

INDIANA UNIVERSITY KOKOMO FACULTY SENATE CONSTITUTION

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Preamble

Subject to the approval of the Board of Trustees of Indiana University by the virtue of the authority granted them by the Acts of the Indiana General Assembly, we the faculty of Indiana University Kokomo, in order to serve more effectively the students and administration of Indiana University Kokomo do hereby organize the Faculty Senate and adopt the following document.

41 **ARTICLE 1 Faculty Status and Rights**42 **ARTICLE 1 Section 1: The Faculty**

- 43 1. All persons on the campus of Indiana University Kokomo who are full-time instructional,
44 research, or administrative appointees holding Indiana University appointments to the
45 rank of Lecturer or above are hereinafter referred to collectively as "the faculty" and
46 individually as "faculty members."
- 47 2. Librarians appointed by Indiana University to this campus shall be faculty members of
48 the Faculty Senate and shall be accorded the same privileges as the faculty.
- 49 3. All persons on the campus of Indiana University Kokomo who are full-time instructional,
50 research, or administrative appointees holding Purdue University appointments to the
51 rank of Lecturer or above are hereinafter referred to collectively as "Purdue faculty" and
52 individually as "Purdue faculty members."
- 53 4. All persons on this campus who are part-time instructional, research, or administrative
54 appointees holding academic appointments to the rank of Lecturer or above from either
55 Indiana University or Purdue University are hereinafter referred to collectively as
56 "adjunct faculty" and individual as "adjunct faculty members."
- 57 5. Emeritus members of the faculty and faculty members on sabbatical or leave of absence
58 shall have the same voting privileges as Purdue faculty members. The same rights shall
59 apply to emeritus members of the Purdue faculty and to Purdue faculty members on leave
60 of absence.
- 61 6. The Chancellor shall certify to the secretary of the Faculty Senate the names of all
62 academic appointments and their membership classification. The certification shall be
63 made by September 1 each year, and thereafter as appointments occur.

64 **ARTICLE 1 Section 2: The Faculty Senate**

- 65 1. The faculty, Purdue faculty and adjunct faculty when sitting in formal assembly pursuant
66 to these Articles shall collectively be known as the "Faculty Senate."
- 67 2. The Faculty Senate is hereby created by the vote of the faculty as confirmed in this
68 constitutional document, and as authorized by the Trustees of Indiana University.
- 69 3. All faculty members shall have the right to vote. Purdue faculty members shall have the
70 right to vote on all issues before the Faculty Senate except for the election of officers and
71 standing committees of the Faculty Senate. Adjunct faculty members may attend
72 meetings of the Faculty and participate therein but shall not vote.
- 73 4. The president of the Adjunct Faculty Council and the President of the Indiana University
74 Kokomo Student Body shall have the same voting rights as members of the Purdue
75 faculty.

76 **ARTICLE 1 Section 3: Adjunct Faculty Council**

77 In early September of each year the Adjunct Faculty shall elect an Adjunct Faculty Council
78 composed of five (5) members. The Council shall elect a President and a Secretary. The Vice
79 Chancellor for Academic Affairs shall organize and supervise the elections and inform the
80 President of the Faculty Senate on the outcome of the elections. The Council shall discuss issues
81 of concern to Adjunct Faculty and make recommendations to the Faculty Senate or to the
82 Administration as appropriate. The President of the Council shall attend the Faculty Senate

83 meetings as a voting member, place items of concern to adjunct faculty with the Faculty Agenda
84 Committee, and present those items to the Faculty Senate for discussion and action.

85

86 **ARTICLE 2 Powers**

87 **ARTICLE 2 Section 1: Legislative Authority**

88 1. Legislative authority means the power to establish policies and to determine procedures
89 for their implementation subject to the Board of Trustees, the laws of the State, and the
90 University Faculty Council.

91 2. As specified in the All-University Faculty Constitution, the faculty has legislative
92 authority in the following areas:

93 1. Standards of admission and retention of students.

94 2. Determination of curriculum.

95 3. Class scheduling and University calendar.

96 4. Determination of faculty status.

97 5. Standards and procedures for faculty appointments.

98 6. Standards and procedures concerning faculty promotion and tenure.

99 7. Standards and procedures for faculty conduct and discipline.

100 8. Standards and procedures for the appointment of academic administrative
101 officials.

102 9. Standards and procedures concerning athletics.

