

THE BYLAWS



COKER COLLEGE

Hartsville, South Carolina

July 2011

THE BYLAWS OF COKER COLLEGE

The following are the Bylaws of Coker College. All resolutions and regulations inconsistent with these laws are hereby rescinded, and all former laws are hereby repealed.

Article I

THE MISSION OF COKER COLLEGE

Coker College is a student-centered, comprehensive college. It is dedicated to providing every student enrolled in the Day Program and in the Adult Learners Program for Higher Achievement an academic curriculum based upon a uniformly excellent liberal arts core that enhances the structured development of key personal skills.

The College's goal is to graduate students with the ability to think analytically and creatively, and to write and speak effectively.

Experiences, both in and out of the classroom, are focused on active student involvement and the practical application of academic knowledge that lead to lifelong learning. Coker measures its success by the personal and professional success enjoyed by all members of the academic community.

Major Goals

Coker College should:

1. provide educational programs of uniform excellence.
2. teach that commitment to work and service is integral to meaningful life.
3. help students develop the ability and will to continue learning throughout life.
4. encourage the integration of the worlds of vocation and the liberal arts.
5. affirm the inherent value of each individual and the importance of the human community.
6. address the higher educational needs of adults living in its geographical region.

Article II

Board of Trustees

A. Membership

The Board of Trustees of Coker College shall consist of twenty-eight members elected by the membership of such Board of Trustees and their successors in office; the President of the College, ex officio non-voting member; the immediate past Chairperson of the Board, ex officio, voting member; and the Treasurer of the College, ex officio, non-voting member.

Five of the twenty-eight members shall be so elected from nominations submitted to such board by the Alumni Association, one of which shall be the Alumni Association President; five of such members shall be so elected from nominations submitted to such board by the Coker College Foundation; fifteen of such members shall be elected "at large" from nominations submitted by members of such board; two such members shall be elected by the Faculty Senate from nominations submitted by the Faculty; and one ex officio, non-voting member, enrolled as a full-time student in an on-campus program, shall be elected from the student body on nomination made by the Student Government Association.

B. Life Membership

From time to time, the Board of Trustees may elect trustees to life membership. Although welcome to attend all regularly scheduled board meetings, life members shall not be required to serve on committees and shall not be entitled to vote.

C. Terms

1. The term of office of each trustee (other than faculty and student trustees and life members) shall be four years, commencing on July 1 of the calendar year in which such term begins and ending on June 30 of the fourth calendar year thereafter. Trustees shall be eligible for re-election for an additional term. After serving two consecutive terms, trustees must sit out one year. The President of the Alumni Association shall serve a two-year term as an ex officio, voting trustee during his or her term as President of the Alumni Association.

2. The term of office of each faculty trustee shall be two years, commencing on July 1 of the calendar year in which such term begins and ending on June 30 of the second calendar year thereafter. Such term shall be terminated if such trustee shall cease to be an active member of the Faculty. No faculty trustee shall be eligible for re-election for another term to commence within two years after the end of such term.
3. The term of the office of the student trustee shall be his or her senior year, commencing on the date of graduation of the preceding senior class and ending on the date of graduation of the student trustee. If such trustee shall cease to be a full-time student at the College, such term shall be terminated. The student trustee shall be elected from the rising senior class and shall maintain a minimum grade point average of 2.75.

Regular meetings each year shall be held in the fall, winter and spring, on dates to be determined by the Chairperson. Other meetings may be held by action of the Board of Trustees or upon call by the Executive Committee or the Chairperson, after due notice, for the transaction of business stated in the call. A majority of board members shall constitute a quorum for the transaction of business. The President of the College and the Chairperson of the Board of Trustees shall prepare an agenda for each meeting.

D. Responsibility

The Board of Trustees shall have ultimate authority for all matters pertaining to Coker College. While delegating operating responsibility to the President, the board will maintain broad responsibility for the mission, long-range direction, policies, and financial condition of the institution.

E. Removal of Trustees

Any trustee may be removed from the Board of Trustees for cause prior to the expiration of his or her term by the affirmative vote of the majority of the entire Board of Trustees at a regular or special called meeting. The cause for such action need not be stated. The trustee involved would have the right to discuss the matter with the Executive Committee of the Board of Trustees. If the matter is not resolved, the Board of Trustees shall serve as the final body for appeal.

