

Proposal to Amend the Constitution of the Indiana University Faculty

9 March 2020

Purpose of amendments:

- To extend voting rights to all full-time faculty regardless of tenure status
- To ensure appropriate representation of non-tenure track faculty on the University Faculty Council

Rationale:

- Non-tenure track faculty are responsible for a significant part of the research and teaching mission of Indiana University
- The proportion of non-tenure track faculty to tenure-line faculty is increasing on every campus
- All the IU campus faculty governance bodies extend voting rights and representation to non-tenure track faculty as well as tenure-line faculty
- Shared governance works best when it is broadly based and shared widely

What's changed:

The amendments are in Articles 1 and 4, and in the Definitions section.

1. Proposes an amendment to Section 1.1, definition of faculty, to change “professors and instructors” (ambiguous for NTT categories) to “all tenure-track, non-tenure-track, and emeritus academic appointees.”
2. Adds section 1.2(B) to add non tenure track faculty to the voting faculty.
3. Adds section 1.2(C) to enumerate the ranks that belong to the category of non-voting faculty.
4. Adds “units” to the section authorizing local voting rights, 1.2(D).
5. Deletes “and librarians” from every place where the phrase “faculty and librarians” appears. We define faculty as including librarians in section 1.1 and should not be implying they are something other than faculty.
6. Proposes changes to section 4.1B to replace the 1 for 200 rule with set caps to UFC members for each campus, including non-tenure-track faculty from each campus.
5. Clarifies that the student members are to be one graduate student and one undergraduate, section 4.1(D)
6. Cleans up unnecessary, confusing and redundant language in sections 4.1(C-2) and the definition.



About This Policy

Effective Date:

05-23-1973

Date of Last Review/Update:

02-23-2016

Responsible University Office:

University Faculty Council

Responsible University Administrator:

University Faculty Council

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Policy Statement

ARTICLE 1: THE FACULTY

Section 1.1: The Faculty

The President, ~~professors, and instructors all tenure-track, and non-tenure-track, and academicemeritus~~ academic appointees, shall constitute the faculty of Indiana University. (See Definition section for a note on the use of the term "faculty.")

Section 1.2: Voting Faculty Membership

- A. All full time faculty members tenure-track academic appointees on tenure or accumulating credit toward tenure shall be voting members of the faculty.
- B. All full-time non-tenure-track academic appointees shall be voting members of the faculty if they hold one of the following appointments:
1. Clinical appointments
 2. Lecturer ~~or~~ and teaching professor appointments
 3. Professor of practice appointments
 4. Research scientist/scholar appointments
- C. Acting, visiting, adjunct, specialist, honorary, emeritus and other academic appointees are not members of the voting faculty.
- A.D. The voting members of the faculty shall exercise the powers of this constitution. The voting members of individual campuses and academic units may extend voting privileges to others on matters of individual campus or unit significance.

Faculty members shall vote on the campus of their primary appointment and shall be counted there for purposes of representation.

Section 1.3: Certification of the Faculty

By February 1 and thereafter as appointments by the Trustees occur, an appropriate official designated by the President shall communicate to the Faculty Council Office the names, rank, tenure status, full-time or part-time status, and campus of primary appointment of all persons holding academic appointments, as certified by the vice president or chancellor of each campus.

ARTICLE 2: FACULTY AUTHORITY

Section 2.1: Faculty Authority

Subject to the Trustees of Indiana University, the laws of Indiana and the United States, and other provisions of this constitution, the Faculty of Indiana University has the legislative and consultative authority specified in this article.

See comment on Section 2.1

Section 2.2: Legislative Authority

The faculty has legislative authority to establish policy and determine procedures for its implementation governing the teaching, research, and service aspects of the University's academic mission. Areas within the faculty's legislative authority include:

- A. Academic mission.
- B. Structure and standards for faculty governance.
- C. Standards and procedures for creation, reorganization, merger, and elimination of academic programs and units.
- D. Standards and procedures for determining the authority of academic units and the relationship between them.
- E. Curriculum.
- F. Class scheduling and academic calendar.
- G. Admission and retention of students.
- H. Student academic performance.
- I. Standards and procedures for student conduct and discipline.
- J. Athletics.
- K. Creation and definition of academic ranks.
- L. Standards and procedures for faculty appointments, promotion and tenure, compensation, conduct and discipline, and grievances.
- M. Standards and procedures for appointment and review of academic officers.
- N. Conferring degrees.
- O. Other authorities delegated to the faculty by the Trustees.