103 10. Standards and procedures concerning student conduct and discipline.

104 11. The conferring of degrees.

105 12. Such other authority as may be subsequently delegated by the Trustees.

106 13. Other educational policies of the University.

107 **ARTICLE 2 Section 2: Consultation of the Faculty**

108 1. University administrative officials should consult with the faculty concerning:

109 1. Decisions regarding the University's existing or prospective physical resources.

110 2. Allocations of the University's resources among competing demands (i.e.,
111 budgeting).

112 2. This consultation may take a variety of forms, chief among which should be consultation
113 with elected faculty representatives in the Faculty Senate and with the faculty in any
114 affected division.

115 3. University administrative officials should keep the faculty adequately informed in an
116 appropriate manner concerning all policies.

117

118 **ARTICLE 3 Officers**

119 **ARTICLE 3 Section 1: Presiding Officer**

120 1. The President of the Faculty Senate shall be the presiding officer. In his or her absence
121 the Vice-President shall preside. In the absence of the President and the Vice-President,
122 the senior non-administrative faculty member present at the meeting shall preside.

123 Seniority shall be determined by rank and date of appointment to rank at Indiana
124 University.

125 2. All Faculty Senate committees shall file copies of their minutes and a written summary of
126 activities in the office of the faculty secretary.

127 **ARTICLE 3 Section 2: Other Officers**

128 The other officers shall be a Secretary and a Parliamentarian.

129 **ARTICLE 3 Section 3: Manner of Election**

130 1. The President, Vice-President, Secretary and Parliamentarian shall be elected from the
131 members of the faculty by a majority vote.

132 2. A procedure for nominations shall be provided in the Bylaws.

133 **ARTICLE 3 Section 4: Term of Office**

134 All elected officers shall serve for one year.

135

136 **ARTICLE 4 Meetings**

137 **ARTICLE 4 Section 1: Regular Meetings**

138 The Faculty Senate shall be required to hold no fewer than three meetings during each academic
139 year.

140 1. The first required meeting shall be held in September.

141 2. The second required meeting shall be held during the first semester.

142 **ARTICLE 4 Section 2: Notice of Meetings**

143 The Secretary shall notify each faculty member, Purdue faculty member, adjunct faculty member
144 and the President of the Indiana University Kokomo Student Senate at least one week in advance
145 of all required and special meetings of the Senate, except when an emergency exists as
146 determined by the Chancellor or the President of the Senate.

147 **ARTICLE 4 Section 3: Special Meetings**

148 Special meetings of the Faculty Senate may be called as follows:

149 1. When the Chancellor or the President of the Faculty Senate deems such a meeting is
150 desirable.

151 2. When any five members of the faculty are agreed that a Faculty Senate meeting is
152 desirable, and present a signed petition to the Secretary calling for such meetings.

153

154 **ARTICLE 4 Section 4: Quorum**

155 A majority of the faculty who are not teaching when the Faculty Senate meets shall constitute a
156 quorum for the conducting of all Senate business.

157 **ARTICLE 4 Section 5: Record of Meetings**

158 The Secretary shall duplicate the minutes of all Faculty Senate action. He or she shall retain the
159 original and shall distribute copies within the following three weeks to all faculty members,
160 Purdue faculty members, adjunct faculty members and the President of the IUK Student Senate.
161 Each outgoing Secretary shall be responsible for transferring the complete file of official minutes
162 to the Indiana University Kokomo Archives.

163

164 **ARTICLE 5 Academic Due Process**165 **ARTICLE 5 Section 1: Purpose of the Board of Review**

166 The intent of this article is to enable Indiana University Kokomo to produce academic freedom
167 and tenure and to ensure the requirements of academic due process, for instance, as outlined in
168 the IU Kokomo Due Process Procedures, are adhered to for the benefit of all who are involved
169 with or affected by the policies and programs of the institution. The principles implicit in this
170 Article are for the benefit of all who are involved with or affected by the policies and programs
171 of the institution.

172 1. The Faculty Board of Review shall express its judgment on issues of academic freedom,
173 dismissal, ~~and~~ discipline, reappointment, tenure, promotion, salary adjustment, annual
174 review, and any other issue that affects and the nature or conditions of work/employment,
175 including issues protected by the IU Kokomo Due Process Procedures and any other
176 relevant Due Process polices passed by the Faculty Senate or University Faculty Council.
177 This procedure applies to any faculty member including faculty members who have an
178 administrative role/appointment. The Board, is specifically allowed to review the
179 underlying actions and decisions by administration and issue its judgment as to whether
180 the Board believes such action was reasonable under the circumstances and warranted
181 under policy. Arbitrary and capricious action by administration will not be sustained by
182 the Board.

