

LINCOLN UNIVERSITY

Faculty By-Laws



Table of Contents

Detailed page numbers for the Table of Contents will be added
once the final document is approved by the faculty

Article I: The Faculty	Page 5
Section 1.01. The Faculty shall consist of...	
Section 1.02. The President shall be Chair of the Faculty	
Section 1.03. Administrative officers without Faculty rank	
 Article II: Powers of the Faculty	 Page 5
Section 2.01. The Faculty shall prescribe	
Section 2.02. The Faculty shall be informed by the President	
Section 2.03. The Faculty shall recommend to the Nominations	
Section 2.04. Subject to the primary authority of the President, the Faculty	
 Article III: Meetings of the Faculty	 Page 6
Section 3.01. A publicly stated meeting of the Faculty	
Section 3.02. The President may call additional meetings	
Section 3.03. In the event of the absence of the President	
Section 3.04. The Vice President for Academic Affairs	
Section 3.05. The Vice President for Academic Affairs shall distribute written notice	
Section 3.06. The Faculty Secretary	
Section 3.07. Robert's Rules of Order	
Section 3.08. A majority of the voting members of the Faculty	
Section 3.09. The voting privilege	
Section 3.10. The President has the deciding vote in case of a tie	
 Article IV: Faculty Council	 Page 7
Section 4.01. Membership	
Section 4.02. Election and Terms	
Section 4.03. Officers	
Section 4.04. Chairperson	
Section 4.05. Vice-Chairperson	
Section 4.06. Secretary	
Section 4.07. Powers and Responsibilities	
Section 4.08. Meetings	
Section 4.09. Annulment	
 Article V: Standing Committees & Other Elective or Appointed Positions	 Page 10
Section 5.01. Elections to committees	
Section 5.02. Beginning date of committees	

Section 5.03. Three year terms Section 5.04. Vacancies
 Section 5.05. The first officially listed member of each Committee
 Section 5.06. Where the Chairperson
 Section 5.07. Students
 Section 5.08. Nominations
 Section 5.09. Standing Committees

Article VI: Departments of Instruction & Department Chairpersons **Page 16**

Section 6.01. The Chairperson of each department
 Section 6.02. Term of four academic years
 Section 6.03. Exceptions to 6.02
 Section 6.04. The performance of each Chairperson
 Section 6.05. Appointments and promotions
 Section 6.06. The Chairperson shall submit annually a Departmental Strategic Plan
 Section 6.07. The Chairperson duties and responsibilities
 Section 6.08. A department Chairperson may submit his or her resignation
 Section 6.09. A department Chairperson may be removed

Article VII: Colleges of Study **Page 17**

Section 7.01. Colleges
 Section 7.02. Departments of instruction
 Section 7.03. Each College shall convene at least twice a semester
 Section 7.04. Academic Dean as the chief officer for each college
 Section 7.05. The duties and responsibilities of the Deans
 Section 7.06. Evaluated on an annual basis

Article VIII: Officers of Instruction: Appointment, Promotion and Tenure **Page 18**

Section 8.01. The PTS Committee shall make recommendations to the VP
 Section 8.02. The PTS Committee shall make recommendations to the VP
 Section 8.03. Appointment as full-time Instructor, Assistant, Associate, or Professor
 Section 8.04. Terms of appointment
 Section 8.05. Notifications
 Section 8.06. Gaining Tenure.
 Section 8.07. Formal application
 Section 8.08. Initial Appointment with Tenure

Article IX: Duties of Faculty **Page 21**

Section 9.01. Duties of members of the Faculty
 Section 9.02. Duties of members of the teaching faculty
 Section 9.03. Professional ethics
 Section 9.04. Outside Remunerative Activity

Article X: Severance & Other Actions **Page 22**

Section 10.01. Adequate Cause
 Section 10.02. Procedures Regarding Charges and Complaints
 Section 10.03. Complaints Against the President

