Executive Resolutions of the Board

* Formerly called “Statutes”

PREAMBLE

The role of Duquesne University is to serve the Pittsburgh community, the Commonwealth of Pennsylvania, the nation and the international community, without discrimination for reasons of age, sex, race, creed or national origin, by providing students of good moral character with opportunities for the pursuit of higher education and the attainment of a high sense of moral and social responsibility. These Executive Resolutions of the Board will be construed and administered with a view to the best realization of these ideals.

INTRODUCTION

The Board of Directors adopts certain resolutions, as it deems necessary or appropriate for the proper conduct of the business and affairs of the University, and designates them as “Executive Resolutions of the Board. Bylaws, Article X.

EXECUTIVE RESOLUTION I

Officers of the University and University Chaplain

Part I. Officers of the University

A. THE PRESIDENT.

1. The president is the chief executive officer of the University and has the powers and duties set forth in Bylaws, Article VIII, 8.3. It is the President’s responsibility to implement all orders and resolutions of the Board of Directors.

The President is the official medium of communication between all components of the University and the Board of Directors. It is incumbent on the President to insure that faculty and student views, including dissenting views, are presented to the Board in those areas and on those issues where responsibilities are shared, and that similarly the faculty and students are informed of the views of the Board and the administration on like issues.

2. The President shall recommend to the Board of Directors candidates for the positions of Vice Presidents. The candidate for the position of Vice President for Mission and Identity shall necessarily require the approval of the Corporation. In making a recommendation for the position of Vice Presidents (other than for Mission and Identity), the President shall consider input from the University constituencies to assist in identifying candidates for the election of the positions and may do so through the utilization of a Committee which shall function under the supervision and instruction of the President.
3. The President shall at his sole discretion make appointments to the academic and non-academic positions in the University after receiving the recommendation of the appropriate Vice President. Except where election is prescribed by Executive Resolution of the Board, the President shall at his sole discretion have the power to appoint members of all other University-wide committees and to regulate the membership and functions of such committees.

4. The role of President is the most visible one in the University and personifies the spirit which the University has maintained since its inception. In the selection of a President, such ideals are met by preferential consideration of qualified successors of the founders of the University.

The Board of Directors shall elect the President subject to the approval of the Corporation. These governing bodies shall appoint a Committee to assist in identifying candidates for election to the position. The committee shall be chaired by the Chairman of the Board of Directors or his/her designee. The General Counsel or Vice President for Legal Affairs and General Counsel shall serve as an ex officio member of this Committee. The Committee shall not exceed 11 in number. Other members of this Committee may be drawn from the Board of Directors, the Corporation, Officers, Deans or Faculty of the University. This committee shall seek input from the University constituencies.

B. VICE PRESIDENT FOR ACADEMIC AFFAIRS.

1. The Vice President for Academic Affairs shall be responsible, under the President, for the educational operations of the University and shall have powers and duties set forth in the Bylaws.

2. The Vice President for Academic Affairs obtains the opinions of the Academic Deans in formulating policies and practices relating to their particular College and Schools, and as each relates to the College or other Schools and to other academic areas in the University.

3. It is the responsibility of the Vice President for Academic Affairs to see that the Academic Deans and academic support-staff discharge the duties of their offices.

4. The Vice President for Academic Affairs shall be responsible under the President for academic planning and for the preparation and administration of the budget for all academic activities.

5. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Academic Affairs may be designated the Provost of the University.

C. VICE PRESIDENT FOR MANAGEMENT AND BUSINESS.

1. The Vice President for Management and Business shall be responsible, under the President, for the administration of the business and financial operations of the University, and for reporting on the business financial condition of the University. The Vice President shall have the powers and duties set forth in the Bylaws.

2. The Vice President for Management and Business shall be responsible, under the President, for the administration of all real estate and other property, plant operation and maintenance, contracts
administration, human resource management, computer and management information systems, office services, public safety, special and auxiliary services and the appointment and supervision of personnel responsible for the operation of the business and financial affairs of the University, and for the preparation and administration of the budgets for these areas.

3. The Vice President for Management and Business shall be responsible, under the President, for financial planning, accounting and fiscal management of the University and monitoring student organization funds as well as University loan funds, capital campaign funds, grants funds and all other incoming funds resulting from the Development Department and other University effort. The Vice President for Management and Business assists the President in the preparation of the University budget before it has been submitted to the Board of Directors, and in the supervision of expenditures made pursuant to the University budget under the direction of the President after it has been adopted.

4. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Management and Business may be designated the Executive Vice President for Management and Business.

D. VICE PRESIDENT FOR STUDENT LIFE.

The Vice President for Student Life shall have administrative oversight, under the President, of the campus residential life and the social and co-curricular activities of students, and shall be responsible for the preparation and administration of the budget for these areas. In association with the Vice President for Academic Affairs, the Vice President for Student Life will have a special concern for the encouragement of sound and fruitful relationships between the intellectual and social life of students and for those aspects of college life outside the classroom which can contribute to the student’s growth and development as a mature and responsible human being. The Vice President for Student Life shall also be responsible, under the President, for matters relating to the campus conduct of students and for their discipline. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Student Life may be designated the Executive Vice President for Student Life.

E. VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT

The Vice President for University Advancement shall be responsible, under the President, for the creation and execution of communication and development programs designed to interpret and communicate Duquesne’s value to the community as an institution of higher learning worthy of increased support.

The Vice President shall be responsible, under the President for the supervision of alumni relations, communications, public relations, fund raising and special events and for the appointment and supervision of all personnel in this area, and for the preparation and administration of the budget for these areas.

F. GENERAL COUNSEL.
The General Counsel shall be the chief legal officer of the University and shall be responsible, under the
President, for all legal affairs of the University. The General Counsel shall ensure compliance of all parts
of the University with applicable laws, statutes and regulations of government bodies. The General
Counsel shall issue opinions of the General Counsel and legal memoranda as to the legality of University
actions. The General Counsel shall approve all contracts of the University as to legal form. The General
Counsel shall oversee all litigation or administrative hearings involving the University. The General
Counsel shall as necessary investigate and report to the President on the legality of the conduct of the
Officers or employees of the University. The General Counsel shall as necessary employ and oversee the
use of outside counsel for the University’s legal affairs. The General Counsel may, at the request of the
President, and with the approval of the Board of Directors, be designated the Vice President for Legal
Affairs and General Counsel or Executive Vice President for Legal Affairs and General Counsel.

