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HANDBOOK OF THE FACULTY OF YESHIVA UNIVERSITY

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I. STATEMENT ON ACADEMIC FREEDOM

An essential condition of education is the free and unhampered process of discovery and the unrestricted communication of ideas and information. Every member of the Yeshiva University teaching community has the right and duty to participate freely in the lawful search for and transmission of knowledge. Yeshiva University respects the right of its teaching staff to exercise academic freedom in teaching, researching, and publishing.

II. UNIVERSITY AND FACULTY GOVERNANCE

A. Board of Trustees

In accordance with the Charter of Yeshiva University, granted in 1897 and amended periodically since then by the Board of Regents of the University of the State of New York, the governing body of the University is its Board of Trustees. In accordance with its bylaws, the Board elects the President of the University.

The Charter of the University also provides that the Board of Trustees may, when it deems it advisable and in the best interests of the University, establish separate administrative boards for any of the University's colleges, schools ("Constituent Schools" or "Schools"), and institutes. The bylaws of the Board of Trustees provide that these administrative boards are Committees of the Corporation. As such, they are responsible to the Board of Trustees and fulfill their responsibilities consistent with the bylaws of the Board of Trustees.

B. University and Academic Officers

1. President

The President is the chief corporate and executive officer of the University and is ex-officio, a member of the Board of Trustees and each of the administrative boards of the Constituent Schools. The Board of Trustees establishes the duties and responsibilities of the President. Official communication between the faculty and Trustees is facilitated by the President.

2. Provost

The Provost is the chief academic officer of the University, responsible for all faculty and educational matters.

3. Deans

Deans of the Constituent Schools provide academic and strategic leadership in their respective schools and colleges. They provide the link between the administration and the department or unit chairs/program directors, faculty, students, and academic staff.

4. Faculty

The Board of Trustees authorizes the establishment of faculty governance. Faculty have primary responsibility for curriculum, instructional methodologies, and academic standards. Educational practices must conform to the policies of the Board of Trustees, as well as the rules and regulations of the New York State Education Department, the Middle States Commission on Higher Education and any other accrediting body having jurisdiction over a particular School, College or degree granting program, and shall be subject to the final determination of the President, Provost, and/or Board of Trustees as appropriate. Faculty must also adhere to the Constituent School's long-range academic plans. Faculty are expected to participate, as appropriate by rank, in:

- i. Implementation of the University's general education policy and goals together with the appropriate curriculum and procedures of student instruction.
- ii. Development of recommendations as to long-range academic plans.
- iii. Development of budgetary recommendations to the Administration and Board of Trustees.
- iv. Election and term of faculty representatives.
- v. Description of the faculty committee structure, if any.
- vi. Procedures for regular review, update, and amendment of the faculty bylaws.
- vii. Faculty appointments, reappointments, decision not to reappoint, promotions, the granting of tenure, dismissal and the development of standards for promotion and appointments.
- viii. Development of recommendations of requirements for each faculty rank and its criteria for promotion in rank.
- ix. Faculty participation in the evaluation and selection of the Dean.
- x. Faculty participation in decision-making concerning existing or prospective physical resources.
- xi. Provisions for the dissemination of information to all faculty members.
- xii. Documentation of all faculty deliberations and communication of recommendations to the Provost

C. School By-Laws

The Dean and faculty of each of the Constituent Schools are required to develop and maintain bylaws describing the organization and parliamentary

function of the School's faculty governance, including a definition of its membership and quorum, the function and operations of standing committees, and the method of election to these committees. The Dean of each School is responsible for leading this effort and conveying the resulting draft of the bylaws to the Office of the General Counsel to ensure consistency with the Board of Trustees' bylaws and the University's charter. Once the draft has been approved by the Office of the General Counsel, the Dean will convey the draft to the Provost for review and consideration for approval on behalf of the President.

