FORDHAM UNIVERSITY STATUTES

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AN ACT to incorporate St. John's College, Fordham

Passed April 10, 1846 by a two-third vote.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

1. Jacob Harvey, Peter A. Hargous, John McKeon, James R. Bayley, John Harley, John McCloskey, William Starrs, Hugh Kelly and David Bacon and their successors, are hereby constituted a body corporate, by the name of St. John's College, Fordham, the said corporation to be in all respects a university, and its object the promotion of education. The said corporation shall have perpetual succession, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

2. The persons named are hereby appointed trustees of the said corporation, of whom six members shall constitute a quorum for the transaction of business.

3. The said board of trustees shall appoint the professors and such other instructors as they may deem necessary, subject to removal of the members of the board.

4. The corporation hereby created shall possess the powers and be subject to the provisions contained in Article Second, title first, of the fifteenth chapter of the first part of the Revised Statutes so far as the same are applicable.

5. The said corporation may grant to students under its charge, diplomas or honorary testimonials, in such form as it may designate. It may also confer such literary honors, degrees and diplomas, as are usually granted by any university, college or seminary of learning in the United States.

6. Diplomas granted by the said corporation shall entitle the possessor to the immunities and privileges allowed by usage or Statute to the possessors of like diplomas from any college or seminary of learning in the State.

7. The corporation shall be subject to the visitation of the Regents of the University of this State, in the same manner and to the same extent as the various colleges in this State.

8. The corporation hereby created shall possess the powers and be subject to the provisions contained in the third title of eighteenth chapter of the first part of the Revised Statutes far as the same are applicable and have not been repealed.

9. The legislature may at any time alter or repeal this act.

10. This act shall take effect immediately.
STATE OF NEW YORK. In Assembly March 17, 1846. This bill having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof, Resolved that the bill do pass. By order of the Assembly.

Wm. C. Crain, Speaker

STATE OF NEW YORK. In Senate April 8, 1846. This bill having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof, Resolved that the bill do pass. By order of the Senate.

A. Gardiner, President

Approved this 10th day of April 1846.

Silas Wright

STATE OF NEW YORK Secretary's Office

I have compared the preceding with an original law of this State on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto affixed the Seal of this office at the City of Albany the tenth day of April in the year of our Lord one thousand eight hundred and forty six.

(SEAL)

N.J. Benton
Secretary of State
AMENDMENT to Charter of St. John's College, Fordham

Having received a petition made in conformity to law and being satisfied that public interests will be promoted by such action the Regents, by virtue of the authority conferred on them, hereby amend the charter of St. John's College, Fordham by changing its corporate name to

FORDHAM UNIVERSITY

And giving to its medical department the name of FORDHAM UNIVERSITY, SCHOOL OF MEDICINE; to its law department the name of FORDHAM UNIVERSITY, SCHOOL OF LAW; and to its collegiate department the name of FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE.

In witness whereof, the Regents grant this amendment to charter no. 1808, under seal of the University at the Capitol in Albany, March 7, 1907.

St. Clair McKelway,
Vice-Chancellor

A.S. Draper
Commissioner of Education
Recorded and took effect 2:30 p.m., March 7, 1907.

THE UNIVERSITY OF THE STATE OF NEW YORK

AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH: That the Regents of the State of New York have amended the charter of Fordham University, located in the Borough of the Bronx, City of New York (which was chartered under the name of St. John's College, Fordham, by Chapter 61 of the Laws of 1846 of the State of New York, its corporate name having been changed to Fordham University by action of the Regents taken at their meeting of March 7, 1907), by changing the name of its collegiate department now known as "Fordham University, St. John's College," to "FORDHAM UNIVERSITY, FORDHAM COLLEGE."

GRANTED November 19, 1931 by the Regents of the State of New York, executed under their seal and recorded in their office. Number 4057.

Frank Pierrepont Graves President of the University and Commissioner of Education

(SEAL)
J. M. Byrne,
Vice-Chancellor
AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the charter of Fordham University, -- which was incorporated under the name of St. John's College, Fordham, by Chapter 61 of the Laws of 1846 of the State of New York, such charter having been amended by action of the Board of Regents on March 7, 1907, by changing the corporate name of the institution to

FORDHAM UNIVERSITY

And giving to its medical department the name of FORDHAM UNIVERSITY, SCHOOL OF MEDICINE, to its law department, the name of FORDHAM UNIVERSITY, SCHOOL OF LAW, and to its collegiate department, the name of FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE, and further amended by the Regents on November 19, 1931, by changing the name of the collegiate department from FORDHAM UNIVERSITY, ST. JOHN'S COLLEGE, to FORDHAM UNIVERSITY, FORDHAM COLLEGE, -- by specifying the principal location of the corporation as the city and State of New York and by authorizing the corporation to conduct institutional branches in the counties of Westchester, Dutchess and Putnam.

(SEAL)

GRANTED December 16, 1955 by the Board of Regents for and on behalf of the State Education Department, executed under the seal of said Department corded therein. Number 6814.

James E. Allen, Jr.
President of the University
And Commissioner of Education

Jno. P. Myers,
Chancellor
THE UNIVERSITY OF THE STATE OF NEW YORK
EDUCATION DEPARTMENT

AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH That the Board of Regents for and on behalf of the Education Department of the State of New York has amended the charter of Fordham University, located in the city, county and State of New York -- which was incorporated under the name of ST. JOHN'S COLLEGE, FORDHAM, by chapter 61 of the Laws of 1846 of the State of New York, such charter having been amended from time to time and in various respects by the Regents, including an amendment granted on March 7, 1907, changing the corporate name of the institution to Fordham University, -- by changing the number of trustees constituting the board of trustees of the University from the previous number of 9 to not more than 31 nor less than 5; and to provide that a majority of said board shall constitute a quorum for doing business.

GRANTED October 25, 1968, by the Board of Regents for and on behalf of the State Education Department, executed under the seal of said Department and recorded therein. Number 9805.

James E. Allen, Jr.
President of the University
and Commissioner of Education

Joseph W. McGovern
Chancellor
AMENDMENT to Charter of Fordham University

THIS INSTRUMENT WITNESSETH That the Regents of The University of the State of New York, have amended the charter of Fordham University, located in the city, county and state of New York, which was granted by Chapter 61 of the Laws of 1846, which charter has been amended from time to time, the last amendment having been granted on October 25, 1968, to increase the authorized maximum number of trustees to forty.

GRANTED March 20, 1987, by the Board of Regents of The University of the State of New York, for and on behalf of the State Education Department, and executed under the seal of said University, and recorded as Number 20,061.

Thomas Sobol
President of the University
and Commissioner of Education

Martin Borell
Chancellor
THE UNIVERSITY OF THE STATE OF NEW YORK
EDUCATION DEPARTMENT

AMENDMENT to Charter of Fordham University

I, Kathy A. Ahearn, Counsel and Deputy Commissioner for Legal Affairs for the New York State Education Department, hereby certify that Fordham University, located in the city, county, and State of New York, was incorporated by Special Act of the Legislature pursuant to the provisions of Chapter 61 of the Laws of 1846 under the corporate name “St. John’s College, Fordham”; that such absolute charter was amended by action of the Board of Regents on March 7, 1907 to change the corporate name to “Fordham University,” November 19, 1931, December 16, 1955, October 25, 1968 and March 20, 1987; that such corporation was consolidated by Regents action on June 18, 2002 with Marymount College, a New York education corporation which was incorporated by Regents action on May 29, 1919, which provisional charter was made absolute by Regents action on May 29, 1924 and amended by Regents action on December 19, 1947, March 25, 1960, June 23, 1961, January 26, 1972, May 28, 1976, July 29, 1988, January 17, 1990 and February 6, 2001, with the surviving corporation being Fordham University; that the period for which such corporation was created is perpetual; that no certificate or order of dissolution of such corporation has been filed or issued; and that such corporation is currently authorized to do business in the State of New York.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of the University of the State of New York and of the State Education Department at the City of Albany, New York on this 4th day of September, 2003.

Kathy A. Ahearn
Counsel and Deputy Commissioner
For Legal Affairs
ARTICLE TWO

BY-LAWS OF THE BOARD OF TRUSTEES

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CHAPTER ONE

NAME, LOCATION, PURPOSE

§2-01.01 Name

The legal name of the corporation is Fordham University (hereinafter called the University) a corporation chartered by the legislature of the State of New York. The original charter of April 10, 1846 constituted the original Trustees and their successors, with the right of perpetual succession, a body corporate, the said corporation to be in all respects a university. The charter was subsequently amended by action of the Board of Regents on March 7, 1907, on November 19, 1931, on December 16, 1955, on October 25, 1968, and on March 20, 1987.

§2-01.02 Location

The location of the principal office of the corporation is New York City, New York.

§2-01.03 Purpose

The purpose of the corporation as set forth in the original charter and as amended, shall be the promotion of education.
CHAPTER TWO

MEMBERSHIP

§2-02.01  Board of Trustees

The persons named in the Act of Incorporation of 1846 and their respective successors who shall be elected from time to time shall constitute the Board of trustees (hereinafter called the Board) of the University.

§2-02.02  Number of Trustees

There shall be no more than forty (40) nor less than five (5) members of the Board, although the Board shall, from time to time, determine the number of Trustees which constitute the Board within said maximum and minimum limits in each case. There shall be no ex officio members of the Board except the President of the University.

§2-02.03  Term of Office

Solely for the purpose of fixing terms of office of the Trustees, the elected membership of the Board is divided into three (3) groups of approximately equal size. The term of office of the Trustees of only one group expires each year.

§2-02.04  Election of Trustees

At the annual meeting for the election of Trustees, for the purpose of maintaining the number they shall have constituted, the Trustees shall elect, by majority vote of the entire Board, as many Trustees as necessary to fill the vacancies created by the expiration of the terms of the Trustees whose terms of office expire in that year. Each Trustee so elected shall serve for a period of three (3) years to the date fixed for the annual meeting for the election of Trustees in the third year next succeeding, and shall be eligible for re-election for one (1) additional three (3) year term. If any member shall die, resign, or be unable or unwilling to act in such capacity, a vacancy in the membership shall exist. At any such time, the remaining members, by a majority vote at a regular or special meeting, may elect a successor to fill such vacancy for the unexpired portion of such term.
§2-02.05  **Re-election of Trustees**

No elected Trustee, who has served for two (2) consecutive three (3) year terms, shall be eligible for re-election until one (1) full year shall have elapsed since the expiration of his/her last term. In the event, however, that a Trustee at the expiration of two or more consecutive terms is serving as Chairperson or Vice Chairperson of the Board or has been recommended for the office of Chairperson or Vice Chairperson of the Board by the Nominating Committee of the Board then notwithstanding the foregoing provision of this Section of the By-Laws, said Trustee shall be eligible for re-election of an additional consecutive term without any lapse of time since the expiration of his/her term. In addition, in the event that a trustee at the expiration of a second consecutive term is serving as a member of the Executive Committee or has been recommended for membership on the Executive Committee, said Trustee shall be eligible for re-election for an additional two year term without any lapse of time since the expiration of his/her term. Any Trustee first appointed to the Board to fill the unexpired term of another Trustee shall be eligible to serve two (2) additional three (3) year terms. No Trustee shall be eligible for election or re-election to the Board after having attained the age of seventy-five (75) years. A Trustee who attains the age of seventy-five (75) years while serving a term to which he/she was elected shall retain his/her status as a Trustee until the expiration of such term.

§2-02.06  **Resignation and Removal of Trustees**

Any Trustee may resign his/her office at any time by mailing or otherwise delivering a written resignation to the Chairperson or to the Secretary of the Board. Unless otherwise stated in such notice of resignation, the acceptance thereof shall not be necessary to make it effective: and such resignation shall take effect at the time specified therein or, in the absence of such specification, it shall take effect upon the receipt thereof. Any Trustee may be removed from office by a two-thirds vote of the entire Board upon the written complaint of any Trustee charging such Trustee with misconduct, incapacity or neglect of duty. At least one week’s previous notice of the proposed removal of any such Trustee shall be given to such Trustee and to each of the other Trustees.

§2-02.07  **Trustees Emeriti/ae**

The Board may designate Trustees Emeriti and may revoke any such designation. A Trustee Emeritus shall enjoy all the privileges of a Trustee except the right to vote at meetings of the Board and its committees, to hold office and to attend committees required to be made up exclusively of Trustees.

§2-02.08  **Trustee Fellows**

The Board may designate Trustee Fellows from among former Trustees of the University and may revoke such designation. Trustee Fellows are invited to attend one specified meeting of the Board each year but are not accorded the right to vote. The Chair of the Board may appoint Trustee Fellows to attend Board committees except those required to be made up exclusively of Trustees. Trustee Fellows are not accorded the right to vote at committee meetings. Trustee Fellows will also be invited to various University events and will be provided periodic updates from the University. The term of office for Trustee Fellows is three years and is renewable.
CHAPTER THREE

OFFICERS

§2-03.01 Officers and Tenure

The officers of the Board shall be a Chairperson, a Vice Chairperson, and the Secretary. These officers shall be elected from their membership by a majority vote of the entire Board but the President of the University shall not be an officer of the Board. The tenure of such officers shall be for a period of three (3) years or until their successors are duly elected and qualified.

§2-03.02 Duties of the Officers

The Chairperson shall preside over all meetings at which he/she is present. In the absence or the incapacity of the Chairperson, the Vice Chairperson shall exercise the duties of the Chair. In the absence or the incapacity of the Chairperson and the Vice Chairperson, the Secretary shall exercise the duties of the Chair. The Secretary shall ensure that Trustees are given written notice of the time and place of every meeting of the Board as hereinafter provided. In concert with the Executive Secretary to the Board, the Secretary shall keep minutes of all business transacted at each meeting, and he/she shall distribute minutes to all members of the Board.

§2-03.03 Executive Secretary

The University shall provide the services of an Executive Secretary to assist the Secretary of the Board in the compilation and distribution of the minutes of Board meetings and in such other matters as may fall under the office of the Secretary.
CHAPTER FOUR

POWERS

§2-04.01 Authority of the Board

Subject to the laws of the State of New York and the Charter of the Corporation and in accordance with the By-Laws, the Board shall exercise ultimate authority over all acts of the Corporation.

§2-04.02 Powers of the Board

The Board shall have all necessary and convenient powers to direct and manage the business and affairs of the University. These powers shall include but shall not be limited to the following, to:

a. elect the President of the University by a majority vote of the entire Board; remove him/her from office by a two-thirds vote of the entire Board;

b. elect and remove the officers of the University as later defined in these By-Laws;

c. approve and adopt all major changes in the educational policies and programs of the University;

d. approve the granting of all degrees in course and of all honorary degrees;

e. enact and amend the statutes of the University, particularly concerning the election, appointment, promotion, tenure and duties of the officers, the administrative officials, and the faculty of the University;

f. enact and amend rules and regulations for the orderly government of the University, including procedures for the enforcement of the same;

g. authorize the establishment and approve the constitution of any official senate, council, committee, board or other organization of administrative officials or members of the faculty or the student body of the University;

h. authorize the establishment of any new school or college or major institute of the University;

i. concur in the appointment of a dean of any school or college and in the appointment of a director of any major institute of the university;

j. grant academic tenure to or authorize the President to grant tenure to full-time members of the faculty;
k. review and take appropriate action respecting the budget of the University, which shall be submitted to the Board with the recommendations of the President;

l. approve salary scales and authorize any change in the salary scale of the officers, the administrators, the faculty, and the staff of the University;

m. authorize any changes in tuition and fees within the University;

n. authorize the construction of new buildings and major renovation to existing buildings of the university;

o. authorize the sale and purchase or lease of land or buildings for the use of the University;

p. authorize and promote major fund-raising activities of the University;

q. authorize entrance on the part of the University into any contract with employees or their bargaining agents respecting wages, hours and other conditions affecting employment;

r. authorize the President of the University to accept gifts, except that the acceptance of restricted gifts which involve major obligations must be ratified by a majority vote of the entire Board;

s. authorize the incurring of debts by the University, the securing thereof by mortgage and pledge of real and personal property, tangible and intangible, presently owned or hereafter acquired by the University;

t. constitute such standing or ad hoc committees as the Board may from time to time deem necessary or convenient for efficient exercise of its powers and function;

u. approve all major changes in the University’s athletics program and provide oversight of athletics through the appropriate standing board committee; and

v. take any other action customarily assumed by the Board of Trustees of a university and authorized by the laws of the State of New York.
CHAPTER FIVE

MEETINGS AND PROCEDURES

§2-05.01  Meeting Place

The Board may hold meetings at such place or places as it may from time to time determine by resolution or by written consent of all the Trustees.

§2-05.02  Annual Meeting

The annual meeting of the Board shall be held on or about May 15th of each year or on such other date as may be determined by the Chairperson of the Board for the purpose of electing Trustees, electing officers, receiving reports and transacting such other business as may be brought before the meeting.

§2-05.03  Meetings

There shall be at least four (4) regular meetings of the Board in each year. Every meeting of the Board shall be held upon notice given by the Secretary of the time and place thereof by mail not less than five (5) nor more than ten (10) days before the meeting to the usual address of every Trustee. The Board may meet on its own adjournment or when required by these By-laws, and at such time as it may be summoned by the Chairperson, Vice Chairperson, or, in the absence of either, by senior Trustees, on the written request of at least three (3) Trustees.

Any one or more members of the Board or any committee thereof may participate in a meeting of the Board or Committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

§2-05.04  Special Meetings

Special meetings of the Board may be called at any time by the Chairperson on his/her own initiative and upon notice given by the Secretary of the time and place thereof by mail not less than five (5) nor more than ten (10) days before the meeting to the usual address of every Trustee. Such written notice shall state the purpose or purposes of the special meeting, and the business transacted at any such meeting shall be limited to the purpose or purposes stated in such notice, provided that if the entire Board is present, any matters which may properly come before a meeting of the Board may be considered at such meeting.
§2-05.05  **Quorum**

A simple majority of the Board shall constitute a quorum for the transaction of business at all meetings of the Board. There shall be no presence or voting by proxy. If less than a quorum shall be present, the meeting may be adjourned from time to time by a majority vote of the Trustees present, without any notice other than by announcement at the meeting, until a quorum shall be present. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted if the meeting had been held as originally called. The act of a majority of the Trustees present at any meeting at which there is a quorum shall be the act of the Board, except as may be otherwise specifically provided by law or by the charter or by these By-laws.
CHAPTER SIX

EXECUTIVE COMMITTEE

§2-06.01 Number and Appointment of Executive Committee

The Board shall have an Executive Committee composed of not fewer than five (5) Trustees. The Officers of the Board and the President of the University shall be ex officio members of the Executive Committee. The Chairperson of the Board shall be ex officio Chairperson of the Executive Committee. In the absence of the Chairperson, the Vice Chairperson shall preside. The members of the Executive Committee shall be appointed by the Chairperson and shall include the chairs of the standing committees. The members of the Executive Committee shall serve until their successors have been appointed.

§2-06.02 Powers of the Executive Committee

Unless otherwise determined by a majority vote of the Board, the Executive Committee shall have full power to take all action which the Board is authorized to take under law and its charter in accordance with Chapter IV of these By-laws, except as the Executive Committee shall not have the power to grant degrees or to elect or remove the President or other officer elected by the Board from office and except that as to matters which these By-laws place under the direct supervision of the Board the concurrence of the Board itself shall be necessary.

§2-06.03 Meetings and Quorum

The Executive Committee shall meet at least four times a year and at such times and places as may be determined by the Chairperson of the Executive Committee or by written request of at least a majority of the Executive Committee as then constituted. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business. The act of a majority of the members of the Executive Committee present at any meeting at which there is a quorum present shall be the act of the Executive Committee except as may be otherwise specifically provided by law, by the charter or by these By-laws.

§2-06.04 Minutes

The minutes of the meetings of the Executive Committee of the Board shall be distributed regularly to each member of the Board after those minutes shall have been approved by the Executive Committee. At each and every meeting of the Board, the proceedings and actions taken by the Executive Committee since the last meeting of the Board shall be reported to the Board.
CHAPTER SEVEN

SPECIAL AND OTHER COMMITTEES

§2-07.01  Special and Other Committees

The Board or the Chairperson of the Board with the consent of the Board may appoint from
time to time Special and other Committees. A Special Committee member or other Committee
member need not be a Trustee except as may be otherwise specifically provided by law, by the
charter or by these By-laws. Such Special Committees or other Committees shall have only
such purposes, powers and authority as the Board shall designate, consistent with law, with the
charter and with these By-laws.
CHAPTER EIGHT
OFFICERS OF THE UNIVERSITY – THEIR ELECTION AND TENURE

§2-08.01 Officers of the University – their Election and Tenure

The officers of the University shall be President, one or more Vice Presidents, a Secretary, and a Treasurer and such other officers as the Board of Trustees from time to time may consider necessary for the proper conduct of the business and affairs of the University. The officers shall be elected by the Board of Trustees at any regular or special meeting held pursuant to these By-laws. The President shall be an ex-officio member of the Board of Trustees with right to vote. Any two or more of the above offices except those of President and Vice President and President and Secretary may be held by the same person, but no officer shall execute, acknowledge or verify any instrument in more than one capacity if such instrument is required by law or by these By-laws to be executed, acknowledged or verified by any two or more officers. Except where otherwise expressly provided in a contract duly authorized by the Board of Trustees, all officers and agents of the University except the President shall be subject to removal at any time by the affirmative vote of a majority of the whole Board of Trustees except the President who shall be subject to the provisions of Chapter Four, §2-04.02 (a) of these By-laws. All officers, agents, and employees other than officers appointed by the Board of Trustees shall hold office at the discretion of the Board of Trustees or of the officers appointing them, unless the employee has received a grant of academic tenure or has a length of service specified by a duly authorized contract.