F. **Conflict of Interest**

All members of the Board of Trustees are expected to avoid conflicts of interest rising from their personal and business affiliations in their responsibility to the Coker College Board of Trustees. Individuals will not be considered for Board membership if there is an obvious conflict; however, if such issues arise during the service of a Board member, the member will be asked to recuse themselves from any vote that would represent for them a conflict of interest.

Article III

Officers of the Board of Trustees

The officers of the Board of Trustees shall be a **Chairperson**, a **Vice Chairperson**, a **Secretary**, and a **Treasurer**. The term of each office shall be one year. Any officer may be re-elected for not more than two additional terms but shall not serve more than three consecutive terms. If a vacancy occurs in an office, the Executive Committee of the Board may fill the unexpired term. Representatives from the faculty and from the student body are not eligible to serve as officers on the Coker College Board of Trustees.

- A. The **Chairperson** shall preside at the meetings of the Board of Trustees and shall appoint all committees (other than the Executive Committee). He/she shall execute such contracts and documents the board may authorize. He/she shall advise and consult with the President of the College and seek to reflect the judgment of the Board of Trustees in policy matters affecting the general administration of the College.
- B. In the absence or disability of the Chairperson, the **Vice Chairperson** shall preside at meetings of the Board of Trustees and shall perform any other duties of the Chairperson appropriate under the circumstances. The Vice Chairperson is responsible for yearly assessment of the effectiveness of the operation of the Board of Trustees.
- C. The **Secretary** shall be responsible for keeping the minutes of the meetings of the Board of Trustees and shall perform all other duties usually pertaining to this office.
- D. The **Treasurer** shall be the liaison between the Board of Trustees and the officer/officers of the institution having responsibility for all financial transactions related to operation of the College. He/she shall ensure that a report of the endowment

investments is presented no less than annually to the Board of Trustees. The Treasurer shall ensure that an annual audit is performed in accordance with all federal and state guidelines. This audit shall include both the functions of the offices of Business Operations and Financial Aid. The Treasurer need not be a member of the Board of Trustees. The Treasurer shall have the power and authority in his/her discretion:

1. To incur expenses, if needed, for professional advisory services.
2. To sign proxies on behalf of Coker College unless the Executive Committee of the Board of Trustees gives prior instructions to the Treasurer.

Article IV

Standing Committees of the Board of Trustees

The standing committees of the Board of Trustees shall be an Executive Committee, Athletics Committee, Budget and Finance Committee, Enrollment and Student Life Committee, Faculty and Educational Policy Committee, Planning and Advancement Committee, and Promotion and Marketing Committee. Committee chairpersons and members (other than those of the Executive Committee) shall be appointed by the Chairperson of the Board of Trustees, subject to the approval of the board at the fall meeting each year, to serve one full year. A majority of the members of each committee shall constitute a quorum. The standing committees other than the Executive Committee will meet prior to or during the regular meetings of the Board of Trustees, and at other times as each committee chairperson may decide. One faculty non-trustee representative shall be placed on each standing committee, with the exception of the Executive Committee and the Nominating Committee. These representatives shall be elected by the Faculty and approved by the Chairperson of the Board of Trustees.

A. **The Executive Committee** shall consist of the Chairperson; the Immediate Past Chairperson; the Vice Chairperson; the Secretary; the Treasurer; the Chairpersons of the following standing committees: Athletics, Budget and Finance, Enrollment and Student Life, Faculty and Educational Policy, Planning and Advancement, Promotion and Marketing, and the President of the College. In conformity with the Bylaws of Coker College and other directions of the Board of Trustees, the Executive Committee shall have the power in the interim between meetings of the board to do all acts and perform all duties and services necessary for the operation of the College. The committee,

however, may not take action changing the academic or fiscal policies of the College, nor change materially the total budget of the institution, except by prior authority from the Board of Trustees. The committee, excluding college administrators, will meet at least once annually with the Faculty Advocacy Committee to receive a report on the state of faculty morale. This meeting shall precede the spring meeting of the Board of Trustees. Executive Committee meetings shall be subject to call by the Chairperson or by action of the committee. All actions of the committee shall be reported to the Board of Trustees at all regular and special meetings for review and, whenever necessary, for full board approval.