G. SECRETARY OF THE UNIVERSITY.

The Secretary of the University shall have the power and duties set forth in the Bylaws and shall perform
such other functions as the President or Chairman of the Board may from time to time direct.

H. NOTICE OF RESIGNATION.

The President, Executive and other Vice Presidents of the University, General Counsel, Secretary and
other Officers of the University shall be required to agree in their letter of acceptance of appointment to
give the notice required by Executive Resolution VI, B. 3a, of an intention to resign or retire before the
end of the specific term of office. Variances from this agreement must have the formal approval of the
Board of Directors.

I. EVALUATION.

The Chairman of the Board of Directors shall review the performance of the President and shall report
to the Board at each annual meeting an assessment of the President’s performance. The President shall
evaluate the performance of the other officers of the University on an ongoing basis and shall report to
the Board each year at its annual meeting of assessment of each officer’s performance during the
previous year.

Part II. University Chaplain.

The President of the University shall appoint the University Chaplain and associate Chaplains. The
University Chaplain shall be responsible, under the President, for the planning, preparation and
administration of the budget for all the areas of the Campus Ministry and shall report to the President
on all campus and off-campus religious services and programs. The University Chaplain shall administer
the support for the access to the liturgies and facilities required for all members of the University
community on campus. Liturgical services shall be performed in accordance with external ecclesiastical
jurisdictions of which the participants are members.

EXECUTIVE RESOLUTION II
Academic Structure of the University

A. SCHOOLS AND COLLEGE

A School or College is a major academic unit of the University consisting of a Dean, who is the chief administrative officer, a Faculty and a body of students who engage in the study of a curriculum or several related curricula usually leading to one or more recognized degrees. The Schools and College within the University are the College and Graduate School of Liberal Arts, the School of Law, the Schools of Business and Administration, the School of Pharmacy, the School of Music, the School of Education, the School of Nursing, the School of Health Sciences, and the School of Natural and Environmental Sciences.

B. INSTITUTES

An Institute is an academic unit of the University consisting of a Director who is the chief administrative officer, a Faculty and a body of students engaged in the administration, research, teaching and study of a specialized program or several related programs usually leading to one or more of the recognized degrees to be awarded by the appropriate School or College on the recommendation of the Faculty of the Institute.

C. DIVISIONS AND DEPARTMENTS.

A Division or Department is an administrative subdivision of a School or College directed by a Chairperson. It is concerned with the method and content of courses offered within the Division or Department, the type of examinations, choice of tests and such other matters as are related to the instructional, research and service functions of that unit, subject to the limitations imposed by the aims and objectives of the appropriate College or School.

D. ACADEMIC SUPPORT SERVICES.

1. The University Library shall be administered by the University Librarian and provides appropriate services to the student body and the various divisions of the University. The University Librarian shall be responsible to the Provost/Vice President for Academic Affairs.

2. The Registrar’s Office shall be administered by the University Registrar who shall supervise registration procedures, academic records, catalogs, schedules and academic regulations, room assignments, and graduation regulations for the Schools and College of the University. The University Registrar shall be responsible to the Assistant to the Vice President for Academic Affairs.

3. The Admissions Office shall be administered by the Director of Admissions who, unless otherwise directed by the Vice President for Academic Affairs, shall be responsible to the Assistant to the Vice President for Academic Affairs for the promotion of access to the University by all qualified applicants to the undergraduate schools for the calendar year or summer sessions, on a full- or part-time basis.
4. The Vice President for Academic Affairs shall appoint Search Committees to recommend candidates for the positions of University Librarian, Registrar and Director of Admissions, and the directors of other Academic Support Departments and shall recommend to the President candidates for appointment. If the candidates presented are unacceptable, the President shall request the Search Committee to present an additional name or names for consideration.

5. The operation of Academic Support Services shall not infringe upon the teaching and administrative authority of the Schools, College, Institutes, Divisions or Departments of the University.

EXECUTIVE RESOLUTION III

Administrative Officers of Academic Divisions

A. DEANS.

1. Duties. The Deans are the executive officers and representatives of the College and Schools and shall act under the supervision of the Provost/Vice President for Academic Affairs. They shall consult with their Faculties on matters of educational policy and communicate such views to the proper administrative persons of the University. They shall have administrative oversight of the departments of instruction and of all such educational and supervisory matters as pertain to the effectiveness and well-being of the Faculty and the academic life of students. Each Dean is responsible for all academic planning within his/her School or College. They shall have immediate supervisory responsibility over the activities of Departmental Chairpersons and shall serve as the medium of communication for all official business of the academic unit within the University. Except where required by election, the Dean shall have the power to appoint faculty members to serve on committees and assign faculty members to special posts as the Dean may deem advisable.

2. Appointment and Reappointment. Deans of the College and professional Schools shall be appointed by the President of the University. The search committee shall consist of seven voting members and at least one non-voting student member. At least four of the seven members shall be full-time tenured faculty. At least three of the four shall be elected by the faculty of the School having the decanal vacancy. The remaining faculty member shall be appointed by the President. The President shall also appoint three additional members to the committee which may include a Dean of another School within the University, representative of the alumni of the School, and the community served by the School. The non-voting student member shall be selected by the voting members of the committee. The President shall appoint the Chairperson of the Committee.

The President shall charge the search committee with the standards required for the particular deanship and other requirements of the search. The committee shall invite several candidates for interviews in which all faculty will have an opportunity to participate. Individual faculty members shall have an opportunity to indicate in writing to the committee whether or not each of the candidates is judged to be acceptable. The three names shall be submitted to the President unranked and in alphabetical order. If the candidates presented by the search committee are unacceptable to the President, the President shall direct the search committee to present the names of three additional candidates, unranked and in
alphabetical order. If there is no acceptable candidate in the second list, the President shall have the authority to appoint any qualified person to the position.