§2-08.02 Powers and Duties of the President

The President shall be the chief executive officer of the University and shall have general charge and control of all its business and properties. The President shall sign and execute contracts and other written instruments in the name of the University as authorized to do so by the Board of Trustees. He/she shall have the general powers and duties usually vested in the office of the president of the University. The President shall be ex officio a member of all the standing committees with right to vote. The President shall annually make a report on the affairs of the University at the end of the academic year.

As its chief executive and educational officer, the President of the University has the right and responsibility delegated to him/her by the Board of Trustees to review all actions of School Councils or of the Faculty, to approve or disapprove of any action of these agencies and to
accept or reject recommendations made to him/her by groups within the University. The decisions of the President may not be appealed, except as specifically provided for in the University Statutes. In particular matters the President may delegate his/her authority to other University officials.

In the temporary absence of the President, the duties of that office shall be performed by a Vice President delegated by the President. In the event of death, resignation or disability of the President a person designated by the Board of Trustees shall perform the duties of the office.

§2-08.03  Powers and Duties of the Vice Presidents

The Board of Trustees shall elect one or more Vice Presidents. In the absence of the duly authorized contracting officer or at the discretion of the Board of Trustees, any Vice President (unless otherwise provided by resolution of the Board of Trustees) may sign and execute all authorized contracts or other written instruments in the name of the University. Each Vice President shall have such other powers and shall perform such other duties as may be assigned to him/her by the Board of Trustees, by the Chairperson or by the President.

§2-08.04  Powers and Duties of the Secretary

The Secretary shall keep an attested copy of the charter of the University, the By-laws of the Board, of all votes and minutes of the Board; and he/she shall furnish copies of the above documents to any member of the Board and to any administrative official of the University who shall be authorized by the Board to inspect the same. The Secretary shall be the custodian of the seal of the University and shall affix the seal to any instrument requiring the same.

§2-08.05  Powers and Duties of the Treasurer

The Treasurer shall have the custody of all deeds and muniments of title to the real estate and of all bonds and mortgages, stocks or other evidences of property owned by the University or pledged to it and of all policies of insurance and shall have the authority to accept and receipt for the same on behalf of the University and its Board and, under the supervision of the Board, he/she shall arrange for the safekeeping thereof. He/she shall have the authority to sell, assign and transfer securities on behalf of the University.

The Treasurer shall collect and receive all monies due and payable to the University and deposit them in the name of the University in such banking institutions as the Board of Trustees may designate. The Treasurer shall discharge all debts and other obligations of the University when due and payable.

The Treasurer is the ordinary contracting officer of the University. He/she shall be responsible for the annual audit of all its financial records and the submission to the Board of Trustees of a certified annual report by public accountants approved by the Board. The Treasurer shall also furnish such other financial statements as from time to time may be required by the President and the Board of Trustees.

§2-08.06  Powers and Duties of the Assistant Secretary

The Board of Trustees may elect one or more Assistant Secretaries. The Assistant Secretary designated by the Board of Trustees shall have power to perform all duties of the Secretary and shall have such other powers and shall perform such other duties as may be assigned to him/her by the Board of Trustees, by the President or by the Secretary.
§2-08.07 Powers and Duties of the Assistant Treasurer

The Board of Trustees may elect one or more Assistant Treasurers. The Assistant Treasurer shall perform all duties of the Treasurer and shall have such other powers and shall perform such other duties as may be assigned to him/her by the Board of Trustees, by the Chairperson, by the President or by the Treasurer.
FISCAL YEAR

§2-09.01  Fiscal Year

The fiscal year of the University shall begin the first day of July and end the last day of June in each year.
CHAPTER TEN
SEAL OF THE UNIVERSITY

§2-10.01 Seal of the University

* * * * *

§2-10.01 Seal of the University

The seal of the University shall be in the form indicated hereunder and shall be used in the authentication of deeds, contracts and other legal instruments in the formal conduct of the corporate business of the University. It shall also be attached to diplomas and other like instruments requiring authentication in the conduct of academic affairs of the University.
CHAPTER ELEVEN

INDEMNIFICATION

§2-11.01 Indemnification

§2-11.01 Indemnification

Any person threatened with or made party to any action, suit, proceeding or investigation by reason of the fact that such person is or was a Trustee, Trustee Emeritus, Officer of the Board or of the University or of any corporation which such person served as such at the request of the University, shall be defended, held harmless, protected and indemnified by the University to the full extent now or hereafter permitted by law in connection with such real or threatened action, suit, proceeding or investigation or in connection with any appeal therein. Such right of defense, being held harmless, protection and indemnification shall insure to the benefit of such person's heirs, executors, administrators and assigns, and shall not be deemed exclusive of any other rights to which such Trustee, Trustee Emeritus or Officer may be entitled.
CHAPTER TWELVE

AMENDMENTS

§2-12.01 Amendments

* * * * *

§2-12.01 Amendments

The Trustees may amend these By-laws by a two-thirds vote of the entire Board.

February 1, 1969  October 8, 1975
March 2, 1977    December 10, 1985
March 20, 1987   June 14, 1988
May 6, 2004     October 14, 2004
April 27, 2005
### ARTICLE THREE
THE UNIVERSITY ACADEMIC AND ADMINISTRATIVE STRUCTURE

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CHAPTER ONE

THE PRESIDENT

§3-01.01 The Responsibilities of the President

The President shall be the chief executive and educational officer of the University. The President shall be responsible for the management of all internal and external affairs of the University. As chief executive he/she shall implement policy decisions of the Board of Trustees and educational policy decisions of the University. In performing these functions the President may delegate executive and administrative authority to other University officials, subject only to such restrictions as may be included in these statutes or otherwise enacted by the Board of Trustees.

§3-01.02 The Appointment of the President

The President shall be appointed by the Board of Trustees and shall serve at the pleasure of that Board. In selecting a President the Board of Trustees shall receive and consider the advice of faculty, students, administrators and alumni of the University.
CHAPTER TWO

OFFICERS OF THE UNIVERSITY

§3-02.01 Officers of the University

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§3-02.01 Officers of the University

The officers of the University shall include one or more Vice-Presidents, a Secretary and a Treasurer and such other officers as the Board of Trustees from time to time may consider necessary for the proper conduct of the business and affairs of the University. The Officers of the University shall normally include: An Executive Vice-President who is the general delegate of the President in all matters, who shall coordinate the operations of the various divisions of the University, and who shall perform the duties of the President in the latter’s absence; a Vice-President for Academic Affairs who is responsible for the academic programs of the University; a Financial Vice-President who is responsible for the financial and business affairs of the University; and a Vice-President for Student Affairs who is responsible for supervision of student activities and services. The officers shall be appointed and assigned responsibilities by the Board of Trustees upon nomination by the President of the University. In making nominations to the Board for the positions of Vice-President for Academic Affairs and Vice-President for Student Affairs, the President shall receive and consider the advice of faculty, students, administrators and alumni of the University. An officer of the University may hold faculty status in a School or Department of the University. His/her faculty status is determined by the usual policies and procedures concerning faculty appointment and tenure. See Appendix G for the current Administrative Structure of Fordham University.
CHAPTER THREE

THE ADMINISTRATIVE BOARD

§3-03.01 The Administrative Board

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§3-03.01 The Administrative Board

An Administrative Board, consisting of the President and the other officers of the University shall meet at regular intervals for the purpose of communication, consultation and planning.
CHAPTER FOUR

THE SCHOOLS AND COLLEGES

§3-04.01  The Schools and Colleges

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§3-04.01  The Schools and Colleges

The principal academic units of the University are its colleges and schools. The following colleges and schools are now established:

  Fordham College at Rose Hill – 1841
  School of Law – 1905
  The Graduate School of Arts and Sciences – 1916
  The School of Education – 1916
  The Graduate School of Social Service – 1916
  The College of Business Administration – 1920
  Fordham College of Liberal Studies – 1944
  Fordham College at Lincoln Center – 1968
  The Graduate School of Religion and Religious Education – 1969
  The Martino Graduate School of Business – 1969

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CHAPTER FIVE

THE DEAN

§3-05.01  The Responsibilities of Deans

The principal administrator of a School or College shall be a Dean. There shall also be a Dean of the Summer Session. It is the responsibility of the Dean to administer the programs of the School, implementing the academic policies of the University as they apply to the School, as well as the policies established by the School. The Dean shall exert leadership in the pursuit of the objectives of the School and shall collaborate with the faculty of the School, and where appropriate with student representatives. Specifically, the Dean shall make recommendations on all matters of faculty status for faculty in his/her School, shall make determinations concerning the academic status of the students, shall prepare the budget for the School and shall represent the school in consultations with administrators of the University. The Dean in academic matters reports to the Vice-President for Academic Affairs. A Dean in addition to his/her administrative position may hold faculty status in a School or Department of the University. The Dean’s faculty status is determined by the usual policies and procedures concerning faculty appointment and tenure.

§3-05.02  The Appointment of Deans

Deans shall be appointed by the President of the University with the concurrence of the Board of Trustees. When a vacancy in the position of Dean exists, the Vice-President for Academic Affairs shall appoint a Committee, consisting in substantial part of faculty of the relevant school chosen so as to be representative of the entire faculty by reasonable criteria, to make recommendations concerning the appointment of a Dean. The Committee shall make its recommendations to the Vice-President for Academic Affairs who will submit these recommendations together with his/her own to the President of the University. Except in rare cases and for compelling reasons, no decanal appointment will be made over the expressed opposition of the faculty members of the Committee.

§3-05.03  Dean of a Faculty

Where there is a faculty group having responsibilities in more than one School or College of the University, a Dean of a Faculty may be appointed. The Dean of a Faculty shall be appointed by the President of the University with the concurrence of the Board of Trustees. When a vacancy in the position of a Dean of a Faculty exists, the Vice-President for Academic Affairs shall appoint a Committee, consisting in substantial part of the faculty of the relevant
Schools or Colleges, chosen so as to be representative of the entire faculty by reasonable criteria, to make recommendations concerning the appointment of a Dean of a Faculty. The Committee shall make its recommendations to the Vice-President for Academic Affairs who will submit these recommendations together with his/her own to the President of the University. Except in rare cases and for compelling reasons, no appointment of a Dean of a Faculty will be made over the expressed opposition of the majority of the faculty members of the Committee.

§3-05.04 Responsibilities of Dean of a Faculty

a. The Dean of a Faculty shall have the responsibility for providing leadership in the development of the faculties of the Schools or Colleges for which he/she is accountable. This shall include providing the opportunity for the professional and academic development of the faculty both individually and collectively. In all these matters, the Dean of a Faculty shall work closely with the Deans, Chairpersons, and faculty.

b. The Dean of a Faculty shall have administrative responsibility for all matters of faculty status, i.e., appointment, reappointment, promotion, tenure, salaries, leaves, etc., in accordance with the policies and procedures specified in these Statutes. In all these matters, the Dean of a Faculty shall solicit the recommendations of the Deans of the Schools or Colleges, and shall submit their recommendations together with his/her own to the Vice-President for Academic Affairs.

c. The Dean of a Faculty shall have joint administrative responsibility with the respective Deans for budget considerations within the Schools or Colleges under his/her jurisdiction.

d. In all matters, the Dean of a Faculty shall work with the Deans and their several Departments for the maintenance and further growth of excellence in education.

§3-05.05 Associate or Assistant Dean

Associate or Assistant Deans may be appointed by the Vice-President for Academic Affairs upon recommendation of the Dean. An Assistant or Associate Dean shall be appointed for a one-year term. An Assistant or Associate Dean shall have those responsibilities assigned to him/her by the Dean.
CHAPTER SIX

SCHOOL OR FACULTY COUNCILS

§3-06.01 The Role of School and Faculty Councils

a. Each College or School of the University shall have a Council which shall have responsibility for formulating academic policies for the School or College. The Constitution or statutes of each Council are effective only upon approval by the Board of Trustees. The policies established by the Council must be in accordance with University policies and are subject to review by the Board of Trustees. Actions of the Councils are to be transmitted to the Vice President for Academic Affairs.

b. The Arts and Sciences Council is responsible for formulating recommendations on and coordinating academic policies for the Arts and Sciences Schools of Fordham University.

§3-06.02 Composition of School or Faculty Councils

a. The Council of a School shall consist of all the faculty of the School or of representatives of the faculty. The Councils may include administrators of the School and shall either include students as members or otherwise provide for adequate consultation with students in matters of School policies. The Dean may be a member of the School Council and its Chairperson.

b. The Council of the Graduate School of Arts and Sciences, however, shall consist of the Chairpersons of the Departments of the Graduate School, ex officio.

c. The Arts and Sciences Council will consist of the following members:

1. All members of the Arts and Sciences faculty, represented by the Chairs of each of the Departments. Each Department shall have a designated substitute who will represent the faculty of the Department when the Chair cannot attend a Council meeting.

2. Directors of Interdisciplinary Committees of the Arts and Sciences Schools (or their delegates) will represent their programs and have voice on the Council. Representatives from a) the two single-campus programs at both Fordham College at Rose Hill and Fordham College at Lincoln Center, and b) the two bi-campus programs, which graduated the largest number of students in the preceding two years, shall have the same voting privileges as Department Chairpersons.

3. The College Councils of Fordham College at Lincoln Center and Fordham College at Rose Hill shall each elect two members of the Arts and Sciences Faculty to serve on the Arts and Sciences Council.

4. A student representative from each of the four Arts and Sciences Schools, normally the President of the School’s Student Government organization, or, otherwise, a student elected by the Student Government to be the School’s representative. The Student
Government will elect a regular substitute who will represent students when the regular member cannot attend Council meetings. In the case of Fordham College at Rose Hill, the representative will be the President of the Senior Class, or the President’s delegate.

5. The term of office for all student representatives shall be one academic year.

6. The Dean of the Arts and Sciences Faculty, who shall serve, ex officio, as the Chair of the Council; the designee of the Dean of Faculty, who will serve as Secretary to the Council.

7. The Deans of the four Arts and Sciences Schools, who also constitute, with the Dean of the Arts and Sciences Faculty, the Council of Arts and Sciences Deans.
CHAPTER SEVEN

CHANGES IN ACADEMIC ORGANIZATION

§3-07.01 Changes in Academic Organization

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§3-07.01 Changes in Academic Organization

a. A change in academic organization which establishes, abolishes, or merges Departments (see §3-08.01) or Schools shall be recommended to the Board of Trustees by the President of the University after appropriate consultation with the faculty, who shall make their own recommendation in the manner described below.

In the case of Departments, prior to making such a recommendation, the President shall have received the recommendation for the change from the appropriate Faculty or School Council or have consulted the Council concerning a change which he/she has proposed for consideration. The Faculty Senate shall also be consulted concerning any change in academic organization which establishes, merges, or abolishes an entire school of the University. In all instances the President will transmit to the Trustees the view of the Faculty or School Councils and Faculty Senate together with his/her own recommendations.

b. Where the faculty is represented by a Faculty or School Council, a vote by the appropriate Council approving the change shall constitute the faculty recommendation providing that a majority of the faculty members of that Council approve the recommendation. The Council may, but is not required to conduct a faculty referendum on the issue, whose results would constitute the faculty recommendation on this matter to the Board of Trustees. If there is no Council, a referendum is required. The faculty of the School or College eligible to vote in such a referendum shall consist of all tenured faculty, and all non-tenured faculty members who have completed two academic years of service at the University and hold the rank of Assistant Professor, Associate Professor or Professor. Any member of the faculty having a terminal notice of contract shall not be eligible to vote.

c. The Faculty Senate after consultation with the Councils of the Schools involved will make a recommendation on changes in academic organization in which:

1. the establishment or disestablishment of a School is involved;

2. more than one School is involved;

3. the matter is referred to the Senate by the President of the University or by a School Council.
CHAPTER EIGHT

DEPARTMENTS AND INTERDISCIPLINARY PROGRAMS

§3-08-01 Authority of Departments

Department are academic units which are responsible for the organization and operation of the academic program in a particular subject area. In those Schools in which Departments have been established, the faculty of the Department consists of those faculty who have received appointments to the Department. The faculty of a Department has a collective responsibility for the academic program and curricula of the Department. For this reason, the faculty of the Department has a primary responsibility in matters of faculty appointment, reappointment, tenure and promotion in accordance with the relevant sections of these statutes. Accordingly, the Chairperson and or representative of the appropriate Department or Unit shall be consulted by the administration before any decision is reached regarding authorization to add, continue or eliminate a faculty line. (In these statutes the term Department shall be interpreted so as to include also Institutes which function as Departments.)

§3-08.02 The Chairperson of the Department

One member of the faculty of the Department shall serve as Chairperson and as such shall be the administrative officer of the Department. The Chairperson shall be responsible for the administration of the affairs of the Department and provide leadership in the development and maintenance of excellence in the Department’s programs. The Chairperson shall administer the Department in a manner consistent with the relevant statutes of the University and in accordance with policies and procedures established by the Faculty or School and by the Department itself [see §4-06.50]. In the Graduate School of Social Service, one member of the faculty of each curriculum area shall serve as Chairperson of the Area.

§3-08.03 Interdisciplinary Programs

An Interdisciplinary Program is an academic unit specifically designated as such by the Arts & Sciences Council with the approval of the Vice President for Academic Affairs. It is responsible for the organization and operation of the academic program in an interdisciplinary subject area. Where Interdisciplinary Programs have been established, the Interdisciplinary faculty are those who have been appointed to the Interdisciplinary Program Committee. The Director of an Interdisciplinary Program Committee is nominated by members of the Interdisciplinary Committee, is appointed by the Vice President for Academic Affairs, upon the recommendation of the Dean of the Arts and Sciences Faculty after consultation with the Dean(s) of the College(s) for a three-year term, and receives a stipend.
and/or course reduction as appropriate to the size of the program and the burden of the tasks involved in managing the program.

§3-08.04 Schools of Business

In Article Four of the University Statutes, the terms Department and Department Chairpersons shall be interpreted so as to include the areas in the Schools of Business and their Chairpersons.
CHAPTER NINE

THE BUDGET PLANNING COMMITTEE

§3-09.01 The Responsibility of the Budget Planning Committee

a. The Committee shall assist the President of the University in the formulation of the University’s annual budget. Preparatory to doing so, it shall review the budget of the previous and current fiscal years. It shall suggest expenditure objectives, revenue measures, fiscal parameters, and guidelines for the preparation of the annual budget. These suggestions will assist the Vice President for Finance in developing the planning budget for presentation to the President of the University prior to December 1.

b. The President reviews the planning budget, makes whatever changes seem appropriate, and submits it to the Board of Trustees for its approval.

c. Following the submission, review, and approval of all budget requests, the Budget Planning Committee shall meet periodically to review preparation of the final budget which the President will present to the Board of Trustees for approval. The Committee shall review the final University budget to insure that it is in general conformity with the planning budget submitted earlier by the President and approved by the Board of Trustees; it shall also be apprised of any significant changes in the current budget and fiscal outlook.

§3-09.02 The Composition of the Budget Planning Committee

a. The Budget Planning Committee shall consist of six members of the faculty selected by the Faculty Senate, and six administrators appointed by the President. The President of the University shall serve as an ex officio member of the Committee. The Chairperson of the Committee shall normally be the Vice President for Finance.

b. Faculty members shall be appointed for three-year terms which may be renewed.

c. The term of office of this Committee begins on July 1.
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CHAPTER ONE

THE UNIVERSITY FACULTY

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* * * * *

§4-01.01 The Instructional Staff

The instructional staff of the University includes the Faculty [see §4-01.02] and non-tenurable ranks [see §4-02.02].

§4-01.02 The Faculty

The University Faculty consists of all distinguished professors, university professors, professors, associate professors, assistant professors who are tenured or have received tenure-track appointments to an Arts and Sciences Department or to a Professional School Faculty, and instructors who have received tenure-track appointments to an Arts and Sciences Department or to a Professional School Faculty. Visiting distinguished professors, professors and associate professors are also members of the University Faculty to the extent provided in §4-02.01.

The University Faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters, the power of review or final decision lodged in the Board of Trustees or delegated by it to the President of the University should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty.

§4-01.03 The Various Faculties

(a) The Faculty of a Professional School or Department consists of those members of the University Faculty who have received appointment to that unit.

(b) All faculty members appointed to one of the Arts and Sciences Departments are members of the Faculty of Arts and Sciences. The Faculty of the Graduate School of Arts and Sciences is composed of those Arts and Sciences faculty members of Fordham College at Lincoln Center and Fordham College at Rose Hill who are delegated by their Departments to teach graduate courses on a
continuing basis. The Faculty of Arts and Sciences shall consist of the following:

(1) For purposes of personnel procedures, all faculty members of Fordham College at Lincoln Center and Fordham College at Rose Hill.

(2) For purposes of representation in University governance, all faculty members of the Faculty of Arts and Sciences and the Graduate School of Religion and Religious Education.

(c) The Faculty of Business is composed of all faculty members who have been appointed thereto.

§4-01.04 Joint Appointments
A person may be appointed to the faculty of more than one School or Department. Such appointment may be made when the appointee is expected to have continuing responsibilities beyond the teaching of a course or courses in each unit. The faculty rights and privileges of such appointee in each unit shall be determined at the time of initial joint appointment or within a reasonable time.

