

CONSTITUTION OF THE ACADEMIC SENATE, INDIANA UNIVERSITY SOUTH BEND (Revised through November 2017)

Preamble

We, the faculty of Indiana University South Bend, in order to provide a governmental structure for our membership and a forum for the exchange of ideas, to promote excellence in scholastic and professional attainment, and to maximize the participation, the influence, and the effectiveness of the faculty in the operation and growth of Indiana University South Bend, do hereby constitute ourselves as the Academic Senate, Indiana University South Bend, and adopt this Constitution as our instrument of government.

Subject to the limitation imposed by the laws of the State of Indiana and the Board of Trustees of Indiana University, and the Indiana University Faculty Constitution, this Constitution establishes the powers and the duties herein provided for and confers them upon the Academic Senate, Indiana University South Bend. The Constitution is to be construed and implemented in the spirit of affirmative action principles and of civil rights legislation.

ARTICLE I. MEMBERSHIP

Section 1. Voting Membership

Full-time staff members holding the following academic positions shall be granted the right to vote in the Academic Senate:

Professor	Instructor	Associate Librarian
Associate Professor	Lecturer	Assistant Librarian
Assistant Professor	Librarian	Affiliate Librarian

Associate (5/98) faculty who are scheduled to teach at least one credit course in the fall of the current academic year or who taught at least one credit course in the preceding academic year, may select representatives from their number to serve as voting members of the Academic Senate. The number of representatives shall not exceed fifteen.

Section 2. Emeritus Faculty

Attendance and speaking rights at Senate meetings are extended to emeritus senate members (6/1996).

ARTICLE II. OFFICERS

Section 1. President

The duly elected President of the Academic Senate shall preside over all Senate meetings, shall serve as President of the Executive Committee, shall implement the decisions of the Senate and shall report from time to time on matters of importance to the Senate. The President shall be elected from among the tenured members of the faculty.

Section 2. Vice President

The duly elected Vice President of the Academic Senate shall carry out all duties of the President in the absence of the President and shall handle Senate funds. The Vice President becomes the President on the death, resignation, or permanent incapacity of the President

(5/1998). The duly elected Vice President shall come from the tenured members of the faculty (5/1998).

Section 3. Secretary

The duly elected Secretary of the Academic Senate shall record and retain minutes of all Senate meetings, shall distribute copies of all minutes to all members, shall prepare in consultation with the Executive Committee the agenda for Senate meetings, shall handle all correspondence for the Senate, and shall send written notice of all Senate meetings to all members. The Secretary shall regularly provide the library with a copy of the minutes to be bound for permanent record and shall send each member of the Board of Trustees a copy of all resolutions passed by the Senate. The Secretary shall, upon leaving office, turn over all records of Academic Senate business to the successor.

Section 4. Parliamentarian

The Parliamentarian of the Academic Senate, who shall be appointed by the President, will advise the President on parliamentary procedure.

ARTICLE III. ELECTION AND TENURE OF OFFICERS

Section 1. Election Procedure

The Academic Senate shall elect a nominating committee of three members at the December (2/1997) meeting to prepare a nomination slate for each position to be filled for the next year. This slate shall be presented at the February (10/1993) meeting of the Senate. In addition to these nominations, any member may be nominated from the floor at the February (10/1993) meeting of the Senate.

Election of officers shall be conducted by mail (10/1993) or electronic (5/2016) ballot circulated to voting members of the Senate after the February (10/1993) meeting of the Senate. Tabulated results of the election shall be certified by the Secretary and announced no later than the March (10/1993) meeting of the Senate. In the event that no nominees shall receive a majority of votes on the first ballot, the nominees receiving the greatest number of votes and the second greatest number of votes shall be contestants in a second ballot. In the case of a tie on the second ballot, the President shall cast the deciding vote. The nominee receiving a majority of the votes cast shall be declared the winner.

Section 2. Eligibility to Hold Office

All voting members except the Chancellor, Vice Chancellors and Deans of Indiana University South Bend shall be eligible to hold office in the Academic Senate.

Section 3. Tenure of Office

The President shall serve for two years. All other officers shall serve for one year, beginning on July 1 (10/1993) following the election.

ARTICLE IV. MEETINGS

Section 1. Format

All meetings shall be presided over by the President of the Academic Senate. The Vice

President shall preside in the absence of the President. In the absence of both, a President pro tempore shall be elected by a majority vote of those members present and voting.

The agenda shall be prepared by the Executive Committee (see Article VI). Meetings shall be conducted according to the latest edition of Sturgis's Standard Code of Parliamentary Procedure, except insofar as this Constitution and the by-laws may make express provisions to the contrary.

Section 2. Frequency

Regular meetings shall be held monthly during the academic year, except that the Executive Committee may cancel any regularly scheduled meeting for lack of business. The academic year shall be defined to exclude the Summer Sessions.

Special meetings shall be called by the President upon written petition of at least ten members or upon a majority vote of the Executive Committee. The agenda for a special meeting shall be confined explicitly to matters contained in the petition. No meeting of the Academic Senate shall be called during official University vacation periods.

Section 3. Notices

Written or electronic (5/1998) announcement of all regular meetings shall be made by the Secretary or President (5/1998) to all members at least one week in advance of such meetings.

Written or electronic (5/1998) announcement of all special meetings shall be made by the Secretary or President (5/1998) to all members at least three (3) school days -- excluding Saturdays and Sundays -- in advance of such meetings.

Section 4. Quorum

A quorum shall consist of fifty voting members (2/2003).

ARTICLE V. LEGISLATIVE AUTHORITY OF THE ACADEMIC SENATE

Section 1. Source of Powers

Subject to the limitations imposed by the laws of the State of Indiana, the Board of Trustees of Indiana University, and by the Indiana University Faculty Constitution, this constitution confirms and establishes in the faculty of Indiana University South Bend the power and duties herein specified. Said powers and duties shall be exercised exclusively by the Academic Senate of Indiana University South Bend.

Section 2. Legislative Authority

- A. The Academic Senate has legislative authority in the following areas:
1. Standards of admission and retention of students.
 2. Determination of curriculum.
 3. Class scheduling and IU South Bend academic calendar.
 4. Determination of faculty status.
 5. Standards and procedures for faculty appointments.
 6. Standards and procedures concerning faculty promotion and tenure.
 7. Standards and procedures concerning faculty conduct and discipline.
 8. Standards and procedures for the appointment of academic administrative officials.
 9. Standards and procedures concerning athletics.

10. Standards and procedures concerning student conduct and discipline.
11. The conferring of degrees.
12. Such other authority that may be subsequently delegated by the Trustees and/or the University Faculty Council.
13. Other educational policies of IU South Bend.

B. Legislative authority means the power to establish policies and to determine procedures for their implementation subject to the Board of Trustees, the University Faculty Council, the laws of the State, and other provisions of this Constitution.

Section 3. Consultation of the Academic Senate

- A. IU South Bend administrative officials shall consult with the Senate concerning:
1. Decisions regarding the University's existing or prospective physical resources.
 2. Allocation of the University's resources among competing demands (i.e., budgeting).
 3. Appointment to (1) administrative positions at the campus or college/school/library level which involve responsibility for credit or noncredit academic programs, and (2) other campus-wide senior administrative positions with significant impact on academic programs (e.g., Athletic Director, Business Manager).

B. This consultation may take a variety of forms, chief among which should be consultation with elected faculty representatives, in particular the Executive Committee of the Academic Senate and/or various standing committees of the Academic Senate.

C. IU South Bend administrative officials shall keep the Academic Senate completely informed in an appropriate manner concerning all policies.

ARTICLE VI. EXECUTIVE COMMITTEE

Section 1. President

The Executive Committee shall be chaired by the President of the Academic Senate.