Deans’ normal initial term of office shall be for a period of five years. Subsequent terms of office shall be for periods of three years. Length of term, notwithstanding, all deans serve at the discretion of the President and may be removed or reappointed at any time.

Before reappointing a dean for a term beyond the initial term, the President shall require the Provost/Vice President for Academic Affairs to solicit the opinions of the full-time Faculty of the School or College, and from other administrators and students regarding the performance of the Dean. This information together with the recommendation of the Provost/Vice President for Academic Affairs shall be considered by the President in making the decision whether to reappoint the Dean.

3. Tenure. Deans who prior to their appointment as such, have been granted tenure, shall continue to enjoy tenure. Appointment as Dean does not of itself constitute grant of tenure nor does service as Dean qualify in calculating tenure.

B. DIRECTORS OF INSTITUTES.

1. Duties. The Directors are the executive officers and have the responsibility for budgetary affairs, academic offerings and activities of their Institutes. They shall act under the supervision of the Provost/Vice President for Academic Affairs and the Deans of the Schools or College in course offerings and requirements for the awarding of recognized degrees. They shall consult with their Faculties on matters of educational policy and communicate this information to the appropriate administrative persons of the University.

2. Appointment and Reappointment. Directors shall be appointed by the President upon the recommendation of the full-time Faculty and students affiliated with the Institute and in consultation with the Provost/Vice President for Academic Affairs. Directors shall be appointed for three years, during which they serve at the discretion of the President and may be removed or reappointed at any time.

Directors are eligible for reappointment. At the end of each three successive years in office, the President, through the office of the Provost/Vice President for Academic Affairs, shall take cognizance of the opinions of the appropriate Deans and of the full-time Faculty and students of the Institute, in deciding whether to reappoint a Director.

3. Tenure. Directors of Institutes, who prior to their appointment as such, have been granted tenure, shall continue to enjoy tenure. Appointment as a Director of an Institute does not of itself constitute grant of tenure nor does service as a Director qualify in calculating tenure.

C. CHAIRPERSONS OR HEADS OF DIVISIONS OR DEPARTMENTS.

1. Duties. A Division or Department is administered by a Chairperson or Department Head. Through that person the Division or Department advises the Dean regarding recruitment, advancement and dismissal
of staff members, curricular modifications and other academic matters, interdepartmental regulations, scheduling of courses, the management of physical facilities and purchase of equipment, library acquisitions, qualifications of students, academic advisement, and development of academically-related societies. The Division Head or Department Chairperson is responsible for the budget insofar as special allocation breakdowns are made.

Chairpersons or Heads of Divisions or Departments shall be responsible for the quality of the instructional program. They shall have general oversight of the work of students in their Divisions and Departments.

2. Appointment and Reappointment. Chairpersons or Heads of Divisions or Departments are appointed by the President upon the recommendation of the full-time faculty of that Division or Department, following an established procedure written and published by that faculty, together with the approval of the respective Dean and the Vice President for Academic Affairs. The term of appointment shall not exceed three years, subject to removal by the President during that period in case of failure to perform the responsibilities of the office. The incumbent Chairperson or Head of a Division or Department may be a candidate for reappointment following an established procedure chosen by that faculty, together with the approval of the respective Dean and Vice President for Academic Affairs.

3. Tenure. Chairpersons or Heads of Divisions or Departments who prior to their appointment have been granted tenure shall continue to enjoy tenure. Appointment as a Chairperson or Head of a Division or Department does not of itself constitute grant of tenure nor does such service as Chairperson or Head qualify in calculating tenure.

EXECUTIVE RESOLUTION IV

Faculty

A. MEMBERS.

The Faculty shall consist of Distinguished University Professors, Distinguished Service Professors, Professors, Associate Professors, Assistant Professors, Instructors and Research Professors in the College, Schools and Institutes and the Librarians of the University. The Faculty shall also consist of Professors, Associate Professors, Assistant Professors and Instructors for Clinical Practice. Faculty Members, including those members of the Congregation of the Holy Spirit who have been appointed to the Faculty, but excepting Librarians who serve under the direction of the University Librarian, may be granted tenure and advancement in rank.
Professors, Associate Professors, Assistant Professors and Instructors in the Division of Military Sciences shall be considered Faculty only for the purposes of instruction while assigned to duty at the University. Individuals in this category are not eligible for tenure and advancement in academic rank.

B. DUTIES AND COMPENSATION

Individual members of the Faculty, by contracting for employment with the University in annual letters of agreement, shall be deemed to agree to pursue and uphold the purpose of the University as stated in the Second Article of the Charter and to comply with the University’s Bylaws and Statutes. The faculty shall engage in instruction, research and University service, for which appropriate compensation and other employment benefits shall be granted in accordance with University policies and procedures approved by the Board of Directors, published in the current Faculty Handbook and incorporated into annual letters of agreement entered into between the University and the faculty member. In the event there is a conflict between the terms of a faculty member’s letter of agreement and the Faculty Handbook, the letter of agreement shall control. The Statutes shall control in any conflict between and among any rules of policy or procedures.

C. APPOINTMENT.

Members of the Faculty shall be appointed by the President of the University upon recommendation of the Vice President for Academic Affairs and the Dean of the College or School, or Director of the Institute, and Chairperson and members of the Department or Division for which such member is evidenced in each case by a letter of agreement to that effect. No person is a member of the Faculty without appointment to one of the classifications of faculty under Section D, immediately below.

D. CLASSIFICATION OF FACULTY.

Members of the Faculty, whether Regular or Clinical Faculty, are designated as follows:

Instructor. An Instructor is a full-time member of the Faculty ordinarily possessing an advanced degree or its equivalent.

Assistant Professor. An Assistant Professor is a full-time member of the Faculty ordinarily possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained.

Associate Professor. An Associate Professor is a full-time member of the Faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained. An Associate Professor will normally have not less than three years experience as a full-time Assistant Professor (or its professional equivalent) at a university or at an equivalent institution.