Subcommittees of the Executive Committee are:

1. **The Compensation Committee** will be appointed by the Chairman of the Board of Trustees. The committee is charged with defining what constitutes equitable and appropriate compensation for the officers of the College, with shaping performance and assessment policies, and evaluating the President of the College. Recommendations will be made to the Executive Committee.
 2. **The Nominating Committee** will be appointed by the Chairman of the Board of Trustees. The committee shall submit nominations for the election of trustees to fill all board vacancies for both unexpired and full terms and shall submit nominations for all officers of the board. Trustee nominations shall be submitted to the Executive Committee in writing not less than two weeks prior to the meeting at which the trustees are to be elected.
- B. **The Athletics Committee**, in cooperation with the President of the College and the Vice President for Student and Enrollment Services, shall have the responsibility for the review of the policies and procedures of the intercollegiate athletic program as well as any substantive changes within the program of intercollegiate athletics. It may consider reports made by the Athletic Director, the Faculty Athletic Committee through the Faculty Athletic Representative, or by the administrative officer of the College to whom intercollegiate athletics reports. The committee shall review plans and assessment results of the Department of Intercollegiate Athletics. All recommendations shall be made to the Executive Committee.
- C. **The Budget and Finance Committee**, in cooperation with the President of the College and the Vice President for Business Operations, shall have general charge of the

financial operations of the College. It shall present the consolidated annual budget, as proposed by the administration of the College and approved with necessary changes by the Budget and Finance Committee, to the Board of Trustees through the Executive Committee. It shall review the annual audit of the financial records of the College. A certified public accountant, as directed by the Treasurer of the Board, will prepare the annual audit. The committee will inspect the financial records of the College whenever it deems advisable. The committee will assess the financial records of the College and the work of the Business Office using the annual management letter as presented with the annual audit.

Subcommittee(s) of the Budget and Finance Committee are:

1. **The Investment Committee** shall recommend through the Budget and Finance Committee the general investment policy of the College. It shall make specific recommendations, within the approved general policy, on investments of the endowment funds and other monies of the College to the Treasurer, who shall have full power and authority to execute such investments. The Treasurer of the Board of Trustees, the Chair of the Budget and Finance Committee, and the Vice President for Business Operations shall be members of the committee. In addition, two other members, who need not be trustees, may be appointed by the Chairperson of the board to serve four-year terms. The committee shall meet quarterly during each fiscal year and shall give an annual report on the past year's investment performance to the Executive Committee and the full board at each group's spring meeting.
- D. **The Enrollment and Student Life Committee**, in cooperation with the President of the College and the Vice President for Student and Enrollment Services, shall have the responsibility for the review and oversight of admissions and financial aid policies, enrollment by program, and the demographic mix of the student body. It shall consider issues related to student success and satisfaction as it pertains to all service areas provided to students by Coker College. Further, this committee will serve as a channel of communication between the Board of Trustees and the student body through the Student Government Association. The committee shall review plans and assessment results of the Admissions and Financial Aid Offices and all program areas in Student Services. The committee may also consider legislative issues at the state or national level that could impact the enrollment of the College. All committee recommendations shall be made to the Executive Committee.

- E. **The Faculty and Educational Policy Committee**, in cooperation with the President of the College and the Provost and Dean of the Faculty, shall have general oversight of policies affecting the academic program of the College. It shall ensure the adequacy of all campus instructional facilities and equipment and make recommendations through the Executive Committee to the Board for necessary replacements or additions. The committee shall also review plans and assessment results of the educational program of the College. In addition to originating matters related to the faculty of the College, it shall provide an avenue of communication between the Board and the faculty in institutional matters. The Faculty and Educational Policy Committee shall be consulted when institutional decisions that might affect the faculty originate in other Board committees.
- F. **The Planning and Advancement Committee**, in cooperation with the President of the College and the Vice President for Institutional Advancement, shall have the responsibility for establishing and, subject to board approval, implementing policies for the procurement of all financial support for the College, other than income from endowment, tuition, fees, and auxiliary enterprises. The committee shall recommend through the Executive Committee to the Board of Trustees the short- and long-range building and equipment needs of the College, and it shall prepare the budget of expenditures to accomplish these objectives. It shall recommend suitable building sites and roadway plans, and shall approve all plans and funding for new construction and renovations.
- G. **The Promotion and Marketing Committee** shall ensure that the image portrayed of the College for marketing purposes accurately reflects the institution and serves to enhance Coker College in the eyes of the public, including news, advertising, and college printing.