The bylaws of each Constituent School must address:

- Goals and curriculum framework for general and/or graduate education
- Long-range academic planning
- Procedures for regular review, update, and amendment of the bylaws
- Provisions for the dissemination of information to all faculty members

D. The Faculty Council

The Faculty Council is the representative body of the faculty of the University. The Faculty Council may discuss and vote to provide advice and recommendations to the President, the Provost, and the Board of Trustees on governance issues of importance to the University. The Council shall:

- a. Make recommendations about prioritizing the various issues facing the faculty of the University;
 - b. Invite College/School and Council subcommittees to report to the Council annually;
 - c. Suggest modifications of a subcommittee's report to the Council (but may not prevent the presentation of a report to the Council);
 - d. Make recommendations to the Speaker of the Council for confirmation or modification
 - e. Counsel the Provost/President on Dean appointments and on Search Committees;
 - f. Develop the Council agenda as agreed upon by the Faculty Council Executive Committee, in consultation with the Representatives and other members of the faculty;
 - g. Meet at least once each Semester.
1. Representatives
 - a. The Faculty Council, the governing body of the faculty of the University, shall consist of representatives apportioned to the schools in proportion to

the size of their respective full-time faculty bodies. Each faculty body shall , have one Representative for every 15 faculty members, rounded up or down to the nearest full number. Each faculty body shall have at least one Representative, but no faculty body shall have more than five Representatives.

- b. All members of each School's full-time faculty, both tenure system and contract, regardless of rank, are eligible to serve on the Faculty Council and vote for Faculty Council Representatives.
- c. For the purposes of voting for and serving on the Faculty Council, a faculty member with a joint appointment will vote in the School or College of her/his primary appointment.
- d. Each School will hold elections of Faculty Council Representatives in late spring so that the new Faculty Council will be in place in September.
- e. Faculty Council Representatives are responsible for promoting discussion in and giving feedback to their School's faculty regarding the Faculty Council's discussions and decisions.
- f. Each Faculty Council Representative will serve a three-year term. A Faculty Council Representative who leaves before the end of his/her term, will be replaced by an Alternate before the next regularly scheduled Faculty Council meeting.

2. Alternates

Each School's faculty may elect an Alternate Representative to stand in for any elected Representative who is unable to attend a Faculty Council or subcommittee meeting, and upon prior notice by the elected Representative who will be absent to the Secretary of the Faculty Council, Alternate Representatives may vote on any matter pending before the Faculty Council or subcommittee, but they may not vote or serve on subcommittees.

3. Officers

- a. The Faculty Council will elect the following officers: Speaker, Vice Speaker, Secretary, and Parliamentarian. Election of officers will be held at the beginning of the academic year after the Faculty Council has been formed. The Secretary, who must be the first Officer elected, will be responsible for conducting the election for the remaining Officers. Officers will be elected by a majority vote of entire Faculty Council membership.

- b. The Speaker is the principal Executive Officer of the Faculty Council. He/she will convene and conduct meetings of the Faculty Council and perform such duties as the Faculty Council requests. The Speaker will serve a one-year term.
- c. The Vice-Speaker will assist the Speaker and perform the Speaker's duties in the Speaker's absence. She/he will prepare the minutes of the Faculty Council Executive Committee and submit them to the Secretary. The Vice Speaker will serve a one-year term.
- d. The Secretary is responsible for taking minutes of the Faculty Council meetings, maintaining a file of all resolutions adopted by the Faculty Council, and conducting the election of officers at the beginning of each academic year. The Secretary will maintain a file of the minutes of the Faculty Council Executive Committee meetings submitted by the Vice-Speaker. The Secretary will serve a one-year term.
- e. The Parliamentarian is responsible for the conduct of the Faculty Council. Robert's Rules of Order, Revised, will be used to provide guidance for protocols and procedures at all Faculty Council meetings. Because the Parliamentarian holds special parliamentary knowledge/skill, he/she will serve a three-year term. The Executive Committee may remove the Parliamentarian by majority vote if there is concern about performance during the three-year term.