§4-01.05 Faculty with Administrative Appointments and Administrators with Faculty Status

(a) An administrator is an officer of the University [see §3-02], an Administrator, a Dean, Associate Dean, Assistant Dean, Assistant to the Dean, or any other person designated as an administrator by the Trustees and the President of the University. A faculty member is a person described in §4-01.02 and appointed according to the provisions of §4-05. A person may hold a dual appointment as administrator and member of the University Faculty only if the prescribed procedures are followed [see §4-05 for faculty]. In such cases, status as administrator may impose suspension of certain faculty rights during the period of administrative appointment. In cases where the exercise of faculty rights has been challenged, the Faculty Senate shall decide which, if any, faculty rights may be exercised by the person in question during the period of administrative appointment or responsibility. The person whose status is thus challenged shall continue to exercise faculty rights until a decision is made by the Senate.

(b) Members of the University Faculty appointed administrators, whether full or part-time, are disqualified from voting or serving in the Faculty Senate and from being elected or appointed as faculty representatives on councils, committees and boards; and from serving as members of the School or Department personnel committees for the duration of their administrative appointments, except as specified in subdivision §4-01.05(d) below.

(c) Persons holding the position of Chairperson of a Division or Department, or the equivalent, are not disqualified from serving as faculty representatives.

(d) Except as stated in §4-01.05(e), administrators holding status as members of the University Faculty or instructional staff may participate in School or Department meetings as follows:

(1) Ex officio as administrators, as specified in the constitution, by-laws or regulations of the School or Department.
(2) As non-voting members, at meetings dealing with non-personnel matters unless otherwise specified in the University Statutes or in the constitution, by-laws or regulations of the School or Department.

(3) As members, at meetings dealing with personnel matters, providing they hold appointment as a tenured faculty member or hold appropriate rank in the School or Department, and have no further role in making the personnel decision.

(e) The rights of an administrator defined in §4-01.05(d)(3) do not extend to those holding the position of Associate Dean, Assistant Dean or Assistant to the Dean in the School to which the personnel meeting pertains. However, provided they hold appointment as tenured faculty or hold appropriate rank in the School, Division or Department holding the personnel meeting, such persons may appear before the personnel committee and offer their perspective.

§4-01.06 Faculty of the Arts and Sciences Interdisciplinary Titles

(a) By allowing faculty members to hold titles in both their home Department and in an Interdisciplinary Program, Fordham University aims to recognize faculty participation in Interdisciplinary Programs. Such recognition does not undercut the primacy of the Department. Only a Department can confer a faculty member’s rank. That rank is determined according to the process defined in Statutes §4-02.03, §4-02.04, §4-02.05, §4-02.06, §4-02.07, §4-02.08, §4-05.02, and §4-05.05. Those who apply for and receive an interdisciplinary title have the right to append their interdisciplinary title to their faculty rank and department title (i.e. Associate Professor of Political Science and International Political Economy). The granting of an interdisciplinary title implies no other university rights or privileges.

(b) Faculty who are granted an interdisciplinary title will have made a meaningful contribution to the Interdisciplinary Program in three areas of teaching, research/publications, and service. A qualified initial appointment may be awarded an interdisciplinary title if petitioned for by the recruiting Department, otherwise faculty will generally be eligible for an interdisciplinary title only after two years of service at Fordham.

(c) Norms for the right to grant interdisciplinary titles by interdisciplinary programs will be established by a committee of the Arts and Sciences Deans and Program Directors before applications for interdisciplinary titles will be accepted. As a minimum, interdisciplinary programs that have the right to grant interdisciplinary titles must be registered with the State and actively offer an undergraduate major or a graduate degree.

(d) Programs should deposit a copy of their standards for recommending a faculty member for an interdisciplinary title with the office of the Vice President for Academic Affairs, which has the right to review the standards and ask for changes before accepting them.

(e) Individual Interdisciplinary Programs are free to set the particular prerequisites, standards, rights, and responsibilities for those seeking and enjoying an interdisciplinary title as long as the following parameters are observed.
1. Those seeking an interdisciplinary title must submit an application to the Director of the Interdisciplinary Program with a curriculum vitae and a narrative outlining his/her contributions to the program.

2. At least three members of the Interdisciplinary Program (including the Director) must vote on and sign the application.

3. After passing the program approval process, the application must also be reviewed and signed by the Chair of the home Department, the Dean of the undergraduate college to which the faculty member is attached, the Graduate Dean (if the Interdisciplinary Program also offers a graduate degree), the Dean of Faculty, and the Vice President for Academic Affairs. The final signed copy of the application is held in the office of the Associate Vice President for Academic Affairs, but copies should be given to the Director of the Interdisciplinary Program, the college Dean, and the graduate Dean (if applicable).

4. Once granted, the interdisciplinary title will be in effect for five years or lesser of five years coinciding with the term of the faculty member’s employment at Fordham. Thereafter, a faculty member must apply again for the interdisciplinary title. If the faculty member’s rank changes, the rank of the interdisciplinary title also changes. Interdisciplinary titles may be given to emeritus/a faculty in perpetuity.

5. Faculty members can seek a program title only in programs that are approved according to §4-01.06(c). Faculty members can hold a program title in only one Interdisciplinary Program.

6. Faculty members who have been accepted as a member of an Interdisciplinary Program, but who do not apply for an interdisciplinary title or whose application is not accepted, may continue to describe themselves as members of the Interdisciplinary Program.

(f) Disputes about this approval process will be settled following the same procedures set for merit norms [see Appendix C-1(d)(4)]. Disputes arising during the review and approval of particular applications will be settled following the statutory procedures for other personnel disputes [see §4-07.31].
CHAPTER TWO
RANKS OF INSTRUCTIONAL STAFF

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§4-02.10 Distinguished Visiting Professor, Visiting Professor and Visiting Associate Professor

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§4-02.14 Adjunct Faculty

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§4-02.16 Teaching Fellow

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* * * * *

§4-02.01 Tenurable Ranks.

Persons appointed to the following ranks are eligible to receive tenure:

(a) University Professor [see §4-02.03];

(b) Distinguished Professor [see §4-02.04];

(c) Professor [see §4-02.05];

(d) Associate Professor [see §4-02.06];

(e) Assistant Professor [see §4-02.07].
§4-02.02 Non-tenurable Ranks

(a) The following positions are appointments which cannot lead to tenure:

1. Professor and Associate Professor Emeritus/a [see §4-02.08];
2. Research Professor and Research Associate Professor [see §4-02.09];
3. Distinguished Visiting Professor, Visiting Professor and Associate Visiting Professor [see §4-02.10];
4. Professor of Military Science and other Instructional staff in Military Science [see §4-02.11];
5. Instructor [see §4-02.12];
6. Distinguished Lecturer and Lecturer [see §4-02.13];
7. Adjunct Faculty [see §4-02.14];
8. Clinical Staff [see §4-02.15 and §4-11.01];
9. Teaching Fellow [see §4-02.16];
10. Graduate Assistant [see §4-02.17].

(b) Any position designated by a title not specified in this Chapter, such as Artist-in-Residence, Field Instructor, and Research Associate, as well as positions which may be created in the future, shall be a non-tenurable position, unless the Board of Trustees determines otherwise.

§4-02.03 University Professor

Appointment as University Professor may be made by the President of the University, upon nomination by the Vice President for Academic Affairs, in rare cases in which the appointee is a person of exceptional achievement in areas of learning which span more than one discipline, who possesses the essential qualifications of a Professor, and who is deserving of special recognition. University professors may teach within any faculty at the invitation of that faculty. If the nominee should seek an appointment in a faculty of a particular School or Department, the normal application process described in §4-05.06 will be followed.

§4-02.04 Distinguished Professor

Distinguished Professors will be members of a specific faculty. Appointment as a Distinguished Professor may be made by the Trustees, upon nomination by the President of the University, in rare cases in which, in addition to possessing the essential qualifications of a Professor, the appointee is a person of preeminence in the relevant field who has demonstrated exceptional achievement deserving of special recognition. For these appointments, the procedures are described in §4-05.07.
§4-02.05  Professor

Appointment as Professor requires distinguished academic achievement evidenced by outstanding contributions, recognized by scholars within and without the University, in teaching, research and scholarly publications, and in University and public service.

§4-02.06  Associate Professor

Appointment as Associate Professor requires substantial demonstrated academic achievement in teaching, research and scholarly publication and in University or public service. Initial appointments may be based upon professional rather than academic achievement in those schools where the rank of Assistant Professor has not traditionally been used.

§4-02.07  Assistant Professor

Appointment as Assistant Professor requires the appropriate terminal degree in the field and promise of academic achievement in teaching, research and publication.

§4-02.08  Professor and Associate Professor Emeritus/a

A member of the Fordham University faculty may be appointed Professor Emeritus/a or Associate Professor Emeritus/a by the President of the University, upon the recommendation of the tenured faculty of the appropriate School or Department following the appropriate personnel committee procedures as outlined in §4-05.02, in recognition of service to the University. The appointment shall take effect subsequent to the academic year in which the faculty member retires. To receive such appointment, the faculty member must hold the rank of Professor or Associate Professor, have completed a minimum of ten years full-time service, and must be employed by the University at the time of retirement. Persons appointed to these ranks enjoy the following privileges:

(a) Use of the facilities of the University Library and the use of other faculty facilities, if available;

(b) Listing in the University Bulletins;

(c) Tuition benefits for the faculty member and, when applicable, for dependents [see Appendix C];

(d) Invitation to University commencements, convocations and other appropriate events.

§4-02.09  Research Professor and Research Associate Professor

Tenured faculty members may be appointed to the ranks of Research Professor and Research Associate Professor under the conditions specified in §5-02.03.

§4-02.10  Distinguished Visiting Professor, Visiting Professor and Visiting Associate Professor

Appointment as Distinguished Visiting Professor, Visiting Professor or Visiting Associate Professor may be offered to a person capable of making a short-term contribution to the University. Such appointments may be made for a period not to exceed one year. No individual may occupy Distinguished Visiting Professor, Visiting
Professor, or Visiting Associate Professor status for more than three consecutive years. Distinguished Visiting Professors, Visiting Professors and Visiting Associate Professors shall be considered members of the Faculty, and may participate, if eligible, in faculty activities, with the exception of personnel matters excluded in §4-05.01(b).

Editor’s Note: The Senate voted that the new provision of Statute 4-02.10 would take effect beginning in Fall 2002.

§4-02.11 Professor of Military Science and Other Instructional Staff in Military Science

See Chapter 4-09.

Members of the faculty of the Department of Military Science shall be members of the Faculty of Fordham University. They shall have primary responsibility for curriculum, subject matter and methods of instruction within their own program, and the right to participate as faculty in School and University activities. They may be participants in School Councils and Committees, and Departmental and University Committees, except the Faculty Senate, the Senate Committees and those Committees which treat in any way faculty status or personnel matters.

They shall be appointed by the President of the University in accordance with the contract between the University and the Department of Defense. Recommendations to the President for appointment at the appropriate rank based on the academic and professional qualifications of proposed appointees shall be made by the Advisory Committee on ROTC through the Vice President for Academic Affairs, who shall add personal recommendations. Members of the Department of Military Science are not eligible for tenure.

§4-02.12 Instructor

Appointment as Instructor on a tenure-track requires an advanced degree in the appropriate field, demonstrated progress toward the proximate completion of the terminal degree or equivalent, and promise of academic achievement in teaching and research.

§4-02.13 Distinguished Lecturer and Lecturer

Appointment as Distinguished Lecturer and Lecturer may be offered to persons with unique qualifications, not necessarily meeting the requirements for appointment to professorial ranks, who are needed for specific academic programs. Appointment to such position shall be for a one-or two-year term.

§4-02.14 Adjunct Faculty

Appointment as an Adjunct may be offered to persons, to teach on a part-time basis, whose academic or professional attainments are equivalent to the qualifications for the respective professional ranks. Such appointments may be made for one semester or one academic year, and may be renewed. Service in this rank does not count toward tenure.
§4-02.15  Clinical Staff

Appointments as Clinical Staff may be offered to a limited number of qualified individuals whose professional competence and experience as practitioners are deemed beneficial and even necessary to the educational mission of the Professional Schools and at times the Departments.

Where accrediting bodies for a Professional School have specific requirements and standards for clinical appointments, these requirements and standards will generally take precedence over the statutory requirements specified in §4-11.01-.02.

The appropriate maximum number of these appointments should be determined by a majority vote of the tenured faculty in the School or Department and submitted to the Dean by November 1 who will forward the result to the Office of the Vice President for Academic Affairs by November 15.

The rationale for each Clinical Staff appointment and its functions and duties will also be determined by a majority vote of the tenured faculty in the School or Department and submitted to the Dean by November 1, who will forward the result to the Office of the Vice President for Academic Affairs by November 15.

Clinical Staff positions are outside the tenure-track. Clinical Staff positions with no additional duties involve teaching at least six but no more than eight courses in an academic year, or their equivalent in the Professional Schools. Clinical Staff positions with additional duties involve teaching at least four but not more than six courses in an academic year, or their equivalent in the Professional Schools. Clinical Staff are not eligible to carry out roles reserved to faculty as described in §4-06.01-.55.

Clinical appointees are designated as Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor and Clinical Instructor. Service in these positions does not count toward tenure. Faculty who were denied tenure may not be appointed as Clinical Staff. For more about Clinical Staff see §4-11.

The Office of the Vice President for Academic Affairs will file with the Faculty Senate by December 1 of each year a report stating the number of Clinical Staff being employed by the University disaggregated by School and Department.

§4-02.16  Teaching Fellow

Appointment as a Teaching Fellow may be made from among the candidates for doctoral degrees at Fordham University. Such Appointments are part-time, may be made for a period not to exceed one academic year, and may be renewed. Service in this rank does not count toward tenure.

§4-02.17  Graduate Assistant

Appointment as a Graduate Assistant may be made from among the candidates for graduate degrees from Fordham University. Such appointments are part-time, may be made for a period not to exceed one academic year, and may be renewed.
CHAPTER THREE

RESPONSIBILITY OF FACULTY

§4-03.01 Responsibilities

(a) Appointment as a faculty member is a contract for full-time engagement in faculty responsibilities during the academic year. Responsibilities of the faculty include:

(1) Satisfactory fulfillment of teaching duties in assigned courses or their equivalents;

(2) Observance of academic regulations concerning the holding of classes, examinations, grades, etc.;

(3) The preparation, proctoring and grading of student examinations;

(4) The direction, reading and evaluation of student papers, reports, theses and dissertations where such has been the practice in the School, Division or Department;

(5) Academic counseling and guidance of students (a faculty member is expected to maintain scheduled office hours as required and be familiar with academic regulations and the curriculum of the School);

(6) Involvement in significant scholarly research;

(7) Scholarly publication;

(8) Participation in learned societies and professional organizations;

(9) Participation in University, School, Division and Department meetings, convocations and commencements;

(10) Service on committees [see § 4-06];

(11) Cooperation in the observance of University regulations.

(b) The responsibilities of members of the instructional staff who are not members of the University Faculty include such portions of the responsibilities
enumerated in subdivision (a) as are appropriate to their assigned duties, and as may have been agreed upon with the University.

§4-03.02 Teaching Load

(a) The maximum teaching load for full-time faculty members shall not exceed in any year an average of three courses or sections per semester. Any modification of this teaching load applicable in individual Schools shall be approved by the Dean and the Vice President for Academic Affairs. At the School of Law the teaching load is governed by the standards of the Association of American Law Schools.

(b) The course load may be reduced for individual faculty members engaged in major research projects, faculty with graduate teaching responsibilities who spend much of their time in the direction of graduate student research, and for faculty members heavily involved in laboratory instruction, the direction of field work or other activities which justify a reduction of course load. Chairpersons and other faculty with significant administrative responsibilities are given consideration in the reduction of their teaching loads.

§4-03.03 Outside Employment

(a) Full-time members of the University faculty shall devote their major energies to University teaching, research, student advising, and related activities. This imposes a limitation on outside activities which, in general, should not exceed one day per week or the equivalent.

(b) Teaching in another institution by a full-time faculty member is not permitted except with written approval of the Vice President for Academic Affairs or the designee of such Vice President. This approval may be given for a period not to exceed one academic year, and may be renewed.

(c) For any work of a continuing or regular nature, annual approval by the Vice President for Academic Affairs or the designee of such Vice President is required.

§4-03.04 Additional Teaching in the University

(a) It is the policy of the University not to retain its full-time faculty for additional teaching responsibilities for added compensation. In special circumstances, a faculty member may be compensated for such additional instruction. In such cases, the approval of the faculty member's Department or Division Chairperson, Dean and the Vice President for Academic Affairs must be obtained. Such approval may be given for a period not to exceed one academic year, and may be renewed in exceptional cases.

(b) No member of the instructional staff may be compensated for privately tutoring any student enrolled in a course taught by that member.
§4-04.01 University Commitment to Academic Freedom

An essential condition of education is the free and unhampered discovery and communication of the truth. Every member of the University community has the right and duty to participate freely in the lawful search for and communication of the truth. Each faculty member is free to adopt methods and techniques, and to communicate freely with the academic community and the public [see §4-04.02]. It is the policy of Fordham University to encourage full freedom of teaching, discussing, research and publication and to protect any member of the instructional staff, whether tenured or non-tenured, against pressures and influences from within and without the University which would restrict the exercise of academic freedom.

§4-04.02 1940 Statement of Principles of Academic Freedom and Tenure of A.A.U.P. and A.A.C.

Fordham University adopts as its own the 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors and the Association of American Colleges (which is reproduced in Appendix A), except as modified by §4-05.04(c)(2).
CHAPTER FIVE

FACULTY PERSONNEL POLICIES AND PROCEDURES

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§4-05.01  General Personnel Procedures

(a)  **Obligation of Faculty.** The obligation of faculty members to participate in making recommendations regarding faculty status of colleagues is a serious responsibility which constitutes an essential element in the operation of the University. All eligible faculty members have a responsibility to participate in meetings of the Professional School, Faculty or Department Personnel Committees for the purposes of reappointment, tenure, promotion and emeritus status.

(b)  **Eligible Faculty.** The definition of faculty members eligible to participate in each type of personnel recommendation is set forth in §4-02.08 (emeritus status); §4-05.03(c) (reappointment); §4-05.04(f) (tenure) and §4-05.05(c) (promotion). For eligibility of faculty members with special status on personnel committees see §4-01.04; for those holding joint appointments as administrators see §4-01.05(d) and (e); for those approaching retirement see §4-05.07(a) and (b).

(c)  **Quorum.** A quorum for meetings of personnel committees is eighty per cent (80%) of the eligible faculty of the unit, but no fewer than five persons. In calculating that percentage, faculty on leave of absence or faculty fellowship, Interdisciplinary Committee representatives and administrators holding faculty status in the unit (if not otherwise disqualified) are included, only if they are present. [See §4-01.05(d)(3)]. In calculating the required number of persons, all fractions shall be disregarded.
(d) **Minimum Size of Committees.** The minimum number of members composing a personnel committee shall be five. If there are fewer than five eligible faculty members in the unit to constitute the committee, the following procedure shall be followed:

1. If there are three or four eligible faculty members they shall nominate to the Dean two eligible faculty members from cognate areas for each vacancy. "Cognate area" is defined as the same (or a closely related) academic discipline as that of the faculty member under consideration.

2. If there are fewer than three eligible faculty, the Executive Committee of the Faculty Senate, after consultation with the Chairperson and the eligible faculty of the unit, Faculty Senators from the School or unit, and faculty from cognate areas shall nominate to the Dean for each vacancy two eligible faculty members from cognate areas.

3. The Dean shall appoint from among the nominees sufficient faculty members to constitute a personnel committee of five members.

(e) **Calendar.** Unless otherwise specified in these statutes, the dates applicable to personnel procedures shall be listed in the Personnel Procedural Calendar (Appendix D to these Statutes). The Calendar shall be reviewed jointly each Spring by the Administration and the Faculty Senate. In the absence of agreement for change of dates, those specified in the last revision of the Calendar shall continue to apply.

(f) **Interdisciplinary Programs.** In consultation with members of the executive committee of appropriate rank, the director asks for assessments and evaluations of the relevant areas of the applicant’s participation in the program, including teaching and service, and contribution to the specific field represented in the program. The director is responsible for preparing the program report which can be in the form of a letter placed in the applicant’s personnel dossier or a report to be read by the program representative at the personnel meeting. In either case, the report is reviewed by members of the executive committee of appropriate rank before it is presented to the departmental personnel committee.

(g) **Conduct of Personnel Committee Meetings.** The Personnel Committee shall be provided with all relevant material concerning the qualifications of the candidate, including the candidate's education, experience at Fordham and other institutions, evaluation of teaching, research and publications, and University, professional and public service. The Dean has the option of offering material to the Committee. The Personnel Committee may utilize a sub-committee to gather and present such material, and secure such information as the Personnel Committee may require. Appropriate steps shall be taken to secure the opinion of students concerning the candidate's teaching effectiveness. Committee members shall review and discuss the materials concerning candidates. Votes shall be cast in person by secret ballot at the same meeting. To achieve an affirmative personnel recommendation, a majority of those present and eligible must vote in favor of the candidate, an abstention having the effect of a negative vote. The presiding officer of the Committee shall transmit the results of the vote and a written summary of the discussion to the Dean. Members of the Committee shall be provided with a
reasonable opportunity to read and to comment upon the summary before it is transmitted to the Dean.

(1) The presiding officer of the Committee shall be the Chairperson of the Department unless such person is ineligible or the School is not so organized, in which event the Dean shall convene the Committee, which shall elect its own presiding officer.