Professor. A Professor is a full-time member of the Faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained. A Professor will normally have not less than four years of experience as a full-time Associate Professor (or its professional equivalent) at a university or at an equivalent institution.
Distinguished University Professor. A Distinguished University Professorship is awarded to a full professor who has distinguished himself/herself and the University through scholarship, teaching and community service. Individuals receiving this title must have national recognition as a leading scholar in a particular discipline, distinction as demonstrated by awards and other testimony as an outstanding teacher, and must have provided significant service contributions to the University or the community. A Distinguished University Professor must have demonstrated influence in teaching and scholarly work which crosses discipline lines and which creates links among the professions and the arts and sciences.

Research Professors. A Research Assistant Professor, Research Associate Professor and Research Professor are full-time members of the Faculty whose activities are predominantly in the area of research. The specific rank shall be determined by the standards set forth in this statute for members of the teaching Faculty. Time spent in the rank of Research Assistant Professor, Research Associate Professor, and Research Professor shall be considered in computing experience for promotion and tenure.

Librarians. Full-time professional members of the University Library Staff possessing at least the M.L.S. degree are members of the Faculty.

E. AUXILIARY INSTRUCTIONAL AND RESEARCH STAFF.

Members of the auxiliary instructional and research staff are designated as follows:

Assisting the Faculty in teaching duties are adjunct professors, teaching associates, lecturers, cooperating teachers, clinical supervisors, special lecturers and visiting scholars.

Post Doctoral Fellows or Research Associates are individuals who possess the Ph.D. degree and are pursuing research in association with a full-time member of the Faculty.

Auxiliary Instructional and Research staff are not members of the Faculty and are not entitled to Faculty benefits except to the extent these are granted in the letter of appointment. Granting of benefits in such cases does not grant Faculty membership and persons in this category are not eligible for privileges of tenure, or advancement in rank. Appointment is for the period fixed by the letter of appointment, of one year or less, at which time the employee is terminated without further notice. Appointment may be granted for additional periods not exceeding three years each.

F. TERM OF APPOINTMENT.

The initial term of appointment for any untenured faculty member shall be one year.

On the recommendation of the Vice President for Academic Affairs, a faculty member with previous full-time service in an instructional or research capacity, at the rank of Instructor or higher on the faculty of another college or university, may be given one to three years credit toward promotion to the Associate Professor level and tenure; provided, however, the University reserves the right to deny credit for previous experience and accordingly, to require as many as five years service on the University’s faculty
before being considered for promotion to tenure. Such requirements shall be stated in the initial letter of appointment.

All untenured faculty members shall be evaluated for reappointment by the University Promotion and Tenure Committee during their third year as full-time members of the Duquesne faculty in accordance with procedures published by the Vice President for Academic Affairs. At the conclusion of its review the Committee may recommend that the President offer the faculty member either a one year terminal appointment or reappointment. The President’s acceptance of a recommendation to reappoint does not in any way indicate whether the untenured faculty member ultimately will be awarded tenure. Before the end of the untenured faculty member’s sixth year at the University, after a second review by the appropriate department and the Promotion and Tenure Committee a decision will be made regarding both tenure and promotion to Associate Professor.

The appropriate Chairperson, Dean and Vice President for Academic Affairs and the President shall review from time to time the performance of each member of the teaching staff.

Librarians of the University shall be appointed for a term of one year. They may be reappointed by the President on the recommendation of the University Librarian and of the Vice President for Academic Affairs. The University Librarian shall establish procedures under which the performance of the Librarians shall be reviewed regularly. In addition, faculty members of the School of Law are appointed by the President and evaluated for reappointment under standards and procedures developed and published by the School of Law.

G. OUTSIDE ACTIVITIES.

Faculty members are expected to devote their full time and energies to their teaching responsibilities, scholarly and professional pursuits, and service to the University. During the term of appointment, a member of the Faculty shall not engage in any activity which encroaches upon any of these obligations to the University. In the case of full-time faculty members, the annual written consent of the appropriate Dean, Director or Chairperson is required for accepting outside employment of any kind or for engaging in consulting activities that could occupy more than an average of one day per week. This consent shall be given only after careful consideration of the consulting activities or proposed employment to the faculty member’s teaching and scholarship, and with appropriate regard to the amount of time required, its effect upon teaching duties, and the possibility of conflict with the dignity expected of a person of professional standing.

H. CESSATION OF APPOINTMENT.

At the end of the term of appointment as defined in the letter of agreement, the appointment of any non-tenured member of the Faculty of the University ceases unless the faculty member is reappointed. Unless promotion to Associate Professor and tenure have been granted, a letter of agreement for a seventh year shall state that it is the last such letter to be entered into by the University with such faculty member.
Notice of intention not to reappoint shall be given in writing:

1. not later than March 1 of the first year of service;

2. not later than December 15 of the second year of service;

3. at least twelve months before the expiration of a contract of an appointment which has continued for more than two years.

All full-time faculty members who do not desire to be re-employed at the expiration of the agreements are expected to notify their chief administrative officer in writing not later than December 15 of the academic year in which they wish to terminate their employment. The University reserves the right to insist upon a decision not later than February 1 of the academic year. It may not exercise this right, unless it has first offered in writing to the faculty member affected, 30 days previously, a letter of agreement for the following academic year.

I. ADVANCEMENT IN RANK.

Advancement in rank may be conferred only by the President, after consideration as appropriate, of the recommendations of the Vice President for Academic Affairs, the University Promotion and Tenure Committee, and the appropriate Dean and Department Chairperson or Director following consultation with their faculty having higher rank than the faculty member under consideration. Advancement in rank shall not be automatically conferred following completion of the stated minimum time at each rank. Teaching performance, attainment of advanced degrees, professional experience, participation in appropriate learned societies, evidence of scholarly research, University service, professional and community activities, and publications shall be relevant criteria for determining advancement in rank.

Advancement in rank prior to the time limits established for each category may be conferred in exceptional cases on the recommendation of the Vice President for Academic Affairs, the University Promotion and Tenure Committee and the appropriate Dean, Director or Chairperson following consultation with faculty members in the appropriate School or department who hold rank higher than the faculty member under consideration.