Section 2. Members

The membership of the Committee shall consist of the elected officers of the Senate, the immediate past president, the elected (5/1998) UFC Representatives and three members nominated and elected in the same manner as officers of the Senate, except that the election shall be by plurality vote. The Parliamentarian shall serve as a non-voting member (5/1998).

Section 3. Eligibility

Any voting member of the Academic Senate shall be eligible to serve on the Executive Committee, except that the Chancellor, Vice Chancellors and Deans shall not be eligible.

Section 4. Duties

The duties of the Executive Committee shall be:

1. To make appointments to the various standing committees of the Academic Senate. These appointments shall be made in consultation with the Senate member concerned. Such appointments shall be presented for ratification at the April (10/1993) meeting of the Academic Senate.

2. To make appointments to various ad hoc committees including all faculty appointments to search and screen committees for administrative positions requiring Senate consultation (see Article V, Section 3). In the case of administrative appointments carrying faculty rank, at least two-thirds of the Search and Screen Committee members shall be members of the full- time faculty of Indiana University South Bend.

3. To determine the agenda for regular Academic Senate Meetings. The agenda shall be compiled as follows:

a. Any person wishing to bring a matter before the Academic Senate for a vote shall submit the proposed motion or resolution to the President of the Executive Committee at least two weeks before the next regularly scheduled meeting of the Academic Senate.

b. The Executive Committee shall meet at least ten days before the next regularly scheduled meeting of the Academic Senate and shall decide by majority vote which items to place on the agenda of the next Senate meeting and which items to refer to the appropriate Senate committee for further study and recommendation; except that any matter may be placed on the agenda of the Senate if the President of the Senate deems it to be of such urgency that the Executive Committee should be bypassed; or, upon filing of a written petition, signed by ten members, with the President of the Senate at least ten days before the next regularly scheduled meeting of the Senate.

c. The Chairperson of the Executive Committee shall put such items of information (non- voting matters) on the agenda as he or she deems appropriate.

d. If there is not sufficient business to come before the Senate, the Executive Committee may cancel the next regularly scheduled meeting of the Senate.

4. To facilitate the implementation and effect of legislation passed by the Senate, the Executive Committee may edit the final draft of any such new legislation, which revisions shall be promptly submitted to the Senate membership for review, and shall refer such legislation to the appropriate administrative officials. The Executive Committee shall review and report upon the subsequent action of administrators in implementing the legislation.

5. To maintain a file of changes to the ACADEMIC HANDBOOK, and to work with the office of the Executive Vice Chancellor for Academic Affairs to periodically issue an updated version of the ACADEMIC HANDBOOK (6/1996).

Section 5.

The Executive Committee may invite nonmembers to participate in the discussion of matters of particular interest.

Section 6.

The Chairperson of the Executive Committee shall report to the next meeting of the Senate matters considered and actions taken by the Executive Committee.

Section 7.

A Secretary shall be chosen from the membership of the Executive Committee and such person shall keep minutes of the Committee. Copies of these minutes shall be put on open reserve in the library.

Section 8.

If the full Academic Senate cannot be convened in time, in cases of dire emergency the Executive Committee may act provisionally for the faculty. Any action of the Executive Committee may be appealed to the Senate.

Section 9.

In the event of a vacancy in any position on the Executive Committee except the President, a replacement to fill the unexpired term shall be nominated by the Executive Committee. As the first order of business at the next Academic Senate meeting, further nominations will be accepted from the floor and an election shall take place immediately on the close of the nominations. A position becomes vacant on the death or resignation of an elected member or on a member's incapacity to serve (5/1998).

ARTICLE VII. STANDING COMMITTEES

Section 1. Structure

Standing committees shall be appointed by the Executive Committee, with ratification by the Senate. Standing committees shall consist of three to nine members (3/1993), at the discretion of the Executive Committee except when the constitution states otherwise (4/1996). The term of office shall normally be for one year, starting July 1 (10/1993). At the request of a standing committee and the recommendation of the Executive Committee, the Academic Senate may modify the term of office. In the event of a vacancy, the Executive Committee shall appoint a replacement. The chairperson of each standing committee shall be elected from and by the voting membership of that committee.

Section 2. Eligibility

Any voting member of the Academic Senate shall be eligible to serve on standing committees.

Associate (5/1998) faculty and students at Indiana University South Bend may apply to any of the standing committees for admission to their proceedings; the committee shall determine the nature of their participation.

A standing committee shall not extend voting rights to more than two non-members of the Senate except when the constitution states otherwise (4/1996).

Section 3. Duties

Standing committees shall make studies, formulate recommendations, prepare resolutions and carry out such other duties as may be assigned by the Academic Senate. Standing committees shall concern themselves with matters at their own initiative, at the request of the Academic Senate, its President, its Executive Committee, or at the request of the Chancellor of Indiana University South Bend. Any Senate member or administrative officer may, through the chairperson or other committee members, present matters for committee consideration. All actions of committees shall be recorded in minutes. Committees shall exercise discretion in reporting matters of a confidential nature. Meetings of standing committees shall be called by the chairpersons of the respective committees. The committee chairperson shall call meetings at the request of the President of the Academic Senate, or a majority of the members of the committee. A copy of all minutes shall be given to the President of the Academic Senate. All committee actions are subject to review by the Academic Senate.

Under circumstances when the element of time precludes the normal course of action concerning committee recommendations, the committee chairperson or President of the Academic Senate may seek the immediate recommendations of a committee on matters within the area of competence of that committee. The suggested areas of competence, listed below, should in no way inhibit the initiative of any committee.

Section 4. Records

Chairpersons of all standing committees are responsible for:

1. Keeping a file of all committee minutes and correspondence for the school year and delivering these documents to the librarian before July 1 of that school year.
2. Compiling a year-end report which would include a description of the work of the committee and an assessment of how the committee carried out its work. This report must be filed with the librarian as soon as possible after the end of the school year, but no later than August 1st. Copies of this report are to be distributed to the faculty.
3. The librarian shall be responsible for keeping two copies of all past minutes and reports and correspondence and related documents of the Academic Senate and its standing committees.

Section 5. Powers

Except in cases of emergency, all committees will circulate an agenda to all voting members of the Academic Senate at least three school days prior to a meeting. Any member interested in the subjects to be discussed in committee is to be allowed to attend the meeting and to speak freely on the question at hand except when committees are considering confidential matters that require the meetings be closed. In these special cases, the committee can indicate the necessity for executive session in the agenda (5/1998).

The Senate maintains the right to overrule any action taken by a committee. Minutes of all committees will be distributed to all members of the committee, members of the Executive Committee, and any other member of the Academic Senate who request to be put on the mailing list.

As agents of the Academic Senate, committees may make decisions and formulate policies which are binding on the Senate unless formally overruled. When a committee arrives at a decision or formulates a policy which it believes should be binding, it is to send a written copy of said decision or policy to the Secretary and President (5/1998) of the Academic Senate. The Secretary of the Academic Senate will include all such decisions or policies in a special section of the minutes of the next Academic Senate meeting. To obtain Academic Senate review of any such decision or policy it is necessary to submit a petition signed by ten or more members of the Academic Senate to the President or Secretary of the Academic Senate. The matter will then be placed on the agenda of the next meeting of the Academic Senate. Such review may also be instituted by decision of the Executive Committee. No committee action shall become policy until: 1) it is published in the Academic Senate minutes; and, 2) the next opportunity for review by the Academic Senate passes without alteration of the action (accomplished by majority vote of the Senate).

Administrative officers may appoint committees to obtain advice, but under no circumstances will such advice be considered to be the advice of the IU South Bend faculty. Only committees of the Academic Senate are authorized to be considered official voices of the faculty and to carry delegated legislative authority of the faculty as provided for in this Constitution and the Constitution of the University Faculty Council.

