

THE ACADEMIC CHARTER

OF



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# **ACADEMIC CHARTER**

## **Preamble**

The Academic Charter of Drake University provides the framework for academic governance within the University. It affirms the centrality of the search for knowledge, and assures that the freedom to teach, to learn, and to conduct inquiry will always be distinguishing features of Drake.

The University's Board of Trustees and administrative officers recognize that freedom of expression and constructive criticism are vital to the preservation of the academic environment of Drake University. Faculty, students, and administrators enjoying such freedoms bear the responsibility to support and enhance a free academic community.

Clearly defined and established channels of communication within the University are essential, and all members of the institution share an obligation to use these channels to ensure a governing structure based on principles rather than upon people. At the same time, it is critical to bear in mind that the structure exists to facilitate communication, not impede it. Our interaction at all levels must be characterized by responsiveness, mutual respect, openness, and trust.

The Academic Charter provides a means to address and respond to the legitimate concerns of students, faculty, administrators, and governing board members. It protects and perpetuates the values and traditions of Drake as a vital independent university of the highest order. It affirms and strengthens the bond of trust among university members in the conduct of academic governance and in the development and implementation of policy.

## **I. General Provisions**

- A. The operation and procedures of the University shall be governed by the authorities presented in the Preamble to the Amended and Restated Bylaws of Drake University.
- B. The Board of Trustees and officers of the university are as prescribed by the Bylaws.
- C. Consistent with the university's accreditation requirements, the university adheres to a shared governance model to engage its Board of Trustees, administration, and faculty, while the Board maintains ultimate responsibility for policy making and sound resource management.
- D. American Association of University Professors recommended regulations, statements, and standards may be consulted for guidance in interpreting the provisions of this Academic Charter but shall not preempt the provisions of the Charter or be considered as binding in any circumstance. The Faculty Senate will monitor and review evolving AAUP standards and recommend Charter updates and changes to ensure consistency with national standards regarding shared governance, academic freedom, tenure, and faculty status.
- E. The phrase "academic unit" includes the College of Arts and Sciences, College of Pharmacy and Health Sciences, Cowles Library, John D. Bright College, School of Education, School of Journalism and Mass Communication, School of Law, and Zimbleman College of Business.

## **II. Faculty**

- A. Faculty of Instruction. The Faculty of Instruction shall include full-time University personnel engaged in teaching and research having the rank of Instructor, Assistant Professor, Associate Professor, or Professor and not primarily engaged in administration.
- B. General Faculty. The General Faculty shall include the Faculty of Instruction, Administrative Officers, and the Administrative Staff of the University. The President of the University is the Chair of the General Faculty. In the absence of the President, the Provost shall be the presiding officer of the General Faculty.
  - 1. General Faculty Meetings. General faculty meetings may be called by the President of the University. The President shall also call a special meeting upon the written petition of at least thirty members of the General Faculty, specifying the agenda to be considered. For all meetings of the General Faculty a quorum shall be one-third of the membership.

2. The agenda of the general faculty meetings may include matters specified by the President of the University, a report on the financial affairs and fiscal condition of the University at the end of the academic year last concluded, the budget for the current academic year and financial plans projected for the following academic year, and matters referred to the General Faculty by the Faculty Senate or by the Board of Trustees.
3. Meetings of the General Faculty shall be conducted according to Robert's Rules of Order, Newly Revised, and as it may be revised hereafter, or such rules as may be established by the General Faculty. Matters not included in the agenda may be considered with the provision that the Chair may order such matters postponed until the next meeting of the General Faculty. If the Chair of the General Faculty orders a new matter postponed, the Chair shall call a special meeting of the General Faculty to consider the matter within thirty days, unless the period is extended by a two-third vote of the General Faculty.
4. An individual designated by the President of the University shall keep and retain minutes of the General Faculty meeting. Copies of the minutes shall be sent to the members of the General Faculty and the Board of Trustees within a reasonable time after any such meeting.
5. The General Faculty may refer matters concerning academic policy to the Faculty Senate, and such matters shall be placed on the Senate agenda for its next meeting.

### **III. Academic Rank, Appointment, and Title**

- A. Ranks. The regular faculty ranks at Drake University are Instructor, Assistant Professor, Associate Professor, and Professor.
- B. Full-Time Appointments. Full-time appointment to the rank of instructor or higher will be: (i) appointment with continuous tenure; (ii) probationary (tenure-track) appointment; (iii) consecutive term appointment; (iv) defined term appointment; or (v) reappointment of retired faculty on special conditions.
  1. Probationary appointments shall include a statement of the year in which the faculty member will be eligible for tenure.
  2. Consecutive term appointments shall be made with no restriction on the number of terms that may be served. Faculty on a consecutive term appointment are not eligible for tenure.
  3. Defined term appointments shall be for no more than three years and will carry the title of "visiting."