See comment on Section 2.2

Section 2.3: Consultation of the Faculty

The Trustees and administration should consult the faculty concerning:

- A. Planning and decisions regarding physical resources.
- B. Budgets.
- C. Faculty compensation and benefits.

- D. Establishment of administrative offices affecting the academic mission, and appointment and review of administrators filling those offices.
- E. Any other aspect of University operations having an impact on the academic mission.

Consultation of the faculty shall be through representatives authorized by faculty governance institutions. Consultation should occur sufficiently in advance of action to permit faculty deliberation.

See comment on Section 2.3

Section. 2.4: Allocation of Faculty Authority

The legislative and consultative authorities delineated in Sections 2.2 and 2.3 of this article are allocated to the University faculty as a whole (University faculty), to campus faculties, and to school faculties as provided in this section. In matters in which campuses and schools have concurrent interests, conflicts of interest should be accommodated by negotiation. Any standards and procedures for determining the authority of academic units and the relationship between them enacted by the University Faculty Council pursuant to Section 2.2.D of this Constitution shall apply.

A. Authority of School Faculties

School faculties (and campus faculties with regard to academic programs not within the authority of a school faculty) have legislative and consultative authority pertaining to the school regarding:

1. The school's academic mission.
2. The school's structure of faculty governance, consistent with University faculty standards.
3. Creation, reorganization, merger, and elimination of academic programs and units within the school.
4. Authority of academic units within the school and the relation between them.
5. Conferring of degrees.
6. Curriculum.
7. Academic calendar, with only such deviation from University and campus calendars made necessary by special curricular or accreditation requirements.
8. Admission and retention of students in the school.
9. Standards for student academic performance.
10. Student conduct and discipline, consistent with University and campus faculty standards.
11. Appointment, promotion and tenure, compensation, conduct and discipline, and grievances of school faculty, consistent with University and campus faculty standards.
12. School facilities and budgets.
13. Appointment and review of school academic officers (except the dean of the school) and administrative officers affecting the school's academic mission, consistent with campus and University standards.
14. Other matters affecting the academic mission of the school, subject to the legislative authority of the University and campus faculties.

B. Authority of Campus Faculties

Campus faculties have legislative and consultative authority pertaining to the campus regarding:

1. The campus' academic mission.
2. The campus' structure of faculty governance, consistent with University faculty standards.
3. Policy and allocation of authority for academic matters affecting more than one school on the campus.
4. Academic calendar, with only such deviation from the University calendar made necessary by local circumstances.
5. Creation, reorganization, merger, and elimination of programs and units affecting more than one school on the campus.
6. Appointment, promotion and tenure, compensation, conduct and discipline, and grievances of campus faculty, consistent with University faculty standards.
7. Appointment and review of campus academic officers and administrative officers affecting the academic mission, consistent with University standards.
8. Campus facilities and budgets.
9. Student conduct and discipline, consistent with University standards.
10. Intercollegiate and intramural athletics.
11. Other matters affecting the academic mission of the campus, subject to the legislative authority of the University and school faculties.

C. Authority of the University Faculty

1. The University faculty has legislative and consultative authority in all areas of faculty authority not allocated to schools and campuses and in matters requiring consistent regulation on all campuses.
2. Only the University faculty has authority to recommend conferring honorary degrees.
3. In matters in which University, school, and campus faculties have concurrent authority, the University faculty has authority to determine how the faculty's authority shall be exercised.
4. Actions by the University Faculty Council which limit the legislative authority of campus faculties shall require an affirmative vote of two-thirds of members present.

See comment on Section 2.4

Section 2.5: Exercise of Faculty Authority

- A. The University faculty shall exercise its authority through the University Faculty Council. Resolutions adopted pursuant to Section 3.6 of this Constitution shall be advisory. Otherwise, a faculty may exercise its authority as a whole faculty or through institutions of representative faculty governance established pursuant to the faculty's constitution or bylaws.
- B. Faculties may delegate their authority to faculties of departments, divisions, or other academic units. The faculty of any unit to which faculty authority is delegated shall have the right of self-governance over the unit's major functions and responsibilities, consistent with University, campus, and school faculty standards.
- C. The Trustees and administration should inform the faculty of policies and circumstances adequately to permit the faculty to exercise its authority in a responsible and effective manner. The faculty shall inform the administration and Trustees regarding proposed faculty legislation.

See comment on Section 2.5

ARTICLE 3: OFFICERS AND MEETINGS OF THE UNIVERSITY FACULTY

Section 3.1: Presiding Officer

The President of the University shall be the presiding officer of the University Faculty. The Co-Chairs and Parliamentarian of the University Faculty Council shall hold the corresponding offices for the faculty.