J. TENURE.

Full-time members of the Faculty who have demonstrated excellence in teaching, scholarly and professional activities, and service to the University and who show promise of continued professional growth may be promoted to tenure. At least the following factors shall be considered in making the decision whether to award tenure: teaching performance; attainment of advanced degrees; professional experience; participation in appropriate learned societies; evidence of significant scholarly research; University service; professional and community activities; and publication of articles or books held in high regard by other individuals in the faculty member’s discipline, and contributions to the quality of campus life. The educational needs and priorities of the University and its financial circumstances shall also be important considerations in each tenure decision. Enrollment and prospective enrollment in the faculty member’s field, the academic plans and goals of the faculty member’s Department, Division and
School, the present composition of the faculty in terms of tenure and area of specialization all are relevant factors in assessing the University’s educational needs.

Tenure may be awarded only by the President and only in writing. Normally, tenure is not awarded to individuals below the rank of Associate Professor. In deciding whether to award tenure, the President shall consider, as appropriate, the recommendations of the faculty member’s department or School, University Promotion and Tenure Committee and the Vice President for Academic Affairs.

Notice will be given before the end of the sixth year of employment if the faculty member is not to be awarded tenure. Tenure entitles the faculty member to renewal of employment until voluntary retirement or termination of tenure for reasons as set forth in Statute IV, K.

K. TERMINATION OF TENURE.

1. Forfeiture for misconduct or for incompetence.

A faculty member’s tenure may be forfeited by serious misconduct or for professional incompetence. In the event of proposed termination for reasons of serious misconduct or for professional incompetency, tenured faculty shall be entitled to a hearing by a committee of the University Grievance Committee for Faculty (see Statute VII, B.1.d.ii). The member shall be informed before the hearing in writing by the President of facts upon which such proposed termination is based and shall have the opportunity to present a defense. The member and the University may be represented at the hearing by counsel. There shall be a record made of the proceedings by electronic or other appropriate recording process and the same shall be made available to the parties. At the hearing, the testimony may include that of Faculty and other scholars, either from the University or from other institutions, and any other relevant testimony. The committee shall advise the faculty member and the University of its decision in writing within 30 days from the date of the termination of the hearing. If the committee’s recommendation is that the faculty member should not be terminated and the President concurs, the case shall be closed. If the committee’s recommendation is that the faculty member be terminated and the President disagrees with that recommendation, the case shall be closed. If the President terminates the affected faculty member either by approval of the committee’s recommendation or by his own decision, following a committee recommendation of retention, the affected faculty member may have the final decision of the President reviewed by the Board of Directors.

2. Termination of a tenured appointment for reasons of financial exigency.

The employment of a tenured faculty member may be terminated for reasons of financial exigency. Such terminations may occur only under extraordinary circumstances because of a demonstrably bona fide financial exigency which cannot be alleviated by less drastic means. On the recommendation of the President, the Board of Directors shall establish a joint committee of the Board and of the Faculty Senate to investigate the financial condition of the University. The committee shall report its findings and recommendations to the Board and the Board shall determine whether or not a condition of financial exigency exists. The Academic Council of the University shall be responsible for determining the extent and areas in which reductions are to be made.
Faculty members so affected are entitled to a reasoned explanation for the decision and shall have the right of access to appeal procedures outlined in K.1 of this Statute. The results of the findings shall be made available to the Faculty.

The University shall make every reasonable effort to place the faculty member in another position within the University for which the faculty member is qualified. When such a position is available, a new letter of agreement shall be offered. If such a possibility does not exist, then at least one year’s notice must be given. The position cannot be filled for a three-year period unless the released faculty member has been offered reinstatement and a reasonable period to accept.

3. Termination of a tenured appointment for reasons of discontinuance of a Division, Department or Program.

The employment of a tenured faculty member may be terminated as a result of the discontinuance of a Division, Department or Program. Such termination shall be based essentially upon educational and financial considerations. Such determination shall include consideration of the recommendations of the involved faculty. The provisions of Statute IV, K.2 shall apply with regard to the faculty member’s rights, the University’s obligations and the procedures for hearing and review in the event of such terminations.

4. Termination for Medical Reasons.

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the appointment, for medical reasons, will be based upon clear convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member has been informed on the basis of the proposed action and has been afforded an opportunity to present the faculty member’s position and to respond to the evidence. If the Faculty member so requests, the evidence will be reviewed by the University Grievance Committee for Faculty before a final decision is made by the President.

EXECUTIVE RESOLUTION V

Academic Freedom

A. FREEDOM AND RESPONSIBILITY AS A CITIZEN.

The University faculty member, as a citizen, holds a position in the community that imposes special obligations. When speaking in public, the faculty member should at all times be accurate, exercise appropriate restraint, show respect for the opinion of others and should make every effort to indicate that his/her public utterances are personal and not those of a spokesperson for the University.

B. FREEDOM AND RESPONSIBILITY IN TEACHING AND RESEARCH.
Academic freedom is essential to teaching. The teacher is entitled to full freedom in the classroom, subject to the principles and values expressed in the Duquesne University Mission Statement. The teacher should not interject matter which has no relation to the subject and should not attempt to impose personal views of the subject upon the students. The teacher should respect the religious and ecumenical orientation of the University.

Freedom in research is fundamental to the advancement of truth. The teacher is entitled to full freedom in research and the publication of the results, subject to adequate performance of the teacher’s other academic duties. Research, publication and consulting, including that done for pecuniary return, shall be subject to stated policies of the University and based upon prior written understanding with University authorities (see also Statute IV, G).

EXECUTIVE RESOLUTION VI

Classification

A. EXEMPT PERSONNEL.

Individuals regularly employed on a full-time basis by the University and designated as “exempt” (for purposes of minimum-wage and overtime-pay laws), shall be classified for the purpose of conferring fringe benefits as follows:

1. Officers of the University. The President, the Vice Presidents, General Counsel and the Secretary of the University. Individuals in this category do not have the privileges of academic rank or tenure by virtue of these positions.

2. Administrative.

a. The Academic Deans.

b. Directors of Institutes and Departmental Chairpersons.

c. General Administration: All other administrative personnel who report directly to a Vice President, including non-academic Deans.

d. All other administrative personnel, including but not limited to Directors, Managers, Supervisors, and Acting and Associate positions on all levels.