Article V

Officers of the College

The officers of Coker College shall be **President, Provost and Dean of the Faculty, Vice President for Institutional Advancement, Vice President for Business Operations, Vice President for Student and Enrollment Services, Director of Athletics**, and such other officers as the Board of Trustees shall authorize. The Board of Trustees shall elect the

President, and the President, with the advice and consent of the Board of Trustees, shall appoint all other officers.

- A. **The President** of Coker College, subject to the Board of Trustees, shall have direction of and responsibility for administering all affairs of the College. The President shall have authority to veto any action of the faculty, when in his/her judgment such action is not in harmony with the aims and laws of the College, or when the President may deem such action unwise. However, in every instance, the President shall submit in writing to the Faculty Senate his/her reasons for setting aside its action, and the Secretary of the Faculty Senate shall record his/her reasons in the minutes of the Faculty Senate. The President, or a person designated by him/her, shall represent both the officers and faculty at all public meetings of the College.

- B. **The Provost and Dean of the Faculty**, in cooperation with and by the direction of the President, shall exercise general supervision over the academic affairs of the institution, including the library, registrar's office, curriculum, and instruction. He/she shall perform such other duties as the President may direct. The Provost and Dean of the Faculty has under his/her jurisdiction the Assistant Dean for Adult Learners Program for Higher Achievement, the Registrar, the Director of the Library and Information Technology Center, the Department Chairs, and the Director of the Center for Engaged Learning. All faculty and academic administrative appointments are channeled to the President through the Provost and Dean of the Faculty, who approves all academic budgets and non-departmental academic expenditures.

- C. **The Vice President for Institutional Advancement**, in cooperation with and by direction of the President, shall be responsible for all College fundraising; alumni and athletic booster club programs; and homecoming.

- D. **The Vice President for Business Operations**, in cooperation with and by the direction of the President, shall have responsibility for the Business Office, the Bookstore, dining services, the Post Office, the physical plant and grounds, Kalmia Gardens, Campus Safety, and such other offices and staff members as may be required.

- E. **The Vice President For Student and Enrollment Services**, in cooperation with and by direction of the President, shall exercise overall supervision of College enrollment, to include admissions, recruitment, counseling services, financial aid, and scholarships; general supervision over student affairs of the institution, including student

organizations and extra-curricular activities, housing and residence life, health services, and discipline; and summer programs. Other responsibilities include orientation of new students and coordination of major campus events.

- F. **The Director of Athletics** is responsible for the planning, management, administration and direction of the Coker College Department of Athletics and its programs within the academic mission of the College.
- G. **Reports of Officers.** The President shall make an annual report to the Board of Trustees of the work, conditions, and needs of the College, and of any other matters that are of concern to the trustees. The Board of Trustees may call for reports from or conferences with any officer or staff member of the College.
- H. **Administrative Organization** of the College shall follow the guidelines established in the Organizational Chart. Any changes in this structure must be approved by the President of the College, subject to the approval of the Board of Trustees.

Article VI

The Faculty

- A. **The Faculty**—The Faculty of the College should be composed of:
1. Full-time teaching faculty of the College, as well as professional librarians.
 2. Part-time members of the teaching staff of the College.
 3. Such administrative members of the College as designated by the Bylaws of the Faculty Senate of Coker College.
- B. **Election**—All members of the faculty shall be appointed by the President after consultation with Provost and Dean of the Faculty and faculty members of the area in which the appointment is to be made.
- C. **Duties**—The chief duty of each faculty member shall be to effectively direct the learning procedures of his/her courses. The faculty member shall also serve on such committees as assigned to by the Dean of the Faculty. The Faculty shall enact such regulations as are necessary for effective instruction and the maintenance of high academic standards; matters affecting the general welfare of the College, such as those involving financial outlay, and radical changes in the curriculum or student body, are presented by the

President to the Board of Trustees for final consideration and approval. The Faculty may recommend to the Board of Trustees through the President such persons as it deems fit to receive academic degrees or other marks of academic distinction.