Section 6. Voting by Proxy

The members of the various standing committees have the right to appoint an alternate if they are unable to attend a meeting of their committee. The committee members may vote by proxy if they have delegated their voting rights in writing to their alternate.

Section 7. Committees and Their Areas of Authority

A. The Committee on Academic Affairs shall have authority over cheating, plagiarism, grading, registration, class scheduling and University calendars (10/2002).

B. The Curriculum Committee of the Academic Senate

(2/1999) Mission:

We, as faculty, daily implement the curriculum. We also have primary responsibility for its development and oversight. Since curricular decisions are most often—and appropriately so—made at the academic unit level, the Curriculum Committee’s primary responsibility is to provide a campus perspective for changes.

The Committee therefore serves in the following capacities:

- 1) To maintain the institutional history of the curriculum committee by maintaining archives of past curriculum decisions for record purposes and for consultation for future decisions;
- 2) To consider and vote upon all new courses, programs, degrees, certificates, and minors offered at IU South Bend and upon all changes within current ones involving course numbering, titles, credit hours, grading options, and descriptions;
- 3) To enhance communication among the different academic units in terms of proposed changes that will affect both current and future programs, especially as they increasingly use resources that cross academic unit boundaries;
- 4) To oversee the curriculum development process.

Membership and Terms:

The Curriculum Committee of the Academic Senate shall be comprised of one student member with an annual appointment and eight to twelve full-time faculty members. The membership should be representative of the faculty from the various colleges, schools, and the library. These faculty will serve three-year overlapping terms with approximately one-third of the memberships lapsing each year. In addition, a representative from the Registrar’s Office and a representative from Academic Affairs shall serve the committee as ex officio, non-voting members (2/1999).

C. The Committee on Facilities Management

(5/1998) Charge:

The Committee on Facilities Management shall be concerned with matters pertaining to the utilization, modification, and expansion of campus facilities (5/1998). The Committee regularly reviews the campus master plan and its implementation. The Committee shall bring faculty and staff concerns regarding campus facilities to the attention of the campus administration (3/2008).

Membership:

Faculty members are to be appointed for two-year staggered terms. The committee will include one member appointed by the Professional Staff Council and one member appointed by the Bi-weekly Staff Council, with one-year renewable terms. The Director of Facilities Management

will be an ex officio member. A committee chair will be elected annually by the committee from the faculty members (3/2008).

D. The Committee for Faculty Welfare shall have authority over matters pertaining to salaries, fringe benefits, research, academic freedom, and working conditions. It shall be concerned with all academic personnel and procedure matters not specifically delegated to other committees.

E. The Committee on Academic Personnel shall make recommendations concerning (5/1998) recruitment, sabbatical leaves, faculty expansion or contraction and part-time credit faculty. The Committee shall be concerned with the creation or elimination of academic administrative positions.

F. Non-Tenure Track Faculty Policy Committee (3/2000)

The Non-Tenure Track Faculty Policy Committee's main functions will be:

1. to monitor the execution of campus policies relating to NTTF
2. to recommend ways to improve and regularize the employment of NTTF in all units on campus; and
3. to provide an annual report concerning the employment of NTTF to the President of IU, Co-Secretaries of the University Faculty Council, Chancellor of IU South Bend and IU South Bend Academic Senate.

The membership of the committee shall include both tenure-track and non-tenure track faculty in equal numbers. The chair of the committee shall be a member of the IU South Bend Academic Senate.

Non-tenure track faculty who are not members of the Senate but who were officially appointed to the committee shall have full voting rights.

G. The Committee on Student Affairs shall have authority over non-academic student affairs, including the following specific responsibilities:

1. To recommend and review policies related to student life, including student rights and responsibilities, safety, student housing and student fees.
2. To monitor student life as it relates to university student organizations, including officers' and senators' eligibility, elections, annual budgets and expenditures of the Student Government Association (SGA).
3. To monitor student support services, including the University Bookstore, the Student Counseling Center, and the Child Development Center, and, in conjunction with the Athletics Committee, the Student Activities Center (SAC).

The Committee on Student Affairs shall recommend one of its faculty members to serve as a liaison on the Campus Scholarship Committee.

Faculty Committee members serve as members of the Hearing Commission and/or the Campus Review Board (to hear student appeals) subject to the approval of the Executive Committee of the Academic Senate.

The Vice Chancellor for Student Engagement and Success, or equivalent, shall serve as a voting ex officio member of the committee (1/2004).

H. The Committee on Library Affairs shall have authority over matters pertaining to the Library. The Dean of the Library shall be an ex officio voting member of this committee.

I. The Committee on Teaching shall develop standards of teaching excellence, and promote the use of evidence of teaching performance for constructive self-criticism by teachers, for the reward of good teaching by the University, and as criteria for promotion, tenure, and reappointment.

J. The Budget Committee shall concern itself with matters of the budget and shall have the following specific responsibilities:

1. To represent faculty interests in budget matters at IU South Bend (5/1998).
2. To consult with appropriate administrative officers in preparing IU South Bend's budget each year (5/1998).
3. To consult with the faculty members of this campus about budgetary procedures and practices (5/1998).
4. To evaluate present budgetary procedures and to propose modifications as needed (5/1998).
5. To advise the chancellor on all budget matters (3/2011).

Committee Membership. The Committee is comprised of:

- 9 faculty members, with voting privileges, with three-year staggered appointment; the chair will be elected from among this group by the Committee for a one-year term. The faculty appointments are made by the Executive Committee, as representative of the various colleges/schools (3/2011);
- 1 member, with a one-year renewable appointment made by the president of the Professional Staff Council, and approved by the Senate's Executive Committee (3/2011);
- 1 member, with a one-year renewable appointment made by the president of the Bi-Weekly Staff Council, and approved by the Senate's Executive Committee (3/2011); and
- 1 member, with a one-year renewable appointment made by the president of the Student Government Association, and approved by the Senate's Executive Committee (3/2011).

The committee may extend voting privileges to up to 3 non-faculty members of the committee (3/2011).

The Vice Chancellor for Administrative and Fiscal Affairs shall serve as a non-voting consultant to the Committee (3/2011).

K. The Research and Development Committee regularly reviews applications and makes award recommendations to the Executive Vice Chancellor for Academic Affairs for established internal grants and fellowships such as Faculty Research Grants, Curriculum Development Grants, and Seed Grants (5/2016). The Committee also provides occasional advice on other internal grant programs and assists when necessary in screening applications for external awards. At the request of the Executive Committee or the Executive Vice Chancellor for Academic Affairs, or on its own initiative, the committee reviews and makes recommendations on University or Campus policies affecting research, patent and royalty arrangements and

conflict of interest matters (3/1993).

Members of the Research and Development Committee are to be appointed by the Executive Committee for staggered two-year terms (1/2002). All major academic units on campus (CLAS, B&E, EDUC, CHS, ARTS) must be represented on this committee each year (5/2016).

L. The Committee on Admissions and Advising (10/2002)

Committee Responsibilities:

The Committee on Admissions and Advising shall monitor all aspects of admission, advising, retention, academic probation, dismissal and readmission at IU South Bend. Additional responsibilities shall include:

1. Setting standards, policies and procedures governing admission to IU South Bend.
2. Making policy and procedural recommendations to the academic units governing advising, academic probation, dismissal and readmission to IU South Bend.
3. Making policy and procedural recommendations to the Academic Senate governing advising, academic probation, dismissal and readmission to IU South Bend.

Committee Membership:

1. Eight faculty members shall serve two-year staggered appointments with four persons appointed each year. The faculty appointments shall be made by the Academic Senate Executive Committee. Each IU South Bend School and College should have a faculty representative.
2. Three administrative members shall serve one-year renewable appointments made by the Academic Senate Executive Committee. The appointments will be drawn from recommendations made by the Executive Vice Chancellor for Academic Affairs.
3. One student member shall serve a one-year renewable appointment made by the IU South Bend Student Government Association.
4. The chairperson shall be a faculty member elected by the committee members at the first meeting of each academic year.

