

CONSTITUTION OF THE FACULTY OF THOMAS MORE COLLEGE

PURPOSE

The purpose of this Constitution is to affirm the rights and responsibilities of the faculty members of Thomas More College and should define the role of the faculty in the policy and decision-making process of the college.

I. RIGHTS AND RESPONSIBILITIES OF FACULTY MEMBERS

- A. Each faculty member shall have the following rights:
1. the right to teach;
 2. the right to academic freedom;
 3. the right to membership in professional societies;
 4. the right to engage in other professional acts to these consistent with his/her professional responsibilities and with the physical resources of the College;
 5. the right to be free from harassment;
 6. the right to maintain order in the classroom;
 7. the right to invite guest speakers to lecture in his/her class;
 8. the right to have his/her professional performance evaluated by his/her superiors only on the basis of clearly defined and properly promulgated criteria;
 9. the right not to be removed from his/her position except in accordance with established procedures;
 10. the right to tenure in keeping with established criteria of the College;
 11. the rights to the academic rank for which he/she meets the established qualifications;
 12. the right to a salary based solely on professional achievements and contributions to the life of the College community (This statement in no way prejudices agreements with the Diocese of Covington, religious orders or communities, or any members thereof.);
 13. the right to all fringe benefits made available to full-time members within his/her own category;
 14. the right to be remunerated for any required services that clearly exceed the obligations of his/her contract;
 15. the right to refuse to give a course for good reason*;
 16. the right to be heard and considered at appropriate levels of the decision-making process about basic policy matters of direct concern.

* "Good reason" might include such factors as evidence that a class cannot be taught in a format that does not afford sufficiently frequent student-faculty interaction, inadequate facilities at a site, *e.g.* lack of laboratory equipment needed to support a course, lack of suitable background on the part of the faculty member to provide a high quality learning experience for the students, or a work load that is already full and cannot absorb additional teaching responsibilities without damaging the quality of instruction. This list is not meant to be exhaustive; but simply to provide some specification to an otherwise vague phrase.

- B. Each faculty member shall have the following responsibilities:
1. the responsibility to foster the aims and objectives of Thomas More College as a Catholic and liberal arts institution;
 2. the responsibility to exercise reasonable restraint in the enjoyment of his/her rights of academic and personal freedom;
 3. the responsibility to give courses within his/her area of professional competence;
 4. the responsibility to make it possible for his/her professional performance to be evaluated objectively and adequately;
 5. the responsibility to be adequately prepared for his/her class;
 6. the responsibility to keep up with the latest developments in his/her field;
 7. the responsibility to be fair and impartial in evaluating and grading students;
 8. the responsibility to accept committee, moderator, and other formal positions of responsibility unless there is some compelling reason for refusing;
 9. the responsibility to attend scheduled meetings of the faculty and of the committees of which he/she is a member, and be able to participate and vote in an informed manner in such meetings;
 10. the responsibility to be present at all official College activities and functions which it is reasonable to expect him/her to attend;
 11. the responsibility to support in good faith all decisions made in accordance with established procedures, even though he/she may personally disagree with those decisions;
 12. the responsibility to refrain from purporting to act or speak as an official representative of the College without authorization.

II. PROCEDURAL GUARANTEES OF FACULTY MEMBERS' RIGHTS

If a faculty member feels that any of his/her rights as enumerated in the Faculty Constitution have been violated or denied him/her, he/she may choose AAUP procedures and/or the following steps in order to seek redress of his/her grievance:

- A. Initiation of Complaint
1. A written[†] statement of the complaint must be filed with the faculty department chairperson.
 2. A written answer to the complaint must be forthcoming from the department chairperson within one week. If the matter is satisfactorily resolved at this level, copies of the complaint and the answer shall be furnished to the faculty member and retained in the department files. No further action will be necessary.
 3. If the matter is not resolved at this level, the faculty member shall have the right to file the complaint and the department chairperson's answer with the Vice President for Academic Affairs.

[†] It is permissible to send any of the documents described in this procedure by attachment to an electronic message.