(2) The Chairperson of a Department shall not be eligible to be a member of a Committee which is considering the Chairperson for a personnel recommendation.

(3) Except as provided in §4-05.01(g)(2), the Chairperson of a Department shall be a member ex officio, but without vote, in a Personnel Committee which is considering candidates for a status which the Chairperson does not possess. In such cases a chairperson shall not be counted in computing the minimum of five members needed for some committees or the 80% quorum.

(4) Administrators who possess the appropriate rank or tenure status who are faculty members in a School, Division or Department may vote as members of Personnel Committee provided they have no further role in making the personnel decision.

(5) The Interdisciplinary Program representative at the personnel committee meeting enjoys full participation, voice and vote, in the deliberations and decision. As with other members of the personnel committee, the program representative at the meeting is responsible for justifying the program’s vote in writing on the appropriate form to the Dean of the Arts and Sciences faculty.

(6) Individual members of the Committee shall complete and transmit a recommendation regarding the candidate directly to the Dean of Faculty or Dean, using the form “Recommendation by a Faculty Member for a Faculty Reappointment (or Promotion, or Tenure, or an Initial Faculty Appointment)”. On the form each member shall indicate how he/she voted and why.

(h) Action by the Administration

(1) The Dean's recommendation, together with those of the Committee and its individual members, shall be transmitted to the Vice President for Academic Affairs.

(2) If the Vice President for Academic Affairs does not concur with the recommendation of the Personnel Committee, an explanation of the reasons therefore shall be given to the Committee at a meeting thereof, after which the Committee may reconsider its recommendation. In any event, the recommendation of the Vice President for Academic Affairs shall be transmitted to the President of the University [see §4-05.04(g)(2)(A)].
(3) The final decision shall be made by the President of the University in cases involving reappointment [see §4-05.03(d)(4)], promotion [see §4-05.05(d)(3)], and emeritus status [see §4-02.08].

(4) In cases involving tenure, the final decision shall be made by the President of the University with the concurrence of the Board of Trustees, except that if the President does not agree with the negative recommendation of the Personnel Committee tenure may be granted only if the Tenure and Reappointment Appeals Committee, or the Faculty Senate so recommend [see §4-05.04(g)(2)(A)].

(5) The faculty member shall be notified in writing of the final decision by the President of the University or the Vice President for Academic Affairs or his designee no later than the date specified in the Personnel Procedural Calendar.

(6) Upon request, a written statement of the reasons for the recommendation of the Personnel Committee shall be given to an adversely affected faculty member. In cases where a decision is made upon the basis of a recommendation by an appeals or review committee, or an administrator, a similar written statement of the reasons therefore shall be given to the adversely affected faculty member upon request.

(i) Procedures for Informing Candidates for Contract Renewal, Tenure and Promotion. The Academic Vice President’s Office will send to a candidate for reappointment, tenure or promotion the reports by the Chair and the Dean(s) revised only to protect confidentiality. These reports from the Academic Vice President’s office will accompany the letter concerning decisions regarding reappointment, tenure or promotion, at the time indicated in the Personnel Procedural Calendar.

(j) Confidentiality. The provisions of §4-07.41 concerning confidentiality apply to all faculty members and administrators involved in the making of personnel recommendations and decisions.

(k) Reconsiderations. Whenever reconsideration of a faculty committee decision is to occur, the committee shall consist of the eligible faculty in the unit together with available members of the original committee, all of whom shall be considered “eligible faculty” for the purposes of determining a quorum. The provisions of §4-05.01(d), which treat the size of personnel committees, shall apply.

§4-05.02 Appointment

(a) Authority for Appointment. All appointments to the Faculty and Instructional Staff are made by the President of the University acting through the Vice President for Academic Affairs, except that Teaching Fellows and Graduate Assistants are appointed by the respective Deans.

(b) Period of Appointment. Faculty members are appointed for one or more years, each consisting of a twelve-month period commencing on September 1 (or such earlier date as may be specified in the academic calendar of a particular School). The period of service for each yearly appointment is the
academic year of nine months (or its equivalent as specified in the academic calendar of a particular School). In exceptional cases, appointments may be made for a period of less than one year. Appendix E discusses normal periods of appointment to non-tenured faculty and instructional staff positions.

(c) Terms of Appointment.

(1) Except in the case of appointment as visiting faculty (limited to a brief association with the University), and Clinical Staff, all full-time appointments to the Faculty shall be either probationary appointments or appointments with tenure. [See §4-02 for ranks of faculty and instructional staff].

(2) The terms and conditions, in writing, of every appointment to the faculty and instructional staff, including a copy of these statutes, shall be transmitted to the appointee by the Vice President for Academic Affairs. Any subsequent modification of the terms of the agreement shall be in writing executed by both the appointee and the Vice President for Academic Affairs.

(d) Procedure in Initial Faculty Appointments

(1) All personnel searches must be conducted in accordance with the University’s Equal Employment/Affirmative Action policies contained in Appendix H.

(2) Schools and Departments may establish their own procedures for faculty consultation concerning initial faculty appointments, subject to the provisions of these Statutes.

(3) The Chairperson of a Department, or the Dean of a School not so organized, shall initiate the process for authorization and recruitment of prospective faculty members.

(4) In the spring, Interdisciplinary Program Directors forward to the Dean of the Arts and Sciences Faculty the program’s desiderata and justifications for authorizations, with copies to the Department Chairs affected by the request and to the appropriate deans.

(5) The Deans consult with the Department Chairs and the Program Directors to arrive at a determination of hiring priorities.

(6) The Vice President for Academic Affairs establishes the official authorizations based on the needs of the Departments and Programs as well as budgetary constraints. The official notification of action will include a statement regarding participation of programs and the procedure regarding hiring.

(7) Once a position has been authorized, the Director of the Program concerned by the position will appoint one representative to sit on the personnel committee of the Department which has been authorized to hire in this particular area. The Program representative will be a full voting member of the committee. Only one program will have a representative on the hiring committee. If more than one program has a
legitimate interest in the hiring procedure, the decision as to which program will be presented shall be made by the office of the Dean of the Arts and Sciences Faculty.

(8) Candidates for appointment to the faculty shall be interviewed by the Department Chairperson, or the search committee Chairperson, who shall be a member of the faculty, at least three faculty members of the unit, at least one of whom shall be tenured, and the Dean(s). In schools not organized by department, the Chairperson of the Search Committee, who shall be a member of the faculty, and at least three faculty members of the unit, at least one of whom shall be tenured, shall interview the candidates. In the case of appointments to the ranks of Associate Professor and higher, two of the interviewing faculty members shall possess the rank of Associate Professor or higher. All other faculty members of the School or Department shall be afforded reasonable opportunity to review the application submitted by the candidate, and when practicable, the opportunity to meet the candidate. The interviewing faculty, the Chairperson, and others who wish to do so, shall submit their recommendations concerning appointment to the Dean. When a position that will serve both Department and Interdisciplinary Program needs has been authorized, the Director or one member of the Interdisciplinary committee in the discipline of the authorized position will serve as a member of the Department’s Search Committee.

(9) The Dean's recommendation concerning the appointment shall be transmitted to the Vice President for Academic Affairs, together with the faculty recommendations. The Vice President for Academic Affairs shall submit a recommendation to the President of the University. With the approval of the President, the Vice President for Academic Affairs shall negotiate a contract of appointment with the candidate.

(10) Except in rare cases, and for compelling reasons, no faculty appointment shall be made over the expressed objection of the faculty of the School or Department.

(e) Probationary Appointments

(1) A probationary appointment is intended to provide sufficient time to demonstrate the faculty member's ability and give colleagues the opportunity to observe and evaluate the appointee's performance. Probationary appointments may be made for one year or other negotiated period, and are renewable. Appendix E discusses normal periods of appointment to non-tenured faculty and instructional staff positions. The total period of full-time service prior to the acquisition of tenure shall not exceed seven years, including all previous full-time service with the rank of Instructor or higher at institutions of higher learning. Individuals hired at the rank of Professor without tenure may serve a probationary period of one to six years to be determined at the initial contract. For other ranks the minimum probationary period shall be four years at Fordham University. Thus the total full-time service to the profession thereby might exceed seven years [see Appendix A, the AAUP 1940 Statement of Principles]. In exceptional circumstances the
probationary period may be altered as provided in §4-05.04(c)(2) and §4-05.08(f), which treats the relationship between leaves of absence and the probationary period. In the calculation of the period of service at Fordham or another institution, periods of less than a full academic year shall not be included. Probationary periods shall terminate at the end of an academic year.

(2) The Chairperson of a Department, or the Dean or designee in Schools not so organized, shall review progress with each probationary faculty member annually.

(f) Summer Session Appointment

(1) Faculty members shall be given priority in appointments for the Summer Session.

(2) Faculty members interested in teaching in Summer Session shall inform their Chairperson and the appropriate Dean by the date indicated in the Personnel Procedural Calendar.

(3) Each faculty member with a contract to teach in the Summer Session will be paid as provided in the contract. The terms of the contracts shall be in accordance with policies established by the University Administration and the Faculty Salary and Benefits Committee.

(g) Temporary Appointments

(1) Temporary appointments of faculty shall be made for a period not to exceed one year.

(2) A faculty member serving in a temporary appointment is not eligible for renewal but may be considered for appointment to a new probationary or tenured appointment, in accordance with the procedure followed for new appointments. See §4-05.02(d).

(3) Service in a temporary appointment shall not be considered part of the probationary period. But see §4-05.04(c).

(h) Terminal Appointments

(1) A faculty member on a probationary appointment who receives notice of non-reappointment shall be considered to be on a terminal appointment after the date of notice.

(2) Faculty members on a terminal appointment are not eligible for consideration for reappointment or tenure, for participation in selection of chairpersons, and serving on personnel committees.

(3) Faculty members on terminal appointments are entitled to utilize the appeals and reconsideration process.
§4-05.03 Reappointment

(a) Reappointment Generally. Probationary faculty members shall be considered for reappointment prior to the expiration of their contracts.

(b) Norms for Reappointment

(1) The decision to reappoint a faculty member shall be based upon the qualifications of the faculty member and the needs of the University.

(A) The qualifications of the faculty member include educational background, performance as a teacher, research and publication, contribution to the work of the School or Department and University, professional and public service. The weight given to each of these factors may vary in the several Schools and Departments. Both past achievement and promise of future contributions shall be considered.

(B) The needs of the University include the particular fields and specializations required by the School or Department, its present and future curricular and research activity, the distribution of the present faculty in terms of rank, tenure and field of specialization; and projected student enrollment.

(c) Composition of the Personnel Committee for Reappointment.

The School or Department Personnel Committee shall consist of all tenured faculty in the unit. In addition it includes an untenured Chairperson [see §4-05.01(g)]; administrators tenured in the unit [see §4-05.01(g)]; and additional faculty required to make up the minimum number of five members pursuant to §4-05.01(d). When a faculty member who also serves on a degree-granting Interdisciplinary Committee is presenting an application for reappointment, he/she may request representation by one representative of that interdisciplinary program at the personnel meeting. The Faculty member’s formal request is made to the Dean of the Arts and Sciences Faculty on an application form specifically designed for the procedure. The office of the Dean of the Arts and Sciences Faculty forwards a copy of the faculty member’s application to the director of the interdisciplinary committee concerned. In consultation with the executive committee, the director nominates, when possible, two members of the program of appropriate rank and familiarity with the applicant’s credentials to participate in the personnel committee meeting and returns the information to the office of the Dean of the Arts and Sciences Faculty. The Dean of the Arts and Sciences Faculty, or his designated officer, chooses one of the director’s nominees and notifies the director and the department chair of his/her actions.

(d) Procedure for Reappointment

(1) At the time indicated in the Personnel Procedural Calendar, the Personnel Committee of School or Department shall review the qualifications of probationary faculty members who have applied for reappointment.
(2) Procedures for reappointment shall follow those set forth in §4-05.01, unless otherwise specifically provided in this section.

(3) The primary evaluation is made by the tenured faculty of the School or Department whose recommendation shall be accorded the greatest weight and ordinarily shall be determinative of the decision to reappoint.

(4) Reappointments to the faculty are made by the President of the University acting through the Vice President for Academic Affairs.

(5) Non-faculty members of the instructional staff are reappointed by the Vice President for Academic Affairs.

(e) Notice of Reappointment or Non-Renewal of Contract

(1) Written notice of a probationary appointment shall be given to the faculty member by the Vice President for Academic Affairs.

(A) A faculty member in the first year of service shall be notified by March 1.

(B) A faculty member in the second year of service shall be notified by December 15.

(C) A faculty member who has served more than two years shall be informed by May 15.

(D) Where a contract expires during the academic year, the above periods for giving notice shall be observed.

(E) A faculty member whose situation is not provided for in subparagraphs (A) through (C) above shall be notified at least three months prior to the end of the existing contract.

(2) The Personnel Procedural Calendar [see Appendix D] shall contain the applicable dates.

(3) At the time of each contract renewal, the Vice President for Academic Affairs shall advise the faculty member of the projected date of the tenure decision.

(f) Grievance Relating to Reappointment

(1) A faculty member who has been denied reappointment may request an informal conference with the Vice President for Academic Affairs, who shall disclose the reasons for the decision, [see §4-05.01(g)(6)]. Following the informal conference, the Vice President for Academic Affairs or his designee shall supply upon request of the faculty member the reasons for the decision in writing.

(2) A faculty member who has been denied reappointment may petition the Tenure and Reappointment Appeals Committee to review the case pursuant to §4-07.02.
§4-05.04 Tenure

(a) **Definition.** Tenure is a guarantee of continuous appointment until a faculty member retires. The appointment of a tenured faculty member shall be terminated only pursuant to §4-07.13(c) or §4-05.06(b).

(b) **Grant of Tenure.** The right to grant tenure resides with the Board of Trustees [see §4-05.04(g)(2)(B)].

(c) **Tenure Policy**

(1) Fordham University has adopted the 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors and the Association of American Colleges, except as modified in (2) below [see §4-04.02].

(2) Faculty members being considered for probationary appointment may negotiate with the Vice President for Academic Affairs the extent to which prior full-time teaching experience shall be counted toward tenure at Fordham, which period shall not exceed three years. The length of the probationary period shall be specified in the contract at the time of initial appointment and may not subsequently be changed except as provided in §4-05.08(f), which treats leaves of absence and the probationary period. The maximum full-time service at Fordham in a probationary status shall not exceed seven years.

(d) **Norms for Granting Tenure**

(1) Tenure is granted only to faculty members holding the ranks specified in §4-02.01.

(2) The decision to grant tenure shall be based upon the qualifications of the faculty member and the needs of the University.

   (A) The qualifications of the faculty member include educational background, performance as a teacher, research and publication, contribution to the work of the School, Division or Department and University, professional and public service. The weight given to each of these factors may vary in the several Schools, Divisions and Departments. Both past achievement and promise of future contributions shall be considered.

   (B) The needs of the University include the present and future curricular and research activity in the particular fields and specializations required by the School, Division or Department, the distribution of the present faculty in terms of rank, tenure and field of specialization, and projected student enrollment.

(e) **Faculty Role in Recommending Tenure.** The primary evaluation of the application for tenure is made by the tenured faculty of the applicant's School or Department. Their recommendations shall be accorded the greatest weight in the decision which is made by the University (see §4-01.02). No appointment conferring tenure shall be made without the positive recommendation of the tenured faculty of the unit, or the Tenure and
Reappointment Appeals Committee, or the Faculty Senate, except as provided in §4-05.04(l).

(f) Composition of the Personnel Committee for Tenure. The School or Department Personnel Committee for tenure shall consist of all tenured members of the unit. In addition, it includes an untenured Chairperson [see §4-05.01(g)], administrators tenured in the unit [see §4-05.01(g)] and additional faculty required to make up the minimum number of five members pursuant to §4-05.01(d). When a faculty member who also serves on a degree-granting Interdisciplinary Committee is presenting an application for tenure, he/she may request representation by one representative of that interdisciplinary program at the personnel meeting. The faculty member’s formal request is made to the Dean of the Arts and Sciences Faculty on an application form specifically designed for the procedure. The office of the Dean of the Arts and Sciences Faculty forwards a copy of the faculty member’s application to the director of the interdisciplinary committee concerned. In consultation with the executive committee, the director nominates, when possible, two members of the program of appropriate rank and familiarity with the applicant’s credentials to participate in the personnel committee meeting and returns the information to the office of the Dean of the Arts and Sciences Faculty. The Dean of the Arts and Sciences Faculty, or his designated officer, chooses one of the director’s nominees and notifies the director and the department chair of his/her actions.

(g) Procedure for Deciding Tenure

(1) The candidate shall apply for tenure on or before the date specified therefor in the Personnel Procedural Calendar.

(2) The procedure for tenure shall follow the procedures set forth in §4-05.01 unless otherwise specifically provided.

(A) If the President of the University desires to confer tenure upon a faculty member who has not received a positive recommendation from the Personnel Committee of the School or Department, or from the Tenure and Reappointment Appeals Committee, the President shall refer the matter to the Faculty Senate. No appointment conferring tenure shall be made without a favorable recommendation of the Personnel Committee, the Tenure and Reappointment Appeals Committee or the Faculty Senate.

(B) Pursuant to authority granted by the Board of Trustees, the President of the University shall grant tenure as provided and shall so notify the faculty member.

(C) The faculty member shall be notified by the Vice President for Academic Affairs of a decision not to confer tenure no later than the date specified in the Personnel Procedural Calendar.

(h) Early Application for Tenure. The University may grant tenure to a faculty member who has completed less than the usual probationary period, when the candidate has fulfilled in an exceptional way the norms enumerated in §4-05.04(d). An application for early tenure shall be accepted only when the
Dean of the School, after consultation with the Chairperson and the Vice President for Academic Affairs, grants permission. Denial of early tenure shall not prejudice application for tenure in a subsequent year.

(i) **Notification Concerning Tenure.** Prior to the end of the penultimate year of the probationary period, notice shall be mailed to the faculty member pursuant to Appendix D [Personnel Procedural Calendar] advising whether tenure will be granted [see §4-05.02(e)].

(j) **Effective Date of Tenure.** Grants of tenure are effective on the first day of September following notification thereof.

(k) **Denial of Tenure**

(1) A faculty member who has been denied tenure may request an informal conference with the Vice President for Academic Affairs, who shall disclose the reasons for the decision.

Following the informal conference the Vice President for Academic Affairs shall supply upon request of the faculty member the reasons for the decision in writing. [See §4-05.01(h)(6)].

(2) A faculty member who has been denied tenure may appeal the decision to the Tenure and Reappointment Appeals Committee. The petition shall indicate the respects in which it is alleged that the matter did not receive proper consideration on procedural or substantive grounds. The procedures of the Committee are set forth in §4-07.02 and §4-07.03.

(l) **Tenure at the time of hire:** Persons (including certain academic administrators) being appointed from outside the University may receive a tenured faculty appointment at the time of hire. The appointment must follow the procedures for tenure as specified in the University Statutes and the academic unit in which the person is to be tenured, including the procedures specified in the Statutes regarding the University Tenure Review Committee. (see also Appendix 3e).

§4-05.05 **Promotion**

(a) **Norms for Promotion.** The norms for promotion and qualifications for each rank are described in Chapter 4-02. Although each of the qualifications must be included in the evaluation of a particular candidate for promotion, the weight given to each may vary in the several Schools, Divisions and Departments. Length of service in a particular rank and adequate performance of regular duties do not in themselves constitute sufficient grounds for promotion. The greatest weight is given to evaluations of a candidate by faculty colleagues [see §4-01.02].

(b) **Eligibility for Promotion**

(1) Eligible faculty are those who meet the qualifications for the desired rank and who make application for promotion, subject to the restriction in paragraph (2).
(2) An untenured faculty member is not eligible for promotion to the ranks of Professor and Associate Professor in the year immediately preceding the year in which a tenure decision is to be made. A promotion application may be filed in the year in which tenure is to be decided, but shall not be acted upon until after the tenure decision is announced.

(3) A faculty member appointed as Instructor who completes the terminal degree may be promoted to Assistant Professor by the President of the University, without formal application process, effective immediately upon receipt by the Vice President for Academic Affairs of official notification that all requirements for the degree have been completed.

(c) Composition of Personnel Committee for Promotion. The School or Department Personnel Committee shall consist of all tenured members of the unit who hold the rank (or higher rank) for which the candidate is applying. In addition it includes the Chairperson regardless of rank [see §4-05.01(g)], administrators tenured in the unit [see §4-05.01(g), and additional faculty required to make up the minimum number of five pursuant to §4-05.01(d). In Schools organized by Departments the Dean shall appoint two additional faculty members from a School or Department other than that of the candidate, except where the application of §4-05.01(d) has resulted in the appointment of such members. When a faculty member who also serves on a degree-granting Interdisciplinary Committee is presenting an application for promotion, he/she may request that at least one of the two personnel committee members from outside the department shall be from the interdisciplinary program. The applicant will submit a list of names from the program to the program director who will propose, when possible, two nominees to serve as one of the outside members of the departmental committee to the chair of the personnel committee and to the Dean of the Arts and Sciences Faculty. The chair of the personnel committee communicates his/her recommendations for the other outside member of the personnel committee to the office of the Dean of the Arts and Sciences Faculty. The Dean of the Arts and Sciences Faculty, or his designated officer, chooses one of the director’s nominees and one of the chair’s nominees to serve as outside members of the personnel committee and notifies the director and the department chair of his/her actions. When additional faculty members from outside the unit are appointed, they are computed in establishing the minimum number of five at the 80% quorum.