183 2. In the course of a review, the Board shall request reconsideration of a decision or
184 recommendation when it finds that inadequate consideration was given to the faculty
185 member's qualifications, that specified procedures were not observed, or that erroneous
186 information substantially affected an appealed decision. If procedures as outlined in the
187 IU Kokomo Due Process policy are not followed as prescribed, the Board will reverse the
188 administrative action without further review.

189 3. The Board of Review shall be a standing Senate Committee and shall be set forth in the
190 Faculty Senate Bylaws.

191 2.4. The Faculty Senate shall establish procedures governing the operation of the Board of
192 Review.

193 **ARTICLE 5 Section 2: Selection of Board of Review Members**

- 194 1. ~~During the month of September, the Faculty Senate shall elect a Faculty Board of~~
 195 ~~Review. Only faculty members are eligible to serve on the Faculty Board of Review.~~
 196 2. ~~The Faculty Board of Review shall consist of five members, at least three of whom are~~
 197 ~~tenured and one of whom is non-tenured.~~
 198 3. ~~Election of the Board of Review shall take place according to this subsection. The~~
 199 ~~Nominating Committee of the Faculty Senate shall nominate nine faculty members, at~~
 200 ~~least five of whom are tenured and at least two of whom are non-tenured. The three~~
 201 ~~highest vote recipients among the tenured nominees, the highest vote recipient among the~~
 202 ~~non-tenured nominees and the highest vote recipient among the remaining five nominees~~
 203 ~~shall become Board of Review members. The remaining nominees shall be listed as~~
 204 ~~tenured and non-tenured alternates in the order of votes received. In the case of a tie vote,~~
 205 ~~re-election will take place between the involved nominees until the tie is broken. Once~~
 206 ~~the Board of Review is elected, the ratio of tenured members shall remain constant during~~
 207 ~~that term of office.~~
 208 4. ~~Members shall hold office from the first day of October for a term of one year, but they~~
 209 ~~shall complete the review of any case they have begun to consider.~~
 210 5. ~~Whenever a vacancy occurs on the Faculty Board of Review, the faculty shall elect a~~
 211 ~~member to fill the vacancy.~~
 212 6. ~~A member of the Faculty Board of Review shall be disqualified from hearing or~~
 213 ~~investigating a case whenever the member has participated in a prior decision on that case~~
 214 ~~or when that member believes he or she cannot render an impartial judgment. Whenever~~
 215 ~~a disqualification creates a vacancy, the individual receiving the next highest number of~~
 216 ~~votes in the September election, observing proper category requirements, shall serve on~~
 217 ~~this particular Board case. If the list of names on the September election ballot has been~~
 218 ~~exhausted, a new election will be called.~~
 219 7. ~~If the faculty member so requests, in all cases appearing before the Board, the Faculty~~
 220 ~~Senate President shall appoint a resource person who is a member of the same division as~~
 221 ~~the faculty member who has brought a case before the Board. The resource person is~~
 222 ~~permitted to enter the deliberations of the Board but is not permitted to vote.~~
 223 8. ~~The chairperson of the Faculty Board of Review shall be elected by its voting members.~~

224 **ARTICLE 5 Section 3: Procedure for the Submission of a Case**

- 225 1. ~~The appeal of a case to the Board of Review shall be initiated within a sixty-day period~~
 226 ~~following the challenged action.~~
 227 2. ~~A faculty member wishing to present a case to the Board of Review shall submit a written~~
 228 ~~notice to the Board, with copies to the Division Chairperson, Dean for Academic Affairs,~~
 229 ~~and the Chancellor. The written document shall, when appropriate, cite the alleged~~
 230 ~~procedural irregularity and give the grievant's evidence as to the existence of a case.~~
 231 ~~Serious efforts made to resolve the issue at the appropriate level, whether formal or~~
 232 ~~informal, shall be cited in detail. The document should contain a clear statement that the~~
 233 ~~case has failed to be resolved at the appropriate level.~~
 234 3. ~~The chairperson of the Board shall request a written response from the appropriate party~~
 235 ~~(Division Chairperson, Dean, Chancellor), which response shall include a review of~~
 236 ~~procedures with sources, dates, and the reasons leading to the decision. The response~~
 237 ~~should be submitted within ten days of the request.~~

