Faculty member shall include the performance of the educational work of the University in a manner appropriate to his or her profession and according to his or her role at the University.

**Section 9.02:** Duties of members of the teaching faculty shall include, among other duties to be determined by contract and role at the University, meeting classes as assigned, advising students, maintaining regularly scheduled office hours, attending Faculty and school meetings, participating on Faculty committees and attending in proper academic attire all formal academic occasions scheduled by the University, unless relieved by special permission of the Vice-President for Academic Affairs.

**Section 9.03:** Every member of the Faculty shall at all times pay the strictest regard to matters of professional ethics.

**Section 9.04:** Outside Remunerative Activity. Full-time members of the Faculty shall not engage in remunerative activities outside the University that interfere with the acceptable performance of their duties as members of the Faculty. The Faculty member must file with the Vice President for Academic Affairs, who will make recommendations to the President, a description of the nature and extent of the outside activity. Mutual agreement is expected. If the decision of the President is adverse, the Faculty member may appeal to the Board of Trustees.

## **Article X: Severance & Other Actions**

**Section 10.01:** Adequate Cause. No tenured member of the Faculty shall be deprived of permanent tenure nor any untenured member of the Faculty be dismissed prior to the expiration of his or her term of appointment without adequate cause. Adequate cause shall consist of departure from commonly accepted standards of professional ethics, neglect of duty, incompetence, or illegal conduct prejudicial to the University.

**Section 10.02:** Procedures Regarding Charges and Complaints against members of the Faculty.

- a. Initiation of Charges and Complaints. The President may initiate charges against a member of the Faculty. In all other instances complaints against a member of the Faculty shall be submitted in writing to the President.
- b. Investigation. Upon receipt of such complaint (in a.), the President shall cause an investigation to be made of said complaint
- c. Statement of Charges. If the President judges that the complaint states a prima facie cause of possible termination of tenure or dismissal prior to termination of appointment, the President shall prepare a written statement of the charges together with a summary of the evidence in support thereof, and serve a copy of the same on the accused Faculty member and inform the Faculty member of his or her right to a hearing before the Judicial Committee.
- d. The Accused's Right to Dispute. If the accused disputes the charges or desires a hearing thereon, he or she shall within fifteen days from the receipt of the statement of charges serve a written reply thereto upon the President and request a hearing.
- e. Convening the Judicial Committee. Upon receipt of the reply and request, the President shall within fifteen days thereafter convene the Judicial Committee to hear and act upon the charges.
- f. Judicial Committee Hearing. The Judicial Committee shall choose its own chairperson and establish its own rules of procedure, and the Committee shall set the date of the hearing. The accused and the President shall both appear before the Committee, and both shall have the right to present evidence, examine and cross-examine witnesses, and shall have the right to retain and be represented by counsel.
- g. Record of Hearing. A complete electronic record of the proceedings shall be kept by the Chair of the Judicial Committee. After resolution of the matter, the record shall be kept with Human Resources.
- h. Judicial Committee Decision. After the hearing the Judicial Committee shall render a decision. Such decision shall be final unless within fifteen days after the receipt of the same, the President or the accused appeals to the Board of Trustees.
- i. Appeal to Board of Trustees. If the President or the accused appeals to the Board of Trustees, the Chair of the Judicial Committee shall forward the appeal together with the electronic record of the proceedings to the Chairperson of the Board of Trustees for the Board's action. The decision of the Board of Trustees shall be final.

- j. Disqualification of Judicial Committee Member. In the event of the disqualification of a member of the Judicial Committee, the Faculty shall elect an alternate. Both the President and the accused may request that a member of the Judicial Committee be disqualified from the hearing for cause. The decision of disqualification shall be made by the other members of the Judicial Committee. A disqualified member shall be replaced as specified above.

**Section 10.03:** Complaints Against the President. Complaints against the President for adequate cause (section 10.01) or for abuse of power, properly signed and verified, shall be submitted to the Judicial Committee. The Judicial Committee shall review the complaint and the available evidence and, if warranted, file a report to the Board of Trustees.

## **Article XI: Rights of Members of the Faculty**

**Section 11.01:** Right of Appeal to President. Any Faculty member who believes that his or her rights have been violated or ignored by any other Faculty member, or administrative officer, and who is unable to obtain satisfactory redress within the Faculty or through his or her department, shall have the right of appeal directly to the President.

**Section 11.02:** Right of Appeal to Board of Trustees. If the President's decision does not settle the matter to the Faculty member's satisfaction, he or she may present to the President an appeal addressed to the Board of Trustees, and this appeal, accompanied by the President's own statement, shall be transmitted by the President to the Board of Trustees for appropriate action.

## **Article XII: Academic Freedom**

**Section 12.01:** Each member of the Faculty is entitled to freedom in the classroom to discuss his or her subject, except where he or she introduces material not related to his or her subject or where the material introduced is contrary to the University Mission or other fundamentally-stated aims of the University.

**Section 12.02:** Each member of the Faculty is entitled to full freedom in research and in the publication of the results, provided that these activities do not impede the adequate performance of his or her other academic duties.

**Section 12.03:** In speaking and writing, each member of the Faculty is entitled to the same freedom and is subject to the same responsibility attached to all other

citizens, Faculty members shall be accurate, show appropriate restraint, show respect for the opinions of others, and shall not misrepresent themselves as a spokesperson of the University.