4. Committees

- a. The Executive Committee
 - i. The Executive Committee of the Faculty Council consists of the Speaker, Vice-Speaker, and one Faculty Council Representative from each School not already represented by the Speaker or Vice-Speaker. Each School's faculty will designate its Executive Committee member, in accordance with its policies.
 - ii. The Executive Committee solicits Faculty Council meeting agenda items (issues needing Faculty Council attention) from Faculty Council Representatives, makes recommendations to the Speaker, reviews the agenda and proceedings and ensures that agenda items from all participating Schools are represented. The Executive Committee will meet at least twice each semester, or more often as needed, at the discretion of the Speaker (or at the request of Executive Committee members).

- iii. Written notice of each Executive Committee meeting will be given at least seven (7) days before the meeting. The notice may be delivered electronically and must include the date, time, and location of the meeting.

b. Ad Hoc Committees

The Faculty Council may establish and dissolve ad hoc committees as necessary from time to time. Such committees will report to the Faculty Council at the Speaker's request.

5. Faculty Council Meetings

- a. Frequency: The Faculty Council will meet at least once per semester. The Speaker may call additional meetings of the Council at her/his discretion. The Speaker is required to call a meeting that will take place within fourteen (14) business days of a request by the Provost, a majority of the Faculty Council Executive Committee, or a petition signed by ten (10) Faculty Council Representatives.
- b. Notice: Written notice of each regular Faculty Council meeting, stating the date, time and place of the meeting, must be distributed electronically at least ten (10) business days before the meeting. Notices of special meetings will identify the person(s) calling the meeting and state the purpose of the meeting.
- c. Rules:
 - i. Meetings of the Faculty Council shall be conducted by the Speaker or, in his/her absence, by the Vice-Speaker.
 - ii. Robert's Rules of Order will provide guidance for protocols and procedures at meetings, except as otherwise noted in this Faculty Handbook.
 - iii. Meetings will be conducted in an atmosphere of cooperation, transparency, and mutual respect.
 - iv. Representatives of the Faculty Council may go into Executive Session to discuss confidential matters.
 - v. Representatives may share with their respective faculties general information about issues discussed and the general tenor of the Faculty Council discussions but shall not attribute particular statements to specific individuals.
- d. Minutes: At every meeting, minutes shall be taken to memorialize topics of discussion, motions made, and actions approved. Minutes of all Faculty

Council meetings shall be distributed to the President, the Provost, the Deans, and all Faculty Council Representatives, and shall be made available to all faculty and students on the Faculty Council website.

- e. Quorum: A quorum is required for all action items. A quorum is a simple majority of the entire Faculty Council membership. Voting is by a show of hands. However, if at least two Faculty Council Representatives request a secret ballot, voting will be by written ballot. A motion will carry if it passes by a majority of those present.

E. The Faculty Review Committee

1. Composition of the Committee

- a. The Faculty Review Committee is an elected, standing committee of the Faculty Council whose function is to hear appeals in certain cases as set forth in paragraphs 2 and 3 below. The Faculty Review Committee is composed of a rotating membership of five tenured faculty members, and three tenured alternates, all elected by the Faculty Council at its last meeting of the academic year.
- b. Faculty Review Committee members serve specific and staggered terms. Elections will be held in May for the following year(s) and all newly elected members will serve two-year terms.
- c. The term year begins and ends June 30 for Committee membership, except that the prior year's committee will continue to function for appeals that are already in progress.
- d. Members of the Faculty Review Committee may run for and be elected to a maximum of two consecutive terms. In the first week of the academic year, the Committee will elect a chair for the year to come.
- e. Alternates will be called to serve in order by the highest number of votes, as needed, under the following conditions: (i) a Committee member becomes unable to serve due to illness, a leave, retirement, change of appointment, or any other issue which affects a full year of service; (ii) a Committee member serves in the same department or unit as the Appellant or has a conflict of interest, requiring the member to recuse him or herself from the hearing, or (iii) the Appellant exercises

the right of peremptory challenge(s).