(d) Procedure for Promotion.

(1) The candidate shall apply on or before the date specified in the Personnel Procedural Calendar.

(2) The procedure for promotion shall follow those of §4-05.01 unless otherwise specifically provided.

(3) The decision to promote a faculty member shall be made by the President of the University, who shall notify the applicant of the decision.

(4) With the exception of promotions to Assistant Professor [see §4-05.05(b)(3)], promotions become effective at the beginning of the academic year following notification.
(e) **Grievance Relating to Promotion**

(1) A faculty member who has been denied promotion may request an informal conference with the Vice President for Academic Affairs, who shall disclose the reasons for the decision. Following the informal conference, the Vice President for Academic Affairs shall supply upon request of the faculty member the reasons for the decision in writing. [See §4-05.01(h)(6)].

(2) A faculty member who has been denied promotion may petition the Faculty Hearing Committee pursuant to the provisions of §4-07.21.

§4-05.06 **Procedure for the Appointment of University Professor**

For University Professor, the President of the University will consult with a faculty committee of five senior faculty members from appropriate disciplines to be chosen by the President in consultation with the Faculty Senate.

If the nominee should seek an appointment in a faculty of a particular school or department, the following procedures will be used. Supporting materials for nominees already appointed to the University will include recommendations from departmental chairs (where the nominee is a member of a department) or personnel committees, dean(s), and at least two external referees. Supporting materials for nominees being newly appointed to the university will include recommendations from members of personnel committees with the rank of full professor, departmental chairs (where the nominee will be appointed to a department) or search committees, dean(s), and at least two external referees. After reviewing the complete nominations, the committee will make recommendations to the Academic Vice President to be forwarded to the President of the University for the nomination of University Professor(s) to the Board of Trustees.

§4-05.07 **Procedure for the Appointment of Distinguished Professor**

The President of the University will appoint a committee composed of individuals with the rank of full Professor from a slate recommended by the Faculty Senate to receive nominations for Distinguished Professor. Only academic units may make nominations to the committee. This process shall be completed within six months of the nomination.

The committee will review the nominations and solicit supporting materials from those nominees for Distinguished Professor whom it considers pre-eminent in their fields, those with “demonstrated exceptional achievement” (§4-02.04).

Supporting materials for nominees will include recommendations from personnel committees, composed of those with the rank of full Professor, dean(s), and at least two external referees.

Only candidates receiving a favorable recommendation by the committee will be nominated to the Academic Vice President, to be forwarded to the
President of the University for appointment to the rank of Distinguished Professor by the Board of Trustees.

§4-05.08 Termination of Appointment

(a) **Termination by Faculty Member.** A faculty member may terminate an appointment effective at the end of the academic year, which for this purpose is deemed to be August 31. Notice should be given to the Chairperson, Dean and Vice President for Academic Affairs at the earliest opportunity.

(b) **Termination by University**

(1) **In General.** The University shall terminate a tenured appointment, or a probationary appointment before the end of the stated term, only pursuant to the provisions of §4-07.13, or as stated in paragraphs (2) or (3) herein.

(2) **Termination Due to Financial Exigency or Discontinuance of a Program of Instruction**

(A) Before formally determining the existence of financial exigency in the University or a School thereof, which may require the termination of appointment of any tenured faculty member, or any member of the faculty in probationary status before the end of the stated term of appointment, consultation shall be had with the Faculty Senate in executive session.

(B) Before deciding to discontinue any program of instruction which may require the termination of appointment of any tenured faculty, or any member of the faculty in probationary status before the end of the stated term of appointment, the President of the University or designee shall consult with the relevant School Council, or if there is none, with the Faculty Senate.

(C) Before the termination of appointment of any member of the tenured faculty, or any member of the faculty in probationary status before the end of the stated term of appointment, for reasons of financial exigency or discontinuance of a program of instruction, the President of the University shall consult with and receive the recommendations of the Faculty Senate.

(D) The Board of Trustees shall ultimately determine the existence of financial exigency or the need to terminate a program of instruction.

(E) Before terminating faculty appointments due to financial exigency or discontinuance of a program of instruction, the University shall make every effort to place affected faculty in other suitable positions.
(F) The order of termination shall be:

(i) instructional staff other than those specified in (ii) and (iii) below.

(ii) untenured faculty.

(iii) tenured faculty.

Termination shall occur in inverse order of seniority within each category, and within each tenuring unit, based on date of appointment. Exception to the above order of termination may be granted in individual cases where it is essential for the maintenance of the integrity of academic programs, upon the recommendation of the Dean and/or the Chairperson and the University Tenure Review Committee. Such exceptions shall be granted only in rare cases and for compelling reasons.

(G) In every case of termination of faculty due to financial exigency or discontinuance of a program of instruction, the faculty member shall be given notice as soon as possible, and never less than twelve months notice, or in lieu thereof, severance pay for one academic year.

(H) If a tenured appointment is terminated for financial exigency or discontinuance of a program of instruction, the faculty member's position shall not be filled within a period of two years, unless the faculty member has been offered reappointment and a reasonable time within which to accept.

(I) The Faculty Hearing Committee shall have jurisdiction to entertain appeals by individual faculty members who claim to be aggrieved by violation of the provisions of this section.

(3) Disability.

The University may terminate the appointment of a faculty member in the exceptional circumstance wherein a prolonged disability which clearly prevents the adequate performance of duties has been found to exist by the Faculty Hearing Committee, to which the matter has been referred by the President of the University.

§4-05.09 Retirement

(a) The normal retirement age for all faculty members of the University is 65. A faculty member may, however, continue full-time employment. Faculty members retain tenure until actual retirement.

(b) Prior to retirement, a tenured faculty member may irrevocably elect to continue upon a less than full-time basis, with the approval of the Vice President for Academic Affairs. In such case, the faculty member retains tenure and voting rights only if the appointment is on at least a half-time basis.
§4-05.10  Leaves of Absence

(a)  With Pay.  Leaves of absence with pay may be granted for the following purposes:

(1)  Faculty Fellowship

(A)  Purpose.  Academic Year Faculty Fellowships and Summer Faculty Fellowships are awarded to tenured faculty and non-tenured tenure track faculty to carry out study and research required for academic development. In order to encourage those who can make a balanced and long-range contribution to the University, awards are made on the basis of demonstrated research competence of the applicant, the value of the project submitted and its potential contribution to the University and to the professional development of the faculty member. Fellowships awarded to non-tenured tenure track faculty members are expressions of encouragement on the part of the University for the faculty member to pursue the scholarly study proposed, but in no way indicate assurance of reappointment, the granting of tenure, or long-term need for the faculty position.

(B)  Duration.  Faculty Fellowships will be granted for one or two terms of the regular academic year. Summer Fellowships will be granted for two summer months.

(C)  Stipend.  The stipend for a Faculty Fellowship shall be the equivalent of half salary for two terms or full salary for one term of the regular academic year. Stipends for summer awards will be $5000. Faculty who receive Summer Fellowships are not eligible to teach in Summer Session. The recipient of a Faculty Fellowship shall not be disqualified from salary increases or other benefits to which the recipient would otherwise be entitled.

(D)  Eligibility.  Faculty Fellowships for a semester or for the academic year are granted to tenured faculty and non-tenured tenure track faculty. A non-tenured tenure track faculty member is eligible to apply for an Academic Year Faculty Fellowship after his/her first reappointment. The grant of an Academic Year Faculty Fellowship is contingent upon the faculty member’s being granted a second reappointment. All tenured and tenure track faculty are eligible for Summer Fellowships, but non-tenured tenure track faculty especially are encouraged to apply. To be eligible for the Summer Fellowship non-tenured tenure track applicants should have already received the terminal degree, and have been subject to at least one contract renewal which has resulted in the issuing of a two-year contract beyond the initial contract period. In no case will a non-tenured tenure track faculty member be eligible to hold a Summer Fellowship that begins before the start of the second summer of affiliation with the University. Recipients of Summer Fellowships become eligible to hold another Fellowship (either Summer or Semester/Academic Year) when that Fellowship begins two
years after the expiration of the Summer Fellowship. The recipient of a Faculty Fellowship for one or more academic terms will ordinarily be eligible to hold another Faculty Fellowship when that Fellowship begins four years after the expiration of the previous Fellowship.

(E) Procedure. Applications for Faculty Fellowships (procured from the Office of the Vice President for Academic Affairs) are evaluated by the Chairperson and by the Dean, and transmitted, along with the evaluations, to the Associate Vice President for Academic Affairs, who after consultation with an Advisory Committee on Faculty Fellowships appointed by the Vice President, shall transmit to the President of the University the names of those applicants who are recommended by the Vice President to be recipients of Fellowships. Academic Year Faculty Fellowships for tenured faculty and Academic Year Faculty Fellowships for non-tenured tenure track faculty will be evaluated independently. The President of the University shall notify the successful applicants. The dates for filing and notification are set forth in the Personnel Procedural Calendar (Appendix D).

(F) Report. At the conclusion of the Fellowship period, the faculty member shall submit a report to the Chairperson, Dean and Vice President for Academic Affairs.

(G) Additional Support. Faculty members are encouraged to apply for grants and fellowships from government agencies and academic societies to supplement their Faculty Fellowships.

(2) Sick Leave. See Appendix C.

(3) Maternity Leave

(A) A faculty member who is pregnant shall inform her Chairperson or Dean of the expected date of birth in sufficient time to allow for academic planning.

(B) A faculty member shall be granted the equivalent of sick leave for a period during which she is unable to perform her regular duties by reason of pregnancy or maternity [see Appendix C].

(C) If a faculty member desires to have a period of maternity leave beyond the period specified in Appendix C, she may be granted an unpaid leave for a period not to exceed two semesters.

(D) Faculty members shall apply for maternity leaves of absence through the Chairperson or Dean. The Vice President for Academic Affairs shall determine such leaves.

(4) Other, when deemed to be in the interest of the University.
(b) **Without Pay.** Leaves of absence without pay may be granted for the following purpose, for one-year periods, which may be renewed in exceptional circumstances:

1. Study and research
2. Reasons of health
3. Other, when deemed to be in the interest of the University.

(c) **Family-Related Leave.** Faculty members (tenured or untenured) may apply for a family-related leave in order to care for family members or other dependent persons.

1. Such a leave may be full time without pay but including benefits, or part time with pay proportional to teaching and faculty responsibilities.
2. Family-related leaves are limited to two years in any six-year period, whether the leaves are full or part time.

(d) **Considerations.** In granting leaves, the University takes into account the effect which the absence of the faculty member will have on the program of the School, Department or Division to which the faculty member is appointed, and the amount of money available. The University shall endeavor to enable faculty members to take advantage of special grants and opportunities for which a leave of absence is appropriate.

(e) **Application.** Faculty members shall apply for leaves of absence through their Chairpersons and Deans pursuant to the Personnel Procedural Calendar (Appendix D). Leaves of absence are approved by the Vice President for Academic Affairs, except as provided in subdivision (a) above.

(f) **Probationary Faculty.** Time spent by an untenured faculty member on leave of absence is included in the probationary period prior to tenure unless otherwise stipulated in writing by the Vice President for Academic Affairs at the time the leave is granted, after consultation with the appropriate School or Department.

(g) **Vote.** Faculty members on leaves of absence may vote in School, Division or Department meetings during the period of leave only if they are present in person. In such cases they are counted in determining the presence of a quorum.

(h) **Fringe Benefits.** Fringe benefits applicable to faculty members on leave are set forth in Appendix C.
CHAPTER SIX

FACULTY ROLE IN UNIVERSITY GOVERNANCE

§4-06.01 General Provisions
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§4-06.01 General Provisions

(a) Governance. The Faculty role in University governance is carried on through participation at the University, School and Department levels through representative bodies, committees and meetings of the Faculty at large. The Faculty has primary responsibility for fundamental academic matters [see §4-01.02]. In these matters, the power of review, lodged in the Board of Trustees and delegated by it to the President of the University, should be exercised adversely only in exceptional circumstances and after consultation with Faculty. The Faculty responsibilities for governance are carried out primarily through the Faculty Senate, the faculty organizations of the Schools and Departments, and the committees described in this Chapter.

(b) Faculty Voting Privileges. All full-time faculty members of a School or Department shall have the right to participate and vote in decisions of the unit, with the exception of certain restrictions in cases of joint appointments, personnel recommendations, and the nomination of Department Chairpersons [see §4-01.04 and .05, §4-05 and §4-06.50(c)].

(c) Faculty Representatives. All faculty members shall be entitled to participate in choosing representatives for University, Campus and School bodies which represent the Faculty, subject to restrictions in these Statutes and the Constitution of the Faculty Senate.

(d) Selection Committees. Representatives of the Faculty shall have the right to participate in Search Committees for Deans of Schools and higher academic officers of the University. Faculty members of such committees are normally appointed after consultation with the President of the Faculty Senate or faculty of the Schools involved, by authority of the President of the University, or in the case of Deans or the Director of University Libraries, by the Vice President for Academic Affairs.

§4-06.02 Faculty Senate

The Faculty Senate is the representative body of the University Faculty. It serves in an advisory capacity to the President of the University on all matters of concern to the University pursuant to the Constitution of the Faculty Senate, Article I, (B)(a) [see Appendix B]. It has the right and duty to initiate recommendations and to speak for the Faculty in all areas of University activity.

§4-06.03 Committees

The faculty participates in several types of committees as part of its role in governance:

(a) University Committees [see §4-06.04]

(1) Committees of the Board of Trustees [see §4-06.05]

(2) Presidential Committees [see §4-06.06]

(3) Statutory Faculty Senate Committees [see §4-06.07, 08]
(b) Other Faculty Senate Committees [see §4-06.07]

(c) School Committees [see §4-06.10]

(d) Department Committees [see §4-06.11]

(e) Ad Hoc Committees [see §4-06.12]

§4-06.04 University Committees

(a) The Board of Trustees and/or the President of the University may establish University Committees to consider matters which affect more than one School of the University. Every reasonable effort shall be made to ensure appropriate representation of the several Schools.

(b) Faculty representatives on University Committees may receive the advice of the Faculty Senate on the work of the Committees.

§4-06.05 Committees of the Board of Trustees

(a) Appointment. Faculty members of Committees established by the Board of Trustees containing faculty representation shall be appointed by the Faculty Senate for two-year renewable terms.

(b) List of Committees. The following Committees of the Board of Trustees have faculty representation:

1. **Academic Affairs Committee.** The Academic Affairs Committee shall review all major changes in the educational programs and policies of the University. The Committee shall include at least two faculty members.

2. **Audit and Finance Committee.** The Audit and Finance Committee shall appraise the financial control and accounting system of the University. The Committee shall include at least two faculty members.

3. **Facilities Committee.** The Facilities Committee is responsible for monitoring the condition of existing facilities and developing a comprehensive facilities management program. The committee shall include at least two faculty members.

4. **Student Affairs Committee.** The Student Affairs Committee shall review all matters affecting students except those relating to academic programs. The Committee shall include at least two faculty members.

5. **University Commencement Committee.** The Commencement Committee shall solicit and screen nominees for Honorary Degrees to be conferred by Fordham University at Commencement. The Committee also nominates persons to be the commencement
speaker. The Committee shall consist of ten members, at least two of whom shall be faculty members.

(6) University Relations Committee. The University Relations Committee oversees the external relations/advancement aspects of University operations including fund raising, alumni/alumnae and other constituency relations, and public affairs. The committee shall include at least two faculty members.

§4-06.06 Presidential Committees

(a) Definition. Presidential Committees are committees whose members are appointed by the President of the University (except in those cases in which faculty members may be appointed by the Faculty Senate) which report to the President of the University or to a person designated by the President.

(b) Appointment. Faculty members appointed by the President of the University are selected as follows:

(1) The President of the University shall inform the President of the Faculty Senate of the nature and purpose of each committee proposed to be created, except as limited by paragraph (2). The Executive Committee of the Faculty Senate shall present nominees to the Faculty Senate for each Presidential Committee. The Faculty Senate normally shall select, from these nominees, twice the number of faculty members required, and shall transmit the names to the President of the University for appointment.

(2) This subdivision shall not preclude the establishment of committees by the President of the University without consulting the Faculty Senate.

(c) List of Committees. The following are Presidential Committees.

(1) Advisory Committee on ROTC. The Committee shall advise the President (through the Vice President for Academic Affairs) on all matters concerning the ROTC program. The Committee shall consist of seven tenured faculty members appointed by the President of the University for three-year terms.

(2) Athletic Advisory Board. The Athletic Advisory Board shall exercise supervision over intercollegiate and intramural athletics so that all students of the University may be provided the most effective athletic program possible. The Board shall have authority to investigate and recommend implementation of the athletic policies of the University, subject to the approval of the President and the Board of Trustees. The Athletic Advisory Board shall consist of twelve members representing all segments of the University, four of whom shall be faculty members. [See Constitution of the Athletic Advisory Board]. The four faculty members shall be appointed by the President of the University for three-year renewable terms.
(3) **Budget Planning Committee.** The Budget Planning Committee shall assist the President of the University in the formulation of the annual budget. The Committee shall consist of six members of the faculty selected by the Faculty Senate for three-year renewable terms, and six administrators appointed by the President. The President of the University shall serve as an *ex officio* member of the Committee. The Chairperson of the Committee shall normally be the Vice President for Finance. [See §3-09.02]. The term of office shall begin on July 1.

(4) **Computer Advisory Committee.** The Computer Advisory Committee shall advise the Administration concerning the organization, operation and use of the Computer and Information Management Systems. The Committee shall consist of six Presidential appointees, or their delegates, and six members of the faculty. The faculty members shall be appointed by the Faculty Senate for three-year renewable terms.

(5) **Faculty Development Committee.** The Faculty Development Committee shall study programs of faculty development, advise the Vice President for Academic Affairs, and report to the Faculty Senate concerning policies for professional improvement of the Faculty of the University. The Faculty Development Committee shall consist of the Vice President for Academic Affairs; one administrator from the Rose Hill Campus and one from the Lincoln Center Campus appointed by the Vice President for Academic Affairs; the President of the Faculty Senate, *ex officio*; and two faculty members from the Rose Hill Campus and two faculty members from the Lincoln Center Campus. The faculty members shall be appointed by the Faculty Senate for three-year renewable terms.

(6) **Research Council**

(A) The Research Council shall formulate University research policies and procedures, and shall report to the President of the University.

(B) The Research Council shall consist of the Associate Vice President for Academic Affairs-Research, University Director of Research, or designate, the President of the Faculty Senate, *ex officio*, and ten faculty members (five from the Arts and Sciences Faculty at Rose Hill, one from the Arts and Sciences Faculty at Lincoln Center and one each from the Faculty of Business and the Schools of Education, Law, and Social Service). The faculty members shall be chosen so as to reflect the interests of the natural sciences, the social sciences, the humanities and the professions.

(C) The Research Council may call upon other University offices as resources.
(D) On or before January 15 of each year the Research Council shall transmit to the Faculty Senate the names of two nominees for each vacancy on the Council, along with supporting data. The Faculty Senate may add its nominees to those of the Research Council if it so desires, and may rank all nominees and forward the list to the President of the University, who shall make the appointments.

(E) The term of office for a member of the Research Council shall be for three years. No member may serve more than two terms consecutively. Subsequent reappointment may be made after a lapse of two years.

(7) Committees Dealing with Student Affairs. There are several committees dealing with student affairs which report to the Vice President for Student Affairs. Faculty representatives on these committees are appointed as described in the Student Handbook and the Code of Conduct Adjudication Process.

(8) Editorial Board of the Fordham University Press. The Editorial Board shall control the use of the Fordham University Press imprint by authorizing the execution of contracts with authors after adjudicating manuscripts offered for publication, and shall evaluate, on a regular basis, the nature and character of the publications. The Board shall normally consist of eight faculty members with professorial rank who possess a record of publication. The members are appointed by the President of the University upon recommendation by the Vice President for Academic Affairs for three-year renewable terms.

§4-06.07 Committees of the Faculty Senate

(a) **Definition.** Committees of the Faculty Senate are committees appointed or elected by the Faculty Senate, pursuant to these Statutes or the Constitution or by-laws of the Faculty Senate, which report to the Senate.

(b) **Selection Procedure.** Committee members are selected as follows:

(1) Committees appointed by the Faculty Senate: The Executive Committee of the Faculty Senate normally shall present nominees for these committees to the Faculty Senate for its approval.

(2) Committees elected by the Faculty Senate: The Faculty Senate shall elect the committee members in the manner provided for each committee.

(c) **Obligation to Report.** Committees of the Faculty Senate shall report to the Faculty Senate annually and when requested by the Faculty Senate.

§4-06.08 Committees Appointed by the Faculty Senate

(a) **Faculty Elections Committee**
(1) The Faculty Elections Committee shall conduct elections as required by these Statutes and the Constitution of the Faculty Senate.

(2) The Faculty Elections Committee shall consist of eight faculty members appointed by the Faculty Senate for three-year renewable terms.

(b) Faculty Handbook Committee. The Faculty Handbook Committee shall review current and proposed faculty and administrative policies and procedures in the light of the university statutes. The committee shall consist of the President of the Faculty Senate, ex officio, and twelve members of the faculty appointed by the Faculty Senate for three-year renewable terms. Proposed changes in university statutes, policies or procedures shall be submitted to the Faculty Senate.

(c) Faculty Hearing Committee

(1) The Faculty Hearing Committee shall consider matters as provided in §4-07, Parts II, III and IV.