3. Faculty.

The Faculty are those persons described in Executive Resolution IV, Section D.

4. Auxiliary, Instructional and Research Staff.

Those persons described in Executive Resolution IV, Section E.

5. Professional
This group consists of those individuals in the various administrative units of the University who are assigned by the Vice President in the respective area to positions which require special professional competence and do not necessarily require performance of administrative, management or supervisory duties. Individuals in this category do not have the privileges of academic rank or tenure by virtue of these positions.

B. TERMS AND CONDITIONS OF EMPLOYMENT FOR EXEMPT PERSONNEL OTHER THAN FACULTY.

Candidates for exempt positions may be required to provide a pre-employment health evaluation.

In the event a candidate is to be appointed to a position, letters of agreement shall be prepared and executed which clearly spell out, or include by reference to other documents, the terms and conditions of employment applicable to such position, including compensation, the duties and responsibilities of the position and the length of the appointment.

Following are the standards applied to voluntary and involuntary terminations of exempt employees:

1. Termination by the University.

Termination of exempt personnel may be for cause, which shall include: misconduct or inadequate performance, breach of University Bylaws, Statutes, or of the employment agreement, or for budgetary reasons. Each condition for termination by the University shall be defined in such a manner that it is consistent with University policy and then current laws and regulations.

2. Termination by the appointee for reasons of ill health.

The University may require the individual to submit to a medical evaluation by University-designated physicians.

3. Termination by the appointee for personal reasons.

An individual who wishes to resign for personal reasons shall be required to give to the University advance notice which is consistent with the level of the position. Minimum notice requirements shall be as follows:

a. Officers. Three months’ advance notice (Statute I, H).

b. Administrative.

• Academic Deans: two months in advance of the beginning of the semester in which the resignation will become effective.

ii. Other administrative and professional personnel: one month’s advance notice.

The University may, in appropriate cases, waive part or all of its notice requirements.

C. NON-EXEMPT PERSONNEL
This group includes all employees who by occupation and/or wage level are subject to the provisions of minimum-wage and overtime-pay laws. Staff members in this category shall be eligible for fringe benefits, compensation, and conditions of employment and procedures for evaluation as provided for in the current Personnel Manual and/or under the terms of established classification plans and/or collective bargaining agreements. These staff members generally provide support services in office (secretarial and clerical), physical plant, public safety, data processing, stores and material handling functions.

D. IMMUNITY FROM LIABILITY.


By applying for employment with the University, for any non-exempt position, each applicant thereby signifies his willingness to appear for interviews in regard to his application, authorizes the University to consult with personnel at other universities with which the applicant has been associated and with others who may have information bearing on his competence, character and ethical qualifications, consents to the University’s inspection of all records and documents that may be material to an evaluation of his personal qualifications and competence to carry out the responsibilities of the position for which he is applying, releases from any liability all representatives of the University and its faculty for their acts performed in good faith and without malice in connection with evaluating the applicant and his credentials, and releases from any liability all individuals, entities and organizations who provide information to the University in good faith and without malice concerning the applicant’s competence, ethics, character and other qualifications for the position for which the applicant is applying, including otherwise privileged or confidential information.

2. In other situations.

By applying for employment with the University and by permitting himself to be considered for continued employment, tenure or advancement in academic rank, each person agrees that there shall, to the fullest extent permitted by law, be absolute immunity from civil liability arising from any act, communication, report, recommendation or disclosure with respect to such person, performed or made in good faith and without malice with respect to or in connection with the evaluation of such person for such employment, continuation in employment, tenure or advancement in academic rank, even where the act or information involved would otherwise be deemed privileged. Such immunity from civil liability shall apply to all acts, communications, reports, recommendations, and disclosures as may relate to the person’s professional qualifications, competency, character, mental or emotional stability, physical condition, ethics, or any other matter that might directly or indirectly be relevant to the person’s employment, continuation in employment, tenure or advancement in academic rank. Each such person shall upon request of the University execute releases in accordance with the tenor and import of this Statute in favor of the University, its Board of Directors, executive officers, staff, other employees, and third parties who supply information to any of the foregoing authorized to receive, release or act upon the same, subject only to such requirements, including those of good faith, absence of malice and the
exercise of a reasonable effort to ascertain truthfulness, as may be essential under the law of this state to the validity and enforceability of such releases.

EXECUTIVE RESOLUTION VII

Councils and Committees

A. COUNCILS

University Councils advise the President and members of the University Administration regarding academic and other University policy issues.

1. The University Advisory Council.

The membership of the Council shall include eight members of the faculty, the President of the Faculty Senate, four undergraduate students, two graduate/Law students, and two members of the staff.

The faculty members of the Council shall be elected one each by the faculties of the respective Schools and College. They shall originally serve for staggered terms of two years as initially determined by the President in order to insure continuity of membership.

The student members of the Council shall be elected annually by the Student Government Association and shall include the president of the Student Government Association and one member each from the undergraduate classes of the University not represented by the Student Government Association president. The graduate/Law students shall be elected by the Student Government Association.

The staff members of the Council shall be appointed by the President on an annual basis.

The President shall meet with the University Advisory Council at least once each semester. The members of the Advisory Council may submit matters for the agenda of the meeting. The President, however, shall have the responsibility for determining the agenda.

The President may invite other officers of the University and members of the University community to participate in meetings of the Council.


a. The members of this Council are the Deans of all the Schools and the College, the University Librarian, the representative of the Student Government Association and the Vice President for Academic Affairs, who serves as Chairperson. The representative of the Faculty Senate shall have observer status on this Council.

b. The Academic Council is the principal collegial administrative unit that re-presents the academic interests of the faculty to the President and Vice President for Academic Affairs and also serves to represent the President and Vice President for Academic Affairs to the faculty and to implement University policies.
c. The Academic Council shall be responsible for overall academic planning in the University, subject to the direction and approval of the President. Any committees dealing with academic planning shall be structured as committees of the Academic Council, reporting through the Vice President for Academic Affairs to the President.

d. The Academic Council shall advise the President and the Vice President for Academic Affairs in all areas of an academic nature, including but not limited to: Admissions, Academic Student Advisement, Academic Standing, Core Courses, Bulletins, Calendar, Degrees, Programs, Class Offering and Schedules, Credits, Curricula, Class Admissions, Course Auditing, Withdrawal, Faculty Handbooks and Orientation, Grading, Policies, Placement Policies, Registration, Research Policies and.

