

## CONSTITUTION OF THE IUPUI FACULTY'

*NOTE: This document represents the Constitution, as it would appear in revised form, upon adoption of the changes proposed by the Executive Committee in 2018. Margin notes provide clarification of some terms and of certain aspects of the proposed changes.*

### PREAMBLE

We, the faculty members of Indiana University-Purdue University Indianapolis, in recognition of our common goal to better human conditions through the process of education, and in recognition and appreciation of the rights and responsibilities bestowed upon us by the State of Indiana through the Indiana University and the Purdue University Boards of Trustees for the accomplishment of this goal, do establish this Constitution for the purpose of creating a system which will aid in the identification, definition, and accomplishments of major specific objectives of this faculty.

### ARTICLE I. FACULTY MEMBERSHIP

#### Section A.

1. Individuals serving full-time who hold instructor (including lecturer) or professorial (including clinical and research) rank, as well as librarians of comparable rank, and who perform their functions primarily in Indianapolis, or who, having their principal functions elsewhere have rank in an academic unit which is primarily situated at IUPUI, shall be considered members of the faculty.
2. The faculty is divided between, on the one hand, tenured and tenure-track faculty members, and, on the other, non-tenure-track faculty members.

**Commented [WJK1]:** All full-time lecturers and professors are members of the faculty.

**Commented [WJK2]:** Faculty is divided into two groups: TTF and NTTF.

#### Section B.

1. All tenured and tenure-track faculty members shall be voting members of the faculty (referred to herein as the Voting Faculty).
2. Regarding issues that are in the broadest sense of the term relevant to IUPUI, voting privileges can be granted to full-time non-tenure-track faculty members, but these privileges must be made explicit in this Constitution or its Bylaws.
3. Any provision in the IUPUI Constitution or Bylaws stating, directly or by implication, that voting shall occur by means of an in-person vote or a paper ballot shall be understood to permit electronic voting. The method and means of electronic voting shall be as established from time to time by the IUPUI Faculty Council Executive Committee.

**Commented [WJK3]:** 'Voting' is a term of art – meaning only TTF. In the Constitution of the Indiana University Faculty and the current Constitution of the IUPUI Faculty, this term is used when referencing tenured and tenure-track faculty. In these revisions, we seek to clarify these references by consistently using the term Voting Faculty throughout.

As such, Voting Faculty (TTF) have rights the NTTF do not have, such as, the right to make changes to the constitution and bylaws.

Article IV (below) allows for both Voting Faculty (TTF) and non-voting (NTTF) to serve on the IUPUI Faculty Council. All elected Faculty Council members (whether TTF or NTTF) vote on matters brought before the Council. As such, NTTF may have a voice on faculty matters.

#### Section C.

The Office of Academic and Faculty Records at IUPUI shall be responsible for maintaining a census of the faculty, as well as a census of the Voting Faculty. It shall send a certified list of Voting Faculty as of October 1 to the President of the Faculty, and to the President of each academic unit not later than the middle of October each year.

## Section D.

Anyone wishing to challenge any inclusion or omission from the official list shall first petition the Office of Academic and Faculty Records. If that Office holds against the petitioner, the petitioner may present his or her case to the Faculty Council, which may rule for the petitioner by a 2/3 vote of those present and voting.

## ARTICLE II. FACULTY RIGHTS AND RESPONSIBILITIES

The faculty shall:

1. advise the Chancellor of IUPUI, the Indiana University and the Purdue University Presidents, and the Boards of Trustees concerning policies for admission, retention, and academic placement of students;
2. establish policies governing conduct and discipline of students;
3. develop curricula, course content, academic procedures, and degree requirements, and nominate candidates for degrees, subject to the rights of review by appropriate governing bodies within the universities and by appropriate external bodies when their prerogatives are affected;
4. fix the academic calendar and the general policies for scheduling classes;
5. establish policies for institutional and student participation in extracurricular activities;
6. advise the Chancellor of IUPUI, the Indiana University and the Purdue University Presidents, and the Boards of Trustees concerning policies and administration of the libraries;
7. recommend to the Chancellor of IUPUI procedures for implementing at Indianapolis all-university criteria and procedures for appointments to the faculty, general faculty welfare, dismissal from the faculty, non-reappointment, promotion in academic rank, tenure, and sabbatical leaves of absence;
8. consult with decision-making administrators regarding proposed changes in academic organizations;
9. continually review educational policies;
10. consult with decision-making administrators regarding planning of physical facilities and staffing;
11. participate in the process of selecting candidates for major executive academic positions; and,
12. have the right to petition the Boards of Trustees through appropriate channels regarding views of the faculty on any matter pertaining to the conduct and welfare of the institutions.

## ARTICLE III. EXERCISE OF RIGHTS AND RESPONSIBILITIES

### Section A. Academic Unit Organization

The faculty of academic units within the University exercise their rights and responsibilities through faculty organization established by the faculty of those units, subject to the limitations of this Constitution.

## Section B. The Faculty Council

1. Authority shall be exercised on behalf of the faculty by the Faculty Council (referred to herein as the Council) in regular and special meetings, subject to the limitation of this Constitution.
2. The Council shall adopt Bylaws of the IUPUI Faculty Council.
3. The Council shall fill vacancies for unexpired terms of any of its elected officers.

## Section C. Review of Council Actions

1. If, at a duly called regular or special meeting of the Voting Faculty, a majority of those present and voting opposes an action of the Council, that matter shall be remanded to the Council for reconsideration. To become effective, it must then be reaffirmed by 2/3 of the entire membership of the Council. However, by a majority vote the Council may submit the matter to a mail ballot of the faculty where a majority of those voting shall suffice for passage.
2. Fifty members of the Voting Faculty may mandate a referendum concerning an action of the Council. The Executive Committee of the Council shall conduct the referendum.

**Commented [WJK4]:** Here again, Voting Faculty means TTF. This section gives the TTF ability to challenge an action by the Faculty Council.

## Section D. Meeting of the Faculty

1. There shall be at least one meeting of the Voting Faculty during the academic year. The time and place of the meeting shall be determined by the Vice President of the Faculty in conjunction with the Executive Committee. The Vice President of the Faculty shall preside at any meeting of the faculty. The Chancellor of IUPUI shall report on the state of the Indianapolis campus at the annual meeting.
2. Special meetings of the faculty may be called by the President of the Faculty, the Chancellor of IUPUI, the Vice President of the Faculty, the Executive Committee of the Council, the Council itself, or by petition of at least fifty members of the Voting Faculty, said petition to be delivered to the President of the Faculty. A special meeting shall be called within thirty days of receipt of such a petition. Any special meeting of the faculty must be called for a specific purpose and may depart from that purpose only by a suspension of the rules of order. Faculty must be given notice of time, date, place, and agenda of any meeting of the faculty at least ten days in advance. The Vice President of the Faculty shall be responsible for keeping minutes of such a meeting and for distributing a copy of the same to each member of the faculty.
3. One hundred members of the Voting Faculty shall constitute a quorum for a meeting of the faculty.

**Commented [WJK5]:** Note: This refers to meetings of the entire faculty, not to meetings of the Faculty Council.

# ARTICLE IV. FACULTY COUNCIL

## Section A. Membership

Faculty Council shall be composed of elected and ex officio members. All members of the Council shall be eligible to vote in matters brought before the Council, unless otherwise restricted in this Constitution, the Bylaws, or university policy.

1. Elected members. Faculty members dedicated to teaching, research, creative work, and service, and librarians dedicated to performance, professional development, and service shall represent academic units. To be entitled to representation on the Faculty Council, an

**Commented [WJK6]:** Once elected to the Council, TTF and NTTFC Council Members vote on all matters, unless restricted. For example, Indiana University policy limits votes on matters involving tenure to TTF.