Article XI: Rights of Members of the Faculty **Page 24**

Section 11.01. Right of Appeal to President

Section 10.02. Procedures Regarding Charges and Complaints against the faculty

Article XII: Academic Freedom **Page 24**

Section 12.01. Faculty is entitled to freedom in the classroom

Section 12.02. Faculty is entitled to full freedom in research

Section 12.03. In speaking and writing

Article XIII: Leaves of Absence **Page 25**

Section 13.01. Sabbatical leaves shall be decided

Section 13.02. Eligibility for a sabbatical year

Section 13.03. Waiving the right to apply

Section 13.04. Faculty on sabbatical leave may accept part-time employment

Section 13.05. Nonsabbatical leaves of absence

Section 13.06. Request for a leave of absence

Section 13.08. Leaves of absence without salary

Section 13.09. Leaves of absence without salary

Section 13.10. Application for special leave

Section 13.11. Leaves requested for reasons of personal or public emergency

Section 13.12. Benefit to the University from leaves

Article XIV: Amendments to By-Laws **Page 27**

Section 14.01. These By-Laws may be amended, repealed, or otherwise modified

Article XV: Distribution **Page 27**

Section 15.01. A copy of these By-Laws shall be delivered to every member

Faculty By-Laws

COLORS

- *Updates and changes of items previously approved by the Faculty and/or by the BOT as well as wording changes for purpose of clarification and coherence are highlighted in YELLOW*
- *Deletions (for all purposes) are highlighted in RED*
- *New By-Laws Committee Suggested Changes (as of Sept 18-19, 2017) are highlighted in GREEN*

Article I: Membership 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 every two months monthly during the academic year, when the Faculty Council is empowered. Should the Faculty Council be de-commissioned/annulled, then faculty meetings will 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.

Article IV: Suffrage

Section 4.01 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 4.02 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 4.03.3.10. 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 college, including one member from the graduate faculty.
- 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 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 vote. 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~~ 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 composed of four members elected by the Faculty, one representative from the Advising Center, the Registrar, the Admissions Officer, the Director of Financial Aid, ~~The Director of the ACT 101 Program,~~ the

Vice President for Enrollment Planning or designee, and two students. Students appearing before the Committee shall have the option of excluding the students on the Committee from hearing their case.

b. The Committee on Assessment and Evaluation, composed of one Faculty person from each college school of study, one from the professional staff in the Library, one from the graduate faculty, the Vice-President for Academic Affairs, the Director of Institutional Research, the Director of Institutional Effectiveness, Research, and Planning, one alumnus on staff, one undergraduate student, and one graduate student.

c. 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 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 Women Administrator in the Athletics Department.

d. The Curriculum Committee, composed of the Vice President for Academic Affairs, the Registrar, four elected members of the Faculty, one from each of the colleges of study, one from the graduate faculty, and two students.

e. The Faculty Development Committee composed of one elected member from each college, one elected from the Library, one elected from the graduate faculty, the Vice President for Academic Affairs, and one student.

f. The Committee on Distance Learning composed of four elected faculty members, one from each college 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, composed of the Vice President for Academic Affairs (chairperson), two students, and five members elected by the Faculty, one from each of three college of study, one at large, and one from the graduate faculty. This committee shall meet

from time to time at least once per academic semester with the Educational and Academic Matters and Student Welfare 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. 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 college (one from each college 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.

j. The Committee on Graduate Studies composed of one elected Faculty member from each graduate program, two graduate students, the Director of the Urban Center University City Campus, the Head Librarian, the Vice-President for Academic Affairs, and the Dean of Professional, Graduate and Extended Studies.

k. The Committee on Honorary Degrees, composed of two members elected by the Faculty, three appointed by the President, and two 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 by October 15.

l. The Committee on Honors and Awards, composed of four members elected by the Faculty, the Director of the Honors Program, and two students.

m. The Judicial Committee, composed of three non-administrative members with permanent tenure elected by the Faculty. This committee addresses complaints lodged against faculty members.

n. The Juridical Review Committee, composed of three members elected from the Faculty and four students. This committee addresses complaints lodged against students.