N. Information Technologies

Committee Charge:

The Committee has the authority and responsibility for creating policies and procedures concerning technology (broadly construed) as it applies to academic and instructional matters. The Committee also has the responsibility for advising the Regional Chief Information Officer on matters of administrative policy and procedure, and for creating guidelines governing distribution of information technology services and resources.

Committee Membership:

Eight faculty members, with voting privileges, with two-year appointments staggered, four persons appointed each year by the Senate Executive Committee. Seven administrative members with voting privileges, with one-year renewable appointments by the Senate Executive Committee, drawn from recommendations of the administrator in charge of the respective units of: Academic Affairs, Business Affairs, Student Affairs, External Affairs, Continuing Education, Schurz Library, Office of Information Technologies. One student member, with one-year renewable appointment, made by the IU South Bend Student

Association. The Regional Chief Information Officer is a non-voting consulting member.

A Chairperson would be elected annually from among the eight faculty members appointed by the Executive Committee.

Committee Procedures:

Among other procedures to be determined and established as needed and as appropriate by the Committee, the following procedures should be followed:

1. The Committee will schedule and hold regular monthly meetings, and others as necessary, and record minutes, to be published and retained according to established Senate rules.
2. The Office of Information Technologies will suggest agenda items to the Chair, as appropriate issues arise.
3. The Regional Chief Information Officer will report on activities of the Office, and on other relevant matters, to the monthly Committee meeting.

O. Campus Directions Committee (6/1996)

Charge (3/2008):

The Campus Directions Committee is responsible for

1. Directing the periodic development of the campus strategic plan;
2. Regularly assessing the campus' mission, direction, priorities, and progress on its strategic plan;
3. Making recommendations on developing and/or revising the campus mission statement, the objectives, priorities, strategic initiatives, and the programs or initiatives that implement the campus strategic plan to the appropriate administrative officers and Academic Senate;
4. Reporting annually at an Academic Senate meeting.

Committee Membership (3/2008):

The Committee is comprised of faculty; representatives of administrative units and the Student Government Association; and non-voting consultants.

*Nine faculty members, with voting privileges, with three-year staggered appointment; the chair will be elected from among this group by the Committee for a one-year term. The faculty appointments are made by the Executive Committee, drawn from recommendations made by the administrators of the various departments and colleges, schools, and the library.

*Eight members, with voting privileges, with one-year renewable appointments by the director of the administrative units, and approved by the Senate's Executive Committee and Senate members, of the respective units of:

Professional Staff Council

Bi-Weekly Staff Council

AFSME Council

Academic Affairs

Administrative and Fiscal Affairs

Public Affairs and University Advancement

Student Affairs and Enrollment Management

Information Technology

One student member, with voting privileges, with a one-year renewable appointment, made by the Student Government Association.

Non-voting Consultants:

Chancellor, or designate

Senior University Faculty Council representative, or designate junior representative

Vice President of the Academic Senate, or designate from the Senate Executive Committee

Director of Institutional Research

One IU South Bend Alumni Board member

P. Assessment Committee (5/2003)

Committee Charge:

The Committee is responsible for promoting and supporting the continuing development of assessment efforts at IU South Bend. The Committee is also responsible for advising the Vice Executive Vice Chancellor for Academic Affairs, who maintains primary administrative responsibility for IU South Bend assessment efforts. The Committee oversees and coordinates assessment activities by collecting annual assessment data from individual units, conducting periodic assessment reviews of units and of general education, and awarding assessment grants.

Committee Membership:

Nine faculty members with voting privileges serve staggered three-year appointments. Five members will be appointed by the Executive Committee of the Academic Senate; four members will be appointed by the Office of Academic Affairs. A chairperson of the Committee will be appointed by the Vice Executive Vice Chancellor for Academic Affairs from among the nine faculty members.

Q. General Education Committee (3/2008)

The General Education Committee shall have authority over the IU South Bend campus general education curriculum.

The General Education Committee shall:

1. Approve all courses proposed to satisfy the General Education Curriculum and forward General Education proposals for new courses to the Curriculum Committee.
2. Review the list of approved courses and the general education program annually, and make recommendations regarding needed course development and program changes.
3. Conduct annual assessment of the general education program, and report regularly to the Academic Senate Assessment Committee.
4. Review and revise course characteristics documents on the basis of annual program assessment findings.

Membership: Nine voting members shall be appointed from the full-time faculty, in consultation with the Director of General Education, from the following units: CLAS (3), Arts (2), Business (1), Education (1), Health Sciences (1), and Library (1). Members shall serve three-year staggered terms. A chair shall be elected annually from among the appointed faculty members. A student shall be appointed by the Student Government Association as a voting member for a one-year renewable term. The Director of General Education shall be an ex officio voting member of this Committee.

R. Student Publications Committee (2/2010)

Section 1. Membership

1. Four faculty members shall serve two year staggered appointments with two

persons appointed each year. The faculty appointments shall be made by the Academic Senate Executive Committee.

2. The chief editor of each student publication, the faculty advisors, and the Director of Student Life Programs will also serve as ex officio voting members.

3. One student member shall serve a one-year renewable voting appointment made by the IU South Bend Student Government Association.

4. The chairperson shall be a faculty member elected by the committee members at the first meeting of each academic year.

Section 2. Duties

The Student Publications Committee is charged with the general supervision of student publications, their staff and fiscal operation. It also acts as liaison between student publications, the campus, and general community. The Committee is the authority on editorial policies and general issues of content, but has no right of pre-publication censorship. Responsibilities of the Committee shall include:

1. Defining the responsibilities, duties, and expectations of chief editors and faculty advisors of all student publication.

2. Having supervisory authority over fiscal operations of all student publications.

3. Soliciting applications, interviewing, and selecting editors for each student publication.

4. Identifying and appointing a faculty advisor for each student publication.

5. Dismissing student publication editors for unsound business and/or editorial practices, illegal activities, or other actions that the Committee deems as inappropriate.

6. Reviewing and approving personnel and editorial policies developed by the editor, staff, and/or faculty advisor of each student publication.

7. Serving as an appeal body on personnel matters or issues of content that can not be resolved by the editors, publications staff, and/or faculty advisors of a publication.

S. Vendor Review Board

(3/2012) Committee Charge:

1. Support the goal that our campus should work with IU-approved businesses that best align with IU South Bend values statements, in conversation with Purchasing.

2. Educate campus community about the campus values statements regarding consumption and production of everyday goods and services on campus, and promote discussion of sustainable and ethically responsible business practices.

3. Serve as a venue for concerns and suggestions about the relationship of current vendors to IU South Bend's campus value statements. Seek input from all concerned parties to evaluate concerns and suggest resolution strategies.

4. Consult with appropriate administrators at least once annually to make recommendations and propose modifications in purchasing policies as needed.

Membership:

1. Appointed Senate Committee with representation from staff, the Student Government Association, and faculty representation from across the campus

2. Four to six faculty members, with staggered two-year terms

3. Each of the following bodies may annually appoint a representative from their membership: the Professional Staff Council, the Bi-weekly Staff Council, and the Student Government Association

4. IU Associate Vice President of Procurement (or a representative appointed by that office) will serve as an ex officio consultant on IU procedures and as liaison to the Review Board

ARTICLE VIII. ATHLETICS COMMITTEE

Section 1. Membership

The Athletics Committee shall consist of six (6) (2/1997) members of the Academic Senate, at least one member of each gender (2/1997), elected by the Senate in the same manner as officers of the Senate (see Article VI, Section 2) and one (1) student member elected by the Student Association.