Section 3.2: President's State of the University Report

During each academic year the President will present to the faculty a report on the state of the University—summarizing the operation of the preceding academic year, making such recommendations to the faculty, and calling such problems to their attention as he or she deems pertinent.

Section 3.3: Meetings of the Faculty

Meetings of the faculty may be called by the President and shall be called by the Co-Chairs of the University Faculty Council on request of the University Faculty Council or on petition signed by voting faculty members numbering no less than 5% of all voting faculty members.

Section 3.4: Notice of Meetings

Except in the case of an emergency declared by the President, the Co-Chairs of the University Faculty Council shall notify by mail each voting member of the faculty at least three weeks in advance of the date of the meeting.

Section 3.5: Quorum

10% of all voting members of the faculty shall constitute a quorum for all meetings of the faculty.

Section 3.6: Resolutions of Faculty Meetings

Meetings of the faculty may adopt resolutions and recommendations. All resolutions adopted by meetings of the faculty will be submitted by mail to the voting members of the faculty by the Secretary of the University Faculty Council within the week following the date of the meeting. Such resolutions will come into force after approval by a majority of the votes cast.

Section 3.7: Record of Meetings

The Faculty Council Office shall prepare the minutes of all faculty action. It shall retain the original and file one copy with the University Archives.

ARTICLE 4: UNIVERSITY FACULTY COUNCIL

Section 4.1: Membership of University Faculty Council

A. The voting membership of the University Faculty Council shall be composed of elected faculty ~~and librarians~~ as well as ex-officio members and students.

B. The elected faculty membership shall be determined by each campus as follows:

1. Each regional campus shall have two representatives, one of which should be non-tenure track.

2. The IUPUI faculty shall have twelve representatives, at least one of whom shall be tenure-track and one non-tenure track.

3. The Bloomington faculty shall have twelve representatives, at least one of whom shall be tenure-track and one non-tenure track.

- ~~B. The number of elected representatives from each campus shall be one representative for each 200 voting members on the campus. Major fractions thereof will entitle the campus to an additional representative. Each campus shall have at least one elected representative.~~
- C. Ex-officio voting members of the University Faculty Council shall include:
1. The President of the University.
 - ~~2. The elected faculty chair or another elected members of the Agenda or Executive Committee for each campus of the campus wide institution of faculty governance organization. on every campus. In instances where the campus faculty chair is unable to serve, the campus faculty governance institution may elect an alternate member of its Agenda or Executive Committee to serve.~~
 - 2.
 3. Such representatives of school faculty governance institutions as the bylaws of the University Faculty Council may designate.
 4. Such administrative officers as the bylaws of the University Faculty Council may designate to serve as ex-officio voting members of the Council.
- D. Voting student membership on the University Faculty Council shall consist of one graduate/professional student and one undergraduate student ~~two students~~ selected in accordance with procedures adopted by their constituent bodies.
- E. The bylaws may designate ex-officio, non-voting members of the University Faculty Council.

See comment on Section 4.1

Section 4.2: Election of Members

- A. Elected members of the University Faculty Council shall be voting members of the ~~University~~ faculty ~~and voting librarians~~ from the several campuses of the University. They shall be elected by the voting members of the faculty ~~and librarians~~ of each campus or by the campus' faculty governing body established in accordance with the campus' faculty constitution or bylaws. To the extent feasible consistent with the principle of providing representation proportional to the number of faculty in units, each campus shall provide in its constitution or bylaws for representation on the University Faculty Council for the schools on the campus.
- B. The chair of the Agenda or Executive Committee of each campus' institution of faculty governance shall certify the persons elected from that campus to serve on the University Faculty Council during the ensuing year. University Faculty Council bylaws may specify deadlines for this certification.
- C. Members of the University Faculty Council may appoint alternates to serve in their places at any University Faculty Council meeting.
- D. Any elected member of the University Faculty Council who is absent for a semester or longer shall be replaced, for the duration of the absence, by the campus faculty governance institution.

See comment on Section 4.2

Section 4.3: Term of Office

- A. The term of office of elected faculty members on the University Faculty Council shall be for one or two years in accordance with the campus' faculty constitution and bylaws. The term of office of student members shall be one year.
- B. No elected member is eligible to commence a new term as member on the University Faculty Council immediately after serving four consecutive years.