- B. Referral to Vice President of Academic Affairs.
 - 1. Within one week after the filing of the complaint with the Vice President for Academic Affairs, a written answer shall be given to the faculty member. If the matter is satisfactorily resolved at this level, copies of the complaint and the answer shall be furnished to the faculty member and retained in the files of the Vice President for Academic Affairs. No further action will be necessary.
 - 2. If the matter is not resolved at this level, the faculty member shall have the right to file the complaint and the answers with the Faculty Coordinating Committee.
- C. Referral to the Faculty Coordinating Committee.
 - 1. Within three days after the filing of the complaint with the Faculty Coordinating Committee, a date for the hearing of the complaint shall be given to the concerned parties. The hearing date shall not be earlier than three days nor later than five days after the date of the notice.
 - 2. If the matter is satisfactorily resolved at the hearing, copies of the complaint and the committee's answer shall be furnished to the faculty member and retained in the files of the Faculty Coordinating Committee. No further action will be necessary. If the matter is not resolved as a result of the hearing and if the Faculty Coordinating Committee agrees, the faculty member shall have the right to file the complaint and the answers with the President.
- D. Referral to the President.
 - 1. A written answer to the complaint must be forthcoming from the President within one week. If the matter is satisfactorily resolved at this level, copies of the complaint and the answers shall be furnished to the faculty member and retained in the files of the President's Office. No further action will be necessary.
 - 2. If the matter is not resolved at this level, the President must place the matter on the agenda of the next meeting of the Board of Trustees and, prior to their next meeting, make the complete record of the matter available to the Board of Trustees for their consideration.
- E. It is expected:
 - 1. That, during all stages of these procedures, all parties involved will respect the confidentiality of the matter in so far as this is possible and consistent with the proper determination of the matter.
 - 2. That if a member of the Faculty Coordinating Committee is a party to any complaints that comes before the committee, he/she will remove himself/herself from the consideration of the matter and be replaced by a faculty member chosen by the committee.
 - 3. That any hearing conducted as part of these procedures will be conducted informally, but with the utmost regard for the obtaining of fair and just results. Hearings

shall be closed unless an open hearing is requested in writing by the faculty member bringing the complaint.

4. That if answers are not forthcoming within the stipulated time, the faculty member may move to the next step in the procedure without further delay.

III. THE ROLE OF THE FACULTY IN THE DECISION-MAKING PROCESS

A. Areas of Faculty Involvement

1. The faculty shall have a voice in all decisions concerned with the educational policies of the College. This usually takes place through the committee structure.
2. The areas of *primary* faculty involvement shall include the following:
 - a. curriculum planning,
 - b. graduation requirements,
 - c. admissions policies,
 - d. recommendation of academic deans, associate deans, and assistant deans,
 - e. faculty evaluation,
 - f. rank and promotion policies,
 - g. tenure policy, and.
 - h. library acquisitions policies.

Primary faculty involvement is to be understood as majority voting membership by faculty on the appropriate committees.

3. The faculty shall also have *secondary* involvement in the areas of student affairs (student rights, non-academic discipline, publications, etc.), fringe benefits and the formulation of the College budget.

Secondary faculty involvement is to be understood as voting membership by faculty on the appropriate committees.

B. The Nature and Extent of the Faculty's Authority in the Decision-Making Process

1. No important change or modification of major policy in areas of primary faculty involvement can become the established policy of the College without prior approval by the Faculty General Assembly.
2. If the President rejects the position of the faculty on a policy question within its areas of primary involvement and as expressed by majority vote of the Faculty General Assembly, he/she is required to inform the Board of Trustees of his/her action and to submit to the Board a written report from the Faculty General Assembly.
3. Nothing in this Constitution shall be construed to infringe on the ultimate authority of the Board of Trustees to govern the College.

C. Faculty Organization in the Decision-Making Process

The faculty carries out its role in the decision-making process through the following instrumentalities:

1. The Faculty General Assembly;
2. The Faculty Coordinating Committee;
3. Faculty representatives on committees.

D. The Faculty General Assembly.

1. Functions

The functions of the General Assembly shall be

- a. to participate in the formulation, implementation, and review of institutional policy,
- b. to render on the appropriate level decisions representing the faculty viewpoint on matters referred to it by the Faculty Coordinating Committee, members of the Administration, or other components of the College, and
- c. to provide the means for the faculty, individually and collectively, to initiate action on matters within the areas of faculty responsibility.