**Commented [WJK7]:** All full-time members of the faculty are eligible to serve as unit reps on the Faculty Council.

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academic unit shall have its faculty organization documents on file with the President of the Faculty, be headed by an Academic Dean, and be certified by the IUPUI Faculty Council. The University Libraries of IUPUI shall be considered an academic unit.

- a) Elected members of the Council shall consist of unit representatives and at-large representatives.
  - b) If the Council selects as President of the Faculty or Vice President of the Faculty a faculty member who is not otherwise a member of the Council, this shall confer ex officio membership.
  - c) If the Council elects to its Executive Committee a faculty member or librarian who is not otherwise a member of the Council, this shall confer ex officio membership.
  - d) Elected members of the Council shall serve terms of two years, commencing with the first Council meeting of the fall semester. No elected member shall be eligible to serve more than two terms consecutively.
  - e) Election of unit representatives. Each academic unit shall conduct its election of unit representatives by procedures it shall itself establish. The results of the unit elections shall be reported by each academic unit president or chair to the Faculty Council Coordinator and the President of the Faculty no later than the middle of March. The President shall announce the results of the elections at the April Council meeting.
  - f) Election of at-large representatives. Election of at-large representatives shall be conducted in accordance with the procedures specified by the Faculty Council Bylaws.
2. Ex officio members. The Chancellor of IUPUI, two members from the Chancellor's cabinet who hold faculty appointments, having been designated by the Chancellor, and any elected member of the Executive Committee who is not otherwise a member of the Council shall be ex officio members of the Council.
  3. Alternate members. A member of the Council who must be absent from any meeting of the Council may be represented at that meeting by an alternate who is not a member of the Council, who will be permitted voice and vote. If the absent member is a member of the Voting Faculty, the alternate must be a member of the Voting Faculty. If the absent member is not a member of the Voting Faculty, the alternate may be any member of the faculty. The alternate may have only one vote and may not represent more than one member of the Council.
  4. Non-voting, ex officio members
    - a) The head of each academic unit located in Indianapolis shall be a non-voting ex officio member of the Council.
    - b) An elected representative of the faculty organization of academic units utilizing existing IUPUI faculty shall be non-voting ex officio members of the Council. The voting rights of each IUPUI faculty member shall be vested solely with the department and school or college of his or her primary academic appointment. Each such faculty organization shall be entitled to elect one ex officio non-voting representative.
    - c) An elected Parliamentarian of the Council who is otherwise not an elected member of the Council shall be a non-voting ex officio member of the Council.
    - d) The President or, in his or her absence, the Vice President of the IUPUI Student Assembly shall be a non-voting ex officio member of the Council.
    - e) The President of the IUPUI Staff Council shall be a non-voting ex officio member of the Council. When the Staff Council President is unable to attend meetings of the Council, he or she may send a designated alternate.
    - f) Members of the University Faculty Council (UFC), not otherwise holding positions in the IFC, shall be non-voting ex officio members.

**Commented [WJK8]:** Faculty Council has 2 types of members – Unit Rep and At-Large. They are defined in the Bylaws.

**Commented [WJK9]:** Each Unit decides whether NTTF can serve as Unit Rep.

**Commented [WJK10]:** As proposed, all at-large representatives will be TTF. The current 10 seats for NTTF will be dropped; NTTF may serve as unit reps.

**Commented [WJK11]:** 4.b. refers to the Honors College which has one non-voting ex officio member. The faculty of the Honors College reside in various academic units.

- g. An elected representative of the IUPUI Senior Academy (an organization of retired IUPUI faculty and staff members) shall be a non-voting ex officio member of the Council.

## Section B. Officers

The Officers of the Faculty Council shall be the President of the Faculty, the Chancellor of IUPUI, the Vice President of the Faculty, and the Parliamentarian of the Faculty Council. The Presiding Officer shall be the Vice President of the Faculty or his or her designee. The President of the Faculty, the Vice President of the Faculty, and the Parliamentarian shall be selected in accordance with the procedure specified by the Faculty Council Bylaws.

## Section C. Meetings of the Council

1. Regular meetings of the Council shall be held monthly during the academic year, starting in September.
2. Special meetings may be called by the President of the Faculty, the Chancellor of IUPUI, the Vice President of the Faculty, the Executive Committee, or by petition of at least 20 members of the Council, said petition to be delivered to the President of the Faculty. The person(s) calling the meeting shall state the reason(s) for calling it, and the business of the meeting shall be restricted to items relevant to the matters for which it is called. Members of the Council must be notified at least one week in advance of the meeting.

## Section D. Quorum

A majority of the Faculty Council shall constitute a quorum.

## Section E. Record

The Vice President of the Faculty shall be responsible for preparing minutes of the Faculty Council meetings and the President of the Faculty shall be responsible for preparing minutes of the Executive Committee meetings. The original copies of all minutes and the verbatim recording of the Faculty Council meetings shall be retained cumulatively in the Faculty Council Office for a period of at least one academic year. At the end of a year the original copies of the minutes and the verbatim recordings shall be sent to the IUPUI Archives for preservation.

## Section F. Executive Committee

1. Composition. The Executive Committee shall consist of ten members of the faculty, eight who are Voting Faculty and two who are not Voting Faculty, elected by the Faculty Council. The President of the Faculty, who will Chair the Committee, the Chancellor of IUPUI, or that officer's designee, and the Vice President of the Faculty, shall serve ex officio. The Immediate Past President of the Faculty shall also serve as a non-voting ex officio member.
2. Eligibility. Any person who has served as an elected member of the Council, as Chair of a Council Committee, or as the presiding officer of a school faculty governance body within the past four years is eligible for election to the Executive Committee. No two elected members of the Committee shall be from the same academic unit, except from the School of Medicine which may have two members: one each from the basic science and clinical departments.

**Commented [WJK12]:** Exec.Comm. will be:

8 TTF  
2 NTTF  
President of Faculty  
Chancellor  
VP of Faculty  
Past Pres., ex off., non-voting.

Once elected to the Faculty Council, a member of the Council can vote on all matters that come before the council (unless restricted), including who serves on the EC; TTF help pick the NTTF representatives on the EC and the NTTF help pick the TTF representatives on the EC.

In the unlikely event none of the unit reps is NTTF, the Faculty Council would elect two NTTF faculty to serve in these positions on the Executive Committee.

3. Election. Each year, at the Council's April meeting, the Nominating Committee shall submit a slate of nominees to serve on the Executive Committee. At the following May meeting of the Council, four members of the Voting Faculty and one member who is not Voting Faculty shall be elected to the Executive Committee for terms of two years. They shall be eligible for re-election, provided that no person shall serve more than two terms consecutively.
4. Duties. The Executive Committee shall:
  - a) determine the agenda for its own meetings and for regular meetings of the Council;
  - b) solicit, with the help of the Faculty Council Coordinator, the interest of faculty in serving on IUPUI Faculty Council Standing Committees by the middle of March;
  - c) serve as the Committee on Committees for the Council;
  - d) conduct the elections which are governed by the provisions of the Faculty Council Bylaws, and rule on matters of dispute relating to election procedures;
  - e) determine the proper apportionment of unit representatives among the academic units, in accordance with the Bylaws; and
  - f) perform such other duties as may be assigned to it by the Council or by the Council's Bylaws.

### **Section G. Procedures**

1. A member of the Council may appeal an action of the Executive Committee to the Council, which may overrule the Executive Committee by majority vote.
2. Matters which the Council deems to be of extraordinary significance may, by majority vote, be termed "important," thereby requiring a 2/3 vote of those voting in the Faculty Council to ratify.

## **ARTICLE V. REVIEW FUNCTIONS OF THE FACULTY**

### **Section A.**

The faculty shall express its judgment on any administrative action brought to its attention which raises an issue of academic freedom, tenure, promotion, salary, the nature and conditions of work, non-reappointment, or dismissal.