### C. Other Appointments and Titles

1. Professors Emeriti. The title “Emeritus” or “Emerita” will be accorded automatically to faculty members who retire after ten or more years of service to the University. The Faculty Senate or an academic dean may recommend to the Provost the conferral of “Emeritus” upon any retired member of the faculty. The Provost is the final authority on such requests.
2. University Fellows. Nationally prominent scholars who contemplate a continuing relationship with Drake may be honored with the title “University Fellow.” This relationship will normally be consultative and without compensation, although it is possible that a Fellow might also be asked to teach part-time for compensation. A candidate for this position must bring distinction to the department and to the academic unit of appointment; must have demonstrated specialized competence which would enrich both students and faculty in the unit of appointment; and should be available for intermittent residence on the campus to share research, teaching, and consultative competence.
  - a. The appointment shall be renewed annually, subject to continuation by mutual agreement. This title will be granted upon the request of an academic unit’s faculty, conveyed by the Dean, approved by the Provost, the President, and by the Board of Trustees. The number of Fellows in each academic unit will be flexible according to the desires of the approving bodies.
  - b. There shall be no stipend incidental to a University Fellow appointment, but Fellows will be entitled to faculty discounts on tickets for concerts, plays, athletic contests, and other events.
3. Distinguished Lecturers. Outstanding individuals in the community who agree to teach may be considered for appointment as “Distinguished Lecturer.” This title will be granted upon the request of an academic unit’s faculty and approved by the Dean, the Provost, the President, and the Board of Trustees. Distinguished Lecturers will not be eligible for tenure. Distinguished Lecturers and University Fellows shall be governed by the same principles with the following exceptions:
  - a. Distinguished Lecturers will normally be assigned a specific task for a specific period.
  - b. Distinguished Lecturers may receive compensation for the completion of a specific assignment.
4. Adjunct Professors. Individuals who teach part-time may be considered for appointment to the appropriate rank of “Adjunct Instructor,” “Adjunct Assistant Professor,” “Adjunct Associate Professor,” or “Adjunct Professor.” Any such title will be granted upon the request of a department or academic unit’s faculty and approved by the Dean.

- a. Adjunct Professors shall be assigned a specific task for a specific period.
  - b. Adjunct Professors are not eligible for tenure.
  - c. Adjunct Professors may receive compensation for the completion of a specific assignment.
- 5. University Lecturers. Except for administrative officers in positions normally carrying academic rank, administrative officers or staff members who teach part-time will be appointed University Lecturers and be ineligible for promotion or tenure. Part-time here means less than half-time in teaching or scholarly investigation.
- 6. Full-time employees who have been appointed to an academic rank may be eligible for promotion in accord with the procedures of their department or academic unit.
- D. Appointment to a department or academic unit departmental faculty requires the faculty governing body or bodies having jurisdiction over appointment, retention, and tenure recommending those final candidates deemed acceptable to the academic unit's Dean who will then make a recommendation to the Provost for final hiring approval.
- E. The terms and conditions of every faculty appointment will be stated in writing to the faculty member.

#### **IV. Academic Freedom**

- A. Academic freedom is the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach and publish findings without interference from administrators, boards of trustees, political figures, donors, and other individuals and entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.
- B. The academic freedom of faculty members consists of four interrelated elements:
  - 1. Teaching: freedom to discuss all relevant matters in the classroom. Faculty members are free to conduct their classes in their own manner, commensurate with the highest standards of the teaching profession. Student learning outcomes and the objectives of the university's Mission and Inspiration Statements should be prioritized. Nothing contained in the Academic Charter shall relieve the regular faculty of the primary responsibility for the academic quality of educational offerings of Drake University's academic units nor diminish their authority in that connection.

2. Research: freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work. Faculty members are free to engage in research and publication of their own choosing, subject to fulfillment of their university commitments.
  3. Intramural speech: freedom from institutional censorship or discipline when addressing matters of institutional policy or action. Faculty members can comment on institutional matters and participate in shared governance of the university without fear of being censored, disciplined, or retaliated against.
  4. Extramural speech: freedom from institutional censorship or discipline when speaking or writing as citizens. Faculty members writing or speaking as citizens are free to express themselves without censorship by the university. However, as educational representatives of the university they have the positive duty of being accurate, showing respect for the opinions of others, and clarifying they are not speaking for the university.
- C. No faculty member will be suspended from performance of their duties except for individual cause. See Article IX Dismissal Tenured Faculty Members.

## **V. Academic Tenure**

- A. Academic freedom is essential to establish and maintain the university as a center of learning. Tenure providing a reasonable degree of social and economic security is essential to protect academic freedom.
- B. The appointment, reappointment, and granting of continuing tenure to members of the Faculty of Instruction in their discipline shall be based on the candidate's merit and the educational needs and resources of the university. The faculty of each academic unit shall establish criteria and procedures for faculty participation in the process of evaluating individuals for faculty appointment, reappointment, and granting of continuing tenure. Pursuant to such procedures, the Dean of each academic unit shall make faculty personnel recommendations to the Provost, who shall in turn make recommendations to the President. The President forwards their recommendation to the Board of Trustees for its review and final action.

## **VI. Conditions of Academic Tenure**

- A. "Academic Tenure" means employment by the University to the time of retirement except for cause as outlined below.
- B. An administrative officer or staff member having tenure as a member of the faculty may return to the Faculty of Instruction at the termination of the individual's administrative appointment. When tenured faculty administrators



return to the teaching faculty, their compensation should generally be commensurate with the salaries of their faculty peers (i.e., should not be related to their salaries as administrators).

C. Limitations for Academic Tenure. The total period of full-time service prior to the acquisition of continuous tenure will not exceed seven years, except as provided in Article VI F.

1. For Faculty of Instruction hired with previous full-time service at the rank of instructor or higher in other institutions of higher learning, the probationary period may extend by as much as four additional years even if the total full-time service in the profession thereby exceeds seven years. The term of such an extension must be stated in writing at the time of the initial appointment.

2. At least four years of service at Drake will be required prior to granting tenure, except with special approval of the Board of Trustees.

D. Time spent on leave of absence will count with the probationary period unless the faculty member, the department, the Dean, the Provost, and the President agree to the contrary at the time leave is granted.

E. If the condition of employment is changed from “visiting” or “consecutive term” to one of a probationary appointment, up to four years of the time served in a visiting or consecutive term capacity may be considered as part of the probationary period. The total years of credit must be stated in writing at the time of the initial probationary appointment.