2. Membership

The Faculty General Assembly shall be composed of those ranked faculty of the College whose primary responsibility is instruction.

Ranked faculty who serve in administrative positions in an acting capacity are regarded as members of the General Assembly for the first year of appointment. After one academic year, if the faculty member continues in the administrative capacity or takes up a new administrative appointment, the person is no longer a General Assembly member.

Ranked faculty who serve Thomas More College on a regular basis as half-time faculty and half-time in another capacity, such as Chaplain or a staff/administrative position, are considered members of the General assembly.

The President of Thomas More College may attend all General Assembly meetings and has the right to make motions, enter into debate, answer questions, and address the assembly, but shall not have the right to vote.

3. Officers

The officers shall consist of a Chairperson and a Vice-Chairperson-Secretary elected for two year terms from among the total membership of the General Assembly.

a. Method of Election

All members of the General Assembly shall be invited to submit written[‡] nominations for these offices. Ballots shall be sent to all members of the General Assembly. Election requires at least 40% of the votes cast. Where no nominee receives 40% of the vote, there shall be a runoff election between the two nominees receiving the highest number of votes.

b. Duties of Officers

1) Chairperson

The chairperson shall preside at meetings of the General Assembly, coordinate the agenda for the meeting, and serve as a voting member of the Faculty Coordinating Committee and Budget Committee. In the event that the Chairperson of the General Assembly cannot serve the full term of office, the Vice-Chairperson will succeed the Chairperson in office.

2) Vice-Chairperson-Secretary

The Vice-Chairperson-Secretary shall perform the duties of the Chairperson in his/her absence and serve as an assistant to the Chairperson. He/she shall also serve as a voting member of the Faculty Coordinating Committee. This person shall publicize all meetings of the General Assembly and keep and distribute minutes of the meetings. In the event that the Chairperson of the General Assembly cannot serve the full term of office, the Vice-Chairperson-Secretary will succeed the Chairperson in office. Nominations for the replacement of the Vice-Chairperson-Secretary should be taken at the next scheduled General Assembly and an election be conducted during the following week.

In the event that the Vice-Chairperson-Secretary of the General Assembly cannot serve the full term of office, the Faculty Coordinating Committee shall appoint a replacement from among its membership.

c. The term of these offices begins the day after graduation.

4. Frequency of Meetings

Regular meetings of the General Assembly shall be held each month. Special meetings may be called by the Chairperson or by a petition of ten percent of the members of the General Assembly, or upon request of the Vice President for Academic Affairs.

[‡] Nomination for any position may be made by an electronic message sent to the Chairperson of the Faculty General Assembly.

5. Nature of Sessions

- a. A *quorum* for *making motions*, as well as *discussing and amending* them, shall consist of *one third* of the total membership. A quorum for *voting* on motions shall consist of *one half* of the total membership. In the absence of this quorum, voting shall take place by mail ballot. {"Total membership" is to be construed as meaning all ranked faculty members not on official leave (or sabbatical) from the College. In counting attendance at a General Assembly meeting, for purposes of establishing a quorum, all ranked faculty present (whether on leave or not) are to be counted. This interpretation in no way voids the provisions of section III, D., 2 of the Constitution; nor is it to be construed as saying anything about the voting rights of persons on leave.}
- b. Decisions shall be by majority vote of the members in attendance. After all discussions and free debate, the General Assembly may either proceed to a vote or opt for a written ballot.
- c. The Chairperson may invite members of the College community to attend as advisors when information concerning the matter under consideration is required.

E. The Faculty Coordinating Committee

1. Functions

The functions of the Faculty Coordinating Committee shall be

- a. to serve as a liaison group between the General Assembly and faculty representatives on Committees;
- b. to study and develop information on matters to be considered by the General Assembly;
- c. to appoint faculty representatives (excluding *ex-officio* members) to standing and special committees;
- d. to serve as a hearing committee on alleged violations of faculty rights;
- e. to represent the faculty members to the Administration on matters on which the General Assembly has rendered a decision.