### **Section B.**

The Faculty Boards of Review shall consider grievances of faculty members or librarians concerning academic freedom, tenure, promotion, salary adjustment, the nature or conditions of work, or reappointment. Any faculty member or librarian desiring a review of university action in these stated areas shall request, in writing, a review by a Faculty Board of Review.

### **Section C.**

Collective faculty judgment on major issues affecting faculty interests may be expressed via a referendum. A referendum shall be initiated by delivery to the President of the Faculty of a petition by the Chancellor of IUPUI, the Vice President of the Faculty, the Executive Committee of the Council, the

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Council itself, or at least 50 voting members of the Voting Faculty. The Executive Committee of the Faculty Council shall conduct the mandated referendum within four weeks of the delivery of such petition. The question (or series of questions) comprising the referendum shall be answerable by the word "yes" or "no." A majority vote shall be necessary to sustain or reject the question(s). The President of the Faculty shall inform the faculty of the results of the referendum within a period of no longer than 30 days after the final receipt date of answer specified on the circulated referendum.

**Commented [WJK13]:** This means TTF.

## ARTICLE VI. AMENDMENTS

### Section A.

A constitutional amendment may be brought to the Council by any member thereof, or by a petition signed by twenty members of the Voting Faculty.

**Commented [WJK14]:** These proposed changes will require a Council member to bring the motion to amend.

### Section B. Adoption

1. If an amendment is approved by two-thirds of those present and voting at any regular meeting of the Council, copies of the amendment shall be distributed by campus mail by the President of the Faculty to the Voting Faculty within one week of this approval.
2. If fifty or more members of the Voting Faculty so request by a written petition delivered to the President of the Faculty within three weeks after Council approval, the President of the Faculty shall then call a special meeting (Constitution Article IV, Section C, Subsection 2) of the entire Voting Faculty within no less than two weeks nor more than four weeks to consider the amendment. The amendment may be returned to the Council (with or without instructions) by a majority vote of those present and voting at this special meeting. If the amendment is not returned to the Council, the President of the Faculty shall conduct a mail ballot within one week after the meeting.
3. If no meeting is requested, a mail ballot shall be conducted within four weeks after Council approval and counted no earlier than four weeks later.
4. The ballots shall be distributed within a time frame to assure that both ten-month and twelve-month faculty will have the opportunity to cast their ballot.
5. An amendment shall become effective at the beginning of the academic year following its adoption, unless otherwise specified.

**Commented [WJK15]:** All faculty members on the Council vote whether to recommend changes to the Constitution. Once approved, only Voting Members (TTF) vote on amending the constitution.

Amended: 06/26/86; 10/07/87; 06/25/92; 01/01/93; 03/04/93; 07/01/98; 03/02/00; 5/31/04; 3/3/09, 11/3/09.

## **BYLAWS OF THE IUPUI FACULTY COUNCIL**

### **BYLAW ARTICLE I. OFFICERS OF THE COUNCIL: DUTIES**

#### **Section A. President**

The President of the IUPUI Faculty shall:

1. be the primary representative of, and spokesperson for, the Faculty;
2. serve as co-chair of the University Faculty Council and represent the IUPUI faculty at University Faculty Council and University Faculty Council Executive Committee meetings;
3. serve as informal intermediary between aggrieved faculty members and the Administration;
4. be an ex officio member of the Executive Committee and serve as its chair;
5. be responsible for reviewing, editing, and distributing the minutes of the Executive Committee meetings, including reporting in the minutes those present at and those absent from the committee meetings; and,
6. at the end of the elected term, the President shall normally serve as the Immediate Past President for one year.

#### **Section B. Chancellor**

The Chancellor of IUPUI shall be an ex officio member of the Faculty Council and shall represent the University Administration.

#### **Section C. Vice President**

The Vice President of the IUPUI Faculty shall:

1. preside at all regular and special meetings of the Faculty Council;
2. be responsible for reviewing, editing, and distributing the minutes of the Council meetings, including reporting in the minutes those present at and those absent from the Council meetings;
3. report in the minutes of the Council meetings on the status of all Council actions which require subsequent implementation but have yet to be completed, and shall continue to report the status of implementation of such actions until they are completed or the Council authorizes their discontinuation from the minutes;
4. be the liaison with the Faculty Council Coordinator to circulate the next Council meeting agenda and documents at least two days in advance of the meeting to all members of the Faculty Council and to such other persons as the Executive Committee may designate. Members of the Council shall be notified of the time, place, and agenda of any special meeting at least six days in advance of the meeting;
5. prepare an annual summary of the activities of the Council for the faculty;
6. serve as an ex officio member of the Executive Committee;
7. perform such other duties as may be delegated by the President; and,
8. in the President's absence, serve in the President's stead.

## **Section D. Parliamentarian**

The Parliamentarian shall be appointed by and serve at the pleasure of the Vice President of the Faculty in conjunction with the President of the Faculty and the Chancellor of IUPUI, and he or she shall:

1. serve as advisor on parliamentary procedure to the Presiding Officer;
2. serve as a resource to faculty committees at their requests; and,
3. serve as an ex officio member of the Constitution and Bylaws Committee.

## **Section E. Immediate Past President**

The Immediate Past President shall:

1. serve as an advisor to the newly elected Presiding Officer;
2. serve as a resource to faculty committees, at their request; and,
3. normally serve as a non-voting ex officio member of the Executive Committee for one year.

## **BYLAW ARTICLE II. ELECTIONS**

### **Section A. Election of Unit Representatives to the IUPUI Faculty Council**

Unit representatives to the IUPUI Faculty Council shall be elected in accordance with the procedures specified by the IUPUI Faculty Constitution Article IV, Section A, Subsection 1, Paragraph f.

Unit representatives shall be full-time faculty and may be of any rank. The total number of unit representatives shall be forty (40). Each academic unit shall have at least one unit representative.

The Executive Committee shall equitably apportion the remaining academic unit representatives among the academic units based on the number of Voting Faculty in each unit as relates to the number of all Voting Faculty.

### **Section B. Elections of At-Large Representatives to the IUPUI Faculty Council**

At-large representatives shall be members of the Voting Faculty. The total number of at-large representatives shall be sixty (60).

Two elections are required to choose at-large representatives to the IUPUI Faculty Council: one for nominating candidates for the available at-large representatives<sup>1</sup> positions, and a second to elect the at-large representatives.

1. Nomination to the at-large ballot

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- a) Each member of the Voting Faculty shall be eligible to nominate no more than three persons from a list of the Voting Faculty prepared by the Faculty Council Coordinator under the supervision of the Nominating Committee.
  - b) The list shall be distributed no later than the middle of November and the nominating votes shall be returned no later than the middle of December to the Faculty Council Office for counting under the supervision of at least two members of the Nominating Committee.
  - c) The Nominating Committee shall submit the ballot to the Voting Faculty by the end of January.
    1. The ballot shall contain one and one-half times the number of nominees as the number of persons to be elected.
    2. The ballot shall contain the names of persons receiving the most nominations. In the case of a tie for the last position on a ballot, the Nominating Committee shall select persons for the ballot from among those tied.
2. Elections of At-Large Representatives
- a) The ballots containing the names of the nominees shall be distributed by the Faculty Council Coordinator to members of the Voting Faculty no later than the end of January. The ballot shall identify each nominee by name, academic title, school, department, and administrative title, if any. Each member of the Voting Faculty may vote for as many at-large representatives on their ballot as there are positions to be filled and this number shall be specified on the ballot. No candidate may receive more than one vote per ballot. Votes shall be returned to the Faculty Council Office no later than the end of February for counting under the supervision of at least three members of the Nominating Committee before the middle of March. The candidates receiving the greatest number of votes shall be declared elected. In case of a tie, the Executive Committee shall vote by secret ballot to break the tie.
  - b) The chair of the Nominating Committee shall announce the results of the election at the Council's April meeting.