F. Tenure Clock Extensions

1. Eligibility for Tenure Clock Extensions

- a. A probationary faculty member in a tenure track position shall be eligible, upon request, for a one-year extension of the probationary period due to the occurrence of a life event (as defined below) that can reasonably be expected to markedly delay progress toward tenure. Any such request must be made within a year of the beginning of the life event. Such an extension of the tenure probationary period shall be available whether the faculty member applies for or receives a leave of absence due to such a life event.
- b. A faculty member will ordinarily not be eligible for more than a single one-year extension. In exceptional and unusual circumstances, a second one-year extension for a second life event or for the same life event may be considered at the discretion of the Dean of the faculty member's academic unit with approval of the Provost.
- c. A faculty member who receives an extension has the right to choose later to waive the tenure extension and undergo review for tenure at the normal six-year point, not including the tenure clock stoppage.

- d. A faculty member who has been granted such an extension shall be reviewed for tenure under the same academic standards as candidates for tenure who have not received such extensions.

## 2. Life Events

- a. Events automatically qualifying a faculty member for an extension are:
    - i. the birth of a child into the faculty member's household,
    - ii. the death of an immediate member of the faculty member's family or household,
    - iii. the adoption or fostering of a child under the age of five into the faculty member's household, or
    - iv. active-duty military service.
  - b. A faculty member may also qualify for an extension upon a finding by the Dean of the faculty member's academic unit that a life event not specified in 2.a. can reasonably be expected to markedly delay progress toward tenure. Such other life events include, but are not limited to:
    - i. The adoption or fostering of a child requiring special care who is over the age of five.
    - ii. A faculty member experiencing a serious health condition that is expected to persist for a substantial portion of a semester.
    - iii. A faculty member is required to act as the primary caregiver for a substantial portion of a semester for a parent, child, spouse, or domestic partner experiencing a serious health condition.
    - iv. A faculty member experiencing a catastrophic residential property loss.
3. Application Process. Any application for a tenure clock extension shall be made to the Dean of the academic unit in which the faculty member is appointed. The faculty member may refer the Dean to the Office of Human Resources to access information already on file in that office or the faculty member may choose to supply such information directly to the Dean. The Dean may request additional information and a statement of the anticipated effect on progress toward tenure. Decisions about whether a life event qualifies a faculty member for an extension shall be made by the Provost, upon recommendation of the Dean.

## G. Probationary faculty must be given written notice of a non-reappointment decision as follows:

- 1. Notice must be given to probationary faculty in their first year of academic service:
  - a. not later than March 1 if the appointment expires at the end of that academic year; or

- b. at least three months in advance of termination if the appointment expires during an academic year.
- 2. Notice must be given at least twelve months before the appointment terminates for probationary faculty in their second year of service or with two or more years of service.

## **VII. Promotion in Rank**

- A. The faculty of each academic unit shall form a faculty committee on promotion to serve as advisors to the Dean. For decisions on promotion to the rank of Professor, committee members shall each hold that rank.
- B. Committee recommendations on applications for promotion shall be based on the candidate's merit. Teaching effectiveness, research and scholarly activities, publications and other creative works, recognized leadership in the field, service and contribution to the university, and service to the community and profession or discipline are the criteria for determining the candidate's merit for promotion.
- C. Based on a recommendation from the committee and the Dean's own evaluation, the Dean of the academic unit shall approve or deny the promotion.
  - 1. If the Dean approves the promotion, the Dean shall forward a written recommendation and any supporting materials to the Provost who shall in turn make a recommendation to the President. The President shall then submit their recommendation to the Board of Trustees for action.
  - 2. If the Dean denies the promotion, the Dean shall inform the candidate and the Provost of that decision.
- D. A faculty member may appeal a Dean's denial of a promotion to the Provost. That appeal must be submitted within ten business days of notification of the denial by the Dean. The Provost's review of the appeal is limited to claims of a violation of stated procedures or inadequate consideration. The Provost shall not reevaluate the quality of the faculty member's work.
  - 1. If the Provost determines the candidate merits promotion, the Provost shall forward a written recommendation and any supporting materials to the President who shall then submit a written recommendation and any supporting materials to the Board of Trustees for the final decision on the matter.
  - 2. If the Provost agrees with the Dean that the candidate does not merit promotion, the decision is final.

- E. A candidate for the office of Provost or Dean of an academic unit who has earned and been granted academic rank as a faculty member in an academic department of an accredited college or university, may be granted academic rank subject to the following conditions:
  - 1. The department or academic unit involved reviewed the candidate's academic credentials and recommended acceptance of the candidate as a ranked member of the department or academic unit.
  - 2. Section VI. B. of the Academic Charter shall apply in determining salary upon return to regular faculty status.

### **VIII. Recommendation for Academic Tenure**

- A. The faculty of each academic unit shall form a faculty committee on tenure from among its tenured faculty to serve as advisors to the Dean on these matters.
- B. Committee recommendations on tenure applications shall be based on the candidate's merit and the educational needs and resources of the university. Teaching effectiveness, research and scholarly activities, publications and other creative works, recognized leadership in the field, service and contribution to the university, and service to the community and profession or discipline are the criteria for determining the candidate's merit for academic tenure.
- C. Based on the committee's recommendation and the Dean's own evaluation, the Dean of each academic unit shall recommend to approve or deny tenure.
  - 1. If the Dean determines the candidate merits tenure, they shall forward the recommendation and support materials to the Provost who shall in turn make a recommendation to the President. The President shall then submit a recommendation to the Board of Trustees for action.
  - 2. If the Dean determines the candidate does not merit tenure, the Dean shall inform the candidate and the Provost of that decision.
- D. A faculty member receiving a negative tenure recommendation from the committee within their academic unit shall have recourse to appeal procedures as defined in the academic unit's tenure guidelines.
- E. A faculty member may appeal a Dean's negative tenure decision to the Provost. That appeal must be submitted within ten business days of notification of the decision by the Dean. The Provost's review is limited to claims of a violation of stated procedures or inadequate consideration. The Provost shall not reevaluate the quality of the faculty member's work.