The Faculty Coordinating Committee will review and comment on items coming to the Faculty Coordinating Committee before referring them to the General Assembly for various college committees. In cases where the President or other College officials request opinions, endorsements, or decisions from the Faculty Coordinating Committee as a means of gaining a representative faculty view, the Faculty Coordinating Committee will provide this view.

When the Faculty Coordinating Committee has provided a faculty view that is unacceptable to a member of the General Assembly, the member may request a General Assembly review of the action upon the presentation of a written request signed by 10% of the General Assembly and forward it to the Chairperson of the General Assembly.

2. Membership

The Faculty Coordinating Committee shall consist of the Vice President for Academic affairs, the Chairperson and Vice-Chairperson-Secretary of the General As-

sembly, and eight members of the ranked faculty, two from each academic Division of the College.

3. Election of Ranked Faculty Members

- a. Two faculty representatives shall be elected from each of the following four academic Divisions of the College: Accountancy and Business Administration, Humanities and Fine Arts, Natural Sciences, Social Sciences and Professions.
- b. For each of these areas, one faculty member shall be elected each year for a two-year term to fill vacancies.
- c. Following the election of the Chairperson and Vice Chairperson of the faculty General Assembly nominations shall be made from the floor at a regular meeting of the General Assembly each academic year. Ballots shall be sent to all members of the General Assembly.
- d. The term of office shall begin the day after graduation.
- e. In the event that the Faculty Coordinating Committee representative cannot serve the full term of office, nominations for a replacement should be taken at the next scheduled General Assembly meeting and an election shall be conducted during the following week.

4. Officers

The Officers shall consist of the Chairperson and Vice-Chairperson-Secretary of the Faculty General Assembly.

5. Frequency and Conduct of Meetings

The Faculty Coordinating Committee shall meet as frequently as its business requires. Meetings shall be conducted either according to parliamentary procedure or informally, depending on the importance of the matter under discussion.

F. Faculty Representatives on Committees

The Faculty is entitled to voting representation on all College Committees, whether standing or special, whose activities fall within the areas of faculty involvement as described in III. A above.

1. Functions

The functions of faculty representatives on committees shall be to represent faculty viewpoints on matters under discussion and bring to the attention of the Faculty Coordinating Committee, for guidance and possible referral to the Faculty General Assembly, any questions arising in committee, which faculty representatives deem sufficiently weighty or controversial to warrant formal consideration by the Faculty Coordinating Committee and/or the General Assembly.

2. Method of Selection.

a. Standing Committees.

- 1) Faculty representatives on standing committees (excluding *ex officio* members) shall be selected by the Faculty Coordinating Committee for announcement by the first week of the full term. As far as possible, appointments shall accord with preferences expressed by the President and by faculty members in the questionnaire distributed to all faculty by the Faculty Coordinating Committee at the end of the academic year.

2) Appointments to standing committees shall be for one year. Normally, no faculty member shall be appointed to more than one standing committee.

b. Special Committees.

Appointments of faculty members to special committees shall be made by the Faculty Coordinating Committee as occasion requires. To the extent practicable, the Faculty Coordinating Committee shall take into consideration the preference expressed by the president and the existing standing committee load of faculty members in making such appointments.

IV. RATIFICATION.

This constitution shall become effective on the affirmative vote of two-thirds of the ranked faculty, and on approval by the board of trustees.

V. AMENDMENT PROCEDURE

After final adoption of this Constitution, amendments may be proposed by any member of the ranked faculty. Such amendments shall be in writing and shall specify the precise passage to be amended and the exact wording to be substituted. They shall be distributed to all members of the ranked faculty by the individual proposing the amendment at least two weeks prior to the date on which the vote is taken. They shall become effective on the affirmative vote of two-thirds of the ranked faculty voting "Yes" or "No" at a meeting of the Faculty General Assembly called by the Chairperson for that purpose or by mail ballot, and on approval of the Board of Trustees.