### Section C. Election of the President and the Vice President of the Faculty

1. Eligibility. Members of the Voting Faculty holding the rank of assistant professor or higher and librarians of comparable rank shall be eligible for nomination by the Nominating Committee as President of the Faculty or Vice President of the Faculty, provided that any nominee shall have served, or shall be presently serving, as a member of the Faculty Council. The slate shall be announced to the Council at its March meeting.
2. Term of office. The President of the Faculty and the Vice President of the Faculty shall serve a term of two years starting immediately after the last meeting of the academic year. They shall be eligible for re-election, provided that no person shall serve more than two terms consecutively in the same office.
3. Election. The Faculty Council shall elect the President of the Faculty and the Vice President of the Faculty at its April meeting by a vote of those present and voting.
4. Vacancy. In case of a vacancy in the office of the President of the Faculty or the Vice President of the Faculty, the Executive Committee shall appoint a President or a Vice President pro tem until another election can be held.
5. Privileges. The President of the Faculty and the Vice President of the Faculty shall have all the privileges of membership on the Council, including the right to participate in debate and to vote in the business of the Council.

## Section D. Election of IUPUI Representatives to the University Faculty Council (UFC)

1. Number of members - UFC. The number of members elected from IUPUI to the University Faculty Council will be determined in accordance with the provisions of Article 4, Section 4.1, Subsection B of the Indiana University Faculty Constitution.
2. Term of office - UFC. All elected members shall serve terms of two years, starting with the first meeting of the academic year, and shall be eligible for re-election, provided that no member shall serve more than two terms consecutively, or until their successors are elected, and whereby any extension beyond two terms may not exceed the length of one term.
3. Apportionment - UFC. The President of the IUPUI Faculty shall serve ex officio. The remaining members shall be elected from the IUPUI faculty at-large, provided that not more than 40% of the total number of members may be from the same academic unit. Half, or the number nearest to half, of the at-large members shall be elected each year.
4. Nomination - UFC representatives from IUPUI.
  - a) The faculty of each academic unit may nominate two candidates. These nominations shall be submitted by the president or chair of the unit to the Nominating Committee by the middle of January.
  - b) Additional nominations may be made by filing with the Nominating Committee, by the middle of January, a nominating petition signed by at least 25 members of the Voting Faculty.
  - c) The Nominating Committee may supplement the list of nominees if necessary to provide a reasonable balance between academic units and to select nominees with current or recent experience as members of the IUPUI Faculty Council. The ballot shall slate at least twice the number of persons as the number to be elected. Any candidate nominated for membership on the University Faculty Council shall be provided the opportunity to file a written statement of not more than fifty (50) words to accompany the ballot.
5. Elections - UFC.
  - a) The Faculty Council Coordinator shall distribute the ballot to the Voting Faculty by the end of January. The ballot shall identify each nominee by name, academic title, school, administrative title, if any, and term of service on the IUPUI Faculty Council, if any, and it shall designate the number of candidates to be elected. The ballot must be returned to the Faculty Council Office before the end of February.
  - b) A subcommittee of no fewer than three members of the Nominating Committee appointed by the President of the Faculty with the concurrence of the Executive Committee shall open and verify the returned ballots and assure that votes are properly tallied and reported to the President by the middle of March. The President shall report the results to the Council at the April meeting. In case of a tie, the Executive Committee shall vote by secret ballot to break the tie.
6. Vacancies - UFC. In case an at-large member of the University Faculty Council cannot complete his or her term of office, the Executive Committee shall decide if, and by what method, the vacancy is to be filled, provided that if an election is held to fill the vacancy, the nominees shall be drawn from the slate of nominees prepared for the last election of the at-large members.

**Commented [WJK16]:** N/A – this refers to IUPUI representation on the overall IU Faculty Council.

## Section E. Election of the Executive Committee

1. Election of members to the Executive Committee of the Faculty Council shall be made in accordance with the provisions of Article IV, Section F of the Constitution of the IUPUI Faculty Council.
2. In case an elected member of the Executive Committee cannot complete his or her term of office, the Executive Committee shall choose the replacement from the eligible slate of nominees from the last two elections to the Executive Committee.

## BYLAW ARTICLE III. COMMITTEES OF THE FACULTY

### Section A. Committee on Committees

1. Composition. The Committee on Committees shall be composed of the members of the Executive Committee of the Faculty Council.
2. Responsibilities. The Committee on Committees shall:
  - a) determine the size, appoint the members, and designate the chairs of each standing committee of the faculty, except as provided otherwise by the Constitution or the Bylaws. At least one member of each standing committee shall be a member of the Faculty Council, and no committee shall have a majority of its members appointed from the same academic unit. To facilitate year-to-year transition, the Committee on Committees may designate that a standing committee will have staggered co-chairs, each serving two-year terms;
  - b) specify the terms of service of each person appointed to a standing committee, provided that no appointment shall be for a term exceeding two years, and that no person shall be eligible to serve more than three terms consecutively on the same committee;
  - c) make recommendations to the Council concerning the establishment of new committees, abolition of existing committees, or modification of the charge to any committee; and,
  - d) solicit and receive from the faculty, nominations for committee appointments, provided that the nominees shall have indicated their willingness to serve if appointed.

### Section B. Standing Committees

The standing committees of the faculty shall be:

1. Academic Affairs. This committee shall make recommendations to the Council on matters relating to general, not school specific, educational curriculum matters, establishing and revising academic calendars, degree formats, graduation requirements, the academic structure of IUPUI, and other related matters. The Executive Committee of the IUPUI Faculty Council may appoint one or more students as non-voting members of the standing committee. The Executive Committee of the IUPUI Faculty Council shall make this appointment based on nominations submitted by the Undergraduate Student Government and Graduate Student Organization.
2. Athletic Affairs. This committee participates in the development of general athletics policies related to academic matters, team competition, and practice schedules within the scope of athletics conference and association rules. The committee participates in the approval of plans for addition/elimination of sports and plans for significant modification of athletics facilities. The

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Chancellor shall appoint the IUPUI Athletic Affairs Committee on the recommendation of the IUPUI Faculty Council Executive Committee. The Committee shall consist of seven (7) voting members. The Committee's voting membership shall have a majority of faculty.

3. Budgetary Affairs. This committee shall act as a representative of the Council in offering to the IUPUI Chancellor and the Campus Administration its continuing advice and the Faculty perspectives on all aspects of the IUPUI budgetary policy and the allocation of the IUPUI financial resources, especially those proposed allocations and re-allocations of financial resources that have bearing on the economic well-being of the faculty and the academic programs.