2. Appeals to the Committee

a. The Provost will convene the Faculty Review Committee within 30 days of a request by an affected faculty member (the "Appellant") for an appeal specifically provided for by this Faculty Handbook, unless (i) the Appellant requests an adjournment (see paragraph e, below), or (ii) an Appellant's appeal is made 30 days or less before June 30 of such year, in which case the Provost will convene the Faculty Review Committee within 30 days of the first day of classes of the immediately following academic year. The Provost will inform the Appellant of the composition of the Committee.

b. The Appellant may exercise up to two peremptory challenges of the Committee's membership in which case the Alternate next in line will serve. The Appellant must exercise such peremptory challenges, if any, within 21 days of being informed of the composition of the Committee by the Provost.

c. Hearings will be closed to the public.

d. The Appellant may bring to the hearing an advisor and/or counsel of his/her choice and at his/her expense. The Provost may select an individual of his/her choosing (including an attorney) to represent the Administration. If the Appellant chooses to have counsel present, the Administration will be represented by an attorney assigned by the University's Office of General Counsel.

e. The Faculty Review Committee may grant adjournments so that either party can prepare for the hearing. At the hearing the parties may present witnesses, documents and any other relevant evidence. The Appellant and the University Administration may question and cross-examine all witnesses.

f. The Appellant may waive a hearing or may respond to any or all of the issues in writing before the hearing. If the Appellant waives the hearing, the University may provide a written statement and provide such documentary evidence as it sees fit, and the Faculty Review Committee will evaluate all available evidence and provide its written recommendation to the Provost on behalf of the President.

g. The Faculty Review Committee, with the consent of the parties concerned, may hold joint pre-hearing meetings with the parties in

order to simplify the issues, effect stipulations of facts, and achieve such other pre-hearing objectives as shall make the hearing fair, effective, and expeditious.

h. The Faculty Review Committee is not bound by strict rules of evidence and may admit and consider any evidence which it deems of probative value.

i. In every case brought before the Faculty Review Committee the University has the burden of establishing the adequacy of cause.

j. Any findings or recommendations will be based solely on the hearing record, and such recommendations will be made by majority vote of the Faculty Review Committee.

k. A verbatim record of the hearing will be taken, and a transcript will be provided to the Appellant, without cost, upon request.

l. The parties will maintain confidentiality and avoid public comments or disclosure of the proceedings to third parties except as provided for in this Handbook.

3. Additional Procedures for Cases of Termination of a Faculty Member

a. A faculty member facing termination mid-contract who in the determination of the Provost poses a risk of harm to himself or herself and/or to others will be suspended during the pendency of the hearing, with a maximum of six (6) months' pay. The Faculty Review Committee will continue its consideration of the case during any suspension. A faculty member facing termination mid-contract who has, in the determination of the Provost, abandoned her/his position or has ceased appearing for classes or his/her responsibilities, will be suspended without pay during the pendency of the hearing.

b. If the Faculty Review Committee recommends an academic penalty less than dismissal, it will report this to the Provost with supporting reasons (the "Report"). The Provost will submit the Report, along with her/his recommendation to the President. If the President, in his/her discretion, rejects the recommendations in the Report, s/he will state the reasons for doing so, in writing, to the Faculty Review Committee and to the Appellant. The decision of the President regarding termination of employment shall be final.

c. With the exception of dismissal or sanctions related to moral

turpitude or abandonment of position, the University will provide the terminated faculty member with one year's annual salary as severance pay.