B. COMMITTEES.

1. Standing Committees. Committees whose functions are considered to be continuing in nature are assumed to be permanent and hence are designated as standing committees.

a. The University Library Committee. The members of this committee are the University Librarian and representatives appointed by the Deans of all the Schools and College.

b. The University Committee on Scholarship and Financial Assistance. The members of this committee are the director of Financial Aid and representatives appointed by the Deans of all the Schools and College.

c. The University Budget Committee. This committee shall advise the President on the University budget and assists in determining priorities for the allocation of funds to the various areas of the University.

The Budget Committee shall consist of: the Vice President for Management and Business, who shall chair the Committee; the Vice President for Academic Affairs; the Vice President for University Relations; the Vice President for Student Life; the University Budget Officer; one Dean elected by the Academic Council; the University Librarian; the President of the Faculty Senate; two members of the faculty; two undergraduate and one graduate/Law student; and one person from the staff. The President may choose to participate in the meetings of the Committee from time to time.

The Vice President for Management and Business may designate an executive secretary who shall serve the Committee without vote.

The Faculty member shall be elected by the Faculty for a two year term. The Faculty Senate shall form a Nominating Committee. The Faculty of each School will be asked if it wishes to submit a name. These names plus two others supplied by the Nominating Committee will comprise the ballot. The two Faculty receiving the highest number of votes shall serve with the following exceptions: No two members from the same School can serve at the same time, and no two members can serve at the same time from the College and the Graduate School. If the ballot is extensive, the Faculty Senate may choose to hold run off elections.
The Student members shall be elected by the Student Government Association in the spring semester to serve for one year.

The staff member shall be appointed by the President.

The Committee shall function under the direction and guidance of the Vice President for Management and Business.

d. The University Promotion and Tenure Committee. This committee shall consist of full-time tenured members of the faculty. Each school, excluding the School of Leadership and Professional Advancement, shall elect one senior tenured faculty member each, except that the College shall have two senior tenured faculty members who are elected from a slate of candidates proposed by the College Council. The Committee shall be chaired by the Vice President for Academic Affairs or a properly delegated person. The Committee shall be instructed and directed by the Vice President for Academic Affairs. Members shall be appointed for staggered terms of three years to be originally decided by the Vice President for Academic Affairs in order to ensure continuity of membership.

The Vice President for Academic Affairs, prior to any committee review of candidates for advancement in rank or promotion to tenure, shall submit to the Committee a clear and precise statement of University needs to serve as an important criterion for granting advancement in rank or promotion to tenure.

The Committee’s responsibilities shall include reviewing all candidates for advancement in rank or promotion to tenure who have been positively recommended to the Committee by the appropriate Deans and Directors after consultation with their department chairs, division heads and tenured members of their faculty. The Committee shall recommend to the President those candidates whose advancement or promotion to tenure would serve the needs of the University and whose professional achievements and potential for further growth clearly demonstrate that the candidate meets the University’s overall expectations.

The Committee shall also review the reappointment of all untenured faculty during their third year as full-time members of the University faculty. If in the Committee’s judgment such a member of the faculty does not have the potential to be promoted to tenure, the Committee shall recommend to the President that the faculty member be granted a terminal one year contract for his/her fourth year at the University. The Committee may recommend to the President that an untenured member of the faculty who clearly demonstrates the potential to meet the criteria for promotion to tenure be reappointed. The President’s acceptance of the Committee’s recommendation of reappointment is not to be construed that the untenured faculty member ultimately will be promoted to tenure.

The Committee will consider in confidence all relevant information submitted for its review including any written material the candidate wishes to submit.

The Committee is advisory to the President, who possess discretionary authority in making final decisions.
The President, after consultation with the Vice President for Academic Affairs, shall consider requests for transfer of existing tenured faculty between and among any components of the University.

Notwithstanding the above, requests for tenure and advancement in rank involving faculty and Librarians in the School of Law shall be decided by the President on the recommendation of the Dean and the Vice President for Academic Affairs.

e. University Grievance Committees. Decisions of grievance committees hereinafter mentioned shall be binding on the University and on the other party if approved by the President.

i. For Administrators (those persons described in Executive Resolution VI, A.2) and academic staff not otherwise protected. Due process procedures shall originate in the office of the President, be codified, approved by the Board of Directors, promulgated in writing and communicated to administrators and academic support staff not otherwise protected prior to their appointment.

ii. For Faculty (those persons described in Executive Resolution VI, Section D). Due process procedures shall originate in the office of the Vice President for Academic Affairs, be codified in a Faculty Handbook approved by the Board of Directors, and communicated to all persons in this category prior to their appointment. The Committee shall be elected by the Faculty.

iii. For Graduate Student Academic Staff. Due process procedures related to teaching status and functions shall originate in the office of the Vice President for Academic Affairs, shall be codified, approved by the Board of Directors, promulgated in writing and communicated to graduate and teaching assistants prior to their appointment. The Vice President for Academic Affairs shall appoint at least three persons from areas other than that of the petitioners as a grievance committee.

iv. For Professional Personnel (those persons described in Executive Resolution VI, A.5). Due process procedures shall originate in the office of the President, be codified, approved by the Board of Directors and promulgated in writing and communicated to professional persons prior to their appointment. The President shall appoint at least three professional persons from areas other than that of the petitioner as a grievance committee.

v. For Non-exempt Personnel (those persons described in Executive Resolution VI, C). Due process procedures shall originate in the office of the Vice President for Management and Business, be codified, approved by the Board of Directors and promulgated in writing and communicated to non-exempt personnel prior to their appointment. The Director of Human Resource Management shall appoint at least three non-exempt personnel from areas other than that of the petitioner as a grievance committee. Non-exempt employees covered by a collective bargaining agreement shall be limited by the rights provided in said agreement.