- D. **Reports of Faculty Members**—Each member of the faculty shall make prompt and regular reports on student grades and other matters as requested by appropriate officers of the College.
- E. **Meetings**—Special meetings of the Faculty may be held on the call of the President, Provost and Dean of the Faculty, or on written request of one-third of the members.
- F. **Outside Work**—No full-time member of the faculty shall undertake regular outside remunerative work during the school year without first receiving the approval of the President.
- G. **Joint Meeting of Board of Trustees and the Faculty**—If at any time the Board of Trustees or the Faculty feels that it would be to the best interest of the College to have a joint meeting of the two groups, such a meeting may be requested by the President of the College, by the Faculty through its Board Representatives, or by the Chairperson of the Board of Trustees.
- H. **Relation of Faculty Members to the Board**—If at any time any member or group of the Faculty desires to bring any matter before the Board of Trustees or any of its committees, a report of the plans and purposes of said member or group shall first be made to the President of the College. The person or persons concerned shall have the right to appear with the President before the Board of Trustees or the committee concerned for conference and discussion. However, if an exceptional situation arises in which this flow of communication is blocked, members of the faculty may approach the Faculty Representatives to the Board with a request for consideration of the matters by the Faculty Liaison Committee, which will present a report to the Board.
- I. **Academic Freedom and Tenure of Office**—The Statement of Policy on Academic Freedom and Tenure hereto attached is hereby incorporated by reference as a part of these bylaws.
- J. **Faculty Senate**—There shall be a Faculty Senate organized under a Constitution as follows:

CONSTITUTION OF THE FACULTY SENATE OF COKER COLLEGE

Article I: Name

The organization shall be known as the Faculty Senate of Coker College.

Article II: Purpose

The Faculty Senate of Coker College was formed under this constitution for the following purposes:

1. To formulate the academic program of the College and to provide for periodic review and modification of the curriculum.
2. To develop college policies on standards of admission, matriculation, evaluation, retention, and graduation.
3. To develop college policies regarding faculty salary schedules, contracts, teaching loads, sabbatical leaves, leaves of absence, professional development, academic freedom and the evaluation of teaching effectiveness.
4. To provide a mechanism for the review of faculty members for promotion and tenure.
5. To propose to the Board of Trustees the names of those students who are qualified to receive degrees.

Article III: Membership

Voting membership in the Faculty Senate will include all teaching faculty of the College and professional librarians whose contracts stipulate that they are tenured or on a tenure track, as well as the President of the College and the Provost and Dean of Faculty. Teaching faculty are those members of the faculty whose yearly contracts indicate that teaching is their primary responsibility. The Faculty Senate may confer non-voting membership on other members of the College community with a majority vote.

Article IV: Officers

The officers of the Faculty Senate shall be a chairperson and vice-chairperson elected from the Academic Membership in accordance with the Bylaws of the Faculty Senate.

Article V: Meetings

Regular monthly meetings of the Faculty Senate shall be held as provided in the bylaws. Special meetings of the Faculty Senate may be called as outlined in the bylaws.

Article VI: Departments and Areas

The faculty shall be subdivided into divisions for purposes of establishing standing committees, representative of the major academic areas of the College, according to the Bylaws of the Faculty Senate. For purposes of governance and administration not covered by Faculty Senate committees, the faculty will be subdivided into departments, each headed by a Department Chairperson.

Article VII: Standing Committees

Among the standing committees of the Faculty Senate are:

- A. Academic Standards Committee
- B. Budget Liaison Committee
- C. Curriculum Committee
- D. Faculty Advocacy Committee
- E. Promotion and Tenure Committee
- F. Student Development Committee

Members of these committees will be elected in accordance with the Bylaws of the Faculty Senate.