III. FACULTY POLICIES

A. Faculty Appointments

1. Appointments

a. The faculty of the University includes:

- o Tenured faculty
- o Tenure-track faculty
- o Faculty not on the tenure track, including:
 - Full-time, non-tenure-track faculty
 - Research faculty
 - Clinical faculty
 - Visiting faculty
 - Adjunct faculty

b. Faculty Appointments are made by the Provost on behalf of the President. The academic department or unit to which the faculty member would be primarily appointed will be indicated. Secondary appointments are permissible, but each faculty member must have a primary academic department or unit of appointment. Tenured and tenure-track faculty members are expected to fulfill their service obligations in their primary departments or units. In some cases, service in the secondary department or unit may be necessary, but the Deans of both departments or units should exercise care that faculty are not disadvantaged by the demands of such service in two units. This is of special concern for tenure-track faculty.

c. The President may propose persons of significant achievement for appointments as University Professors to any academic department or unit in the University. A University Professor will report to the Provost and may teach at any academic department or unit of the University after discussions with the dean and the head of that department or unit and the approval of the Provost.

2. Letters of Appointment

a. Letters of Appointment will be provided to faculty members and will

include rank, salary, course load, and general duties. The letters will also specify the length of time and termination date of the appointment. Tenure-track faculty members will be advised in writing at the time of their initial appointment of the substantive requirements and criteria generally employed in decisions affecting renewal and tenure. (See Section III.B for further details)

- b. Faculty appointments are usually made after consultation with faculty in the academic department(s) or unit(s) involved, according to procedures developed by those units in their bylaws and approved by the Provost on behalf of the President.
- c. For any faculty member receiving research funds or research support (including summer research support, start-up funds, or private funds), those awards will be outlined in letters of appointment. Research accounts will be set up for each faculty member receiving those funds by the Director of Academic Finance and Budgeting in the Office of Academic Affairs who will assist the faculty members to access those funds.

B. Tenured and Tenure-Track Appointments

1. Initial tenure-track appointments are normally for a term of two or three years, subject to renewal. Faculty members with a full-time, tenure-track appointment will be informed, in writing, whether their appointment will be renewed. Reappointment is not automatic, but will be based upon satisfactory progress in research, teaching, and service in the determination of the Provost. See Section III.B.5 and III.D.2.d below for further details concerning non-renewal.
2. If the appointment is to be renewed, the written notification will include tenure eligibility details.
3. Faculty members with multi-year, tenure-track appointments will be subject to annual review by tenured members of their respective academic departments or units.
4. Part-time tenure-track and part-time tenured positions are permitted. Any faculty member on the tenure track or holding a tenured appointment may request a part-time appointment. A part-time tenured or tenure-track appointment can be granted only with the approval of the Provost and the Dean of the respective academic unit, and after consultation with the Office of Human Resources regarding pro rata benefits. If part-time status is granted, the Letter of Appointment will state the

proportionate reduction of salary and teaching load and any reduction of service on faculty committees and/or other faculty duties. If relevant, the time for tenure consideration will be lengthened for tenure-track faculty.

5. Non-renewal of Tenure-Track Appointments

Full-time tenure-track faculty members whose appointments will not be renewed should be given written notice (the "Notice") one year in advance of the termination date of the appointment. The Notice will include the factors that contributed to the non-renewal. If the Notice is given in the final year of a multi-year contract, the faculty member will be offered an additional, one-year terminal contract.

6. Appeal of Non-renewal of Tenure-Track Appointments

- a. The full-time tenure-track faculty member may appeal the decision of non-renewal within 30 days of the date of the Notice by written request to the Provost to convene the Faculty Review Committee. (See Section II.E.2 for Appeals to the Faculty Review Committee.)
- b. The only bases for an appeal are whether the non-renewal decision:
 - i. Failed to follow the process set forth in this Faculty Handbook,
 - ii. Violated academic freedom, or
 - iii. Resulted in illegal discrimination as defined by New York law.
- c. In any appeal of a decision of non-renewal, the burden of proof will rest with the faculty member (the "Appellant").
- d. The Faculty Review Committee will confine its review to the three criteria listed above and will not substitute its judgment for that of the original decision-maker, nor otherwise opine on the merits of the case.
- e. If the Faculty Review Committee concludes that the decision failed to follow the process set forth in this Handbook, violated academic freedom, or resulted in illegal discrimination as defined by New York law, the Committee will report its recommendations to the Provost. The Provost will communicate the Committee's conclusion and recommendation to the President, who will determine, in his/her discretion, whether to accept or reject the conclusion and recommendation(s) and whether any remedial action is warranted and, if warranted, what such remedial action shall be.