2. College or School Councils and Committees. The Deans shall preside at meetings of the faculty council of the academic unit. Membership on College or School Councils and Committees is appointive by the Deans of the respective College or School after consultation with their faculties and appropriate student
The purposes, duties and procedures of each council or committee are codified in a manual or handbook compiled by each College or School.

EXECUTIVE RESOLUTION VIII

Participation Organizations

A. PURPOSE

Certain organizations function in support of their particular interests and participate in the operation of the University according to their own constitutions and bylaws provided they are consistent with the University Charter, Bylaws and Executive Resolutions of the Board.

The constitution and bylaws of all such organizations, as well as any amendments that may hereinafter be proposed, shall require approval by the Board of Directors of the University.

B. DUQUESNE UNIVERSITY ALUMNI ASSOCIATION.

This Association exists for the following concerns and purposes: to promote the mutual goals and aspirations of the University and its graduates; to generate involvement and financial support of alumni and friends; to assist the University in its recruitment of new students; to direct public attention to the University and its contributions to the common good through the achievements of its alumni; to foster a closer relationship among the alumni of the University by sponsoring events and projects which will develop their common interest; and to be a resource for students at the University.

The Vice President for University Advancement or his designee, will consult with the Board of Governors of the Alumni Association with regard to the appointment and reappointing of the Director of Alumni Relations. The Board of Governors will be informed of, and involved in recommending to the University the appropriate budget in support of Alumni Association activities.

The Director of Alumni Relations, reporting to the Vice President for University Advancement, or his designee, informs the Board of Governors of the Alumni Association, through the Association President, on the activities of his office. The President of the Alumni Association shall be the official representative to the University. The University shall consult with the Association President when making alumni appointments to the University committees.

Membership. The following shall be considered members of the Association: all graduates of Duquesne University; all graduates of Duquesne University Preparatory School; former students who have attended Duquesne University for at least one semester but who do not hold a degree; former students who have attended Duquesne University Preparatory School for at least one semester but who do not hold a diploma; holders of honorary degrees conferred by Duquesne University.

The Association recognizes within its organization the existence of specialized alumni groups at individual Schools and College and had provided for representation from each of the Schools and College on the Association’s Board of Governors.
The following shall be eligible for membership: past and present administrative officers of Duquesne University; past and present administrative officers of Duquesne University Preparatory School; members of the faculty of Duquesne University; members of the faculty of Duquesne University Preparatory School; honorary members, who because of proven services and friendship to the University, are elected such by the Board of Governors.

C. THE FACULTY SENATE.

The purpose of the Faculty Senate shall be to provide greater opportunity for mutual understanding and effective communication between the Faculty and other interdependent components within the University.

The Faculty Senate shall consist of all full-time faculty holding the rank of Professor, Associate Professor, Assistant Professor, or Instructor in the Schools, College and Institutes of the University and in the Division of Military and Aerospace Science, all Academic Deans and Directors of Institutes by virtue of their faculty status, and the professional members of the University Library staff.

D. THE STUDENT GOVERNMENT ASSOCIATION.

The student, as a member of the academic community, is entitled to seek and accept the responsibility for self-government in a cooperative effort with the faculty and administration of the University.

The Student Government Association is organized to provide an effective and representative forum for all students in the University, to provide a means for the expression of student views and interest, to foster and maintain academic freedom and students’ rights, and to develop an interest in all phases of University governance.

The President of the Student Government Association is the official spokesperson of the Association and the student body and is the student representative to the Board of Directors and the University Advisory Council.

All undergraduate, graduate, and law students currently enrolled at Duquesne University shall be members of the Student Government Association of Duquesne University.

EXECUTIVE RESOLUTION IX

Academic Year

The Academic Year is divided into two semesters (fall and spring). Day, evening and Saturday classes are offered in both semesters. The length of a semester is usually fifteen weeks inclusive of examination periods. Regular courses are also offered in summer sessions and special short courses for credit may also be offered between or during the semester or summer session periods.

EXECUTIVE RESOLUTION X

Degrees
A. IN COURSE

After the candidates have fulfilled all the prescribed requirements, the University, by virtue of the power conferred by the Commonwealth of Pennsylvania, (Charter, Second Article), awards the appropriate degrees earned with all the rights, honors and privileges thereunto attached. The Chairperson of the Board of Directors, the President or the Dean shall bestow the authorized degrees at such time and place as may be appointed.

B. HONORARY

Honorary degrees may be conferred by the Board of Directors upon recommendation of the President. The candidates shall be nominated by an Honorary Degrees Committee which shall be appointed by the President. Such degrees shall be conferred in recognition of eminent scholarship, notable creative work, outstanding public service, or distinguished service to the University. The Bestowal of Honorary Degrees shall be made by the President or in his absence by the Chairperson of the Board, at such times and places as may be appointed and the candidates shall be required to be present.

EXECUTIVE RESOLUTION XI

Amendments to the Statutes

The Board, working through its duly appointed Bylaws and Statutes Committee, shall have full authority to amend the Statutes. These Statutes may be amended by the Board of Directors at its annual meeting or at any regular or special meeting of the Board, by a vote of a majority of the members present.

The Members of the Corporation, Directors, and President deal directly with the Board's Bylaws and Statutes Committee in proposing amendments. Written notice shall be given to each member of the Board of Directors on record entitled to vote thereon not less than ten (10) days before the meeting of the Board of Directors at which the proposed amendment is to be considered. Such notice shall set forth the fact that amendments to the Statutes will be proposed at the meeting and there shall be included in, or enclosed with, such a copy of the proposed amendments.

Amendments to the Statutes proposed by any other individual or group within the University community shall be submitted first to the President. At least thirty (30) days prior to sending such a proposal to the Board for consideration, the President shall publish it in the ATimes@ or other appropriate University publication and elicit the opinions of the Vice President, the Academic Council, and the entire University community, and convey these opinions to the Board of Directors. The Board shall review and decide proposals submitted from within the University community according to its own procedures, as set forth above.