(2) The Faculty Hearing Committee shall consist of nine tenured faculty members appointed by the Faculty Senate for a maximum of two consecutive two-year terms. No more than one member of any Department or School Faculty shall serve as a member of this committee. In the event of disqualification of a member of the Committee in a particular case, the Faculty Senate shall appoint a substitute as provided in §4-06.14.

(d) Faculty Library Committee. The Faculty Library Committee shall advise the University Librarian concerning University Library policies and budget. The Committee shall consist of the University Librarian, ex officio, and nine members of the faculty appointed by the Faculty Senate for a maximum of two consecutive three-year terms. The Law School Library does not fall within the jurisdiction of the Faculty Library Committee or of the University Librarian.

(e) Committee on Student Life. The Committee on Student Life shall enhance the culture of the campus and insure the education of the whole person so central to liberal arts education in the Jesuit tradition. The committee shall foster faculty awareness of and involvement in student activities under the jurisdiction of the Vice-President for Student Affairs, and promote communication between faculty and those involved in student affairs. The Committee shall consist of five faculty members appointed by the Faculty Senate for three-year renewable terms.

(f) Faculty Committee on Technology. The Faculty Committee on Technology shall advise University officials concerning the purchase, support, and use of technologies relevant to all aspects of academic affairs. The Committee shall consist of the University’s chief technology official, ex officio, other University technology staff deemed relevant by the University’s chief technology official, ex officio, the Academic Vice President or his designee, ex officio, the President of the Faculty Senate, ex officio, and eight full-time faculty members. No more than one member of any School shall serve as a
(g) Faculty Life Committee.
(1) The Faculty Life Committee shall advise the Faculty Senate on those aspects of University life that contribute to faculty development and to the sense of University community.

(2) The Faculty Life Committee shall consist of the President of the Faculty Senate, ex officio, and eleven other faculty members appointed by the Faculty Senate for three-year renewable terms. The Committee membership consists of: five from the Arts and Sciences Faculty at Rose Hill, two from the Arts and Sciences Faculty at Lincoln Center, and one each from the Schools of Business, Education, Law and Social Service. Of the five Committee members representing the Arts and Sciences Faculty at Rose Hill, three shall be tenured and two non-tenured. Of the two Committee members representing the Arts and Sciences Faculty at Lincoln Center, one shall be tenured and one non-tenured. Faculty representing schools having one seat on the Committee may be either tenured or non-tenured. Committee members shall be deemed to have the status they held at the time of appointment regardless of a status change which may occur after appointment.

§4-06.09 Committees Elected by the Faculty Senate

(a) Faculty Salary and Benefits Committee

(1) The Faculty Salary and Benefits Committee shall review with the Administration the faculty salary structure of the University. The Committee shall determine annually with the Administration the allocation of monies for faculty salaries and fringe benefits, subject to the approval of the Board of Trustees (see §4-08.01). The Committee shall not represent the Law School. The Committee shall report to the Faculty Senate and obtain its approval before reaching a final agreement with the Administration. Nothing in this paragraph shall modify the power of the Board of Trustees to establish the University Budget.

(2) The Faculty Salary and Benefits Committee shall consist of the President of the Faculty Senate, ex officio, and twenty-two other faculty members elected by the Faculty Senate in the Spring semester for three-year terms. There are no term limits for members of the Faculty Salary and Benefits Committee. The twenty-two faculty members shall be elected as follows: ten from the Arts and Sciences Faculty at Rose Hill, four from the Arts and Sciences Faculty at Lincoln Center, four from the Faculty of Business, and two each from the Schools of Education and Social Service. Of the ten Committee members representing the Arts and Sciences Faculty at Rose Hill, six shall be tenured and four non-tenured. Of the four Committee members representing the Arts and Sciences Faculty at Lincoln Center, two shall be tenured and two non-tenured. Of the four members of the Committee representing the Faculty of Business, two shall be tenured and two
non-tenured. Of the two members of the Committee representing the Faculty of the School of Education, one shall be tenured and one non-tenured. Of the two members of the Committee representing the Faculty of the School of Social Service, one shall be tenured and one non-tenured. The persons nominated and subsequently elected shall be deemed to have the status they held at the time of election regardless of a status change which may occur after election.

(3) The Faculty Salary and Benefits Committee shall be elected by the Faculty Senate from a list of nominees presented by the Schools of the University (except the Law School). Nominations shall be secured in the following manner: During the Spring semester, the President of the Faculty Senate shall present to each Faculty separate lists of the tenured and non-tenured eligible full-time faculty. Members of a faculty voting in the election shall nominate three names from the list and return the ballot to the President of the Faculty Senate. The Elections Committee shall count the ballots and rank the nominees from each Faculty according to the number of votes received. Nominees shall be selected in descending order from this list to supply two names for each vacancy. The Faculty Senate shall elect members of the Committee from this list of nominees.

(4) If a vacancy occurs in the Committee:

(A) The President of the Faculty Senate shall promptly fill the vacancy by certifying as elected thereto the candidate from the Faculty in which the vacancy occurs who secured the next highest number of votes in the latest election of the Committee members by the Faculty Senate.

(B) If the vacancy is not filled as provided in subparagraph (A), the Executive Committee of the Faculty Senate, together with the Senators representing the Faculty concerned, shall designate a faculty member from that Faculty to fill the vacancy.

(C) A committee member filling a vacancy pursuant to this paragraph shall serve out the term of the member whose vacancy is thus filled.

(5) The term of office for this Committee shall begin on July 1.

(b) Tenure and Reappointment Appeals Committee

(1) The Tenure and Reappointment Appeals Committee shall consider matters provided in §4-07, Part I.

(2) The Tenure and Reappointment Appeals Committee shall consist of eleven tenured faculty members (five from the Arts and Sciences Faculty at Rose Hill, two from the Arts and Sciences Faculty at Lincoln Center, and one each from the Faculty of
Business and the Schools of Education, Law, and Social Service) elected by the Faculty Senate for three-year terms. No member of the Committee shall serve for more than one consecutive three-year term, and no more than one member of any Department may serve as a member at the same time. If any case requires a rehearing or reconsideration by the Committee, to the extent possible the same Committee members who originally heard the case shall constitute the Committee for that purpose, regardless of the then current membership of the Committee.

(3) The Tenure and Reappointment Appeals Committee shall be elected by the Faculty Senate from a list of nominees presented by the Faculties of the University. Nominations shall be secured in the following manner: During the Spring semester, the President of the Faculty Senate shall present to each Faculty a list of all eligible full-time tenured faculty members of that Faculty. Each full-time faculty member may nominate up to three names from the list and return the ballot to the President of the Faculty Senate. The Elections Committee shall count the ballots and rank the nominees from each Faculty according to the number of votes each received. Nominees shall be selected in descending order from this ranked list to supply two names for each vacancy. The Faculty Senate shall elect members of the Committee from this list of nominees.

(4) If a vacancy (other than temporary) occurs in the Committee:

(A) The President of the Faculty Senate shall promptly fill the vacancy by certifying as elected thereto the candidate from the Faculty in which the vacancy occurs who secured the next highest number of votes in the latest election of the Committee members by the Faculty Senate.

(B) If the vacancy is not filled as provided in sub-paragraph (A), the Executive Committee of the Faculty Senate, together with the Senators representing the Faculty concerned, shall designate a faculty member from that Faculty to fill the vacancy.

(C) A committee member filling a vacancy pursuant to this paragraph shall serve out the term of the member whose vacancy is thus filled.

(5) In the event of disqualification of a member of the Committee in a particular case, the Faculty Senate may appoint a substitute as provided in §4-06.14.

(c) University Tenure Review Committee

(1) The University Tenure Review Committee, subsequent to the recommendations of the Deans and the Vice President for Academic Affairs, shall review all positive tenure recommendations by Departmental or Professional School Faculty (with the exception of the Law School) to ensure that The University Norms
for Granting Tenure [§4-05.04(d)(1)(2) are adhered to by the unit making such a recommendation. The Committee in its deliberations will take into account the weight given to each of the qualifications of the candidate for tenure as articulated by the several Departments and Schools in the context of their varying needs [§4-05.04(d)(2)(A). The Committee may make a recommendation on tenure at variance with the Department or School only for exceptional reasons. The Committee shall make its recommendations to the President of the University.

(2) Faculty who had tenure track appointments on or before September 1, 1996, and are applying for tenure in Departments and Professional Schools (with the exception of the Law School) where fewer than sixty percent of the unit are tenured may elect at the time of tenure application to have their cases reviewed by the University Tenure Review Committee if the unit vote is positive.

(3) No recommendation by the Tenure and Reappointment Appeals Committee shall be reviewed by the University Tenure Review Committee.

(4) The University Tenure Review Committee shall consist of ten tenured faculty members (four from the Arts and Sciences Faculty, Rose Hill, two from the Arts and Sciences Faculty, Lincoln Center, one each from the Faculties of Business, Education and Social Service, with a fourth rotating among these Professional Schools alphabetically, beginning with Business for the Spring Term, 1998), elected by the Faculty Senate for three-year terms. No member of the Committee may serve for more than one consecutive three-year term. No more than one member of a Department may serve as a member of this Committee. If any case requires a rehearing and reconsideration by the Committee, to the extent possible the same University Tenure Review Committee that originally acted on the case shall be reconvened regardless of timing.

(5) The University Tenure Review Committee shall be elected by the Faculty Senate from a list of nominees presented by the Faculties of the University (except the Law School). Nominations shall be secured in the following manner. During the Fall semester, the President of the Faculty Senate shall present to each Faculty a list of its tenured faculty members. Each full-time faculty member of the Faculty shall nominate three names from the list and return the ballot to the President of the Faculty Senate. The Elections Committee shall count the ballots and rank the nominees in each Faculty according to the number of votes each has received. Nominees shall be selected in descending order from this ranked list to supply two names for each vacancy. The Faculty Senate shall elect the members of the Committee from this list of nominees.
(6) If a vacancy (other than temporary) occurs in the Committee:

(A) The President of the Faculty Senate shall promptly fill the vacancy by certifying as elected thereto the candidate, from the Faculty in which the vacancy occurs, who secured the next highest number of votes in the latest election of the Committee members by the Faculty Senate.

(B) If the vacancy is not filled as provided in sub-paragraph (A), the Executive Committee of the Faculty Senate, together with the Senators representing the Faculty concerned, shall designate a faculty member from that Faculty to fill the vacancy.

(C) A committee member filling a vacancy pursuant to this paragraph shall serve out the term of the member whose vacancy is thus filled.

(7) In the event of disqualification of a member of the Committee in a particular case, the Faculty Senate may appoint a substitute as provided in §4-06.14.

§4-06.10 School or Faculty Committees

Each School or Faculty may establish such faculty committees as it deems appropriate.

§4-06.11 Department or Faculty Committees

Each Department may establish faculty committees as it deems appropriate.

§4-06.12 Ad Hoc Committees

When required, ad hoc committees may be established at the University, Faculty, School or Department level, to make appropriate studies and recommendations. These Committees normally shall be established after consultation between the involved faculty and administration, as appropriate for the level concerned.

§4-06.13 Term of Office

Unless otherwise specified, the term of office for each committee member shall commence on September 1. Each committee member shall hold office until the expiration of the designated term and until a successor has been selected and qualified.
§4-06.14  Disqualification and Temporary Substitution of Committee Members

(a) Faculty members are disqualified from serving on particular cases brought to the Faculty Hearing Committee, the Tenure and Reappointment Appeals Committee, and the University Tenure Review Committee if they have had prior roles in the case or have demonstrated another form of conflict of interest.

(b) The Executive Committee of the Faculty Senate may make temporary appointments to committees when required to fill vacancies for the purpose of avoiding a conflict of interest and in cases where the committee requests a substitute to fill a vacancy caused by disqualification or otherwise.

§4-06.15  Confidentiality in the Work of Committees

(a) Members of committees dealing with individual personnel matters or confidential administrative matters are bound by the rule of confidentiality [see §4-07.41].

(b) Nothing contained in this section shall preclude members of such committees from disclosing confidential matters to the Faculty Senate in executive session [see §4-06.04 (b)].

§4-06.16  Presiding Officer of Committees; Procedures

(a) Unless otherwise specified, each committee shall elect its own presiding officer and any other officers it may require.

(b) Each committee may establish its own by-laws and procedures. Committees specified in §4-06.04 through §4-06.09 shall file copies of their by-laws and procedures in the Faculty Senate Office. [See also §4-07.03(a), §4-07.32(a)]. The Faculty Senate may request that other committees file such documents in the Faculty Senate Office.

§4-06.50  Department Chairperson

(a) Chairperson. A faculty member shall serve as Chairperson of each Department. The Chairperson's duties shall be carried out in consultation with the faculty members of the Department.

(b) Responsibilities of the Chairperson. The Chairperson’s duties shall be carried out in accordance with these Statutes and other policies of the University, Faculty, School or Department.

(1) Representational Duties. The Chairperson shall represent the Department in dealing with units of the University and administrators, informing them of the needs, policies and procedures of the Department. The Chairperson shall communicate University and School policies to the members of the Department.

(2) Administrative Duties. The Chairperson shall administer the Department including calling and presiding at meetings, implementing University, Faculty, School or Department policies
and procedures, supervising the staff and facilities, preparing the budget and supervising expenditures of the unit.

(3) **Curricular and Instructional Duties.** The Chairperson shall be responsible for planning and implementing the curriculum, instructional programs and schedules, and ensuring proper evaluation of teaching effectiveness, according to procedures established by the University, Faculty, School or Department.

(4) **Counseling Duties.** The Chairperson shall arrange for the registration and counseling of students.

(5) **Duties Relating to Faculty.** The Chairperson shall take an active role in recruitment of faculty and instructional staff, shall preside at meetings of personnel committees as provided in these Statutes and shall review progress with each probationary faculty member at least annually [see §4-05.02(e)(2)].

(c) **Selection of Chairperson**

(1) The Chairperson normally shall be selected from among the tenured Professors and Associate Professors of the Department.

(2) The nominating committee shall consist of all full-time faculty with the rank of Assistant Professor or higher who have completed one academic year of service at the University.

(A) If there are fewer than five faculty members who meet the above requirements, the full-time faculty members of the Department shall elect from among themselves by written secret ballot the number of persons necessary to secure a five member nominating committee.

(B) In Departments where there are fewer than five full-time faculty members, the entire faculty shall constitute the nominating committee.

(C) Any member of the faculty serving under a terminal notice of contract shall be eligible to participate in nominations for Chairperson only if such person will serve under the Chairperson to be appointed.

(D) Eighty (80) percent of a nominating committee shall constitute a quorum for the transaction of all business.

(E) Faculty members on faculty fellowship or leave of absence and administrators tenured in the unit may vote as members of a nominating committee if they are present at the meeting but they shall not affect the presence or absence of a quorum.

(3) The Dean of Faculty shall meet with the nominating committee for the purpose of sharing perspectives.
(4) The nominating committee shall vote separately on each nominee for Chairperson. The Committee shall forward all the names (up to three) from among those who received a majority of the votes cast. The vote shall be by written secret ballot. The Committee shall transmit the names to the Dean of Faculty.

Each academic unit may use its own procedures for the process of nominating candidates for the unit's recommendation of a chair, but these procedures must be put in written form, must respect Robert's Rules for Order, and must be approved by the members of that academic unit prior to beginning the nomination process. These procedures should be forwarded by the unit to the appropriate deans, to the Office of the Provost, and to the Faculty Senate in the same way in which it must declare its procedures for merit considerations.

(5) The Dean shall add comments, and transmit the names of the nominees to the Vice President for Academic Affairs, who shall appoint the Chairperson.

(A) If the Vice President for Academic Affairs declines to appoint any of the nominees, the Vice President shall meet with the Committee and the Dean to discuss the matter. A quorum is not required at this meeting, unless another nomination for a permanent chairperson is to be made by the committee, in which case the usual 80% quorum will be required.

(B) If agreement on a Chairperson is not achieved, the Vice President for Academic Affairs may appoint an Acting Chairperson [see §4-06.51]

(d) **Term of Office.** The term of office of a Chairperson is three years, renewable for one sequential term. A shorter appointment may be made in special circumstances. Notwithstanding the foregoing, a Chairperson who has served two Consecutive three-year terms may be continued in Office by reappointment for one-year terms, subject to the nomination process described in §4-06.50(c).

(e) **Stipend.** In addition to receiving a reduced teaching load, the Chairperson shall receive an appropriate stipend.

(f) **Termination of Appointment.** A proceeding for termination of the appointment of a Chairperson may be commenced by petition to the Dean of Faculty made by at least two thirds of the eligible nominating committee; or by the Dean with the consent of a majority of the eligible nominating committee. If the Dean is unable to reconcile the matter, the Dean shall inform the Vice President for Academic Affairs, who shall conduct a hearing at which all parties may be represented. The decision of the Vice President for Academic Affairs shall be final.

§4-06.51 **Acting Chairperson**
(a) If a Department is unable to make any nominations for Chairperson, the Vice President for Academic Affairs, after consultation with the Dean of Faculty, may appoint an Acting Chairperson for a period not to exceed one academic year.

(b) In case of inability of a Chairperson to serve, the Vice President for Academic Affairs, after consultation with the Dean of Faculty and the Professors and Associate Professors of the Department, may appoint an Acting Chairperson to serve until a Chairperson is appointed pursuant to §4-06-50(c).

§4-06.52 Associate or Assistant Chairperson

The Chairperson with the concurrence of the Department may request that an Associate or Assistant Chairperson be appointed in cases where the administration and operation of Associate or the unit so require. Upon approval by the Dean of Faculty, such appointments are made by the Vice President for Academic Affairs for one-year renewable terms. Appropriate workload and compensation shall be arranged.

§4-06.53 Chairperson of a School Faculty

In Schools not organized by Departments one member of the faculty of the School may, at the option of the faculty, be selected as Chairperson of the Faculty of the School by the same procedure specified for the choosing of Department Chairperson [see 4-06.50(c)]. The responsibilities of the Chairperson of a Faculty shall be determined by the Faculty of the School, and may include the following:

(a) Conducting faculty meetings dealing with appointment, reappointment, promotion and tenure, and making the presiding officer's recommendation in these matters.

(b) Representing the faculty in dealings with the Dean, other administrators, and other units of the University.

This section 4-06.53 is not applicable to the Schools of Business.

§4-06.54 Coordinators or Directors of Programs and Areas

The nominating process does not apply to Coordinators or Directors of Programs or Areas. For such positions, if the program is intra-departmental, the selection shall be made by the Chairperson of the Department; if it is inter-departmental, the selection shall be made by the Dean of the School.

§4-06.55 Directors of Arts and Sciences Interdisciplinary Committees

(a) Responsibility. The Director of an Arts and Sciences Interdisciplinary Committee (or in the special case where there are Co-directors) is the operational head/administrative officer of the program with responsibilities for coordinating the participating faculty members’ formulating of major and minor programs offered by the Committee. The Director represents the program’s needs to the Dean(s) of the College(s) and the Dean of the Arts and Sciences
Faculty as appropriate, coordinates course scheduling for courses specific to the program, discusses the program’s needs with the Chairpersons of those Departments that offer courses essential to the program, and coordinates scheduling and cycling of these with the Chairpersons.

(b) Selection of Director and Terms of Appointment. The Director of an Interdisciplinary Program is nominated by the members of the Interdisciplinary Committee, is appointed by the Vice President for Academic Affairs, upon the recommendation of the Dean of the Arts and Sciences Faculty after consultation with the Dean(s) of the Colleges(s) for a three-year term, and receives a stipend and/or course reduction as appropriate to the size of the program and the burden of the tasks involved in managing the program.

CHAPTER SEVEN

ACADEMIC DUE PROCESS

§4-07.01 Procedure

PART I

Procedures Applicable to Grievances Relating to Denial of Reappointment or Tenure

§4-07.02 Initiation of Grievances Relating to Denial of Reappointment or Tenure
§4-07.03 Procedures of the Tenure and Reappointment Appeals Committee
§4-07.04 Termination Date Not Modified

PART II

Procedures Applicable to Cases of Discipline, Suspension or Dismissal

§4-07.11 Initiation of Procedures to Suspend or Dismiss Members of Institutional Staff
§4-07.12 Informal Procedures
§4-07.13 Disciplinary Action

PART III

Formal Procedures of Faculty Hearing Committee

§4-07.21 Initiation of Formal Procedures
§4-07.22 Formal Hearing Procedures
§4-07.23 Disposition

PART IV
§4-07.31  Initiation of Grievance Procedures

§4-07.32  Procedures of Faculty Hearing Committee

§4-07.33  Disposition

PART V

Miscellaneous

§4-07.41  Confidentiality

§4-07.42  Subpoenas

*     *     *     *     *

§4-07.01  Procedure

The procedures for ensuring academic due process are divided as follows:

Part I  -  Procedures Applicable to Grievances Relating to Denial of Reappointment or Tenure [§4-07.02 through .04].

Part II - Procedures Applicable to Cases of Discipline, Suspension or Dismissal [§4-07.11 through .13].

Part III - Formal Procedures of Faculty Hearing Committee [§4-07.21 through .23].

Part IV - Procedures Applicable to Grievances Not Relating to Denial of Reappointment or Tenure, or to Discipline, Suspension or Dismissal [§4-07.31 through .33].

Part V - Miscellaneous [§4-07.41 and .42].