Article VIII: Procedure

All meetings of the Faculty Senate shall be conducted within the spirit of accepted parliamentary procedure, with *Robert's Rules of Order* serving as the final authority.

Article IX: Amendments

The Constitution can be amended by a simple majority vote of the total Faculty Senate at the first meeting following the meeting in which the proposed amendment was first read. Amendments are subject to the approval of the Board of Trustees.

Article X: Bylaws

Bylaws should be prescribed consistent with this Constitution.

Article XI:

This Constitution shall take effect immediately upon the approval of a simple majority of the full-time members of the teaching faculty and the ratification of the Board of Trustees.

Article XII:

The President shall have authority to veto any action of the Faculty, when in the President's judgment such action is not in harmony with the aims and laws of the College, or when he/she may deem such action unwise. However, in every such instance, the President shall submit to the faculty in writing his/her reasons for setting aside its action, and the Secretary of the Faculty Senate shall record the President's reasons in the minutes of the Faculty Senate.

Article VII: Honorary Degrees

Honorary degrees shall be conferred as follows:

- A. **The Joint Committee**—A joint committee of six—two from the Board of Trustees, two from the Faculty, the President, ex-officio, and the Chairperson of the Board, ex-officio—shall receive all nominations for honorary degrees.
- B. **Meeting of the Joint Committee**—The President of the College shall call a meeting of the Joint Committee prior to the spring meeting of the Board of Trustees each year to consider nominations.

- C. **Submission of Names to the Board**—Names that have been approved by the Joint Committee shall be submitted by the President to the Board of Trustees for final action at its spring meeting.
- D. **Conferring of Degrees**—Honorary degrees shall be conferred at the regular commencement exercises, following the action of the board at its spring meeting.

Article VIII: Faculty Emeriti

Only Professors or Department Chairs shall be eligible for the rank of Professor Emeritus.

Article IX: Academic Year

The academic year shall be fixed by the proper administrative officers of the College in accordance with the requirements of the appropriate accrediting agencies.

Article X: Fiscal Year

The fiscal year of the College shall begin on July 1 and close June 30.

Article XI: Appeals

All officers, members of faculty, and students at Coker College shall have the right of appeal to the Board of Trustees through the President.

Article XII: Amendment of Bylaws

The Bylaws (except II-A, Membership of the Board of Trustees) may be amended at any regular meeting of the Board of Trustees by the affirmative vote of a majority of the full membership of the Board, after due notice.

Article II-A shall be amended automatically to conform to any change that may be made in the Charter of Coker College relating to the membership of the Board of Trustees.

Statement of Policy on Academic Freedom and Tenure of Coker College

1. (a) The precise terms and conditions of every appointment to the faculty will be stated in writing and be in the possession of both the institution and the teacher before the appointment is consummated.
1. (b) With the exception of temporary appointments for specifically limited terms, all full-time appointments to the rank of instructor or higher will be of two kinds: (1) probationary appointments; and (2) appointments with continuous tenure.
2. (a) Probationary appointments may be for one year or for other stated periods, subject to renewal, and this shall be so stated in the contract. Total probationary period shall not exceed six years in service at Coker. If a contract is offered beyond that point, it shall be understood that tenure is established.
2. (b) Written notice that a probationary appointment is not to be renewed will be given the faculty member in advance of the expiration of his appointment, according to the following minimum periods of notice: (1) not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months before the expiration of an appointment after two or more years of service at the institution; (3) not later than September 1 of the third and subsequent academic years of service, if the appointment expires at the end of that year.
2. (c) In all cases, notice of the terms and conditions of the renewal will be given by April 15 of each academic year. The President shall request a later date if necessary.
3. Appointments will be with continuous tenure unless otherwise specified. Until retirement of the faculty member and subject to the procedure specified in

Regulation 5, below, such an appointment is terminable by the institution only for adequate cause or because of extraordinary financial emergencies, after not less than 12 months notice to the faculty member.