- 238 4. ~~On the basis of evidence submitted, at least three members of the Board shall affirm that~~
 239 ~~sufficient justification for an appeal exists. Notice of the date of the initiation of the~~
 240 ~~formal study of the case, or its rejection, shall be sent to all parties concerned, within~~
 241 ~~seven days of the decision.~~
- 242 5. ~~If a negotiated settlement is possible, the Board may appoint an ombudsman acceptable~~
 243 ~~to both parties at dispute. The ombudsman shall conduct his or her deliberations to the~~
 244 ~~chairperson of the Board within a timetable established by the Board.~~
- 245 6. ~~The faculty member shall have the right to withdraw the appeal at any time prior to the~~
 246 ~~beginning of a formal hearing of the case. Once a formal hearing has begun, the appeal~~
 247 ~~may be withdrawn only by the mutual consent of the parties and the Board.~~

248 **ARTICLE 5 Section 4: Procedure for the Conduct of Reviews**

- 249 1. ~~During the Section 3 study of a case, the Board of Review may:~~
- 250 1. ~~obtain additional data from any party concerned,~~
 - 251 2. ~~interview either party separately,~~
 - 252 3. ~~interview witnesses suggested by either party,~~
 - 253 4. ~~conduct an informal review session with both parties, with cross-examination~~
 254 ~~permitted,~~
 - 255 5. ~~request additional meetings with either party for further clarification, and~~
 - 256 6. ~~decide to accept or reject the case, by a simple majority of the Board.~~
 - 257 7. ~~If a decision to reject the case is not reached after the initial study, the Board may~~
 258 ~~continue with the informal review of the case, or the aggrieved faculty member~~
 259 ~~may request and receive a formal hearing. At a formal hearing the following~~
 260 ~~procedures shall apply:~~
 - 261 1. ~~The Board may, with the consent of the parties, hold joint pre-hearing~~
 262 ~~meetings with the parties in order to (a) simplify the issues, (b) effect~~
 263 ~~stipulations of facts, (c) provide for the exchange of documentary or other~~
 264 ~~information, and (d) achieve such other appropriate objectives as will~~
 265 ~~make the hearing fair, effective, and expeditious.~~
 - 266 2. ~~Service of notice of hearing will be in writing at least twenty days prior to~~
 267 ~~the hearing.~~
 - 268 3. ~~The Board, in consultation with the Chancellor and the faculty member,~~
 269 ~~will exercise its judgment as to whether the hearing should be public or~~
 270 ~~private.~~
 - 271 4. ~~During the proceedings the faculty member will be permitted to have an~~
 272 ~~advisor or counsel of his or her own choosing.~~
 - 273 5. ~~At the request of either party or the Board, a representative of a~~
 274 ~~responsible educational organization shall be permitted to attend the~~
 275 ~~proceedings as an observer.~~
 - 276 6. ~~A tape recorded record of the hearing or hearings will be taken and a copy~~
 277 ~~will be made available to the faculty member upon request.~~
 - 278 7. ~~The Board will grant continuances to enable either party to investigate~~
 279 ~~evidence as to which a valid claim of surprise is made.~~
 - 280 8. ~~The faculty member will be afforded an opportunity to obtain necessary~~
 281 ~~witnesses and documentary or other evidence. The administration will~~

- 282 cooperate with the Board in securing witnesses and making available
 283 documentary or other evidence.
- 284 ~~9. The faculty member and the administration will have the right to confront
 285 and cross-examine all witnesses. Where the witness cannot or will not
 286 appear, but the Board determines that the interests of justice require
 287 admission of their statements, the Board will identify the witnesses,
 288 disclose their statements, and if possible provide for interrogatories.~~
- 289 ~~10. The Board will not be bound by strict rules of legal evidence, and may
 290 admit any evidence which is of probative value in determining the issues
 291 involved. Every possible effort will be made to obtain the most reliable
 292 evidence available.~~
- 293 ~~11. The findings of fact and the decision of the Board will be based solely on
 294 the hearing record.~~
- 295 ~~12. The chairperson of the Board shall keep the detailed accounts of the case.
 296 These files shall be kept for at least five (5) years and shall not become the
 297 property of any succeeding Board. A copy of the final report of each case
 298 shall be retained in the office of the Vice Chancellor for Academic Affairs
 299 for reference by future Boards of Review.~~