PART I

Procedures Applicable to Grievances Relating to Denial of Reappointment or Tenure

§4-07.02  Initiation of Grievance Relating to Denial of Reappointment or Tenure
(a) **Review by Tenure and Reappointment Appeals Committee**

A member of the instructional staff with a grievance relating to denial of reappointment or tenure may petition the Tenure and Reappointment Appeals Committee [see §4-06.09(b)] only as provided in subdivision (b).

(b) **Scope of Review**

1. **Reappointment - University Faculty.** If a member of the University Faculty asserts a grievance relating to denial of reappointment, the Committee may consider only whether the matter received adequate consideration, whether it was handled according to University policies and procedures, and whether the denial violated academic freedom or involved unlawful discrimination. If the Committee finds a violation of academic freedom or unlawful discrimination, it may substitute its judgment on the merits for that of the appropriate faculty body or the Administration.

2. **Reappointment - Other Instructional Staff**

If a member of the instructional staff who is not a member of the University Faculty asserts a grievance relating to denial of reappointment, the Committee may consider only whether the denial violated academic freedom or involved unlawful discrimination. If the Committee finds a violation of academic freedom or unlawful discrimination, it may substitute its judgment on the merits for that of the appropriate faculty body or the Administration.

3. **Tenure.** If a member of the University Faculty asserts a grievance relating to denial of tenure, the Committee may consider whether the matter received adequate consideration, whether it was handled according to University policies and procedures, whether it was decided upon arbitrary or improper grounds, whether the denial was unreasonable in terms of the applicable standards [see §4-05.04], or whether the denial violated academic freedom or involved unlawful discrimination. The Committee may substitute its judgment on the merits for that of the appropriate body or the Administration.

(c) **Petition.** The petition shall set forth the relevant facts asserted by the petitioner, and shall specify which of the reasons enumerated in subdivisions (b) forms the basis of the petitioner's grievance.

(d) **Time and filing of petition.** The petition must be filed no later than ninety (90) days after the date of the letter by which the petitioner was notified of the decision against which the grievance is directed. The petitioner shall file the petition in the Office of the Faculty Senate and transmit a copy thereof to the Vice President for Academic Affairs.

§4-07.03 **Procedures of Tenure and Reappointment Appeals Committee**

(a) **Proceedings.** The Committee may conduct such investigation as it deems appropriate. The Committee shall consider the petition and any supporting
documents filed with it, and may secure additional information as it deems necessary. The Committee shall establish rules of procedure not inconsistent with the provisions of these statutes. The rules of procedure shall be transmitted to the Faculty Senate for approval.

(b) Disposition

(1) **Reappointment.** If the Committee determines that the petitioner has shown sufficient grounds [see §4-07.02(b)(1) or (2)], it shall indicate the grounds upon which the prior determination was found inadequate or improper, and direct the appropriate faculty body or administrative officer to reconsider. The Committee shall notify the Vice President for Academic Affairs of its decision and the grounds therefor. The reconsideration shall be conducted expeditiously. The Vice President for Academic Affairs or his designee shall advise the petitioner of the final decision.

(2) **Tenure**

(A) **Committee recommendation contrary to initial faculty determination.** Before the Committee makes a recommendation opposed to that of the faculty body which made the initial determination, it shall first direct that body to reconsider, stating its reasons for so doing.

(B) **Transmittal of Committee recommendation: decision.** The Committee shall communicate its recommendations, including the results of any reconsideration by the faculty body [see §4-07.03(b)(2)(A)], to the President of the University, the President of the Faculty Senate and the Vice President for Academic Affairs. The President of the University, or his representative, shall advise the faculty member in writing of the final decision, and shall file a confidential copy thereof in the Office of the Faculty Senate.

(C) **Finality of Committee recommendation.** The Committee's recommendation to grant or deny tenure ordinarily shall be determinative.

§4-07.04 Termination Date Not Modified

Neither the initiation of grievance procedures, nor any proceeding or recommendation by the Tenure and Reappointment Appeals Committee, shall by itself modify the effective date of a termination.

PART II

Procedures Applicable to Cases of Discipline, Suspension or Dismissal

§4-07.11 Initiation of procedures to discipline, suspend or dismiss member of Instructional staff
The President of the University shall transmit by certified mail to any member of the instructional staff (hereinafter "respondent") who is to be disciplined or suspended or dismissed from academic duties:

(a) A clear statement of the facts constituting cause for the proposed action;

(b) An invitation to attend an informal personal conference with or without an attorney or other adviser whom the respondent may select; and

(c) A notice that statements made by any participant in informal personal conference shall not be admitted over objection in any subsequent formal hearing [see §4-07.21 and .22].

§4-07.12 Informal procedures

(a) **Personal conferences.** The President of the University or the President's designee shall offer to discuss the matter with the respondent in a personal conference.

(b) **Counsel.** The President of the University or his designee, and the respondent may each be accompanied by an attorney or other adviser.

(c) **No record.** No record shall be kept of the informal personal conference. No statement made by any participant at the conference shall be admitted over the objection of any party in any later hearing [see §4-07.21 and .22].

(d) **Disposition**

(1) If a resolution of the matter satisfactory to all parties is reached as a result of the informal personal conference, the President of the University or designee shall send a letter by certified mail to the respondent setting forth the disposition.

(2) If the matter is not resolved through the informal personal conference, the parties may agree to submit the matter to one or more mediators.

(A) The parties shall determine the number and identity of mediators and the procedures to be followed.

(B) If the proposal of the mediator(s) is accepted by both parties, the President of the University or designee shall send a letter by certified mail to the respondent setting forth the disposition.

(C) Failure of the parties to agree to submission of the matter to mediation, mediation procedures, or proposal of the mediator(s) shall not preclude application of the formal procedures in §4-07.21 through .23.

(3) If the matter is not resolved through an informal personal conference or mediation, the President of the University or designee shall send a
letter by certified mail to the respondent, with copies to the Hearing Committee and the Office of the Faculty Senate, which shall contain:

(A) A clear statement of the facts constituting cause for the proposed action;

(B) Copies of the University Statutes, By-Laws, and Regulations relevant to the merits of the case;

(C) A copy of §4-07.21 through .23 and 4-06.08(c);

(D) In the interest of achieving fairness and timeliness, notice that a formal hearing will be commenced by the Faculty Hearing Committee on a date as soon as possible between 30 and 40 days after the date of the letter, and at date, time and place to be set by the Committee. The Committee shall inform the President of the University or designee, the respondent, and the Office of the Faculty Senate of the date, time and place by expedited delivery.

(E) A summary of evidence to be presented and a list of witnesses to be called at the hearing;

(F) An invitation to attend the formal hearing with or without an attorney or other adviser;

(G) A request that not later than one week before the scheduled hearing date, the respondent inform the President of the University or designee and the Faculty Hearing Committee in writing of the response, if any, to the statement of cause and whether it is desired that no hearing be held.

§4-07.13 Disciplinary Action.

(a) Members of the instructional staff [see §4-01.01] may be disciplined by admonition, censure, suspension (with or without pay) or dismissal for one or more of the following reasons:

(1) Conduct inconsistent with accepted professional standards. This shall not be so interpreted as to constitute interference with academic freedom.

(2) Incompetent or inefficient service.

(3) Breach of employment contract.

(4) Violation of the University Code of Conduct (see Article 6).

(b) Except as provided in §4-07.12, the Faculty Hearing Committee shall determine the penalty, which may be reduced by the President of the University.
(c) Except as provided in §4-07.12, suspension or dismissal shall not be imposed by the Faculty Hearing Committee in the absence of an express finding of gross misconduct.

(d) The President of the University, with the advice of the Executive Committee of the Faculty Senate, may suspend a member of the instructional staff with pay, pending the completion of procedures pursuant to Parts II and III of this Chapter. Such suspension may be imposed only if the President determines that serious and immediate harm to such person or others, or to the University, is threatened.

PART III

Formal Procedures of Faculty Hearing Committee

§4-07.21 Initiation of formal procedures

(a) Grievances not relating to denial of reappointment or tenure or to discipline, suspension or dismissal. Any party to a grievance procedure initiated under §4-07.31 may petition the Faculty Hearing Committee for a formal hearing if a satisfactory resolution of the matter has not been reached under the informal procedures prescribed in §4-07.32.

(1) Informal procedures exhausted. The petition may not be filed before the Committee has sent the parties the notice required by §4-07.33(b).

(2) Time and filing of petition. The petition shall be filed in the Office of the Faculty Senate and a copy transmitted to the Vice President for Academic Affairs no later than thirty (30) days after the date of the notice described in §4-07.33(b).

(3) Hearing. The Committee shall set the time and place for the hearing, and inform the parties thereof by certified mail.

(b) Discipline, suspension or dismissal. The letter described in §4-07.12(d)(3) shall initiate the formal hearing procedures. The Committee shall set the date, time and place for the hearing and inform the parties thereto by expedited delivery. The date and time shall be set so as to allow the respondent a reasonable time to prepare for hearing.

§4-07.22 Formal Hearing Procedures

(a) Rules. The Committee shall establish rules of procedure not inconsistent with the provisions of these statutes. Formal rules of court procedures need
not be followed. The rules of procedure shall be transmitted to the Faculty Senate for approval.

(b) **Counsel.** The Committee, with the approval of the President of the University, may appoint a lawyer to act as its counsel at University expense. Any party to a formal hearing may be accompanied and advised by an attorney or other adviser. The respondent and counsel in a disciplinary proceeding may be present throughout the hearing.

(c) **Evidence.** The parties may introduce and the Committee may consider any evidence regardless of whether it would be admissible in judicial proceedings. If the respondent has not answered the statement of cause, or has elected not to have a formal hearing [see §4-07.12(d)(3)(G)], the Committee may independently investigate the matter, or request that the President of the University or representative present proof thereon.

(d) **Record.** A full verbatim record shall be made of all disciplinary hearings, and one copy of the transcript shall be furnished by the University to the respondent. The record shall be preserved under the rules of confidentiality in the Office of the Faculty Senate [see §4-07.41].

§4-07.23  **Disposition**

(a) The Faculty Hearing Committee shall prepare a meaningful report summarizing the facts it has found and stating its decision on the merits.

(b) **Grievances other than those relating to denial of reappointment or tenure, or to discipline, suspension or dismissal.**

(1) **Notice of decision.** The report of the Committee shall be sent to the parties by certified mail and to the Vice President for Academic Affairs, and the Office of the Faculty Senate.

(2) **Finality.** The decision of the Committee shall be ordinarily determinative.

(c) **Discipline, suspension or dismissal**

(1) **Report, record and evidence to Trustees.** Within 30 days after the conclusion of the hearing conducted by the Faculty Hearing Committee, the report of the Committee shall be transmitted to the Board of Trustees, together with the record and all other evidence presented to the Committee.

(2) **Trustees agreement with decision.** Within 15 days after the receipt of the report of the Faculty Hearing Committee, if the Board of Trustees approves the Committee's decision, it shall so inform the respondent, grievant or petitioner, the University President, and the Office of the Faculty Senate.

(3) **Trustees disagreement with decision.** Within 15 days after receipt of the report of the Faculty Hearing Committee, if the Board of Trustees disagrees with the Committee's decision, it shall state its specific objections and return the matter to the Committee for
reconsideration. The Committee may receive new evidence if it chooses, and shall prepare a new report within 30 days summarizing the facts it has found.

(4) The decision of the Board of Trustees upon reconsideration shall be final.

PART IV

Procedures Applicable to Grievances Not Relating to Denial of Reappointment or Tenure, or to Discipline, Suspension or Dismissal

§4-07.31 Initiation of grievance procedures

(a) Petition. A member of the University Faculty with a grievance relating to personnel decisions other than those in §4-07.02 through §4-07.13, to violations of specific University Statutes other than those in §4-07.02 through §4-07.13, and to other alleged violations of University policies may petition the Faculty Hearing Committee. Before submitting a petition the faculty member is urged to attempt to resolve the matter informally with the official or persons involved.

(b) Time and filing of petition. A petition relating to promotion, salary or benefits must be filed in the Office of the Faculty Senate no later than ninety (90) days after the date of the letter advising of the decision against which the grievance is directed and a copy transmitted to the Vice President for Academic Affairs. All other petitions must be so filed and transmitted with reasonable promptness.

(c) Contents of petition. The petition shall set forth the nature of the grievance, including the pertinent facts, and the action, decision or person against which or whom it is directed.

(d) Members of the Faculty of the Department of Military Science shall direct all grievances to the Advisory Committee on ROTC which shall make recommendations to the President of the University through the Vice President for Academic Affairs, who shall add personal recommendations.

§4-07.32 Procedures of Faculty Hearing Committee

(a) The Committee shall decide whether the petition has sufficient substance to warrant further review. It shall communicate its decision to both the petitioner and the office of the Faculty Senate promptly.

(b) If the Committee decides that there is substance to the complaint, it shall attempt in an informal fashion to resolve the issue.

(c) If the Committee achieves such a resolution, no record of the case shall be kept by the Committee or the Senate.

(d) If the Committee is unable to achieve an informal resolution, it shall then proceed to consider the merits of the grievance. As is the case for the
Tenure and Reappointment Appeals Committee (4-07.03), the Committee may conduct such investigation as it deems appropriate. The Committee shall consider the petition and any supporting documents filed with it and may secure additional information as it deems necessary. The Committee shall establish rules of procedure not inconsistent with these statutes, to be transmitted to the Faculty Senate at the beginning of the academic year. The Committee may alter these rules by notification of the Faculty Senate.

§4-07.33 Disposition

(a) The Committee shall prepare a report summarizing the case and stating its judgment.

(b) The report of the Committee shall be sent promptly to the parties involved, to the Vice President for Academic Affairs and to the office of the Faculty Senate.

(c) The decision of the Committee shall be ordinarily determinative.

PART V

Miscellaneous

§4-07.41 Confidentiality

(a) Except when otherwise directed by final order of or governmental tribunal of competent jurisdiction, faculty members and administrators engaged in procedures involving faculty personnel decisions shall treat as confidential all information disclosed during such procedures, as well as the fact of occurrence of the procedure and the result thereof except as otherwise provided in these statutes. Specifically, and without limiting the generality of the foregoing, this rule of confidentiality shall apply to all University Personnel serving on, testifying before, supplying information to and receiving information from the Tenure and Reappointment Appeals Committee, University Tenure Review Committee, Faculty Hearing Committee, and the Faculty Senate in executive session.

(b) The result of such procedures, together with the appropriate meaningful reasons therefor, shall be communicated to those involved, and to the Faculty Senate Office, as specified in these statutes.

(c) This rule of confidentiality shall also apply in other cases where these statutes so specify, and to prospective matters upon the request of the President or a Vice President of the University, or President of the Faculty Senate.

(d) Faculty members serving as members of any of the Committees mentioned in subdivision (a) and members of the Faculty Senate while the Senate is sitting in executive session, shall have the right to review all relevant documents and to interview witnesses. All University personnel having relevant knowledge, information or documents shall disclose such, free of any restriction imposed by this section, upon competent request therefor by such bodies.
(e) Failure to maintain the required confidentiality constitutes a breach of contract.

§4-07.42 Subpoenas

Personnel files are confidential [see §4-07.41]. No document in such file will be released by the University to any person without the written consent of the Vice President for Academic Affairs except in response to a final order of a court of competent jurisdiction, or a lawful subpoena duces tecum. The faculty member whose file is the subject of a subpoena duces tecum shall be notified promptly upon receipt of the subpoena, normally on the same day, both by telephone and by certified mail directed to the residence address of the faculty member. The purpose of the prompt notification is to afford the faculty member and his counsel, if any, sufficient time to move to quash the subpoena. In no case will file material which is not specifically subpoenaed be released in response to a subpoena or otherwise. Nothing in this statement of policy shall bar the University, sua sponte, from moving to quash the subpoena.
CHAPTER EIGHT

FACULTY SALARIES AND BENEFITS

§4-08.01 Salaries and Benefits: General Provisions.

§4-08.02 Individual Salaries.

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§4-08.01 Salaries and Benefits: General Provisions

(a) A faculty salary and benefit plan is determined annually between the Administration of the University and the Faculty Salary & Benefits Committee [see §4-06.09(a)].

(b) The Administration shall provide the Faculty Salary and Benefits Committee with all relevant budgetary and financial data.

(c) The Committee shall negotiate with the Administration concerning the total amount of faculty salaries and benefits and the allocation thereof.

(d) Proposals negotiated by the Faculty Salary and Benefits Committee shall be reviewed and approved by the Faculty Senate before final agreement with the Administration is achieved.

(e) The Administration shall cause to be published an appendix to these Statutes - to be designated Appendix C - which shall consist of two parts: Part I Salary and Benefit Provisions and Part II Annual Compensation Report.

(f) Members of the faculty of the Department of Military Science do not participate in faculty salary, retirement, medical, insurance, unemployment compensation, and other job-related benefits except that they enjoy faculty scholarship benefits during their appointment at Fordham. They enjoy the right of access to all faculty services, such as parking, faculty library privileges, use of faculty dining room and facilities, invitations to commencement, convocation and faculty social gatherings.

§4-08.02 Individual Salaries

(a) The salary for each faculty member may be recommended by the Dean(s) of Faculty to the Vice President for Academic Affairs, following the allocations set pursuant to §4-08.01(c) and (d).

(b) Each faculty member shall be notified by the Vice President for Academic Affairs of the salary for the following year no later than the date specified in the Personnel Procedural Calendar.

(c) A faculty member who has a grievance concerning salary or benefits which has not been resolved in informal conference with the Chairperson, Dean or Vice President for Academic Affairs, may petition the Faculty Hearing Committee [see §4-06.08(c) and §4-07.21].
CHAPTER NINE

FACULTY OF THE DEPARTMENT OF MILITARY SCIENCE

§4-09.01  Faculty Status

Members of the faculty of the Department of Military Science shall be members of the Faculty of Fordham University. They shall have primary responsibility for curriculum, subject matter and methods of instruction within their own program, and the right to participate as faculty in School and University activities, with the exception of matters arising from faculty status as employees of the University [see also §4-09.05].

For example:

Members of the Faculty of the Department of Military Science are not disqualified from participation in:

- School Councils
- Department or School Committees
- University Committees other than those dealing with personnel matters

They are not eligible to participate in:

- Fordham University Faculty Senate
- Faculty Hearing Committee
- Faculty Salary and Benefits Committee
- University Tenure Review Committee
- Tenure and Reappointment Appeals Committee
- Faculty Grievance Committee
- Faculty Handbook Committee
- Promotion and Tenure Committees of Schools and Departments

§4-09.02  Appointment

Members of the faculty of the Department of Military Science shall be appointed by the President of the University in accordance with the contract between the University and the Department of Defense. Recommendations to the President for appointment at the appropriate rank based on the academic and professional qualifications of proposed appointees shall be made by the Advisory Committee on
ROTC through the Vice President for Academic Affairs, who shall add personal recommendations.

§4-09.03  Tenure

Members of the Department of Military Science are not eligible for tenure.

§4-09.04  Grievance Procedures

Members of the faculty of the Department of Military Science shall direct all grievances to the Advisory Committee on ROTC which shall make recommendations to the President of the University through the Vice President for Academic Affairs, who shall add personal recommendations [see §4-07.31(d)].

§4-09.05  Faculty Benefits

Members of the faculty of the Department of Military Science do not participate in faculty salary, retirement, medical, insurance, unemployment compensation and other job-related benefits except that they enjoy faculty scholarship benefits during their appointment at Fordham. They enjoy the right of access to all faculty services, such as parking, faculty library privileges, use of faculty dining room and facilities, invitations to commencement, convocation and faculty social gatherings.

The Chapter on the Faculty of the Department of Military Science has also been incorporated within the following sections of the Statutes:

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CHAPTER TEN

AMENDMENTS

§4-10.01 Amendment Procedure

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AMENDMENTS

§4-10.01 Amendment Procedure

Proposed amendments to the University Statutes may be transmitted by the Administration or the Faculty Senate to the Faculty Handbook Committee [see §4-06.08(b)] for review and report. Amendments drafted by the Committee shall be submitted to the Faculty Senate. Upon adoption by the Faculty Senate, the draft shall be submitted to the President of the University for comments and if the President concurs, forwarded to the appropriate Committee of the Board of Trustees. The presiding officer of the Faculty Handbook Committee and the President of the Faculty Senate shall be available to meet with any Committee of the Board of Trustees on request. The Secretary or the Executive Secretary of the Board of Trustees shall advise the appropriate vice president of any amendment adopted by the Board, and such amendments will be reproduced and distributed.
CHAPTER ELEVEN

CLINICAL STAFF

§4-11.01 Definition

Clinical Staff Appointments as Clinical Staff may be offered to a limited number of qualified individuals whose professional competence and experience as practitioners are deemed beneficial and even necessary to the educational mission of the Professional Schools and at times the Departments.

Where accrediting bodies for a Professional School have specific requirements and standards for clinical appointments, these requirements and standards will generally take precedence over the statutory requirements specified in §4-11.01-.02.

The appropriate maximum number of these appointments should be determined by a majority vote of the tenured faculty in the School or Department and submitted to the Dean by November 1 who will forward the result to the Office of the Vice President for Academic Affairs by November 15.

The rationale for each Clinical Staff appointment and its functions and duties will also be determined by a majority vote of the tenured faculty in the School or Department and submitted to the Dean by November 1, who will forward the result to the Office of the Vice President for Academic Affairs by November 15.

Clinical Staff positions are outside the tenure-track. Clinical Staff positions with no additional duties involve teaching at least six but no more than eight courses in an academic year, or their equivalent in the Professional Schools. Clinical Staff positions with additional duties involve teaching at least four but no more than six courses in an academic year, or their equivalent in the Professional Schools. Clinical Staff are not eligible to carry out roles reserved to faculty as described in §4-06.01-.55.