4. If a member of the faculty desires to terminate an existing appointment, or to decline a renewal in the absence of notice of non-renewal, he/she shall give notice not less than 3 months if his/her rank is instructor or assistant professor, and not less than 4 months if his/her rank is higher, before the end of his/her duties during an academic year exclusive of a summer session; but he/she may properly request a waiver of this requirement in case of hardship or in a situation where he/she would otherwise be denied substantial professional advancement. The faculty member is expected to abide by the decision.
5. Termination for cause of a permanent appointment, dismissal of a faculty member during a limited appointment, or the non-renewal of a probationary appointment with less advance notice than that specified in these regulations shall be preceded by a statement of reasons and by the opportunity to be heard by the tribunal or tribunals specified in Regulation 6. During the proceedings, the faculty member will be permitted to have an advisor of his/her own choice, who may act as counsel. A full stenographic record of the hearing, if one is held, will be taken and made available to the parties concerned. If the faculty member's competence is in question, the testimony will include that of qualified faculty members from this or other institutions of higher education.
6. **Procedural Recommendations:**

(a) *Preliminary Proceedings Concerning the Fitness of A Faculty Member*

When reason arises to question the fitness of a college or faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officers should ordinarily discuss the matter with the faculty member in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the Academic Standards Committee elected by the faculty and charged with the function of rendering confidential advice in such situations should formally inquire into the situation, to effect an adjustment if possible and, if none is effected, to determine whether in its view formal proceedings to consider his or her

dismissal should be instituted. If the committee recommends that such proceedings should be begun, or if the President of the institution, even after considering a recommendation of the committee favorable to the faculty member, expresses his/her conviction that a proceeding should be undertaken, action should be commenced under the procedures that follow. Except where there is disagreement, a statement with reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the President and the faculty committee; if there is disagreement, the President or his/her representative should formulate the statement.

(b) Commencement of Formal Proceedings

The formal proceedings should be commenced by a communication addressed to the faculty member by the President of the institution informing the faculty member of the statement formulated, and informing him/her that, if he/she so requests, a hearing to determine whether he/she should be removed from his/her faculty position on the grounds stated will be conducted by a faculty committee at a specified time and place. In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare his or her defense. The faculty member should be informed, in detail or by reference to published regulations, of the procedural rights that will be accorded to him or her. The faculty member should state in reply whether he/she wishes a hearing and, if so, should answer in writing, not less than one week before the date set for the hearing, the statements in the president's letter.

(c) Suspension of the Faculty Member

Suspension of the faculty member during the proceedings involving him/her is justified only if immediate harm to himself/herself or others is threatened by his/her continuance. Unless legal considerations forbid, any such suspension should be with pay.

(d) Hearing Committee

The Faculty Advocacy Committee will function as the formal hearing committee concerning the fitness of a faculty member. If a member of the committee has a conflict of interest with regard to proceedings concerning the fitness of a

faculty member, that member's place will be taken by the Vice Chairperson of the Faculty Senate or, alternately, by the Chairperson.

(e) *Committee Proceedings*

The committee should proceed by considering the statement of grounds for dismissal already formulated, and the faculty member's response written before the time of the hearing. If the faculty member has not requested a hearing, the committee should consider the case on the basis of the obtainable information and decide whether he/she should be removed; otherwise the hearing should go forward. The committee, in consultation with the President and the faculty member, should exercise its judgment as to whether the hearing should be public or private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the president's letter to the faculty member should be received. The President should have the option of attendance during the hearing. He/she may designate an appropriate representative to assist in developing the case; but the committee should determine the order of proof, should normally conduct the questioning of witnesses and, if necessary, should secure the presentation of evidence important to the case.

The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the President. The faculty member should have the additional procedural rights set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or his counsel and the representative designated by the President should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all witnesses adverse to him. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witnesses cannot appear, the identity of the witness, as well as his/her statements, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

(f) *Consideration by Hearing Committee*

The committee should reach its decision in conference, based on the hearing. Before doing so, it should give opportunity to the faculty member or his/her counsel and the representative designated by the President to argue orally before it. If written briefs would be helpful, the committee may request them. The committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. It should make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable. Publicity concerning the committee's decision may properly be withheld until consideration has been given to the case by the governing body of the institution. The President and the faculty member should be notified of the decision in writing and should be given a copy of the record of the hearing. Any release to the public should be made through the President's Office.