Among others, the committee's responsibilities shall include:

- a) Assessing the fiscal health of all academic and administrative support units, through its participation in the Campus Planning and Budgetary Hearings, and by other means including direct communication with faculty budgetary committees at the school or unit level.
  - b) Considering and reviewing the general academic priorities of IUPUI and the reflection of such needs in capital outlays and in the creation of budgets.
  - c) Considering the relative allocations of the Campus financial resources with respect to new programs and the implications to existing programs.
  - d) Alerting the Council to all matters of budgetary importance internal or external to IUPUI.
  - e) Facilitating coordination and communication among school level budgetary affairs or equivalent committees.
4. Campus Planning.
    - a) Composition. This committee shall act as a representative of the Council in offering to the IUPUI Chancellor and the Campus Administration its continuing advice and the Faculty perspectives on academic and strategic planning.
    - b) Duties. Broad faculty involvement in institutional planning is valued. The Committee is not itself the faculty planning body, but works to facilitate involvement and communication between the Faculty Council, Executive Committee, Budgetary Affairs Committee, and committees and academic units concerning institutional planning and improvement at IUPUI. This Committee shall be responsible for continued communication with the Administration, particularly the Vice Chancellor for Planning and Institutional Improvement.
  5. Constitution and Bylaws. This committee shall periodically review the Constitution and Bylaws, draft revisions when necessary and provide, in conjunction with the Parliamentarian, interpretations of those documents when questions arise.
  6. Distance Education. This committee represents the IUPUI Faculty Council and advises and acts as liaison with administration as well as faculty and other units concerned with distance education, including those that involve collaboration with other institutions. The committee coordinates its activities with those of the IUPUI Faculty Council Technology Committee, the Center for Teaching and Learning, UITS, the Office of Online Education, and individual schools.
  7. Faculty Affairs. This committee shall advise the Council on matters involving the faculty, including but not limited to, issues of academic freedom, appointments, and tenure and promotion policies and procedures.
  8. IUPUI Faculty Guide.
    - a) Composition. This committee shall include faculty members appointed by the Executive Committee and administrative members appointed by the IUPUI Chancellor as appropriate for review and production of the Faculty Guide.
    - b) Duties. This committee shall be responsible for developing the IUPUI Faculty Guide as a supplement to the Indiana University Academic Policies. This committee then shall review

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- the IU Policies and the IUPUI Faculty Guide annually and make recommendations concerning revisions to the Faculty Guide to the Faculty Council.
9. **Fringe Benefits.** This committee shall be responsible for reviewing needs unique to the IUPUI campus and recommending to the Council policies to deal with such needs, and shall participate in policy development and ongoing reviews of fringe benefits matters affecting the total Indiana University system.
  10. **Library Affairs.** This committee shall review and advise the Council on policies and resources of the IUPUI University Library. It shall also consider issues that might affect the quality of the campus libraries. This committee may serve as a forum for the discussion of existing or proposed policies and for the critique of planning and budgetary proposals. The Executive Committee of the IUPUI Faculty Council may appoint one or more students as non-voting members of the standing committee. The Executive Committee of the IUPUI Faculty Council shall make this appointment based on nominations submitted by the Undergraduate Student Government and Graduate Student Organization.
  11. **Research Affairs.** This Committee shall periodically review research policies and procedures, draft revisions when necessary, and provide interpretations about those policies and procedures when questions arise. The Committee shall include faculty members from a broad range of schools across campus reflecting both faculty and student research interests and artistic/scholarly activities. The Committee shall coordinate its activities with other relevant committees with a goal of improving the environment for research at IUPUI. The Committee shall be responsible for continued communication with the administration through the IUPUI Vice Chancellor for Research.
  12. **Staff Relations.** This committee shall be responsible for setting up the two Constitutionally-mandated annual joint meetings in conjunction with the Staff Council's Faculty Relations Committee. This committee shall serve in conjunction with the Staff Council's Faculty Relations Committee as a clearinghouse for information of common interest. The Committee shall, when necessary, meet independently to formulate faculty positions on faculty-staff matters.
  13. **Student Affairs.** This committee shall review and make recommendations to the Council regarding matters involving student affairs. The committee shall provide advice and guidance to the Vice Chancellor for Student Life and to the Dean of Students in the areas of student administrative and campus life services. The committee shall maintain liaison with IUPUI student governing bodies. The committee membership shall include two full-time students: one enrolled as an undergraduate and one enrolled in either the Graduate School or one of the graduate professional programs. Appointments of student members will be made from nominations submitted to the Executive Committee of the IUPUI Faculty Council by the IUPUI Undergraduate Student Assembly and the Graduate Student Organization. Student members shall have the same responsibilities and privileges as the other members of the Student Affairs Committee.
  14. **Technology.** This committee shall examine overall planning, use, and funding of technology at IUPUI; and advise and act as liaison with administration, as well as faculty and other technology committees including those which are university-wide (e.g., University Faculty Council, University Information Technology Services). The Executive Committee of the IUPUI Faculty Council may appoint one or more students as non-voting members of the standing committee. The Executive Committee of the IUPUI Faculty Council shall make this appointment based on nominations submitted by the Undergraduate Student Government and Graduate Student Organization.

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### 15. Nominating.

- a) Composition. This committee shall consist of seven members who are or were members of the Faculty Council serving staggered two year terms. No more than two members of the committee shall be elected from the same academic unit.
- b) Election.
  - (1) Members of the faculty shall be nominated by the Nominating Committee. The slate shall be announced to the Council at its April meeting.
  - (2) Election of the members of the Nominating Committee shall be by vote of the Faculty Council at its May meeting. Those persons elected will commence their terms of committee service on July 1, following their election. The nominee receiving the highest number of votes in any year should chair the committee during the second year of his or her term.
- c) Duties. The Nominating Committee shall:
  - (1) solicit and receive from members of the Voting Faculty nominations for at-large representatives to the IUPUI Faculty Council (Bylaws Article II, Section B) and for members of the University Faculty Council (Bylaws Article II, Section D);
  - (2) nominate members of the faculty and librarians for elections by the Faculty Council to the positions of:
    - (a) President of the Faculty and Vice-President of the Faculty (Bylaws Article II, Section C)
    - (b) membership on the Executive Committee (Bylaws Article II, Section E),
    - (c) membership on the Nominating Committee (Bylaws Article III, Section B, Subsection 15, Paragraph b, Subparagraph 2),
    - (d) at-large membership on the IUPUI Promotion and Tenure Committee (Bylaws Article III, Section C, Subsection 2, Paragraph b), and
    - (e) membership in the pool for appointment to Faculty Boards of Review (Bylaws Article IV, Section E, Subsection 2);
  - (3) verify in every case that any nomination is made with the prior consent of the person(s) nominated; and
  - (4) oversee the election of the at-large IUPUI representatives and the UFC representatives. The members of the Faculty Grievance Advisory Panel shall be nominated by the Executive Committee for election by the Faculty Council at their January meeting (Bylaws Article IV, Section C, Subsections 1-2).

**Commented [WJK17]:** Article III, Section A says the Committee on Committees (same members as Exec. Comm.) determines the size, membership and chair. This allows the Exec. Comm. to determine the make-up of the Nominating Committee in terms of TTF and NTTF.

## Section C. Promotion and Tenure Committee

1. Composition. The IUPUI Promotion and Tenure Committee shall consist of the following members:
  - a) one representative from each school with five or more full-time members who are based at IUPUI except from the School of Medicine which shall have two representatives, one each representing the basic science and the clinical departments;
  - b) one librarian representative who shall be elected by the IUPUI Library Faculty;
  - c) three members elected at-large by the IUPUI Faculty Council; and
  - d) the executive vice chancellor who shall serve as a member ex officio without vote.

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All members of the committee shall be tenured and to the extent practicable shall hold appointment at the rank of professor or librarian. No person with the authority and responsibility to sign an administrative document concerning the title, pay, or working conditions of a faculty member or librarian may serve on the Promotion and Tenure Committee. The Chair of the Committee shall be elected from and by the members of the Committee.