Members of the Athletics Committee elected by the Academic Senate will be elected to staggered two-year terms. Members of the Athletics Committee will elect its Chairperson at the first meeting of each academic year.

In the event of a vacancy, the Executive Committee shall appoint a replacement who will serve only the remainder of the Academic year. If a two-year term were involved, the vacancy for the second year would be filled through normal nomination and election process (2/1997).

Section 2. Duties (12/2007)

The Athletics Committee shall:

1. Serve in an advisory role concerning the annual athletic budget, both intramural and intercollegiate, and supportive activities.
2. Establish guidelines concerning schedules for intercollegiate athletics and monitor compliance.
3. Establish eligibility requirements for participation in intercollegiate athletics and monitor compliance.
4. Approve participation in new intercollegiate athletic activities with the consent of the Senate.
5. Approve participation in post-season activities.
6. Propose, for the approval of the Senate, membership in athletic conferences.
7. In cooperation with the Scholarship Office, determine policies concerning allocation of athletic grants when available, in accordance with conference policies.
8. Make personnel recommendations in the athletic area to the Vice Chancellor for Student Affairs and Enrollment Management.

ARTICLE IX. SENATE PROMOTION, TENURE, AND REAPPOINTMENT COMMITTEE

Section 1. Selection

Election of members to the Promotion, Tenure and Reappointment Committee shall be held in the spring in conjunction with the election of Academic Senate officers. Terms of office for voting members (2/2010) shall be two years, four members to be elected in even-numbered years and three in odd-numbered years. Terms of office for non-voting members shall be one year (2/2010). Those selected will be the members receiving the most votes, with the following conditions:

The Committee shall consist of seven tenured, voting faculty members, at least three of whom must be Full Professors, and two tenure-probationary, non-voting faculty members (2/2010). No senate member with a 50% or greater administrative workload assignment (11/1998) may serve on the committee.

Section 2. Eligibility and Disqualification

Faculty members who are candidates for promotion may be elected to a two-year term but are disqualified from serving in the year of their candidacy. In the event of a vacancy, a special election will be held at the next meeting of the Academic Senate to select a replacement (4/1979). Said replacement shall serve until the next election for the Promotion, Tenure and Reappointment Committee. Should a member be disqualified in the first year of the term the member may then serve the second year of the term.

No person shall serve on more than one campus Promotion, Tenure, and Reappointment Committee at the same time.

Section 3. Principles for Participation in the Tenure and Promotion Process at all levels

Faculty members and administrators do not vote on promotion or tenure in review committees without fully participating in committee deliberations. There should be no proxy voting on promotion and tenure cases at any level. Faculty members and administrators who participate in the promotion and tenure process have full access to all materials in the candidates' dossier and to assessments at all previous levels of review. Except for reconsideration of prior decisions, each faculty member and administrator who participates in the promotion and tenure process votes only once in any particular case (2/2010).

Section 4. Officers

The Committee will elect its own chairperson and any other officers it desires from its own membership. The chair and any other officers must be voting members of the committee.

Section 4. Powers and Responsibilities

A. All cases of promotion and tenure at IU South Bend without exception shall be under the jurisdiction of the Promotion, Tenure, and Reappointment Committee.

B. The Committee shall have access to all information pertinent to each promotion, tenure, and reappointment case (12/1977).

C. No faculty member shall be denied reappointment without a recommendation of this committee.

D. Before formal dismissal proceedings are begun (see Article X for a definition of dismissal) the Committee shall consider the case and shall determine whether in its view formal dismissal proceedings should be instituted.

E. The Committee must promptly notify all candidates of the recommendations it has made. In the case of negative recommendations, reasons must be given in writing if the candidate so requests. These communications shall remain confidential, except when a candidate desires to disclose them.

F. Only rarely and for unusual and compelling reasons shall the Chancellor not support the recommendation of the Committee. In such cases the Chancellor shall provide the Committee with a detailed written report.

Section 5. Procedures

A. Faculty members and administrative officers will refrain from publicizing any information they may have about their colleagues' candidacy for promotion, tenure, and/or contract renewal beyond that which is necessary for the securing of information required for making these recommendations. Individuals may reveal their own candidacies to anyone at their own discretion.

B. The Executive Vice Chancellor for Academic Affairs shall provide the chairperson with necessary clerical assistance and filing space for the work of the Committee.

C. In case of a negative recommendation, a candidate shall have the right to one appearance before the Promotion, Tenure and Reappointment Committee.

ARTICLE X. DISMISSAL

Dismissal shall mean the involuntary termination of a tenured faculty member's appointment prior to retirement or resignation, or the termination of the appointment of a non-tenured faculty member prior to the expiration of the term of appointment. Dismissal is thus to be distinguished from the non-reappointment of a probationary faculty member.

Dismissal shall occur only for reason of:

- (a) incompetence,
- (b) serious personal or professional misconduct, or
- (c) extraordinary financial exigencies of the University.

For policy and procedures regarding (a) and (b), see Article XI: Faculty Misconduct Policy. For policy and procedures regarding (c), see Contingency Planning Policy and Procedures, in Part II (The Academic Appointee and the Student on the Indiana University South Bend Campus) of the *Academic Handbook* (3/ 2000).

ARTICLE XI: FACULTY MISCONDUCT POLICY AND PROCEDURES

Section 1. Scope and Definition

This policy provides procedures to review complaints against faculty members of substantial or chronic incompetence or misconduct, limited to violations of formal rules of the University, such as violations of the Code of Academic Ethics (*IU Academic Handbook*), or failure to meet generally understood and accepted standards of professional conduct (4/2002). Communications and actions protected by principles of academic freedom may not be judged misconduct. *

* Emergency cases are handled according to the procedures in Section V. D.

When deficiencies are found pursuant to this policy, the Committee may recommend development of a program to remedy those deficiencies (see 'V.G.3, below) or a range of sanctions, including dismissal (see 'V.G. 4, below). When a faculty member has been the subject of a recommendation made pursuant to an alternative disciplinary procedure, approved by the University Faculty Council or the IU South Bend Academic Senate, the faculty member is not entitled to proceedings under this resolution. [Alternative procedures for certain types of misconduct include the *Procedures for Responding to Allegations of Research Misconduct*, the procedures under the *Code of Student Rights, Responsibilities, and Conduct* relating to claims against faculty members, and procedures described in the *IU South Bend Affirmative Action*

Plan.] The faculty members covered by this policy shall include IU South Bend tenured and tenure-eligible faculty and librarians.

Section 2. Committee Membership

By May 1 of each year, the voting members of the IU South Bend Academic Senate shall elect five tenured members of the faculty as the IU South Bend Faculty Misconduct Review Committee and five tenured faculty members to serve as alternates. The members of the Committee shall select their own presiding officer immediately following their election. The members shall hold office from the first day of May for staggered terms of two years. Members and alternates shall complete the review of any case which they have begun to consider. At least two years shall elapse between terms of office of regular members of the committee. In offering nominations for election to the Faculty Misconduct Review Committee, consideration should be given to representation across academic ranks and among the colleges, schools, and the library of IU South Bend.

Section 3. Definitions

For all purposes of this policy, the following terms shall have the meanings specified below:

- A. "Chair" shall mean the presiding officer of the Committee.
- B. "Committee" shall mean the IU South Bend Faculty Misconduct Review Committee, as duly constituted pursuant to this resolution.
- C. "Dean" shall mean the person who submits a Request under 'V.A.1 herein for review of a Faculty Member's alleged misconduct.
- D. "Faculty Member" is the person whose alleged misconduct is subject to a review by the Committee.
- E. "FBR" shall mean the IU South Bend Faculty Board of Review, as duly constituted according to Article XII of the IU South Bend *Academic Handbook*.
- F. "Parties" shall mean the Dean and the Faculty Member.
- G. "Procedures" shall mean the procedures set forth below in part V of this policy.
- H. "Request" shall mean the written complaint by a Dean (or, in cases under 'V.D.1 herein, by the Chancellor) to the Committee seeking a review of a Faculty Member's conduct pursuant to these Procedures.
- I. "Working Day" shall mean any day other than a Saturday, Sunday or holiday on which the United States Postal Service is authorized to close.