1. If the Provost determines that the candidate merits tenure, they shall forward the recommendation and support materials to the President who shall then submit a recommendation to the Board of Trustees for action.
  2. If the Provost agrees with the Dean that the candidate does not merit tenure, the decision is final.
- F. A candidate for the office of Provost or Dean of an academic unit who has earned and been granted tenure as a faculty member in another academic department of an accredited college or university, may be granted tenure subject to the following conditions:
1. The relevant department or academic unit has reviewed the candidate's academic credentials and recommended acceptance of the candidate to the President and Board of Trustees as a tenured member of the department or academic unit.
  2. Article VI. B. of the Academic Charter shall apply in determining salary upon return to regular faculty status.

## **IX. Dismissal of Tenured Faculty Members**

- A. Tenured members of the faculty shall be dismissed only for one or more of the following reasons:
1. Individual cause:
    - a. Demonstrated incompetence or dishonesty in teaching or research.
    - b. Personal conduct which substantially impairs the individual's fulfillment of their institutional responsibilities.
    - c. Substantial and manifest neglect of duty.
    - d. Intransigent refusal to conform to university processes or policy where such behavior places the university at risk.
  2. University action:
    - a. A determination by the Board of Trustees of a *bona fide* financial exigency of the university.
    - b. Discontinuance of an academic unit, program, or department of instruction.
- B. In cases of dismissal of tenured faculty members for individual cause, as stated above, the *Drake University Policy on Faculty Conduct, Corrective Action, and Discipline* will provide the governing procedural standards.

C. For purposes of this Article, the term “program” designates a related cluster of credit-bearing courses that constitute a coherent body of study within a discipline or set of related disciplines.

D. Dismissal of Faculty Under Conditions of a *Bona Fide* Financial Exigency

1. As determined by the Board of Trustees, a *bona fide* financial exigency is defined as a deterioration in the university’s fiscal condition that materially compromises the sustainability of the academic and financial integrity of the institution, and which cannot be alleviated by less drastic means than the dismissal of tenured faculty. *Bona fide* financial exigency includes but is not limited to:
  - a. Conditions in which the university experiences or is reasonably projected to experience a substantial operating deficit for two or more consecutive years without extraordinary cost-cutting measures.
  - b. Conditions in which restructuring or discontinuing an academic unit, program, or department of instruction is determined necessary because of ongoing declining enrollments or excessive financial drain.
  - c. Conditions that may place the university in a position of not being able to meet financial standards mandated by the U.S. Department of Education, the university’s accreditor, or debt covenant requirements.
2. Under the conditions of a *bona fide* financial exigency, protecting the welfare of the students, the remaining faculty, and the university shall be the fundamental policy objective in decisions concerning dismissal or retention of faculty.
3. In the event the Board of Trustees proceeds with a financial exigency review that may result in the dismissal of tenured faculty members, the following procedures will be followed before the Board makes a final determination that the institution is experiencing a *bona fide* financial exigency:
  - a. The administration will share the general conditions giving rise to the Board’s direction with the Faculty Senate.
  - b. The Faculty Senate will designate a committee to work collaboratively, and, when necessary, confidentially with the administration to assess the conditions giving rise to the Board’s action.
  - c. The administration will, at a minimum, share with the Faculty Senate designated committee:
    - i. Five years of audited financial statements.
    - ii. The current fiscal year operating budget.
    - iii. Projected operating budgets for the next two fiscal years, with attendant cash-flow estimates.
    - iv. Program, department, and administrative-unit budgets as agreed to by the administration and committee.

- d. The Faculty Senate designated committee will, consistent with necessary requirements of confidentiality, render an assessment in writing on the institution's financial condition to the Faculty Senate.
  4. Tenured faculty members whose positions are being considered for elimination because of financial exigency will be promptly informed of this in writing and provided at least twenty business days in which to submit a response to the President. Nothing in this Article will preclude a tenured faculty member from filing a claim with the Standing Committee on Academic Freedom and Tenure (Article X).
  5. Decisions concerning the dismissal of tenured faculty will be governed by the following principles:
    - a. Except as essential to maintain programs, nontenured faculty will be released prior to the dismissal of any tenured faculty.
    - b. Except as essential to maintain programs at the highest quality level consistent with the current faculty available at Drake University, tenured faculty will be released in inverse order of seniority defined as length of service to the university.
  6. Any dismissed tenured faculty member will be given notice of dismissal as soon as possible but never less than twelve months before termination; or, in lieu thereof, the faculty member will be given severance equal to twelve months' salary.
  7. Both prior to initiating dismissal proceedings and thereafter the university will make every reasonable effort to place a dismissed tenured faculty member in another suitable position at the university.
  8. A dismissed tenured faculty member's place will not be filled by a replacement within a period of three years unless the faculty member has been offered reappointment and a reasonable time within which to decline it.
  9. Educational benefits held by a dismissed tenured faculty member under the Faculty Manual shall continue for the living dependents of the dismissed faculty member unless comparable benefits are acquired through a subsequent position. Educational benefits shall be acquired in accordance with the Faculty Manual.
  10. For retraining purposes, a dismissed tenured faculty member may pursue without charge a degree program or other approved program of study at Drake University in which they enroll within one year following dismissal.
- E. Discontinuance of an Academic Unit, Program, or Department of Instruction. Where termination of an appointment with continuous tenure is based upon discontinuance of an academic unit, program, or department of instruction, the



following standards and procedures will apply:

1. The decision to discontinue an academic unit, program, or department of instruction will be based solely upon educational considerations. "Educational considerations" do not include cyclical or temporary variations in enrollment but do include reductions in enrollment that are or are projected to be substantial and sustained over a material period of time. Any decision to discontinue an academic unit, program, or department of instruction must reflect long-range judgments that the educational mission of the institution will be enhanced by the action.
2. An academic unit, program, or department of instruction may be terminated as follows:
  - a. If initiated by the faculty of an academic unit, program, or department of instruction, a majority vote of support from that faculty body and the concurrent agreement of the President and Board of Trustees.
  - b. If initiated by the Faculty Senate, a two-thirds vote of support from the Faculty Senate and the concurrent agreement of the President and Board of Trustees.
  - c. If initiated by the Provost, it will take a two-thirds vote of the Faculty Senate to reject the action. If the Faculty Senate vote to reject the action is less than two-thirds, the action proceeds to the President and Board of Trustees for their review and concurrent agreement.
3. Tenured faculty members in a program being recommended for discontinuance for educational considerations will be promptly informed of this in writing and provided at least twenty business days in which to respond. The document shall contain a statement of the data showing the need for discontinuance and the necessary relationship to the dismissal of the faculty member.
4. Both prior to initiating dismissal proceedings and thereafter, the university will make every reasonable effort to place the faculty member in another suitable position at the university. If placement in another position can be facilitated by a reasonable period of training, financial or other support for such training will be offered. If no position is available within the institution the tenured faculty member's appointment may then be terminated.
5. Any tenured faculty member will be given written notice of dismissal as soon as possible but never less than twelve months before termination; or, in lieu thereof, the faculty member will be given severance equal to twelve months' salary.
6. The dismissed tenured faculty member's place will not be filled by a replacement within a period of three years unless the faculty member has been offered reappointment and a reasonable time within which to decline it.



7. Educational benefits held by a dismissed tenured faculty member under the Faculty Manual shall continue for the living dependents of the faculty member unless comparable benefits are acquired through a subsequent position. Educational benefits shall be acquired in accordance with the Faculty Manual.
8. For purposes of retraining, a dismissed tenured faculty member may pursue, without charge, a degree program or other approved program of study at the university in which they enroll within one year following dismissal.

## **X. Standing Committee on Academic Freedom and Tenure**

- A. There shall be a Standing Committee of the Faculty Senate on Academic Freedom and Tenure (Committee) appointed by the Faculty Senate Executive Committee.
  1. The Committee shall have seven regular members and seven alternates, all of whom shall be members of the Faculty of Instruction with tenure.
  2. Appointments should be made to achieve representation across all academic units.
  3. The Chair shall be elected by the Committee.
  4. Committee members and alternates, except those elected for short terms to fill vacancies and when first elected to create staggered terms, shall serve three-year terms. To ensure continuity of experienced Committee members, terms are staggered on a basis of three-two-two with annual election.
- B. The Committee shall function as a Faculty Senate standing committee in matters pertaining to procedures or policies relating to academic freedom or to tenure, as defined herein.
- C. The Committee shall be the adjudicatory body for complaints that fall within its jurisdiction, and which are not resolved through informal procedures or through regular administrative channels. The Committee has jurisdiction over all complaints involving:
  1. Tenured faculty.
  2. Allegations of academic freedom violations.
  3. Probationary faculty and consecutive term faculty where allegations of discrimination or inadequate consideration are raised.

- a. Discrimination is defined herein as a decision against reappointment being based significantly on considerations that violate university governing policies on making appointments without prejudice with respect to race, color, national origin, creed, religion, age, disability, sex, pregnancy, gender identity or expression, sexual orientation, genetic information, veteran status, or any characteristic protected by law.
  - b. Inadequate consideration concerns procedural rather than substantive issues, the determination of which is grounded in, among other potentially relevant factors, the following:
    - i. Was the decision conscientiously arrived at?
    - ii. Was all the available evidence bearing on the relevant performance of the candidate sought out and considered?
    - iii. Was there adequate deliberation by the department over the import of the evidence considering the relevant standards?
    - iv. Were irrelevant and improper standards excluded from consideration?
    - v. Was the decision a bona fide exercise of professional academic judgment?
- D. Before adjudicating a case or controversy, the Chair of the Committee must inform the complainant and any other parties of the Committee membership. Parties have the right to object to one or more Committee members on grounds of improper partiality, typically a bias or conflict of interest.
  - 1. Any objection must be made in writing with specific reasons given in support of the claim. The objection must be made to the Chair of the Committee within five business days of receiving notification of the Committee membership.
  - 2. Upon receipt of an objection, the Chair must decide within five business days whether to sustain or overrule the objection. If sustained, the Chair will replace the impacted committee member(s) with the final Committee membership for that case or controversy. If denied, the Chair's decision is final.
- E. For all cases brought to the Committee by the university administration, there must be a hearing within forty business days of the case being brought forward.
- F. For all cases brought to the Committee by a faculty complainant, the President and Provost should be informed within five business days of the complaint being received and timely hearings, as provided herein, must be held *except* if the complaint fall outside the Committee's jurisdiction as defined above.
  - 1. Within fifteen business days of the complaint being delivered in writing to the Committee chair, the Committee must meet and vote to decide, by majority vote, if the case lies within its jurisdiction.