2. Election
  - a) School representatives shall be elected by the respective promotion and tenure committee of each school from among the school's eligible members in accord with procedures established by each school. The librarian representative shall be elected by the IUPUI Library Faculty in accord with procedures which that group shall establish. Elections shall be held in time for the representatives to be named prior to November 1. The head of the faculty governance of each school and of the IUPUI Library Faculty shall notify the executive vice chancellor of the name of the representative by November 1 of each academic year.
  - b) Three at-large members of the Promotion and Tenure Committee shall be nominated by the Nominating Committee. The slate shall be announced to the Council at its September meeting for election at the October meeting.
3. Term of office. Term of office shall start December 1. Terms for school or librarian representatives may be up to three years and shall be determined by school or IUPUI Library Faculty procedures. The term for at-large representatives shall be three years. No elected member of the committee may serve more than six consecutive years. The chair will be elected annually.
4. Responsibilities. The IUPUI Promotion and Tenure Committee shall:
  - a) monitor the promotion and tenure policies of the University and recommend, as may be desirable from time to time, such modifications as the Faculty Council may seek thereof;
  - b) recommend on the promotion and tenure of those candidates who are presented for consideration by the schools or libraries. Voting shall be by secret ballot, and the results recorded for each candidate;
  - c) review, as needed or requested, methods to establish primary and unit promotion and tenure committees, and, when such methods are deemed to be deficient, recommend changes to the schools or libraries;
  - d) review, as needed or requested, primary and unit level procedures for promotion and tenure and, when such procedures are deemed deficient, recommend changes to the schools or libraries;
  - e) review, as needed or requested, documents which specify standards that are used at the primary, unit, and campus levels to evaluate whether candidates meet the criteria for tenure and promotion and, when such documents are deemed deficient, recommend changes to the schools, libraries, or campus;
  - f) establish such internal committee procedures as may be necessary to assist the committee and the Dean of the Faculties in providing for reviews of candidates for promotion and tenure; and,
  - g) receive requests from any faculty member or librarian, and, if appropriate, investigate and evaluate the promotion and tenure process of any department or unit, and make a written report to the faculty member or librarian making the request and to the department chairperson or the chief administrative officer of the unit.
5. The executive vice chancellor shall provide the administrative support necessary for the operation of the committee.

## Section D. Reports

Chairpersons shall supply the President of the Faculty the minutes of committee meetings on a continuing basis, and each committee shall make an annual report to the Council toward the close of the academic year.

## BYLAW ARTICLE IV. FACULTY GRIEVANCES PROCEDURES

### Section A. Purpose

1. To further the aims of IUPUI in teaching/performance, research/scholarly activity/creative work/professional development, and professional/public service, the faculty has established grievance procedures. These grievance procedures serve the full-time tenured and tenure-track faculty and librarians, full-time clinical and scientist/scholar rank faculty, and full-time lecturers of the IUPUI campus, by providing peer evaluation with respect to administrative actions of dismissal, academic freedom, non-reappointment, tenure, promotion, salary adjustment, and the nature or conditions of work. Equity for the individual and the good of the university shall always be considered.
2. The IUPUI Faculty Grievance Advisory Panel is an elected faculty group designed to be available early on in the course of developing or potential grievances.
  - a) The Faculty Grievance Advisory Panel members are available to serve as impartial consultants for faculty/librarians and administrators who seek confidential informed advice from senior faculty colleagues.
  - b) The Panel members also are available to help resolve situations informally by encouraging and facilitating discussions between the parties to the grievance.
  - c) At the conclusion of its work, the Faculty Grievance Advisory Panel shall not compile any report or file containing the specific information of any grievance brought to it.
3. A Faculty Board of Review is to consider grievances, via a Formal Hearing, to gather appropriate information, and to consider its findings in light of existing policies and principles of fairness. The Board of Review shall file a written report of its findings and recommendations in a timely and expeditious manner.
4. In each formal grievance case, the Faculty Board of Review acts in an impartial way. It is not an advocate for the faculty member or librarian, nor is it an advocate for the administration. The Board shall determine:
  - a) whether appropriate procedures were followed;
  - b) whether the grievance arose from inadequate consideration of the qualifications of the faculty member or librarian;
  - c) whether presentation of erroneous information substantially affected the decision; and
  - d) whether essential fairness was accommodated throughout the decision-making process.
  - e) The Boards of Review may consider the issues set forth in 4 a-d regarding promotion and/or tenure grievances, but a Board of Review shall not function as a substitute Promotion and Tenure Committee.
5. In those cases in which the Board of Review concludes that the rights of a faculty member or librarian have not been adequately protected, the Board is expected to formulate a recommendation for remediation.

## Section B. Submission of Grievances

1. A faculty member or librarian seeking advice about or informal assistance with review of an administrative action may contact:
  - a) the President of the IUPUI Faculty; or,
  - b) the Chair or any member of the Faculty Grievance Advisory Panel.
    - (1) The Panel roster will be available in the IUPUI Faculty Council Office.
2. A faculty member or librarian may consult informally with a member of the Faculty Grievance Advisory Panel before filing a formal grievance for a Board of Review.
3. A faculty member or librarian may request that a grievance be considered by a Faculty Board of Review without first presenting it to the Faculty Grievance Advisory Panel.

## Section C. Composition and Election of Faculty Grievance Advisory Panel

1. The Faculty Grievance Advisory Panel shall consist of seven members of the IUPUI tenured faculty and librarians nominated by the Executive Committee and elected by the IUPUI Faculty Council at their January meeting. Members of the IUPUI Senior Academy who have served as tenured faculty or librarians are also eligible for election. The President of the IUPUI Faculty serves as a member ex officio.
2. In offering nominations for election to the Faculty Grievance Advisory Panel, the Executive Committee should give consideration to representation across the academic units of IUPUI.
  - a) At least four members of the Panel shall be tenured full professors.
  - b) At least five members should have served on the IUPUI or a Unit Promotion and Tenure Committee, on a Faculty Board of Review, or as President of the IUPUI Faculty.
3. Panel members shall hold office beginning February 1, for staggered terms of two years. Members should complete their work on any grievance on which they have begun work, even if their terms have expired.
4. The members of the Panel shall elect their own chairperson, who should be a tenured full Professor or Librarian.
5. No faculty member serving on the Faculty Grievance Advisory Panel may serve concurrently on a Faculty Board of Review or as the Grievant's representative before a Faculty Board of Review.

## Section D. Procedures of the Faculty Grievance Advisory Panel

1. When a Panel member has been contacted by a faculty member/librarian or an administrator seeking advice, that member will:
  - a) meet with the Individual to discuss the case; and
  - b) inform the Individual concerning the types of further assistance the Panel members can provide and other resources available on campus.
2. The Panel members who are contacted by or designated to assist the Grievant shall keep all information shared by the Grievant in confidence.
3. The faculty member or librarian may terminate the assistance of the Faculty Grievance Advisory Panel at any time.
4. The meetings of the Panel and the process of assistance employed by the Panel members should be informal.
5. The full Panel should meet regularly to review their methods and update facilitation techniques.
6. Reports.

- a) The Panel shall not report case-related or summary data that include any specifics of individual cases.
  - b) The Panel shall prepare an annual summary of its work for the Executive Committee of the IUPUI Faculty Council. This report shall include only the number of cases, the categories of the grievances, the number or cases in which the Panel was successful in resolving grievances, and the number of cases in which the Grievant withdrew the request for assistance prior to the Panel completing its work.
7. A faculty member requesting the assistance of the Panel may also utilize assistance offered by other faculty or other organizations, except that an attorney representing the Grievant or the Administration may not participate in the Faculty Grievance Advisory Panel facilitation process.