Section 4. Conflict of Interest

Members of the Committee shall recuse themselves from a review if they hold an appointment in the Faculty Member's department (or college/school/library in the case of units that are not organized by departments), or if there is any other relationship with the Faculty Member that constitutes, or that creates the appearance of constituting, a conflict of interest. If a member of the Committee cannot serve during a review, the Chair of the Committee shall select an alternate member from the pool of elected alternates.

Section 5. Procedures

A. Complaint Initiation and Notification

1. A Request for a review of complaints of misconduct shall be submitted to the Chair of the Committee by the Dean of the Faculty Member's school. Such Request shall be in writing and be signed by the Dean. At the same time, the Dean shall give a copy of the Request to the Faculty Member. Except in cases of emergency as determined by the Dean, (4/2001) the Request will be submitted at the beginning of the academic year.

2. Such Request shall set forth, in reasonable detail, the nature of the alleged misconduct, and shall include a statement as to prior efforts made to resolve the complaints by negotiation. The Request shall also contain notice if the Dean seeks dismissal of the Faculty Member based on the alleged misconduct.

3. The Committee shall notify the Faculty Member in writing of its receipt of a Request, and shall provide to the Faculty Member, along with the notice, copies of:

- a. the IU South Bend Faculty Misconduct Review Committee Policy and Procedures;
- b. an explanation of the Faculty Member's rights and responsibilities under these Procedures, and also of his or her right to submit a written response to the allegations;
- c. the current membership of the Committee, including alternates; and
- d. the Request.

4. The Faculty Member may submit a written response to the allegations in the Request within 15 Working Days of the date of the receipt of the notification under 'V.A.3 above.

5. Upon receipt of a Request, the Chair of the Committee, in consultation with the other members of the Committee, shall initiate efforts to have the Parties resolve the complaints raised by the Request using "informal adjustment." Such informal adjustment negotiations would be mediated by a person or persons unaffiliated with the Committee or the parties. In cases where the Parties cannot negotiate an informal adjustment, and in cases where the Committee determines such informal adjustment is not appropriate, the Committee shall provide written notification of such determination to the Dean and the Faculty Member within 30 Working Days from receipt of the Request.

The term "informal adjustment" means alternative dispute resolutions, such as negotiation or mediation, to achieve mutually agreeable settlements. Any such settlement may be recorded at the request of the Faculty Member.

6. The Committee, based on the Dean's Request and the Faculty Member's written response, may decline to proceed if it determines there is an insufficient basis to merit formal proceedings and shall, in that case, proceed to make its recommendation accordingly pursuant to ' V.G below. The Parties shall be notified in writing of such a decision within 10 Working Days after receipt of the Faculty Member's response, but in any case no later than 25 Working Days after the date of the Request.

B. Commencement of Review Hearings

1. In the event that no informal adjustment is reached by the Parties, the Chair shall convene a hearing before the Committee to review the allegations presented in the Request. Such hearing shall begin within 20 Working Days after the expiration of the notification and response period under 'V.A.4. Notice of the date, time and place shall be given to all Parties, including the Faculty Member's counsel or advisor, if known.

2. The Faculty Member and the Dean may be represented by counsel or other advisors of his or her choosing during the proceedings, which counsel, in the case of the Dean, may be the University Counsel.

a. Counsel shall be entitled to fully participate in the hearing, including the examination of witnesses.

b. With the consent of the Faculty Member, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.

3. The Faculty Member may object to the Committee membership on the grounds of Conflict of Interest or inability to render an unbiased judgment. Objections shall be made in writing to the Chair within 5 Working Days after notification of the membership, pursuant to 'V.A.3.c above. The Committee, acting without the participation of the members objected to, shall consider the objections and, if reasonable, the Chair shall replace the person(s) with alternate(s) who do not have a Conflict of Interest.

C. Due Process

1. In all of its proceedings the Committee shall be governed by principles of due process and orderly procedures for ensuring the impartial examination by the Committee of all pertinent facts, University policies and procedures, and the legitimate interests of all parties involved.

2. The Faculty Member shall be afforded an opportunity to obtain necessary witnesses, and documentary and other evidence.

a. The Faculty Member and the Dean will provide to the Committee and to each other the names of all persons he or she wishes to call to testify within 5 Working Days after notice of the date set for the hearing. Therefore witnesses may be added only with the consent of the committee.

b. The Committee and the Administration will cooperate in securing witnesses and making available documents and other evidence.

c. The Parties shall have the right to examine all witnesses. Where the witnesses cannot or will not appear, but the Committee determines that the interests of justice require admission of their statements, the Committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.

3. Hearings will be closed to the public unless the Faculty Member requests an open hearing. Requests for an open hearing shall be made to the Chair of the Committee in writing no later than 10 Working Days prior to the date set for the hearing. "Open" means any person may attend the proceedings; "closed" means that the meetings shall be attended only by the Faculty Member, the Dean, representatives of the Faculty Member and the

Dean, members of the Committee, approved observers, and any witnesses that the Parties may request to be present. The Committee, however, in its discretion, may require that witnesses be excluded from any hearing prior to their own testimony.

4. An audio or video tape recording of the proceedings shall be made and transcribed; and a copy of the transcript shall be provided to each Party. The audio or video tape shall be maintained as part of the record pursuant to 'V.I.

5. The Faculty Member may, in his or her sole discretion, waive the right to a hearing hereunder or stipulate to certain facts.

D. Emergency Cases

1. In cases of alleged misconduct which the Chancellor determines require immediate actions to protect the interests of members of the University community, the Faculty Member may be suspended with pay or reassigned. The Chancellor shall give the Faculty Member notice of the emergency action and shall offer the Faculty Member the opportunity for an informal conference to discuss the emergency action.

2. If the Faculty Member objects to the propriety of the emergency action, the Faculty Member shall notify the Chancellor and the Committee of that fact in writing. The Chancellor shall, within 2 Working Days, provide the Committee and the Faculty Member a memorandum specifying the information on which the Chancellor is acting and the reasons why that information justifies the emergency relief. The Faculty Member shall submit to the Committee and the Chancellor a memorandum containing information and argument opposing the emergency relief within 2 Working Days of receipt of the Chancellor's memorandum. The Committee shall furnish its recommendation on the propriety of the emergency action to the Chancellor and the Faculty Member within 2 Working Days of receipt the Faculty Member's memorandum.

3. When emergency action has been taken, the Chancellor shall immediately submit a Request setting forth in reasonable detail the nature of the alleged misconduct and the sanctions the University seeks to impose. The Committee shall provide the Faculty Member with written notice of the Chancellor's Request and with the documentation called for in 'V.A.3 above. The Faculty Member shall have 15 Working Days from the date of notice to provide a written response. The Chair shall convene a hearing to review the allegations presented in the Request within 25 Working Days after the date of the Request. Notice of the date, time and place of the hearing shall be given to all Parties, including the Faculty Member's counsel or advisor, if known. The Hearing will be governed by the provisions of 'V.B.2 and 'V.B.3 and 'V.C above. The Committee shall make its findings and recommendations pursuant to ' V.F. and ' V.G below as soon as possible, but in any case within 10 Working Days of completion of the hearing.

E. Privacy

Except in the cases of open hearings pursuant to 'V.C.3 above, and, except for simple announcements as may be required, such as the time of the hearing and similar matters, public statements and publicity about the case by either Party shall not be allowed until the proceedings have been completed, including consideration by the FBR.