Section 4.4: Officers**A. EXECUTIVE COMMITTEE**

The composition of the University Faculty Council Executive Committee shall be the President of the University, the faculty chairs of the Agenda or Executive Committee of the campus-wide institution of faculty governance on every campus (or the alternate member elected to serve as a member of the University Faculty Council pursuant to Section 4.1.C.2, above) plus five members of the University Faculty Council selected in accordance with Council bylaws.

B. CO-CHAIRS

The University Faculty Council shall have three Co-Chairs: one from Indiana University Bloomington, one from Indiana University Purdue University at Indianapolis (including the IU School of Medicine) and one from an IU regional campus. The bylaws shall provide for election procedures and terms of office.

C. PRESIDING OFFICER

The President of the University shall preside at the meetings of the University Faculty Council and the Executive Committee. In the President's absence, the Executive Committee shall appoint a presiding officer.

D. PARLIAMENTARIAN

The Executive Committee shall appoint a parliamentarian.

See comment on section 4.4

Section 4.5: Regular Meetings

The University Faculty Council shall hold at least one regular meeting during each semester of each academic year.

Section 4.6: Bylaws

The University Faculty Council shall adopt its own bylaws.

ARTICLE 5: FACULTY BOARDS OF REVIEW**Section 5.1: Faculty Boards of Review**

- A. Each campus faculty governing body shall establish a Faculty Board of Review. The University Faculty Council shall establish minimum standards for uniform hearing procedures.
- B. The Faculty Boards of Review shall consider complaints of faculty members concerning academic freedom, reappointment, tenure, promotion, salary adjustment, and the nature or conditions of work. Any member of the faculty desiring a review of university action in these stated areas shall request in writing a review by the Faculty Board of Review at that campus.
- C. The campus Faculty Board of Review shall consider the complaint and make recommendations for disposition of a case and furnish copies to the aggrieved faculty member and to the campus vice president or chancellor/provost. The campus vice president or chancellor/provost shall give the faculty member his or her written decision, with a copy to the Faculty Board of Review.
- D. A further appeal may be made to the President of the University and the Board of Trustees, who shall review the record and notify in writing the concerned faculty member and the campus vice president or chancellor/provost of their decision, with a copy to the Board of Review.

ARTICLE 6: AMENDMENTS**Section 6.1: Amendment Procedure**

- A. Amendments to the Constitution of the Indiana University Faculty may be initiated in three ways:

1. A majority of the University Faculty Council may propose an amendment or amendments to the constitution at a meeting of the University Faculty Council.
 2. A majority of a meeting of the faculty of Indiana University may propose an amendment or amendments to the constitution, timely notice having been given as to the purpose of such a faculty meeting.
 3. A petition signed by 15% of the voting members of the faculty may propose an amendment or amendments.
- B. If an amendment has been initiated in one of the ways listed in Section 6.1A, the Co-Chairs of the University Faculty Council shall circulate the document and background information to the voting members of the faculty.
 - C. At least one week and not later than three weeks after receipt of the document and background information, the President of each campus governing body shall hold a hearing on the proposed amendment or amendments, which hearing shall be open to all members of the faculty.
 - D. At least one week and not later than three weeks subsequent to such hearings, the Co-Chairs of the University Faculty Council shall mail a ballot on the proposed amendment or amendments to all voting members of the university faculty; such ballot shall be accompanied by a summation of arguments, both pro and con.
 - E. A majority of those voting by mail as well as a majority of those voting on each of a majority of the campuses shall be necessary for the adoption of the amendment or amendments. The Co-Chairs of the University Faculty Council shall count the ballots and circulate the results to the faculty.

Comments on Constitution

Comment on Section 2.1 - The Constitution of the Indiana University Faculty is the governing document which states the authority of the Indiana University Faculty and how that authority may be exercised. The University, through the Trustees, formally subscribes to principles of faculty government and relies on the University and campus faculty constitutions to meet that commitment; the University includes the Constitution of the Indiana University Faculty in the Academic Handbook which it distributes to new faculty as representing the structure of University government; and our University Presidents, Vice Presidents, and Chancellors/Provost have accepted the privilege of serving as presiding officers over the faculty councils in which the Constitution vests legislative authority. In these circumstances the Constitution of the Indiana University Faculty is authoritative until amended by its own terms or repudiated by the Trustees. The Constitution recognizes that the faculty's authority is subject to the powers of the Trustees and to state and federal law, but the Trustees defer to faculty authority in accordance with principles of academic freedom and faculty governance, generally recognized in the higher education community, to which the Trustees have subscribed.