### **Section E. Composition and Election of Faculty Boards of Review**

1. Each Faculty Board of Review shall consist of five members appointed by the Executive Committee of the IUPUI Faculty Council from a group of 20 faculty members and librarians elected by the Faculty Council.
  - a) Members should be appointed to a Board of Review as needed on a rotating basis.
  - b) No more than two members of a Board may be from the same academic unit.
  - c) No more than four members should hold the same academic rank.
  - d) At least four of the members shall be tenured.
  - e) No person with the authority and responsibility to sign an administrative document concerning the title, pay, or working conditions of a faculty member or librarian may serve on a Board of Review.
2. At its January meeting, the Faculty Council shall elect members to serve on the Boards of Review from a slate of eligible faculty members and librarians presented by the IUPUI Nominating Committee.
  - a) The number of nominees should be at least half again as many as the number of positions to be elected.
  - b) If there is a tie vote that affects the election of a member, an individual vote of the Council involving only the tied nominees shall be taken.
  - c) If during the course of the year the Executive Committee determines that there is a need for additional Board members, the nomination and election process may be repeated.
3. Faculty members and librarians elected to be members of Boards of Review shall hold office beginning February 1 for staggered terms of two years. Members should complete the review of any case that they have begun to consider, even if their terms have expired. (If a member leaves after the Formal Hearing has begun, that member shall not be replaced. The Board shall continue with four members and may continue with only three members with the consent of the parties concerned.)
4. An orientation session for all elected members shall be provided annually by the President of the IUPUI Faculty or his/her designee. An IUPUI Faculty Board of Review Current Practices Manual, approved by the Executive Committee of the IUPUI Faculty Council and the Dean of the Faculties, will be provided.
5. Faculty members or librarians elected to be members of Boards of Review shall be eligible for re-election, except that no person may serve more than two terms consecutively.
6. In the event legal actions are brought against faculty members or librarians in connection with or as a result of their membership on a Board of Review, the Trustee's Liability Insurance Policy, resolution of May 22, 1971, shall apply.

## Section F. Procedures for Beginning a Formal Board of Review Hearing

1. A faculty member or librarian desiring a formal review of administrative action shall submit to the President of the Faculty a specific written request for review stating:
  - a) the category or categories of the grievance actions involved (dismissal, academic freedom, non-reappointment, tenure, promotion, salary adjustment, and/or nature and conditions of work);
  - b) the nature of the grievance in a concise summary of the grievance scenario;
  - c) the steps taken to have the grievance redressed prior to contacting the President; and
  - d) the redress of the grievance sought.
2. The Dean of the Faculties of IUPUI shall immediately be informed of the request. If discrimination or sexual harassment is alleged in the complaint, a copy of the complaint shall also be sent to the IUPUI Office of Equal Opportunity.
  - a) The determination of whether discrimination or sexual harassment has occurred is in the purview of the Director of the Office of Equal Opportunity. The Board of Review shall not render an opinion concerning the existence of discrimination or sexual harassment.
  - b) The Board of Review can proceed, however, with a formal hearing concerning the conditions of work, essential fairness of treatment, and other aspects of the grievance generally in the purview of Boards of Review. A simultaneous investigation of charges of discrimination or sexual harassment by the Director of the Office of Equal Opportunity shall not delay the Board of Review process.
  - c) A faculty member or librarian may not file a Board of Review grievance against the Director of the Office of Equal Opportunity. Rather, any faculty or librarian complaint concerning the Office of Equal Opportunity may be brought to the Executive Committee of the IUPUI Faculty Council, which shall gather appropriate information and advise the Chancellor.
3. If the Dean of the Faculties of IUPUI is unable to resolve the problem to the satisfaction of the faculty member or librarian within two weeks, the President of the Faculty shall submit the grievance to the Faculty Council Executive Committee to determine that:
  - a) administrative reviews have been completed;
  - b) the complaint was brought within one year, for good cause; and
  - c) the complaint falls within the purview of a Faculty Board of Review.
4. If the conditions of Section F.3 have been met, the Executive Committee of the IUPUI Faculty Council shall constitute a Board of Review to consider the grievance (See Section E). In the motion approving the appointment of a Board of Review, the Executive Committee shall specify a reasonable time period during which the hearing should be conducted and the final report issued. The time period should allow for the timing during the academic year, but should not generally exceed six months.
5. Disqualification
  - a) A potential member of a Board of Review who is a member of a department (or a school which is not departmentalized) from which a case arises is disqualified from considering that case.
  - b) A member of a Board who believes that he/she may not be impartial shall disqualify himself or herself, and a replacement shall be appointed by the Executive Committee provided that the formal hearing has not yet been initiated.
6. The Grievant may withdraw a complaint at any time. If the complaint is withdrawn prior to the appointment of a Board of Review, the grievant has up to one year to ask for the complaint to be reopened. If the complaint is withdrawn after the appointment of a Board of Review, it is up to that board to determine at that time whether a future request by the grievant to reopen the

case will be considered. If so, the grievant will have up to one year from the date of the appointment of the Board of Review to ask for the complaint to be reopened.

7. Among other things, Boards may be asked to review cases of Dismissal and Non-Reappointment
  - a) Dismissal shall mean the involuntary termination of a tenured faculty member's or librarian's appointment prior to retirement or resignation, or the termination of the appointment of a non-tenured faculty member or a librarian prior to the expiration of his or her term of appointment. Dismissal shall be deemed legitimate only by reasons of:
    - (1) incompetence,
    - (2) serious personal professional misconduct, or
    - (3) extraordinary financial exigencies of the University.
  - b) Non-reappointment shall mean the involuntary termination of a non-tenured faculty member or librarian at the time of the expiration of his or her term of appointment.

## Section G. Board of Review Meetings and Reports

1. Before the first meeting
  - a) Upon notice that a Board of Review will be convened, the Dean of the Faculties of IUPUI shall have the appropriate administrator promptly furnish a written statement of the reasons for the action which led to the grievance. This document should be a concise narrative that provides pertinent background information and that addresses all of the points made in the Grievant's written request for review of administrative action.
  - b) The Grievant may provide for the Board of Review a written response to this statement of reasons.
  - c) In setting the date for a Formal Hearing, sufficient time must be allowed for the Grievant and other parties involved to prepare their case.
2. General Considerations
  - a) The Faculty Council Office will provide logistical support for the Boards of Review.
  - b) The Board of Review proceeding does not delay the timing of administrative actions related to other policies and procedures.
  - c) Throughout the Board of Review process, the Grievant and the Administration should communicate only with the Chair of the Board and not with the other members of the Board.
  - d) The Board may consult concerning clarification of legal matters at any time with the members of the Law School faculty who have been designated as the IUPUI Board of Review consultants by the School of Law Executive Committee.
3. The President shall call the initial meeting of the Board of Review. At the first meeting;
  - a) the President shall respond to procedural questions;
  - b) the President shall present the Grievant's written statement, the Administration's written response, and the Grievant's written response to that (if any); and
  - c) the presiding officer of each Board shall be elected by the Board's members from among its members.
4. At formal hearings before the Board of Review,
  - a) The Grievant shall be required to appear in person, video conferencing or other forms of electronic participation should not be used.
  - b) Both parties shall have the right to counsel or a representative of their choice. If external or University legal counsel are present, they shall offer private advice to their clients but may not speak during the hearing unless special permission to do so is granted by the Chair of the Board of Review. If the Grievant wishes to have another faculty member or librarian

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present as a representative, that person may speak during the hearing to help the Grievant present his/her case effectively, as long as the Chair of the Board deems that the representative's participation is not disruptive to the Board of Review process.

