

For discussion,  
Meeting of the University Faculty,  
January 19, 1961

FINAL REPORT OF THE FACULTY COUNCIL COMMITTEE  
TO CONSIDER ARTICLE VI  
OF THE FACULTY CONSTITUTION

ARTICLE VI. REVIEW FUNCTIONS OF THE FACULTY

Section 30. Areas of Application.

The faculty shall express its judgment on administrative action by giving an opinion and recommendation on any case presented to it raising an issue of academic freedom, tenure, promotion, salary adjustment, or the nature or conditions of work.

Section 31. The Faculty Board of Review.

The review function of the faculty shall be exercised by a Faculty Board of Review. The elected representatives on the Faculty Council shall select five tenure members of the faculty as the Faculty Board of Review, and shall designate one of them as the presiding member. The members shall hold office for one year commencing on the first day of February of each year, but they shall complete the review for any case of which they have begun consideration. At least two years shall elapse between terms of office. No more than two members of the Faculty Board of Review may be elected from a single academic division of the University, no more than two from the same academic rank.

Section 32. Responsibility of the Faculty Board of Review.

The Faculty Board of Review shall hear cases of academic freedom, tenure, promotion, salary adjustment, and the nature or conditions of work. Any member of the faculty desiring a review of administrative action in these stated areas shall request in writing a hearing by the Faculty Board of Review.

Section 33. Procedure of the Faculty Board of Review.

A. Academic freedom or tenure cases. In such cases the Faculty Board of

Review shall fix a date for hearings, accord each party involved the right to have counsel of his own choosing, to present witnesses and other evidence in his behalf and to cross-examine witnesses adduced against him. Upon request of the faculty member concerned a closed hearing shall be held. Upon the evidence and arguments presented, the Board shall express its judgment in a written report and recommendation to the President. Thirty days thereafter a confidential copy of the report shall be filed with the Secretary of the Faculty and a copy mailed to the member of the faculty concerned. The President shall state in writing the University's final decision with reasons therefor. This statement shall be sent to the faculty member concerned.

B. Other cases. In cases involving promotion, salary, or nature or conditions of work, the Board of Review shall hear the faculty member concerned and make such other investigation as it deems necessary or advisable in formulating its opinion and recommendation. This opinion and recommendation shall be forwarded in writing to the appropriate administrative official, or officials, and, thirty days thereafter, to the faculty member concerned. The appropriate administrative official shall state in writing his decision with reasons therefor. This statement shall be sent to the faculty member concerned.

C. Publicity. Public statements by either faculty members or administrative officials about cases before the Faculty Board of Review should be avoided. Any announcement of the final decision should include either the complete statement or a fair abridgement of the recommendation of the Faculty Board of Review, if it has not previously been released.

D. Report to the Faculty Council. The Faculty Board of Review shall report annually to the Faculty Council the number and type of cases presented to it, and indicate the number of cases in which it was recommended that the faculty member be sustained.

ARTICLE VII. AUTHORITY OVER STUDENT CONDUCT

Section 38. Statutory Power.

The faculty exercises the statutory power "To enforce regulations adopted by the Trustees for the government of the students, to which end, they may reward and censure, and may suspend those who continue refractory, until a determination of the Board of Trustees can be had thereon." This authority may be delegated to appropriate University officials and bodies, subject to review by the faculty in its discretion.

Present ARTICLE VII becomes ARTICLE VIII.

Section 40 becomes Section 39.

A. Stafford Clayton  
Austin Clifford  
J. Fraser Hart  
Taulman A. Miller (Chairman)  
L. L. Waters

PROPOSED CHANGES IN THE CONSTITUTION

(Faculty Handbook pp. 11-13)

ARTICLE VI. REVIEW FUNCTIONS OF THE FACULTY

- Section 30. --As Approved November 16, 1959.  
Section 31. --As Approved November 16, 1959.  
Section 32. --As Approved November 16, 1959.  
Section 33. --As Approved November 16, 1959.

Section 34. Disqualification.

If a member of the Faculty Board of Review is involved in a case before the Board, or is a member of a department (or college which is not departmentalized) from which a case arises, he shall be disqualified to hear or investigate the case.

Section 35. Personal Disqualification.

A member of the Faculty Board of Review shall disqualify himself from hearing or investigating a case whenever he believes he cannot render an impartial judgment.

Section 36. Appointment of Temporary Member.

Whenever a member of the Faculty Board of Review is disqualified by the terms of Section 34 or disqualifies himself as provided by Section 35, or is no longer a member of faculty, the elected representatives of the Faculty Council shall appoint a member to fill the vacancy for the particular case pending before the Board.

Section 37. Continuation of Powers.

All faculty action taken prior to the adoption of this constitution and not in conflict with it is hereby specifically confirmed until changed by formal action taken under the terms of this constitution.

Section 38. University Council.

(Deleted - See Faculty Council Minutes of October 20, 1959)

ARTICLE VII. AUTHORITY OVER STUDENT CONDUCT

Section 38. Statutory Power - As Approved Nov. 16, 1959

Present ARTICLE VII. AMENDMENTS becomes ARTICLE VIII

Section 40 becomes Section 39.