300 **ARTICLE 5 Section 5: Procedures for Reporting Recommendations**

- 301 ~~1. The report of the Board shall be sent to the Chancellor, with copies to all parties deemed
 302 appropriate by the Board. The report should describe the general nature of the grievance,
 303 summarize the evidence presented, and state the findings of the Board. Upon the basis of
 304 facts found by the Board and its stated interpretations of University policies, the Board
 305 shall state its conclusions and recommendations.~~
- 306 ~~2. The Chancellor shall advise the parties concerned, in writing, of the reasons for his
 307 decision.~~
- 308 ~~3. The outgoing Board of Review shall report to the Faculty Senate each September on the
 309 number and the general nature of the cases handled and whether the Board decided in
 310 favor of the grievant.~~

311 **ARTICLE 5 Section 6: Disciplinary Procedure**

- 312 ~~1. Dismissal shall mean the involuntary termination of a tenured faculty member prior to
 313 retirement or resignation, or the termination of a non-tenured faculty member prior to the
 314 expiration of his or her term of appointment. Dismissal shall occur only for reason of (1)
 315 incompetence, (2) serious personal or professional misconduct, or (3) extraordinary
 316 financial exigencies of the University.~~
- 317 ~~2. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of
 318 the faculty member in his or her professional capacity as a teacher or researcher.
 319 Dismissal will not be used to restrain faculty members in their exercises of academic
 320 freedom or other legal rights.~~
- 321 ~~3. Dismissal of a faculty member with tenure, or with a special or probationary appointment
 322 before the end of the specified term, will be preceded by: (1) discussions between the
 323 faculty member and appropriate administrative officers looking toward a mutual
 324 settlement; (2) informal inquiry by the Board of Review; and (3) a statement of charges;~~

framed with reasonable particularity by the Chancellor or the Chancellor's designated representative.

4. A dismissal will be preceded by a statement of reasons, and the individual concerned shall have a right to a formal hearing by the Board of Review provided for in Article V.4(b).
5. Pending a final decision by the Board of Review, the faculty member shall be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the case through a formal hearing, the administration shall consult with the Faculty Affairs Committee concerning the propriety, the length, and any other conditions of the suspension. Salary will continue during the period of the suspension.
6. Service of notice of hearing with specific charges in writing shall be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member denies the charges or asserts that the charges do not support a finding of adequate cause, the Board of Review will evaluate all available evidence and base its recommendation upon the evidence in the record.
7. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by substantial evidence in the record considered as a whole. In a hearing concerning charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.
8. If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as a suspension for a stated period, the administration may institute a proceeding to impose such a severe sanction. The procedures outlined in this section shall govern such a proceeding.
- 9.1. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis for the proposed sanction and shall provide him with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a sanction has been incorrectly or unjustly imposed under this paragraph may grieve the action under the procedures outlined in sections 3, 4, and 5 of this Article.

ARTICLE 6 Bylaws and Amendments

ARTICLE 6 Section 1: Adoption of Bylaws

The Faculty Senate may, by majority vote, adopt such bylaws as are necessary for the governing thereof.

ARTICLE 6 Section 2: Method of Amendment

When an amendment to these articles is proposed, the procedure shall be as follows: A motion which identifies the proposal as an amendment to these articles shall be presented in either a regular or special meeting of the Faculty Senate. Debate on the proposed amendment shall be a special order of business at a special or regular meeting of the Senate at least one week after the

368 introduction of the amendment. Consideration of the amendment shall take precedence over all
369 other business. The vote on the proposal shall be by mail ballot or electronic ballot where the
370 voter is not identified, as determined by the Indiana University Kokomo Faculty Senate Agenda
371 Committee, within one week after the Senate has voted in special or regular meeting that
372 discussion on the proposal is closed.

373 The Amendment shall be considered adopted when voted for by two-thirds of the total of all of
374 the faculty plus such other members that vote.

375 (all faculty + other members voting) $(2/3)$ = Votes needed for ratification

376 **ARTICLE 6 Section 3: Rules of Order**

377 Robert Rules of Order prevail unless contrary to the express provisions of these Articles of
378 Government or the Bylaws.

379 Ratified by the Indiana University Kokomo Faculty Senate, April 22, 1985.

380 Amended November, 2008.

381