### **Article XIII: Leaves of Absence**

**Section 13.01:** All sabbatical leaves shall be decided according to the procedures and criteria as set forth in the *Promotion and Tenure Guidelines*.

**Section 13.02:** Members of the Faculty on permanent tenure, who shall have taught at Lincoln University on full time appointment for six years, shall be eligible for a sabbatical year with half salary or a sabbatical half-year with full salary.

**Section 13.03:** A Faculty member who is eligible for leave may waive his or her right to apply without losing his or her priority for such leave at a later date.

**Section 13.04:** Members of the Faculty on sabbatical leave may accept part-time employment. The Faculty member must file a description of the nature and extent of the employment with the Vice President for Academic Affairs, who will make recommendations to the President. Mutual agreement is expected. If the decision of the President is adverse, the Faculty member may appeal to the Board of Trustees.

**Section 13.05:** All non-sabbatical leaves of absence shall be decided by the President based on the recommendation of the Vice President for Academic Affairs after consultation with the Dean of Faculty and with the Chairperson of his or her department.

**Section 13.06:** Except in cases of emergency or other unforeseen circumstances, the request for a leave of absence must be submitted on or before February 1st if the leave is to begin in the fall term of the following academic year or on or before October 1st if it is to begin in the spring term of the following academic year.

**Section 13.07:** Members of the Faculty may be granted special leaves of absence without salary for limited periods of study, research and professional improvement, to render technical or professional service, to hold a position in another institution appropriate to the use and extension of the applicant's expertise, to hold public office, or to engage in political or community service, or for personal reasons such as rearing children or caring for an incapacitated near relative.

**Section 13.08:** Leaves of absence without salary shall not ordinarily extend beyond two consecutive years and shall not be counted toward the accumulation of years qualifying one for a sabbatical leave.

**Section 13.09:** Leaves of absence without salary for non-tenured faculty shall not count as part of the applicant's probationary contract period.

**Section 13.10:** Application for special leave shall be submitted in writing, in due time to permit the University to make required curricular adjustments, or to provide for a substitute. The application shall contain a clear statement of the scope and particulars of the proposed research project or professional service.

**Section 13.11:** Leaves requested for reasons of personal or public emergency shall be negotiated in the light of the exigencies of the case, except as mandated by law. They shall be without salary except in cases of personal illness or disability.

**Section 13.12:** It is assumed that benefit will accrue to the University from all leaves other than emergency leaves. The interest of the University in the professional improvement and the scholarly prestige of members of the Faculty is acknowledged. It is further assumed, however, that benefit accrues to the University only if the recipient of leave returns for an extended period of service. Whether with or without salary, a recipient of leave who does not return to the University for at least a full year following the expiration of the leave, shall be considered in violation of an ethical obligation.

## **Article XIV: Amendments to By-Laws**

**Section 14.01:** These By-Laws may be amended, repealed, or otherwise modified at any meeting of the Faculty by the affirmative action, via paper ballot, of two-thirds of the voting faculty present at the meeting, provided that the affirmative vote numbers more than a majority of the eligible voters of the faculty, and provided also that notice of the action to be taken and the text of proposed amendments, portions to be repealed, or other modifications have been distributed by e-mail and/or posted on the university website to the voting members of the Faculty at least ten days before the meeting at which the proposed changes shall be brought to vote. All modifications of these By-Laws shall be subject to approval by the Board of Trustees.

## **Article XV: Distribution**

**Section 15.01:** A hard or electronic copy of these By-Laws shall be made available to every member of the Faculty now in service or hereafter appointed, and every such person shall be governed by the provisions set forth.

## **Article XVI: Approved Amendments**

**Section 16.01:** First Amendment to the By-Laws

First, in Sections 6.09, 7.01, 7.03, and 7.04, replace all instances of “college” with “division”.



Second, in Sections 4.01(c) and 5.09(b, e, f, g, i, j, o, p, q, r, s, and u), replace all instances of “college” with “undergraduate division”.

Third, replace Article VII’s title from “Colleges of Study” to “Divisions of the Faculty.”

Fourth, replace Section 7.01 in its entirety with the following: “Departments of instruction shall be grouped into the following divisions: Arts & Humanities, Social Sciences, Natural Sciences, and the School of Adult and Continuing Education (SACE).”

Fifth, in Section 4.01(c), replace “graduate faculty” with “School of Adult & Continuing Education (SACE)”.

Sixth, in Section 5.09(a, b, f, g, o, and q), replace all instances of “graduate faculty” with “SACE”.

Seventh, in Sections 7.03, 7.04, 7.05, and 7.06, replace all instances of “Dean of each College” with “Dean of Faculty”.

Eighth, in Sections 6.01, 6.04, and 6.09, replace “Dean of his or her College” with “Dean of Faculty”.

Nineth, in Section 8.06(d), replace “Dean of their College” with “Dean of Faculty”.

Tenth, in Section 8.06(e), replace “Dean of the Faculty member’s school of study” with “Dean of Faculty”.

Eleventh, in Section 13.05, replace “Dean of the Faculty member’s college” with “Dean of Faculty”.