2. If the Committee votes to decline to hold a hearing, the Committee must provide the reason(s) in writing to the complainant, the President, and the Provost. All reasons must be consistent with criteria defining the jurisdiction of the Committee in this Academic Charter. The Committee's decision to decline to hold a hearing is final.
3. If the Committee decides to move forward with a complainant's hearing, the hearing must occur within forty business days of this decision unless the Committee determines in its discretion that the hearing must be rescheduled. Nevertheless, the hearing should be scheduled as soon as practicable, and the Committee's reasons for not holding a hearing within the forty-business day period must be set out in writing in the Committee's minutes and the reasons must be sent promptly in writing to the complainant, the President, and the Provost.
4. The complainant must be permitted academic due process as outlined in this Academic Charter and relevant Drake University policies, including an opportunity to discuss their case with the Committee and the option to revise their request for a hearing.
5. Within forty business days after a hearing, and in consultation with the Committee's counsel if needed, the Committee must communicate its decision in writing to the complainant. This message must be sent, simultaneously, to the President and Provost.
6. If the Committee finds that an allegation lodged under section C. is not substantiated, the complainant has twenty business days in which to file an appeal with the President. The President will forward the appeal, with their recommendation, to the Board of Trustees to enter the final decision on all matters.
7. If the Committee finds that an allegation lodged under section C. is substantiated, it must report its finding(s) and recommendation(s) for remedial action to the President.
  - a. If the President agrees with the Committee's finding(s) and recommendation(s) for remedial action, the President shall forward such to the Board of Trustees for the final decision.
  - b. If the President disagrees with the Committee's finding(s) or its recommendation(s) for remedial action, the President shall state in writing the reasons for doing so and the subsequent judgment and action in the case to the complainant and the Committee.
    - i. The complainant shall have the right to file an appeal with the Board of Trustees within fifteen business days regarding the President's decision on Committee finding(s) or recommendation(s) for remedial action.
    - ii. The Board of Trustees has the authority to review and accept,

reject, or amend the President's decision and enter the final decision on all matters.

- G. The President shall report, without divulging identifying details, at the next regularly scheduled Faculty Senate meeting:
  - 1. That the President has received and accepted, rejected, or amended any finding(s) or recommendation(s) for remedial action from the Committee.
  - 2. The Board of Trustees' final decision on any finding(s) or recommendation(s) for remedial action.
- H. The Committee must keep written minutes of its meetings and decisions. These minutes must include, in addition to other relevant information, the meeting dates and start and end-time(s), and a list of Committee members present. All Committee minutes and records must be retained securely and all information respecting any complaint must remain confidential except as stated herein. The faculty, staff, and trustees of the university shall not have access to any of the documents, complaints, minutes, communications, or the like, except as stated above, respecting any complaint or the consideration or decision of the Committee, the President, or the Board of Trustees. The Committee must provide Faculty Senate with a year-end report as to its actions, subject to restrictions regarding confidentiality, even if the Committee does not meet in a given year.
- I. The Committee may hire a lawyer to act as its counsel at the university's expense. Complainants may hire legal counsel at their own expense to advise them.
- J. The Committee shall not participate in preliminary proceedings or in the development or presentation of any case, and members of the Committee must avoid sitting in any case in which they have a conflict of interest.
- K. The Committee will review changes in relevant AAUP standards every other year, in even years. Pursuant to that review, it will include recommended revisions to this Article, if any, in its annual report to the Faculty Senate.

## **XI. The President of the University**

- A. Selection of the President of the University. The procedure for filling the office of President shall be as follows:
  - 1. A Nominating Committee of the Board of Trustees shall be selected by the Board of Trustees according to the rules of the Board.
  - 2. To assist the Board of Trustees there shall be a University Campus Committee which shall be constituted as follows:

- a. Three members of the senior administration to be selected by the President's Council, one of whom shall be a vice president or chief officer of the university and one of whom shall be an academic dean.
  - b. Four members of the Faculty of Instruction elected by the Faculty Senate, one of whom shall be chair of the committee.
  - c. One member of the staff of the university.
  - d. Two members from the student body who are full-time students and who will be elected in a manner determined by the Student Senate.
  - e. One member of the alumni of the university.
- 3. The University Campus Committee shall seek nominations, compile information concerning all nominees, and consult with and function as an advisory group to the Nominating Committee of the Board of Trustees. The University Campus Committee shall solicit the advice and counsel of the university community and report periodically to that community on the progress without violating the confidences of candidates.
- 4. The University Campus Committee shall submit to the Nominating Committee the names of eminently qualified candidates with justifying information.
- 5. In consultation with the University Campus Committee, the Nominating Committee shall invite qualified candidates to the campus for interviews with appropriate segments of the university which shall include meetings with members of the Board of Trustees, administrators, faculty, students, and alumni while maintaining any necessary confidentiality.
- 6. After consultation with the University Campus Committee, the Nominating Committee shall recommend a candidate to the Board of Trustees.
- B. Election shall be by the Board of Trustees.
- C. Both committees shall be discharged on the election and acceptance of a President of the University.

## **XII. Selection of Provost, Vice Presidents, and Chief Officers**

- A. Upon the recommendation of a screening committee appointed by the President, the Provost, Vice Presidents, and Chief Officers of the university shall be appointed by the President subject to approval by the Board of Trustees.
- B. To the extent that the role of the Provost, Vice President, or Chief Officer to be selected is of material relevance to alumni, students, trustees, or faculty, representatives drawn from those groups should be included in the constituency of the screening committee.

### **XIII. Provost**

- A. The Provost serves as chief academic officer of the university. The Provost provides leadership to the deans and faculty for the quality and vitality of instruction, research, and scholarship in all academic programs. The Provost also assists the President in coordinating the ongoing administrative operations of the university and serves as the chief executive officer in the absence of the President.
- B. The Provost provides institutional leadership for these actions: academic policymaking and implementation; academic personnel selection and evaluation including the awarding of promotion, tenure, and special professorships; and academic planning and budgeting. The Provost oversees the operations of the academic units, academic centers and institutes, university-wide academic programs, academic services and offices under the direction of the Deputy Provost, Global Engagement, Office of Sponsored Programs, Institutional Research, and other academic support programs. The Provost maintains effective communication with the Faculty Senate and the Student Senate. The Provost participates in the presentation of academic needs and priorities to the Board of Trustees and external publics and constituents.
- C. In the case of a search for and selection of the Provost, the President will appoint an advisory search and screening committee, following consultation with the Faculty Senate Executive Committee and Council of Deans.