The members of the Committee and all persons contacted in connection with the Committee's review shall be reminded that they are responsible for maintaining

confidentiality of the case.

F. Findings

1. No deficiencies: If the Committee finds that the Faculty Member has met accepted standards of conduct, the Committee shall make its recommendation accordingly pursuant to V.G below.
2. Some deficiencies, but deficiencies not substantial or chronic: If the Committee identifies some deficiencies in the Faculty Member's conduct, but these deficiencies are not judged to be substantial or chronic, the Committee will state their findings, in writing as provided in 'V.G below.
3. Substantial or chronic deficiencies: If the Committee determines that there are substantial or chronic deficiencies in the Faculty Member's conduct, the Committee will state their findings in writing as provided in 'V.G below.

G. Recommendations

1. The Committee shall render its written findings and recommendations within 15 Working Days of completion of a hearing. Whether or not there was a hearing, the Committee shall document its findings in a report that specifies the allegations, summarizes relevant information, and states the conclusions reached and the evidence on which it reached those conclusions. It should make explicit findings of fact with respect to each allegation and list the evidence relevant to that finding. The decision should then state the Committee's recommendations. The report and other retained documentation must be sufficiently detailed to serve as a basis for the Dean's action on the Committee's recommendations and to permit a later review by the FBR, should the Faculty Member grieve the Dean's actions. The factual findings of the Committee shall be conclusive on any later FBR proceeding.
2. Findings of misconduct and recommendations of sanctions shall be based on substantial evidence developed in the hearing record considered as a whole. Based on its findings, the Committee may recommend that no action is warranted, that a remediation plan be developed pursuant to ' V.G.3 below, or that sanctions be imposed pursuant to ' V.G.4 below.
3. The Committee may recommend a plan designed to assist the Faculty Member in remedying the identified deficiencies.
 - a. The plan will be developed by the Dean, or other administrative officer appointed by the Dean, and the Faculty Member.
 - b. At the request of either the Faculty Member or the Dean or such other administrative officer, the assistance of a third party (a mediator or a professional expert in the problem area identified) will be provided to assist in the development of the plan.
 - c. A plan should identify the deficiencies to be addressed, define goals or outcomes that are needed to remedy the deficiencies, outline the specific activities and programs that should be completed to achieve these goals and outcomes and indicate the appropriate benchmarks to be used in monitoring progress.
 - d. If agreement on the plan cannot be reached within three months of the date of the Committee's written recommendations, either party may petition the Committee, as

provided for in 'V.H.1 hereof.

4. The Committee may recommend any of the following sanctions:

- a. A written reprimand with a warning that additional sanctions will be imposed if there is a repetition or continuation of the misconduct.
- b. A probationary period during which the Faculty Member must abide by certain specified conditions or be subject to the imposition of further sanctions.
- c. Dismissal, provided, that the Faculty Member had notice of the possibility of dismissal pursuant to 'V.A.2 above.

5. On its completion, the Committee's report shall be forwarded to the Dean and the Faculty Member. In cases in which dismissal is recommended, the report shall also be sent to the Chancellor.

6. Either Party shall have 10 Working Days to submit written comments to the Committee and the other Party. The Committee shall consider such comments and make any changes to its recommendations it determines are reasonable. Written notification of the Committee's decisions shall be given to both Parties.

H. Further Proceedings

1. In the event that the Parties cannot agree on a remediation plan as recommended by the Committee within three months after the recommendation, either Party may petition the Committee in writing (with a written copy to the other Party) for a proceeding on the matter.

- a. Such petition shall describe in detail the status of discussions and the terms of any plan presented and the areas of disagreement.
- b. The other Party may submit a written response within 5 Working Days.
- c. The Committee shall set a date for a proceeding not less than 15 Working Days after receipt of the petition for review.
- d. The Committee, in its discretion, may meet with each of the Parties, alone or together. The Parties may have a representative with him or her, but such person may not participate in the Committee's proceedings.
- e. The Committee shall within 15 Working Days of the proceeding produce a remediation plan binding on the Parties or make such other recommendations it determines is warranted under these procedures, subject to review by the FBR.

2. In the event that a Faculty Member, previously sanctioned by the Committee pursuant to 'V.G.4, is allegedly not observing the conditions of the original sanction or is allegedly engaged in the same misconduct for which such Faculty Member was sanctioned, the Dean may submit a written petition for a re-hearing to the Committee, with a written copy given to the Faculty Member.

- a. The Faculty Member may submit a written response to the allegations within 10 Working Days after receipt of the written petition.
- b. The Chair shall convene a hearing before the Committee within 15 Working Days after receipt of the Faculty Member's response.

c. The hearing shall be conducted in accordance with the proceedings set forth in 'V.B and 'V.C of these Procedures.

d. The Committee shall render its written findings and recommendations as provided in 'V.F and 'V.G of these Procedures.

I. Records

After completion of the case and all ensuing related actions, the Committee Chair shall prepare a complete file, including the original records of all proceedings and copies of all documents and other materials furnished to the Committee. Access to the materials in the file shall be available to the FBR, and to others only upon authorization by the Committee for good cause.

The records of the Committee shall be kept and maintained at the offices of the Executive Vice Chancellor for Academic Affairs.

J. Waiver of Time Requirements

Either Party may request an extension of time under these Procedures by written request given to the Committee and the other Party. Such extension shall be given if the other Party agrees in writing, or if, in its discretion, the Committee determines an extension is reasonable, it may also grant such extension in writing given to each Party and notify the parties.

K. Report to the IU South Bend Academic Senate

The Committee shall report annually to the IU South Bend Academic Senate the number and types of cases presented to it and the number and types of case dispositions.

ARTICLE XII. FACULTY BOARD OF REVIEW AND JUDICIAL COMMISSION (3/2000)

Section 1. Membership

A Faculty Board of Review shall consist of five members nominated and elected in the same manner as officers of the Senate except that elections shall be by plurality vote. No Senate member with less than three years of full-time experience with Indiana University may serve on the Faculty Board of Review. A majority of the membership of the Faculty Board of Review must have tenure.

In the event of a vacancy a replacement shall be appointed by the Executive Committee, guided by the results of the previous election. Said replacement shall serve until the next election for the Faculty Board of Review.

Section 2. Responsibility

The Faculty Board of Review shall assume its duties on July 1 following election.

The Faculty Board of Review shall hear cases concerning academic freedom, tenure,

promotion, salary adjustment, termination of non-tenure appointments, and the nature or conditions of work. The aggrieved faculty member desiring a review of administrative action in these stated areas shall request a hearing by the Faculty Board of Review.

The termination of a tenured faculty member's appointment prior to retirement or resignation or the termination of a non-tenured faculty member's appointment prior to the expiration of its term, and other sanctions against faculty members where the governing regulations so require, may occur only after the faculty member has had an opportunity to have the matter reviewed by a committee constituted through the procedure approved by the IU South Bend Academic Senate to hear and make recommendations regarding complaints of misconduct asserted against a faculty member. Sanctions, which may be imposed only after review by such a committee, shall be based solely on information which has been presented to the committee and to which the faculty member has had the opportunity to respond. Other administrative actions affecting a faculty member, whether or not based on the recommendation of such a committee, may also be brought to the Faculty Board of Review as a grievance (3/2000).

Section 3. Procedures and Policies

A. Procedures and Format for Submission of Cases

1. In promotion, tenure, and reappointment cases, only decisions by the Chancellor may be the subject of a review; the Faculty Board of Review does not control the decision-making process and shall accept an appeal only after the Chancellor has made a decision. It is understood that decisions subsequent to the Chancellor's also may be subject to a grievance.