- o. The Committee on Lectures and Recitals, composed of the Head Librarian or designee, three members elected by the Faculty and two students.
- p. The Committee on the Library, composed of the Head Librarian, four members elected by the Faculty, one from each **of the** college **of study**, one from the graduate faculty, and two students.
- q. The Committee on Nominations, composed of three members elected by the Faculty, one from each **of the** college **of study**, and one student.
- r. Pre-Tenure Review Committee, composed of three tenured members elected by the Faculty (1 from each college).
- s. The Committee on Post-Tenure Review, composed of six tenured faculty members (one undergraduate faculty member from each college, one from the library, one from the Graduate Faculty, 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.
- t. The Committee on Promotions, Tenure, and Severance, composed of three members elected by the Faculty, one from each **of the** college **of study**. **Only members of the Faculty on permanent tenure and of Professor rank shall be eligible for election.** **Only members with academic rank of Professor are eligible for election.** The Chairperson of the committee shall be the elected Faculty member with seniority on the committee.
- i. An alternate member shall be elected each year from the college 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.
- u. The Committee on Religious Activities, composed of the Chaplain, two members elected by the Faculty and two students.

v. The Committee on Research and Publications, composed of three members elected by the Faculty, and one student.

w. 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 by SGA from the upper classes. 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. This committee shall meet at least annually with the Student Welfare Committee of the Board of Trustees.

x. The Study Abroad Committee shall be composed of three elected undergraduate Faculty members (one from each College), one Faculty from the graduate program, one from the Foreign language Faculty, one from the International Relations program, the director of the Horace Mann Bond Honors Program or a designee, one College Dean, two (2) student who have studied abroad, the Dean of Students or a designee, 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.

y. The Technology Committee, composed of four members elected by the Faculty, one from each college of study and one from the library, three members from the Administration appointed by the President, the Chair of the Math and Computer Science Department, and two students, the Chair of the Mathematics Department, the Chair of Computer Science Department, the Director of IT, the Director of Academic Technology Support (ATS), and the Associate VP for External Relations, Marketing & Communications.

z. The Faculty Committee on Writing composed of six members elected by the Faculty, one from the Library, the Director of the English Department 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** **voting** Representative to the Board of Trustees whom the Faculty elects annually, 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 his or her **college**, 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 the Chairperson's **college**.

Section 6.04. The performance of each Chairperson shall be reviewed annually by the Dean of his or her college 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 his or her college.

Section 6.07. The Chairperson shall be subject to the duties and responsibilities of members of the Faculty in 9.02. Other duties and responsibilities of Chairpersons shall be specified in the *Collective Bargaining Agreement*.

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 his or her college and members of his or her department.

Article VII: Colleges of Study

Section 7.01. Departments of instruction shall be grouped into the following colleges of study: College of Arts, Humanities and Social Sciences; College of Professional, Graduate and Extended Studies; College of Sciences and Technology.

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

Section 7.03. Each College 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 each College 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 an Academic Dean as the chief officer for each College.

Section 7.05. The duties and responsibilities of the Deans 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. Each Dean 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 in the Dean's college.

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, Tenure and Sabbatical Guidelines.

Section 8.03. Members of the Faculty on tenure-track shall be appointed to one of the following academic ranks: 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 for a maximum of six consecutive years.
- b. Assistant Professors, Associate Professors, and Professors shall be appointed annually.