### **XIV. Organization of the Academic Staff**

- A. The university is composed of academic units that may consist of various departments or divisions. While serving as an integral part of the total university, each of these academic units have their own programs and administration, and each has its own Dean and faculty.
- B. Organization of Colleges, Schools, and Cowles Library.
  - 1. These academic units shall have the principal responsibility for execution of the instructional, research, and other academic programs of the university.
  - 2. The Dean of each academic unit shall be the chief academic and administrative officer thereof. The Dean's appointment and evaluation shall be made with faculty and other participation as provided in Section XV of the Academic Charter. The Deans shall be responsible to the President through the Office of the Provost.
  - 3. The Dean of each academic unit shall, with the advice and consent of their faculty, establish a governing body which shall be the chief legislative body of the academic unit.

- a. The authority of the faculty governing body shall extend to all academic affairs of the academic unit subject to the provisions and authority as stated Article I.
  - b. The educational purposes of the academic unit shall determine student rights and responsibilities.
4. The Dean of each academic unit shall publish and maintain a current handbook stating the philosophy, organization, and procedures of the academic unit. A copy shall be given to each member of the academic unit's faculty and to each of the university's general administrative officers.
5. Department chairs or other administrative academic unit officers shall be appointed by the Dean following consultation with members of the related departments.
6. The Deans of the academic units shall establish procedures for faculty participation in annual budgetary requests and for dissemination of appropriate financial information. In a manner provided by the academic unit, the faculty shall participate in the determination of the unit's policies and procedures governing salary increases.

## **XV. Appointment of Deans**

- A. Selection of academic Deans is the responsibility of the Provost, with the advice of and in consultation with the President and the relevant academic unit's faculty, subject to the approval of the Board of Trustees.
- B. Selection of academic Deans shall be based on their ability to:
  1. Participate in the collaborative leadership of the university, and in the resolution of the challenges facing the university in a manner that is not limited to responsibility for the individual academic unit.
  2. Ensure the academic unit's full participation in addressing the mission and strategic goals of the university.
  3. Ensure the academic unit's commitment to the university's educational values and priorities, and at the same time ensure that the university community understands and respects the values of the academic unit and its contributions to the university.
  4. Set the intellectual and programmatic direction for the academic unit in collaboration with the broader university community and in the context of the university's overall strategic plan and goals.



5. Require and support the commitment by all faculty and staff to the recruitment, retention, and education of students.
  6. Manage the recruitment, development, and retention of the highest quality faculty and staff; support and encourage the highest levels of faculty and staff performance; ensure necessary infrastructure and appropriate operational behaviors to support students, faculty, and staff in meeting their goals; provide support, guidance, and encouragement for academic innovation and creativity.
  7. Develop, nurture, and maintain appropriate relationships between the academic unit and its major external constituencies (i.e., alumni, donors, board members, the professional community, the local community). This includes the assumption of a leadership role in generating resources for the unit, in close collaboration with University Advancement and the senior administration of the university, and consistent with the university's priorities as identified by the administration and the Board of Trustees.
  8. Manage the academic unit's operations in an efficient and effective manner (e.g., finances, personnel, program quality, staff development).
- C. There shall be a search committee to identify and screen candidates that shall nominate qualified individuals to the Provost. The committee shall cooperate and consult with the Provost. Interview procedures shall ensure the communication of advice from appropriate faculty, students, and administrators.
- D. The Search Committee shall consist of at least five members. The Faculty of Instruction of the college shall elect two of their members of the Search Committee. The Provost shall appoint other members of the committee, which may include a senior administrator, faculty, alumni and students of the academic unit, and faculty of other academic units. The Chair shall be a member of the instructional faculty appointed by the Provost.

## **XVI. The Faculty Senate**

- A. The Faculty Senate shall be the chief legislative body within the university. It shall have the following powers in addition to those elsewhere specified:
1. To establish educational policy affecting the university as a whole with the concurrence of the Provost.
  2. To enact academic regulations of uniform application with the concurrence of the Provost. The Faculty Senate shall exercise restraint not to intrude into the internal regulation of the university's academic units.



3. To recommend special actions to the President and to the Board of Trustees.
  4. To establish policies concerning extracurricular activities supported by the university, in full consultation with the Student Senate and with the concurrence of the Provost.
  5. To establish standing and ad hoc committees.
  6. To establish rules for the Senate; *Robert's Rules of Order Newly Revised* shall govern the proceeding of the Senate unless otherwise provided.
- B. In the event the Provost withholds concurrence to actions approved by a majority of the Faculty Senate under items A.1. or A.2., the Faculty Senate may override the withholding of consent by a two-third vote of the body. In the event the Faculty Senate overrides the withholding of concurrence by the Provost on any action, the matter shall be forwarded to the President of the University for a final decision. The President may, where appropriate in their discretion, refer any action to the Board of Trustees for final decision. Both the President and, if applicable, the Board of Trustees should give deference to the Faculty Senate decision.
  - C. The constitution of the Faculty Senate shall be determined as described in the Faculty Senate Rules and Regulations. There may be no more than thirty senators, and each academic unit will be represented by at least one senator.
  - D. Senators will be elected to two-year terms, with one-half of the faculty representatives being elected each year. Senators can be elected to two consecutive terms, after which they will be ineligible for election for one year. Elected members will assume office the day following Spring Commencement of the year of their election. Vacancies may be filled as provided for by the Rules of the Faculty Senate.
  - E. The President and the Provost shall be non-voting *ex officio* members of the Faculty Senate and shall report to the Senate at each regularly scheduled meeting.
  - F. The President has the discretion to suspend action of the Senate. If the President declares suspended some action of the Senate, the President shall provide a written statement within sixty business days of the declaration of the suspension of any Senate action, setting forth the reasons for the suspension and requesting the Senate to reconsider its proposed action. If the President and the Senate do not reach agreement on the matter within forty-five business days thereafter, the decision as to whether the President's suspension of Senate action is upheld shall be submitted to the Board of Trustees for final decision.
  - G. The Faculty Senate President shall serve as a regular member of the President's Council. The Faculty Senate shall elect a Vice President from among its members who shall serve as President-Elect of the Senate.