2. In all cases, a faculty member wishing to present a grievance to the Faculty Board of Review shall submit a written notice to the Chairperson of the Faculty Board of Review, with copies, as appropriate, to the Dean, the Senate Promotion, Tenure, and Reappointment Committee, the Executive Vice Chancellor for Academic Affairs, and the Chancellor. The written document shall, when appropriate, cite the procedures violated and give the grievant's evidence as to the existence of a case. Serious efforts made to resolve the issue at the college/school/library level, whether on an informal or formal basis, should be cited in detail. The document should contain a clear statement that the case has failed to be resolved at the college/school/library level.

3. The document is considered in its final form at the time of submission to the Board, except for supplementary evidence that the Board may request.

4. The Chairperson of the Board shall request a written response from the appropriate party (Dean, Senate Promotion, Tenure, and Reappointment Committee, Executive Vice Chancellor for Academic Affairs, Chancellor), which response shall include a review of the procedures employed and any additional facts, with sources, dates, and the reason(s) leading to the decision. The response should be submitted within ten working days from the date requested.

5. On the basis of the evidence gathered, the Board shall decide whether or not sufficient matter for an appeal exists. There is no restriction on the kind of complaint which may be submitted by an aggrieved faculty member. However, the Faculty Board of Review shall, in general, restrict its review to procedural grievances involving University decisions or actions which significantly violate or ignore duly established procedures, including

grievances regarding promotion, tenure, and reappointment. In cases covered by the Faculty Misconduct Policy (Article XI), the Board may review the decision or action grieved against as well as the procedures by which it was taken (March 2000). The Faculty Board of Review, however, is the sole arbiter of the merits of any case, and shall within ten working days of receiving it either dismiss it or begin the review process. The decision shall also be made according to the policies stated in Section B (1) below. Notice of the date of the initiation of the formal study of the case, or its rejection, shall be sent to all parties concerned, within fourteen calendar days of the decision.

6. Should the faculty member wish to withdraw the appeal, this may be done at any time prior to the beginning of the formal study of the case. Once the formal hearing has begun, the grievance may be withdrawn only by the mutual consent of the parties and the Faculty Board of Review.

B. Policies and Procedures for the Conduct of Reviews

1. During the initial study of the case, the Faculty Board of Review may:

- a. Request additional data from any party concerned,
- b. Interview either party separately,
- c. Interview witnesses suggested by either party,
- d. Conduct an informal review session with both parties without cross-questioning,
- e. Request additional meetings with either party for further clarification,
- f. Decide to accept or reject the case, by a simple majority vote of the full Faculty Board of Review.

2. If a decision to reject the case is not reached after the initial study, the Faculty Board of Review may continue with the informal review of the case, or the aggrieved faculty member may request and receive a formal hearing. At a formal hearing:

- a. The Chairperson of the Faculty Board of Review, or a designated member of the Board, will serve as the presiding officer.
- b. The faculty member, or a chosen representative, may make a statement outlining the case.
- c. The other party or representative may make a statement.
- d. Either party may be questioned by legal counsel and by each other.
- e. Other witnesses may be called in by either party.
- f. Members of the Faculty Board of Review may question either party.

3. At any stage of the proceedings (including (1) and (2) above, the Faculty Board of Review reserves the right to use a tape recorder. A copy of the tape(s) shall be made available, at the discretion of the Faculty Board of Review, on the request of involved parties, who will be bound by the same strict principles of confidentiality as the Faculty Board of Review.

4. Each party may have its own legal counsel, but the Faculty Board of Review is not a

court. It can only react as a board of faculty members who make recommendations based on their experience in academic life and their wisdom as professors.

5. The Chairperson of the Board shall keep the detailed accounts of the case. These files shall be kept for at least five years, and shall not become the property of any succeeding Board. Strict confidentiality is to be observed by all parties to a grievance, at all levels of the petitioning process, except where the grievant is collecting evidence.

C. Procedures for Reporting Recommendations

1. The report of the Faculty Board of Review shall be sent to the Chancellor, with copies to all parties concerned. In general, the report should describe the general nature of the grievance and the procedures or rights to which the faculty member believed he or she was entitled and which he or she alleges were denied. The report should summarize the evidence received on the issues considered relevant by the Faculty Board of Review and declare what the Board finds to be the facts (resolving disputes where resolution is necessary upon the basis of facts found by the Faculty Board of Review and its stated interpretations of meaning of policies, resolving disputed interpretations where resolution is necessary), the Faculty Board of Review should state its conclusions and make recommendations based thereon.

2. If the Chancellor, upon receipt of the Faculty Board of Review recommendation, proposes to take action substantially different from that recommended by the Faculty Board of Review, the Chancellor shall first review the case with the Board. The Chancellor shall, in writing, advise the interested parties of the decision and the reasons therefore.

3. In giving the annual Faculty Board of Review report to the Senate, the Chairperson shall indicate only the number of cases received and the disposition of each one. Any procedural recommendations which would enhance the operation of future boards may be made at this time.

Section 4. Disqualification

A member of the Faculty Board of Review shall be disqualified from hearing or investigating a case whenever that member has participated in a prior decision on that case or when that member believes he or she cannot render an impartial judgment. Whenever a member of the Faculty Board of Review is disqualified by this section, the Executive Committee shall choose a qualified Senate member as a temporary replacement.

ARTICLE XIII. AMENDMENTS

Section 1. Proposal

A motion to amend this Constitution shall be presented to the Executive Committee. Subject to the action of the Executive Committee debate on the proposed amendment shall be the first order of new business at the next regular meeting of the Senate or at any special meeting of the Senate occurring at least one week after the presentation of the proposed amendment to the Senate by the Executive Committee.

Section 2. Ratification

The vote on a proposed amendment shall be by secret mail or electronic (5/2016) ballot of all voting members of the Academic Senate, within one week after a majority of the voting

membership attending the meeting (3/1997) of the Senate has voted in regular or special meeting that discussion the proposed amendment be closed. The amendment shall be ratified when voted for by two-thirds of all valid votes which have been cast by mail or electronic (5/2016) ballot twenty days from the time the ballots have been distributed by the Secretary of the Senate.

ACADEMIC SENATE BY-LAWS ACADEMIC SENATE BY-LAWS

The Academic Senate, or the Executive Committee at its own discretion, may decide that any specific question shall be voted on by mail or electronic (5/2016) ballot of all members of the Senate (4/1986).

The election of IU South Bend's elected representative to the IU University Faculty Council shall follow the provisions as described for the election of Senate officers, except that plurality vote will prevail. The representative shall serve a two-year term, or otherwise as may be determined by the Senate's Executive Committee. The IU South Bend UFC representative shall report periodically to the Academic Senate on matters of interest and/or importance (1/1996).

In years with five positions to be filled on the Promotion, Tenure and Reappointment Committee, the lowest winning vote will be considered a one-year term (2/1998).

Senate meetings are open. A meeting can be closed by a simple majority of members present (3/1999).

Selection of Associate faculty to serve as voting members of the Academic Senate.

In the first week of classes, the Academic Senate Vice President will request the email addresses of all Associate Faculty from Academic Affairs.

By the third week of classes, the Academic Senate Vice President will email these faculty members asking whether they would like to serve as voting members of the Academic Senate, with the understanding that only up to fifteen faculty can serve. The email would indicate that voting would require regular attendance at Academic Senate.

If more than fifteen faculty members volunteer, the Academic Senate Vice President will stage an election via email. The ballots will list all the Associate faculty members who have volunteered to serve. All eligible Associate faculty will vote in this election (eligibility is determined by the IU South Bend Constitution: "faculty who are scheduled to teach at least one credit course in the fall of the current academic year or who taught at least one credit course in the preceding academic year").

At the second Academic Senate meeting of the semester, or the earliest possible Academic Senate meeting, the elected voting Associate faculty members will be announced (1/2016).