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. For tenure-track faculty, see the *Collective Bargaining Agreement*, **Section 12.6 (Non-Renewal)**

b. c. Resignations. Resignations of members of the Faculty shall be submitted within one month after receipt of contract to the Vice President for Academic Affairs with the exception of sabbatical returnees.

c. d. 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. e. Sabbatical Returnees. Faculty members returning from sabbatical, intending to resign, must remain with the University for at least one academic year after the sabbatical.

e. f. 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.

b. 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.

a. b. No member of the Faculty shall be admitted to tenure unless he or she has made formal application to the Promotion, Tenure, and Severance Committee as specified in the Promotion, Tenure and Sabbatical Guidelines. Promotion is considered separate from tenure.

c. **University's Plan** Promotion and tenure guidelines for tenure. **Each tenure-track faculty member** must provide a written plan to his or her chairperson for gaining tenure no later than the end of the first semester at Lincoln. The Vice President for Academic Affairs in consultation with the Dean of the faculty member, and the department Chairperson will provide constructive feedback for the faculty member. **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 their College, by May 31, 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. Pre-Tenure Review. Faculty members who were hired with no probationary credit toward tenure will undergo a pre-tenure review **by the department Chairperson and the Dean of the College** by the Pre-tenure Review Committee in consultation with **the department Chairperson and the Dean of the College** during the third year of employment and receive feedback as to the adequacy of their progress toward the award of tenure.

Section 8.07. **Members** of the Faculty may gain tenure as set forth in a, b, and c below if they have made formal application to the Promotion, Tenure, and Severance Committee in accordance with 8.06 a. Members of the Faculty holding a faculty rank at previous institution(s) may **have the opportunity** to negotiate credit for their years of service **when hired** prior to appointment. Annual contracts must include negotiated years of prior service **if** granted. Any tenure-track

Professor or Associate Professor must apply for tenure, in accordance with the Promotion, Tenure and Sabbatical guidelines, no later than the ~~fourth~~ third year of employment.

- a. Any tenure-track Instructor or Assistant Professor must apply for tenure, in accordance with the Promotion, Tenure and Sabbatical guidelines, no later than the sixth year.
- b. Failure to achieve tenure within the specified period of eligibility will lead to a one year terminal, non-renewable contract.

c. Any tenure-track Associate Professor or Professor without tenure must apply for tenure in accordance with the *Collective Bargaining Agreement* no later than his/her third year.

Section 8.08. Initial Appointment with Tenure. Extraordinary candidates may be recommended for appointment with tenure to the rank of Professor or Associate Professor by the President with the approval of the Promotion, Tenure and Severance Committee to the Board of Trustees.

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 may be generated by the applicant simultaneous to the application of tenure shall be combined with applications for tenure.
- b. Tenure may be granted without promotion. The applicant may resubmit his or her application for promotion at a later date Applications for promotion to Assistant Professor are subject to the rules and regulations as stipulated in the *Promotion, Tenure & Sabbatical Guidelines*.
- c. Any Lincoln University faculty member promoted to the rank of Professor is automatically granted tenure.

Article IX: Duties of Faculty

Section 9.01. Duties of **members of the Faculty** **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 college 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. The following eleven (11) steps describe due process of the accused:

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 if warranted. The president shall have four (4) options: (1) vacate the complaint that was filed; (2) modify the sanction/effect that was levied; (3) uphold the sanction/effect that was levied; or (4) dismiss the faculty member from the university.

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 do so within fifteen days from the receipt of the President's decision. 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 audio taped electronic record of the proceedings shall be kept by the Chair of the Judicial Committee.

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 President the Chair of the Judicial Committee shall forward the appeal together with the audio taped 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 President shall fill an appointive vacancy , and the Faculty an elective vacancy 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 except that as an educational officer and a member of a learned profession, he or she. Faculty members shall be accurate, show appropriate restraint, show respect for the opinions of others, and shall not misrepresent himself or herself 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, Tenure and Sabbatical 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 in accordance to the Promotion, Tenure and Sabbatical Guidelines.

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. a description of the nature and extent of the employment. 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 nonsabbatical 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 the Faculty member's college 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 December February 1st if the leave is to begin in the fall term of the following academic year or on or before April 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, or as specified by the *Collective Bargaining Agreement*.

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 (secret vote) 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 mailed distributed by e-mail to the voting members of the Faculty and posted on the university website 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 delivered 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.