(g) *Consideration by Governing Body*

The President should transmit to the governing body the full report of the hearing committee, stating its action. On the assumption that the governing board has accepted the principle of the faculty hearing committee, acceptance of the committee's decision would normally be expected. If the governing body chooses to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The decision of the hearing committee should either be sustained or the proceeding be returned to the committee with objections specified. In such a case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee's reconsideration should the governing body make a final decision overruling the committee.

(h) *Publicity*

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the hearing committee's original action, if this has not previously been made known.

7. Until the final decision upon termination of an appointment has been reached, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself or others is threatened by his continuance. Before suspending a faculty member, pending an ultimate determination of his/her status through the institution's hearing machinery, the administration will consult with the Faculty Advocacy Committee. Suspension is appropriate only pending a hearing; a suspension that is intended to be final is a dismissal, and will be dealt with as such. Salary will continue during the period of suspension.

8. *Termination of Appointments by the Institution*

- (a) Termination of an appointment with continuance of tenure, or of a special or probationary appointment before the end of the specified time, may be effected by the institution only for adequate cause.
- (b) If termination takes the form of a dismissal, it will be pursuant to the procedure specified in Regulation 6.
- (c) Where termination of appointment is based upon financial exigency, or bona fide discontinuance of a program or department of instruction, Regulation 6 will not apply, but faculty members shall be able to have the issues reviewed by the faculty or by the faculty's grievance committee, with ultimate review of all controversial issues by the governing board. In every case of financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice as soon as possible, and never less than 12 months notice, or in lieu thereof he will be given severance salary for 12 months. Before terminating an appointment because of the abandonment of a program or department of instruction, the institution will make every effort to

place affected faculty members in other suitable positions. If an appointment is terminated before the end of the period of appointment, because of financial exigency, or because of the discontinuance of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

- (d) Termination of a tenured appointment, or of a non-tenured or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Advocacy Committee before a final decision is made by the governing board on the recommendation of the President of the institution.

9. *Grievance Procedure*

If any faculty member feels that he or she has cause for grievance in any matter other than dismissal proceedings—such matters as salaries, assignment of teaching duties, assignment of space or other facilities, and propriety of conduct—he or she may petition the elected Faculty Advocacy Committee for redress. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any factual or other data that the petitioner deems pertinent to his/her case. If a member of the committee has a conflict of interest with regard to proceedings concerning a faculty grievance, that member's place will be taken by the Vice Chairperson of the Faculty Senate or, alternately, by the Chairperson. The committee will have the right to decide whether the facts merit a detailed investigation. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer and the Faculty, and the petitioner will, at his/her request, be provided an opportunity to present his/her case to them.

10. *Academic Freedom of Tenured Faculty*

All members of the faculty are entitled to academic freedom as defined by the following provisions, and only the following, from the 1940 Statement of Principles of Academic Freedom and Tenure formulated by the Association of American Colleges and the American Association of University Professors. The applicable provisions of this statement are as follows:

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties.

The teacher is entitled to freedom in the classroom in discussing his subjects, but should be careful not to introduce into the teaching controversial matter that has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College or university teachers are citizens, members of a learned profession, and officers of educational institutions. When speaking or writing as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public might judge an entire profession and institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for their institutions.

11. *Academic Freedom of Non-tenured Faculty*

If a faculty member on probationary or other non-tenured appointment alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him/her, his/her allegation will be given preliminary consideration by the Faculty Advocacy Committee, which will seek to settle the matter by informal methods. A statement that he/she agrees to the presentation, for the consideration of the faculty committees, or such reasons and evidence as the institution may allege in support of its decision shall accompany his/her allegation. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulation 5 and 6, except that the faculty member

making the complaint is responsible for stating the grounds upon which he/she bases his/her allegations, and the burden of proof shall rest upon him/her. If he/she succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision not to reappoint him/her to come forward with evidence in support of their decision.

12. *Administrative Personnel*

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Where an administrator alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate his/her appointment to his/her administrative post, or not to reappoint him/her, he/she is entitled to the procedures set forth in Regulation 11.