- c) The faculty member or librarian and the administrative parties shall be permitted to present witnesses and other evidence relevant to the case, and to hear and question all witnesses who are called to appear before the Board. So that the hearing is not unreasonably delayed, a witness may reply in writing to questions drafted by the board if the witness is unable to attend the hearing. Witnesses shall not be present in a hearing during the presentation of other witnesses unless all parties concur.
  - d) The faculty member or librarian making the complaint is responsible for stating the grounds upon which he or she bases the complaint.
  - e) The hearing may also include observers, but observers will not be permitted to attend the hearing of the Board of Review if either the Grievant or the University Administration objects.
5. The Board of Review may request and secure further information from the Grievant and/or the university administration when it feels this is necessary to render a proper decision. The Dean of the Faculties (or Chancellor) Administration and Grievant shall make available to the Board of Review all materials relevant to the decision against which the faculty member or librarian had complained, provided that:
- a) confidential faculty records of other faculty members and librarians shall not be made available to the Board of Review; and
  - b) all further information obtained by the Board shall be shared with the parties to the grievance.
6. An electronic record of the hearing shall be prepared at the University's expense through the Office of Academic Affairs. The tape will be available to the Board during their deliberations. It also will be made available for confidential listening in the Office of Academic Affairs on request to either party in the dispute. Copies of the tape may not be made for either party in the dispute. Upon completion of the Board's review, this tape, along with the Board's written documentation and correspondence, shall be kept in the Office of Academic Affairs; provided that if the Board reviewed any letters of recommendation that had been obtained under pledge of confidentiality, such letters shall be returned to the original confidential file and shall not be part of the Board's stored materials. Four years after the completion of the Board of Review, the material shall be destroyed.
7. Board recommendations.
- a) Upon completion of the Formal Hearing and submission of additional written materials, the Board of Review shall meet in executive session to assess:
    - (1) whether a reasonable case has been made by the Administration to support the decision complained of by the aggrieved faculty member or librarian;
    - (2) whether essential fairness was accommodated in observing the formalities and in following the procedures; and
    - (3) whether the challenged actions are inconsistent with the policies of Indiana University or the policies of the school or division involved.
- The Board shall render a decision within two weeks.
- b) If the Grievant withdraws the grievance, the Board of Review process shall cease and no Board of Review report shall be compiled.
  - c) If the Grievant voluntarily leaves the University (not because of dismissal or non-reappointment) during the period of time in which the Board is considering the grievance, the Board of Review may choose to continue its work when doing so appears to be in the

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best interest of the University. If the Board chooses not to continue, it shall report the decision and reasons to those listed Section G, Subsection 9, paragraph b. If the Board continues, it shall submit a Final Report as specified in Section G, Subsection 9.

8. The final report.
  - a) The Board must make a Final Report that includes:
    - (1) the nature of the grievance and redress sought,
    - (2) a summary of the findings of the Board,
    - (3) conclusions of the Board based upon the findings,
    - (4) recommendations of the Board based upon the conclusions, and
    - (5) signatures of the Board members.
  - b) Copies of the Final Report must be communicated to:
    - (1) the Chancellor of IUPUI;
    - (2) the Grievant;
    - (3) the appropriate School administrative officer;
    - (4) the President of the Faculty;
    - (5) the Dean of the Faculties;
    - (6) the Office of Academic Affairs; and
    - (7) each member of the Faculty Board of Review.
9. Administrative response.
  - a) Any review by the University Administration of the final report of the Board of Review shall be limited to information that has been presented to the Board of Review, and shall remain within the confines of sections A.4 and G.7.a of the present article, as will any determination by the Administration to agree or disagree with the recommendations of the Board.
  - b) Should the Administration in its review chance upon any information that affects in any way the decision-forming process but that was not previously communicated to the Board of Review, this new information must be shared promptly with all parties to the grievance. The President of the IUPUI Faculty Council, upon consultation with the Board of Review, shall then determine whether the new information warrants a reexamination of the grievance.
  - c) In cases where any such information cannot be legally disclosed to all parties, the Administration shall promptly inform all parties to the grievance of its existence, identify it under a general nondisclosure category, and clarify the extent to which that information influences its final decision.
  - d) The Chancellor of IUPUI shall report the Administration's final decision within four weeks after receiving the report of the Board of Review. Copies of this report shall be sent to all parties that received the final report of the Board of Review in accordance with section G.8.b of the present article.
  - e) If a recommendation of the Board of Review is not followed by the Administration, the Chancellor's report shall state in detail the reason(s) that the Administration disagrees with said recommendation, pointing out divergent interpretations of facts or erroneous representations of procedural handlings.
  - f) If the Administration fails to state its reasons against the Board of Review's recommendations, the President of the IUPUI faculty shall
    1. inform in writing all parties that received the final report of the Board of Review of the fact, and
    2. include it in his or her report for the May meeting of the IUPUI Faculty Council as described in section G.12 of the present article.
  - g) Should the Administration agree with the findings and recommendations of the Board of Review but form in the end a decision not in harmony with the latter, the Administration

shall clarify the extent to which its final decision was shaped by reasons foreign to the Review.

10. Further appeal by the Grievant may be made to the President of the University and the Board of Trustees.
11. A copy of each final Faculty Board of Review Report and the Chancellor's response shall be kept in confidence in the Office of Academic Affairs.
12. The President of the IUPUI Faculty shall prepare a report for the May meeting of the IUPUI Faculty Council on Faculty boards of Review activity for the year. The report shall include no confidential information related to any case but shall include:
  - a) the number of cases brought to the Faculty Boards of Review in each of the following categories: dismissal, academic freedom, non-reappointment, tenure, promotion, salary adjustment, and the nature or conditions of work; and
  - b) in each category for each Board of Review:
    1. the number of cases in which the findings and recommendations of the Board supported the position of the grievant,
    2. the number of cases in which the findings and recommendations did not fully support the grievant,
    3. the number of cases in which the recommendations of the Board were sustained by appropriate and sufficiently documented Administrative action,
    4. the number of cases and the extent to which the recommendations of the Board were denied by the Administration and, within the latter,
    5. the number of cases that involved violations by the Administration of section 9 of the present article, and the general character of those violations.

## **Section H. Confidentiality**

1. The activities of the Boards and the Faculty Grievance Advisory Panel shall be carried out in confidence.
2. Confidential material shall be treated in accord with the Indiana University Academic Handbook: "Policy governing access to and maintenance of academic employee records."
3. Public statements concerning the details of any case are to be avoided by the principals involved, including Board members, Faculty Grievance Advisory Panel members, the Grievant, witnesses, observers, and administrative officials, prior to and during the hearing, and to the extent practicable at all times thereafter.

## **BYLAW ARTICLE V. PARLIAMENTARY AUTHORITY**

Robert's Rules of Order (Most Recent Edition) shall govern the conduct of the meetings of the faculty legislative bodies except insofar as the Constitution or the Bylaws may otherwise provide.

## **BYLAW ARTICLE VI. AMENDMENTS**

### **Section A. Introduction of Amendments**

A resolution to amend the Bylaws may be introduced at any regular meeting of the Faculty Council by any member thereof, by the Constitution and Bylaws Committee, or by written petition of at least 20 members of the Voting Faculty submitted to the President of the Faculty. Any resolution to amend the

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Bylaws not arising from the Constitution and Bylaws Committee shall be referred to that committee for review. The Constitution and Bylaws Committee shall report to the Council at its regular meeting.

### Section B. Adoption

Adoption of an amendment to the Bylaws shall require a favorable vote of 2/3 of those present at a regular meeting of the Faculty Council, if prior notice of the intention to conduct a vote is given to members of the faculty and to members of the Council. If no prior notice is mailed at least two weeks prior to the meeting adoption will require a favorable vote of 2/3 of the total membership of the Faculty Council.

### Section C. Clerical Modifications

The President is authorized, after consultation with the Chair of the Constitution and Bylaws Committee, to make simple clerical modifications to the Bylaws—such as corrections to spelling or punctuation, insertion or removal of cross-references, or updating the Bylaws to reflect changes in the names of administrative offices or positions—provided that doing so in no way alters the intent of the text thus modified.

Adopted 6/1/82. Amended: 07/26/84, 08/21/85, 06/26/86, 10/07/87, 04/05/90, 08/05/91, 03/05/92, 05/07/92, 06/25/92, 01/01/93, 02/03/94, 05/07/97, 05/28/98, 04/06/00, 02/01/01, 03/06/03, 04/06/04, 04/05/05, 03/06/07, 05/06/08, 01/13/09, 03/03/09, 05/05/09, 06/01/09, 05/03/11, 12/3/13, 4/15/14, 5/5/15, 5/2/17.

Clerical Modifications: 10/3/12, 6/29/15, 9/15/17