Comment on Section 2.2 - Section 2.2 states the legislative authority of the faculty as a whole, which is allocated to University, campus, and school faculties in Section 2.4. Section 2.2 begins with the general principle that the faculty has authority over academic matters and then specifies a non exhaustive list of included authorities. In some matters, such as admission of students, the faculty has authority to act in specific cases but sometimes delegates that authority to administrators. In some matters, the administration has authority to act in specific cases subject to standards and procedures enacted by the faculty. In legislating "standards and procedure"s the faculty designs frameworks for collaboration with the administration so each can fulfill its appropriate role.

Comment on Section 2.3 - Consultation of the faculty involves consultation of representatives of the faculty authorized to exercise faculty authority. See Section 2.5 above. The consultative authority, as well as legislative authority, of the faculty is allocated to University, campus, and school faculties in Section 2.4.

Comment on Section 2.4 - This section articulates how faculty authority is allocated among University, campus, and school faculties. Whether the allocated authority is legislative or consultative and where legislative authority is limited to enacting "standards and procedures" is governed by Sections 2.2 and 2.3. The structure of academic units is distinctive on each campus. To cope with this, the constitution specifies (in Section 2.4.B) that in regard to academic programs that are not part of a school, campus faculties have the authority of a school faculty and authorizes faculties (in Section 2.5.C) to delegate authority to departments and divisions. The concept of "school" should be understood with appropriate flexibility.

Section 2.2.D articulates the faculty's authority regarding issues of University structure. Under Section 2.4.C, the University Faculty Council, with leadership of the Agenda Committee, will allocate authority and coordinate action in matters in which more than one faculty have an interest. Since membership of the UFC and the Agenda Committee includes faculty government leaders of all campuses, all interests should be well represented in this process. The faculty constitution cannot undertake to resolve all issues where there are conflicting interests among academic units, such as those between system schools and campuses, but it does provide a framework within which those conflicts of authority can be negotiated. In general, authority should be allocated to the faculty that must work with the consequences of its exercise.

Comment on Section 2.5 -The University community as a whole has an interest in the maintenance of faculty governance and academic freedom throughout the University system.

Collaboration between the Trustees, administration, and faculty in University governance requires timely provision of information and exchange of views to enable each to participate in the creation of goals and plans for their implementation. The administration has the responsibility to inform the faculty of matters relevant to the exercise of faculty authority. At the same time, the faculty recognizes its obligation to inform the administration in a timely manner regarding the exercise of faculty authority.

Comment on Section 4.1 -The structure of the University Faculty Council should inspire confidence in the UFC as an institution that will represent FACULTY interests and views. At the same time the UFC is a significant forum at the system level for engagement between faculty and administration. Section 4.1.C.4 delegates the issue of administrative representation on the UFC to the bylaws so that changes in administrative structure may be reflected without amending the constitution. Similarly, the role of schools in University structure is evolving, and Section 4.1.C.3 allows the bylaws to provide for representation of schools if the representation of schools provided in campus representation, under Section 4.2.A, is insufficient.

Comment on Section 4.2 -Representation of schools in the UFC is important, but because each campus is organized differently and schools vary in size, providing representation of schools is left in first instance to campus governing documents. The provision requiring school representation "to the extent feasible" has practical effect only on campuses organized by schools. See also, Section 4.1.C.3. Because early organization of the UFC is essential for its effective operation, prompt election and reporting of campus elected representatives is important.

Comment on Section 4.4 -The membership of the Executive Committee is central to the management of UFC business in a way that accounts for the interests of and circumstances on campuses. The co-chairs are the political leaders of the University Faculty Council and of the University faculty. In presiding over the UFC, the President is in the best position to present UFC action to the Trustees. The parliamentarian fulfills the impartial role specified by the rules of order adopted by the UFC bylaws.

Definitions

The term "faculty" ~~has may have~~ different meanings in the ~~different functional~~ context of specific university policies ~~s covered by the academic policies~~. Please refer to specific policies for clarification as to who is covered and on the rights and responsibilities described implied therein.

History

(Adopted by the University Faculty Council: May 23, 1973; Ratified by the University Faculty: November 20, 1973; Amended by the University Faculty Council: April 16, 1974; Ratified by the University Faculty: January 31, 1975; Amended by the University Faculty Council: April 26, 1977; Ratified by the University Faculty: July 1, 1977; Amended by the University Faculty Council: April 14, 1992; Ratified by the University Faculty: September 1, 1992; Amended by the University Faculty Council: March 27, 2012 Ratified by the University Faculty: May 16, 2012; Amended by the University Faculty Council: September 8, 2014 Ratified by the University Faculty: November 14, 2014)

Amended by the University Faculty Council: February 23, 2016