Clinical appointees are designated as Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor and Clinical Instructor. Service in these positions does not count toward tenure. Faculty who were denied tenure may not be appointed as Clinical Staff.

The Office of the Vice President for Academic Affairs will file with the Faculty Senate by December 1 of each year a report stating the number of Clinical Staff being employed by the University disaggregated by School and Department.
§4-11.02 Appointment

(a) Authority for Appointment. All appointments to the Clinical Staff are made by the President of the University acting through the Vice President for Academic Affairs.

(b) Terms of Appointments. Appointments are made for fixed terms, not to exceed three years in the case of Clinical Assistant Professors and Clinical Instructors or five years in the case of Clinical Professors and Clinical Associate Professors. This does not preclude applications for another Clinical Staff appointment. Appendix E discusses normal periods of appointment to Clinical Staff positions.

The terms and conditions, in writing, of every appointment to the Clinical Staff, including a copy of these Statutes, shall be transmitted to the appointee by the Vice President for Academic Affairs. Any subsequent modification of the terms of the agreement shall be in writing executed by both the appointee and the Vice President for Academic Affairs.

(c) Eligibility for Clinical Appointment. To be eligible for a clinical appointment, a candidate must present evidence of substantial experience as a practitioner and/or appropriate education in a field relevant to the appointment.

(d) Procedures for Appointment.

(1) All personnel searches must be conducted in accordance with the University’s Equal Employment/Affirmative Action policies contained in Appendix H.

(2) Schools and Departments may establish their own procedures for faculty consultation concerning appointments, subject to the provisions of these Statutes.

(3) The Chairperson of a Department, or the Dean of a School not so organized, shall initiate the process for authorization and recruitment of prospective Clinical Staff members.

(4) The Deans consult with the Department Chairs and the Program Directors to arrive at a determination of hiring priorities.

(5) The Vice President for Academic Affairs establishes the official authorizations based on the needs of the Departments, Programs, and Schools not so organized as well as budgetary constraints. The official notification of action will include a statement regarding participation of programs and the procedure regarding hiring.

(6) The recommendation to offer an appointment is based on the needs of the Department or School not so organized. For planning purposes a Clinical Staff member must notify by March 15 the Department Chair or Dean of Schools not so organized if he/she wishes to be considered for a clinical appointment after the expiration of his/her current contract. In the absence of this notification, it is presumed that the staff member does not wish to be considered for an appointment.
(7) Candidates for appointment to the Clinical Staff shall be interviewed by
the Department Chairperson, or the search committee Chairperson, who
shall be a member of the faculty, at least three faculty members of the
unit, at least one of whom shall be tenured, and the Dean(s). In Schools
not organized by Department, the Chairperson of the Search
Committee, who shall be a member of the faculty, and at least three
faculty members of the unit, at least one of whom shall be tenured,
shall interview the candidates. In the case of appointments to the ranks
of Clinical Associate Professor and higher, two of the interviewing
faculty members shall possess the rank of Associate Professor or
higher.

All eligible tenured faculty will review the application and supporting
documents. A quorum of 80% of eligible faculty will meet and vote on
the application. The presiding officer will submit a report to the Dean.
All other faculty members of the School or Department shall be
afforded reasonable opportunity to review the application submitted by
the candidate, and when practicable, the opportunity to meet the
candidate. The interviewing faculty, the Chairperson, and others who
wish to do so, shall submit their recommendations concerning
appointment to the Dean.

(8) The Dean’s recommendation concerning the appointment shall be
transmitted to the Vice President for Academic Affairs, together with
the faculty recommendations. The Vice President for Academic
Affairs shall submit a recommendation to the President of the
University. With the approval of the President, the Vice President for
Academic Affairs shall negotiate a contract of appointment with the
candidate.

(9) Except in rare cases, and for compelling reasons, no Clinical Staff
appointment shall be made over the expressed objection of the faculty
of the School or Department.

(10) The provisions of §4-07.41 concerning confidentiality apply to all
faculty members and administrators involved in the making of
personnel recommendation and decisions.
ARTICLE FIVE
POLICIES, PROCEDURES AND GUIDELINES FOR RESEARCH AND TRAINING

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CHAPTER ONE

INTRODUCTION

§ 5-01.01  The Role of Research in a University

The statement in §4-04.01, that the faculty has "the right and duty to participate freely in the lawful search for and communication of the truth," reflects Fordham University's firm commitment to this basic and indispensable function of a University. If teaching is not to deteriorate into rote repetition of outdated information, it must continue to be infused with newly acquired knowledge. Research leads to the creative expansion of the teacher's vision, trains the student in scholarly inquiry which is the key to self-education and fulfills the University's responsibility to extend the horizons of knowledge to the ultimate benefit of society.

§ 5-01.02  The University Research Council

Recognizing its obligations to foster and assist faculty research and training activity, Fordham University has instituted the Research Council comprised of faculty members [see §4-06.06(c)(6)] who review the program of the University sponsored research grants and formulate policies for approval by the President. An Office of Research reports to the Associate Vice President for Academic Affairs-Research. This office is responsible for the management of sponsored research and training activities in the University [see §5-04.]
CHAPTER TWO
UNIVERSITY-SPONSORED RESEARCH

§5-02.01 Research Grants

§5-02.02 Grants-in-Aid

§5-02.03 Research Professorships

* * * * *

In addition to its Faculty Fellowship Program [see §4-05.08(a)(1)], the University seeks to encourage faculty [as defined in §4-01.02] research activity as follows:

§5-02.01 Research Grants

Research grants to assist full-time faculty to develop competitive research projects with potential for publication or submission to external funding agencies are reviewed by a faculty committee of the Research Council. A major emphasis is on junior faculty working on their first research projects beyond the dissertation. The deadline for the submission of faculty research grant applications is January 15.

§5-02.02 Grants-in-Aid

Grants-in-aid in small amounts may be requested in writing directly from the Office of Research for incidental expenses connected with a research project, such as typing fees for manuscripts, photocopying source materials, travel to libraries, etc.

§5-02.03 Research Professorships

When outside funds are available, Research Professorships may be awarded in order to provide Fordham faculty with an opportunity to devote themselves more completely to a particular research project by freeing them from teaching responsibilities. In certain circumstances, arrangements may be made for Research Professors to also teach. Since such faculty appointments are made from the ranks of already appointed professors and associate professors, the recommendation for such appointments shall be made in writing by the Chairperson of the Department, or the Dean of the School where there are no Departments, to the Vice President for Academic Affairs. Approval of both shall be required to make this appointment. When awarded, such research faculty ranks replace the regular faculty rank held by the faculty members involved for the length of time of the appointment. Research Professors ordinarily shall be appointed for one year subject to renewal.

(a) Research Professor. In order to qualify for this rank, the candidate must be a Professor and have demonstrated distinguished achievement in research activity.
(b) **Research Associate Professor.** In order to qualify for this rank, the candidate must be an Associate Professor and have demonstrated recognized achievement in research activity.

(c) **Appointment as Research Professor or Research Associate Professor.** Tenured Professors and Associate Professors who believe that they fulfill the qualifications for Research Professor or Research Associate Professor as described above, may be nominated to the University Director of Research at any time during the academic year. The recommendation of the Research Council must be considered before such an appointment is made.
CHAPTER THREE
OUTSIDE FUNDED RESEARCH AND TRAINING

§5-03.01 Introduction

Research and training programs sponsored by individuals or organizations outside the University may require the participation of the University as party to a contract or as administrator of granted funds. The University will agree to such participation, within the limitation of its physical and financial capacities, if the purpose of the programs coincides with the academic aims of the University. Inasmuch as the University scrupulously avoids any regular institutional judgment as to the choice or validity of subjects or methods of investigation, this determination will be made by referring to standards of normal academic procedure in each field of inquiry as described by the faculty. In doubtful cases, the Research Council will be consulted. The opportunity for the University and the faculty to respond to current urgent community problems is provided by participation in sponsored training programs and technical assistance and evaluation services, relevant to the educational objectives of the University.

§5-03.02 General Administration

University approval of sponsored grant programs is centered in the Office of Research. Under policies formulated by the Research Council and approved by the President of the University, responsibilities of the Director of Research include the following:

The review and approval on behalf of the University, of all proposals and budgets for sponsored research, demonstration and training prior to submission to the granting agency. This review and approval shall include project requirements for space and other items included in indirect costs. Proposals shall also be reviewed with respect to their compliance with the provisions of Chapter Four below including a specification as to how salaries are related to regular faculty responsibilities.

Post-award administration of sponsored grant programs is centered in the Office of the Controller. That Office is responsible for the following functions:

(a) The review and verification of purchase orders under grants.

(b) The review and verification of other requests for disbursement of grant funds.
(c) The submission of final financial reports on grants.

The Office of the Financial Vice President and Treasurer has the responsibility as official custodian of grant funds, to establish and maintain grant accounts, set up grant payrolls, and disburse all payments when approved by the budget administrator of the funds and the Director of the Office of the Controller.

§5-03.03 Procedures for Project Directors

(a) Preparing Proposals. Faculty members have primary responsibility for preparation of grant proposals. Complete proposals, including necessary endorsements by Department Chairperson, or Dean, should be forwarded to the Office of Research for University approval. Ten days before mailing deadlines must be allowed for this purpose. One copy for signature and one additional copy for the Office of Research’s permanent file should be provided.

Grant proposals which involve courses offering academic credit must be approved by the Department and the Dean of the School in which credit is to be awarded.

(b) Operating Project Budgets. When the grant award has been received, the Office of Research will transmit the Notice of Award with approved budget from the funding agency to the Controller’s Office to set up the budget.

The Office of the Controller is responsible for supplying copies of project budgets and grant awards to the Financial Office, which will establish an account for each project. A monthly expenditure report is sent to the project directors to inform them of the status of the project budget.

(c) Disbursements. Purchase orders and other requests for disbursement made by the project directors will be sent to the Office of the Controller for verification for payment by the Financial Office and the Purchasing Office.

(d) Payrolls. Project directors will be responsible for determining stipend schedules and payrolls, based on the approved grant operating budget. The payroll office will pay salaries and stipends as authorized by project directors and the Office of the Controller. Project directors must prepare payroll card and W-4 Form (Withholding Form) for each person paid on the grant budget. These are sent to the Office of the Controller and forwarded to the Finance Office.

(e) Financial Reports. The Grants Officer in the Office of the Controller prepares interim and final financial reports on sponsored projects.

(f) Responsibilities of Project Directors. Preparation of interim and final technical reports on sponsored projects is the responsibility of the project director. Monitoring of monthly expenditure reports and checking of expenditure requests against report balances for sufficient funds is also a function of the project director. Any discrepancies should be reported to the Grants Accounts Officer.
CHAPTER FOUR

GUIDELINES FOR FISCAL ASPECTS OF GRANTS.

§5-04.01 Faculty Compensation

Grant contract funds may be used to supply part of the base compensation of faculty in exchange for a reduction of the normal academic load (and concomitant reduction of the University's contribution to the faculty member's compensation). Determination of the amount of reduction and of the responsibilities from which the faculty member will be released is to be agreed to by the faculty member involved, the project director, Department Chairperson, and appropriate Dean.

§5-04.02 Supplementation for Grant/Contract Efforts

In direct parallel with opportunities for faculty income supplementation in off-campus activities such as consulting, professional practice, and part-time teaching which do not impair the performance of regular academic duties, the University does permit supplementation for grant/contract efforts within Fordham. Normally, such efforts may involve one day a week during the nine-month academic year. For any work beyond this of a continuing or regular nature, annual approval by the Vice President for Academic Affairs is required.

§5-04.03 Fringe Benefits

Staff employed on sponsored projects will be eligible for fringe benefits to the extent that the full costs of these benefits are covered either by the indirect cost allowance or a direct cost element of the grant budget. These benefits cannot exceed those normally provided by the University. Current cost tables on fringe benefits as developed by the University Personnel Office are on file in the Office of Research.

§5-04.04 Advanced Funding of Grant Programs

No University funds will be disbursed unless the University has a signed contract, or at a minimum, a letter of intent from an authorized official of a granting agency. An approved budget must also be on file in the Office of Research. These agreements should clearly spell out the financial terms attending the projects in
question and there should be a revolving fund of at least 10% for the project in the University's Finance Office. In those instances where a revolving fund arrangement cannot be worked out, a schedule of payments from the agency to the University should be clearly established in advance of any disbursement of University funds. In those cases where the University is obliged to make advance payments, and otherwise provide the project its working capital, the University should receive specific reimbursement for this service as included in the indirect cost allotment.

§5-04.05 Billing of Funding Agencies.

Responsibility for billing granting agencies for obligations owed the University will rest initially with the University's Finance Office. The Financial Office, if necessary, may refer accounts to the Director of the Office of the Controller who will be responsible together with the project director, for requesting payment from the granting agency.

§5-04.06 Travel Expenditures on Grant Budgets.

(a) Per diem will be allowed on living expenses (accommodations and meals) at the current established rate.

(b) Direct cost of travel can be covered including air coach, rental cars, taxis, personal cars at the current University established rate, and parking fees, where permitted by the granting agency.

(c) The current University established rate for per diem and personal car costs per mile shall be set annually by the administration, in consultation with the Faculty Salary and Benefits Committee and the Research Council.
CHAPTER FIVE

GRANT AND CONTRACT POLICY

§5-05.01   Financial Management of Grant Projects

The Director of the Office of the Controller has primary responsibility for interpreting and administering policies and procedures in connection with financial management of grant projects.

§5-05.02   Review and Approval of Budgets for Grant Projects

Review and approval of the project budgets and verifications of all expenditures under these budgets are the responsibility of the Office of the Controller. The project director, however, is also responsible for checking the most recent expenditure report before submitting a request for payment, so that all expenditures conform and are within the limits of the budget.

§5-05.03   Grant Management Policy and University Policy

The Vice President for Finance is responsible for administration of overall University financial management policies. In case of possible conflict between grant management policy and overall University policy, the Vice President for Finance and the Director of the Office of the Controller would cooperate to resolve any conflict. Any issues remaining unresolved will be referred to the Vice President for Academic Affairs. In no case, however, may grant funds be disbursed without the written approval of the project director.

§5-05.04   Guidelines, Procedures and Policies for Sponsored Grants/Contracts

The Research Council regularly reviews the guidelines, procedures, and policies for sponsored grants and contracts. When changes have been approved, according to procedures outlined in §5-03.03, they will be announced by the Office of Research. In addition, the Director of Research will draft a manual of procedures and policies for sponsored research grants/contract that is in conformity with the statutes and will present it for consideration by the Research Council.
CHAPTER SIX

POLICIES AND PROCEDURES CONCERNING NON-GOVERNMENTAL GIFTS AND GRANTS

§5-06.01 Solicitation of Gifts and Grants

§5-06.02 Acceptance of Gifts

§5-06.03 Administration of Projects Supported by Gifts or Grants

* * * * *

§5-06.01 Solicitation of Gifts and Grants

(a) The University encourages faculty and administrators to seek support for projects from corporations, foundations and individuals where such may be appropriate sources of support for a project. A project in the academic area should be discussed first in the Office of Research. Where indicated the Office of Research may refer a prospective project director, Dean or Director to the Development Office for consultation on non-governmental sources for support for the project.

(b) The University would like to support the efforts of faculty and administrators to utilize the existing contacts where possible in order to further their proposals. In order to coordinate the work of all at Fordham in this area and to avoid multiple solicitations of corporations, foundations and individuals where such may be inappropriate it is very important that prior to any approaches either in writing or in person that "project directors" consult with the Director of Development. The Director of Development and the Office of Research will consult with each other so that the coordination of solicitations from public and private sources is enhanced.

(c) The Development Office is prepared to assist in the preparation of letters of inquiry and proposals to foundations, corporations or individuals seeking gifts and financial support for Fordham. The primary responsibility for the preparation and clearance of such letters, proposals, and proposal budgets, however, rest with the project director. All letters of inquiry and proposals to the private sector must have University approval before being sent out. This approval must be arranged through the Assistant Vice President for Academic Affairs in consultation with the project director's School or Department.

(d) The Development Office maintains files on gift proposals including alumni, friends, foundations, corporations and prospective donors of bequests. These are updated and used regularly. Faculty and administrative personnel who wish to avail themselves of information about prospects are invited to make their wishes known to the Director of Development.
§5-06.02 Acceptance of Gifts.

(a) Only the President is authorized to accept gifts to the University. For this reason, the solicitation and acceptance of gifts is restricted to specific projects and programs must be cleared with the Director of Development; it is not always practical and feasible for the University to accept such gifts. Potential donors should be informed that checks are to be made payable to Fordham University and sent to: The Office of the President, Fordham University.

(b) The Development Office records all gifts received by Fordham, arranges for their deposit and operates as a clearinghouse for acknowledgment of gifts.

§5-06.03 Administration of Projects Supported by Gifts or Grants.

(a) After an acknowledgment letter from the President is sent to a donor accepting a project grant, the Director of Development sends a copy of the letter of transmittal, a copy of the grant application and a copy of the President's letter to the Office of the Controller and to the Vice President with responsibility for the area in which the project is to be carried out. The procedure for administration of this grant is outlined in §5-03.02.

(b) The project director has responsibility for preparing such reports on the project as may be required or desired by the donor. In any event, an annual report on a project should be submitted to Vice President of the area involved. Reports prepared for a donor should be submitted to the Vice President for transmittal to the President who will send the report to the donor with an appropriate letter of transmittal.

(c) The Development Office maintains a file on the utilization of restricted gifts. For this reason, project directors should send copies of all program reports to the Director of Development.

Revised as of December 1997
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UNIVERSITY CODE OF CONDUCT

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CHAPTER ONE

RATIONALE FOR UNIVERSITY DISCIPLINE

§6-01.01 Rationale for University Discipline

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§6-01.01 Rationale for University Discipline

The reasonableness of university discipline must be judged in its relation to the educational purposes of the university. If those purposes may be described as the pursuit of truth and the advancement of knowledge, university discipline exists to assure a setting wherein those purposes may be achieved.

The educational purposes of the university can best be protected through the clear communication and enforcement of certain standards of behavior judged essential to the achievement of those purposes. What follows is a statement of these standards of behavior developed through the cooperative efforts of the students, faculty, and administrative officers.
CHAPTER TWO

JURISDICTION

§6-02.01 Jurisdiction

* * * * *

§6-02.01 Jurisdiction

Persons: This Code shall apply to every member of the Fordham University community which includes faculty, students, administrative officials, and staff.

When any individual accused of violation of this University Code of Conduct maintains more than one of the above-mentioned statuses in the University, determination of his/her status in a particular situation will be made in the context of the surrounding facts.
CHAPTER THREE

VIOLATIONS

§6-03.01 Violations

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§6-03.01 Violations

The following actions are considered violations of the University Code of Conduct and are punishable by sanctions imposed in accordance with the published judicial procedures of the University:

(a) All forms of dishonesty including cheating, plagiarism, supplying false information to any University official, as well as forgery or use of University documents or instruments of identification with intent to defraud.

(b) Theft from or damage to University property and/or theft of, or damage to the property of another while located on property of the University.

   Knowingly receiving, retaining or disposing of the lost or mislaid property of a member of the University community or of the University itself.

(c) Unauthorized entry, use or occupation of University facilities as well as the unauthorized possession, duplication or use of keys to University facilities.

(d) Tampering with or misusing fire alarms, fire-fighting equipment or safety equipment.

(e) Harassment (verbal or other) or physical abuse, threatening or attempting to inflict physical injury, or creating substantial risk of such injury to another member of the Fordham University community or to any person on University premises.

(f) The unauthorized selling, purchasing, producing, or possessing of any lethal weapons, explosives, fireworks, or incendiary devices.

(g) The unauthorized selling, purchasing, producing, possession or use of barbiturates, amphetamines, marijuana, hallucinogens, opiates, or other addictive and illegal drugs or drug paraphernalia.

(h) Engaging in, or inciting others to engage in, conduct which interferes with or disrupts any University function, or which prevents or limits the free expression of ideas by others, or which physically obstructs or threatens to obstruct or restrain other members of the University community or visitors.

(i) Failing to surrender upon request by clearly identified University personnel (this includes campus security guards) in the performance of their assigned duties, the University identification card which all members of the University community are required to carry.
(j) Engaging in lewd, licentious or disorderly conduct.

(k) Failing to comply with the direction of clearly identified University personnel (this includes campus security guards) in the performance of their assigned duties.

(1) Violation of published University regulations including but not limited to those regarding motor vehicles, residence halls, and the McGinley Center.

Revisions approved by the Board of Trustees
Approved by the Board of Trustees
Board of Trustees
November 16, 1970
June 16, 1982
Amended by Board Action through December 2003
Amended by Board Action through May 2004
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Amended by Board Action through April 2007
Amended by Board Action through December 2008
Amended by Board Action through February 2009

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Appendix 1 Academic Freedom and Tenure, AAUP and AAC, 1940 Statement of Principles
Appendix 2 Constitution and By-Laws of the Fordham University Faculty Senate
Appendix 3a Faculty Contract Policies
Appendix 3b Equal Employment and Affirmative Action
Appendix 3c Faculty Personnel Procedural Calendar
Appendix 3d Procedure for Faculty Meetings
Appendix 3e Faculty Development
Appendix 4 Faculty Salary and Benefits
Appendix 5 Administrative Structure of Fordham University