H. Standing Committees of the Faculty Senate.

1. Academic Freedom and Tenure. See Article IX of this Academic Charter.
  2. Executive Committee. The Executive Committee will determine the constituency of all other committees and regulate the Senate agenda. This committee will also establish operational procedures for the orderly conduct of the Senate's business and elections. It shall study and recommend to the Senate desired changes or amendments to the Bylaws of the University or to the Academic Charter. The committee will also function as a faculty advisory board to the President, the Provost, and other administrative officers. The Executive Committee shall meet with the President and Provost in its advisory capacity once each month during the academic year and at additional times at the request of the Provost, President, or Executive Committee. The President of the Senate will serve as Chair of the Executive Committee and the Vice President serves as Vice-Chair. In addition to the Senate President, one senator from each academic unit will be elected by members of the Senate to serve on the Executive Committee at the annual organizational meeting of the Senate.
  3. Intercollegiate Athletics Council. The Council reports to the Senate and makes recommendations regarding policy and program. The Council shall give primary consideration to the educational goals of the university and benefits to students, both participants and spectators. Budgetary and personnel matters shall be the responsibility of the administrative officers of the university.
    - a. The Council shall consist of the members of the Faculty of Instruction; the Faculty Representative for Intercollegiate Athletics; three students, two of whom may be participants in intercollegiate athletics; a staff member of the Student Life division; and a member of the alumni.
    - b. Faculty members will be appointed to a three-year term, renewable for one additional term.
    - c. Ex-officio, non-voting members include the Director of Intercollegiate Athletics; an Associate Director of Intercollegiate Athletics; and the Director of Compliance.
    - d. The Chair will be a faculty member who has served for at least two years on the Committee.
    - e. The Council meets regularly once a month during the academic year and at other times upon the call of the Chair.
  4. The Faculty Senate may create other committees as it deems necessary.
- I. An individual designated by the Provost shall keep a record of Faculty Senate proceedings and cause minutes of the same to be transcribed and circulated in a manner prescribed by the Senate.
- J. General files of the Faculty Senate and its officers shall be housed in an office

designated for that purpose by the Provost.

- K. No action taken by the Faculty Senate, the several faculties, or the General Faculty shall establish or modify the budget of the university. Fiscal implications should be considered in deliberations by the Faculty Senate on matters within its jurisdiction. The President and Board of Trustees shall determine budgetary action consistent with the dictates of the university's bylaws.

## **XVII. The Student Senate**

- A. The purpose of the Student Senate shall be to serve as the representative organization of the Drake University student body and to formulate and express the opinions, recommendations, and suggestions of the student body. The Student Senate shall strive to develop a more beneficial relationship among students and encourage quality student involvement in academic and extracurricular activities.
- B. The Student Senate shall be constituted as follows:
  - 1. The student body president who shall serve as chair.
  - 2. At least twenty other members of the student body as specified in the Rules and Regulations of the Student Senate.
- C. Elections for the Student Senate shall be held in the spring term in accordance with the Rules and Regulations of the Student Senate. Elected members shall serve one-year terms. Vacancies may be filled as provided in the Rules and Regulations of the Student Senate.
- D. The powers committed herein to the Student Senate shall be exercised in conformity with the policies expressed in the Articles of Incorporation, the Bylaws of the University, and the Academic Charter. The Student Senate shall have the following powers in addition to those specified elsewhere:
  - 1. To establish policies concerning student life consistent with the rules of Drake University.
  - 2. To recommend special actions to the President and to Board of Trustees.
  - 3. To make recommendations to the Faculty Senate or to the appropriate administrative officials regarding educational policies or other student concerns.
  - 4. To act as an ombudsman on behalf of the student body.
  - 5. To recognize student organizations in accordance with procedures outlined in Part III of the Student Handbook.

- 6. To establish standing and *ad hoc* committees.
- 7. To establish rules for the Student Senate.
- E. A quorum of the Student Senate shall be a majority of the membership.
- L. No action taken by the Student Senate shall establish or modify the budget of the university. Fiscal implications should be considered in deliberations by the Student Senate of matters within their jurisdiction. The President and the Board of Trustees shall determine budgetary action consistent with the dictates of the university's bylaws.
- F. The Secretary of the Student Senate shall keep a record of the proceedings of the Student Senate and cause minutes of the same to be transcribed and circulated in a manner prescribed by the Senate.
- G. General files of the Student Senate and its officers shall be housed in the office of the student body president.

#### **XVIII. Review and Amendment of the Academic Charter**

- A. Amendments of the Academic Charter other than those relating to the Student Senate shall be enacted jointly by the Faculty Senate, the President, and the Board of Trustees or by the Board of Trustees alone in the manner provided for amendment of the Bylaws of the University. The Faculty Senate may approve amendments to the Academic Charter only by a two-thirds majority.
- B. Changes in the Student Senate article of the Academic Charter may only be initiated by the Student Senate or by the Board of Trustees and approved by the Board of Trustees.