C. Tenure and Tenure-Track Ranks and Promotion

1. Academic ranks for tenured and tenure-track faculty members at the University are:
 - Assistant Professor
 - Associate Professor
 - Professor
2. Requirements for Rank and Promotion
 - a. The Dean of each academic department or unit of a School or College will provide written requirements for faculty rank, normal time for service in each rank, and criteria for promotion in rank ("Requirements for Rank and Promotion") to the Provost for review and approval. These Requirements will be formulated with the participation of the academic department's or unit's faculty and will be reevaluated periodically.
 - b. If approved by the Provost, the Requirements for Rank and Promotion will be circulated among all members of the faculty of that Academic Unit. Tenure-track faculty will be evaluated for reappointment and tenure under the relevant standards in effect on the date of their initial appointment. Tenured faculty must satisfy the Requirements for Rank and Promotion that are in effect at the time they are recommended for promotion.
 - c. The academic department, unit, and/or division, together with the Dean of the Academic Unit, will make recommendations for promotion to the Provost, based on the relevant Requirements for Rank and Promotion in each case.
 - d. The Provost will exercise independent judgment and either accept or reject the recommendation. A faculty member who is denied promotion or has not received timely consideration for promotion by the Academic Unit may appeal to the Provost for re-consideration. The decision of the Provost is final, and if the appeal to the Provost is unsuccessful, no additional appeal of a promotion decision by such faculty member may be made for at least two years.

D. Faculty Tenure and Review

1. Eligibility
 - a. The rank of Associate Professor or Professor is a prerequisite or co-requisite for obtaining tenure.

- b. Normally, tenure-track faculty members who are in their sixth year of appointment are eligible for tenure consideration.
- c. A tenure-track faculty member may apply for and be presented for early tenure consideration if the academic department or unit in which the faculty member has his/her basic appointment believes the faculty member has met its criteria for tenure.
- d. Leaves of absence, other than the privilege of a pre-tenure sabbatical leave, do not count toward tenure unless otherwise provided in the letter granting the leave.
- e. Resignation by a faculty member of his/her employment automatically resigns such faculty member's tenure with the University.

2. Review

- a. Each Academic Unit will provide for faculty participation in the formulation and continual reevaluation of the requirements and criteria for the granting of tenure ("Tenure Requirements").
- b. The Tenure Requirements will then be circulated among all members of the faculty of that Academic Unit and take effect if and when approved by the Provost on behalf of the President.
- c. Periodically, the Academic Units will review their respective Tenure Requirements and notify the Provost of any proposed changes for consideration and approval (or non-approval) by the Provost. In the absence of Tenure Requirements by any particular Academic Unit, the requirements and criteria for tenure shall be based upon the faculty member's research, teaching, and service in the determination of the Provost.
- d. Faculty will be evaluated for reappointment and tenure under the Tenure Requirements in effect at the time of their initial appointment. In addition to the faculty member's satisfaction of the Tenure Requirements, the Provost will also take into consideration the academic, enrollment, and financial needs and circumstances at the University and academic unit/department levels, as well as any of the reasons for termination of a tenured faculty member set out in Section III.H.4. a, b, c, or d.

- e. A preliminary review is an important precursor to the review for tenure. Typically, it is conducted during the third year of appointment, after two-and-a half years in the tenure-track position. This preliminary review should precede every tenure review, even if the faculty member has been granted credit-in-rank from a prior faculty position. Should the faculty member have been granted an extension to the tenure track, after consultation with and approval by the Provost, the third-year review will be delayed accordingly. Research leaves do not result in such extensions or delays, and so do not impact the timing of the third-year review.
- f. The final tenure review will normally take place in the sixth year of appointment in accordance with the academic department or unit's approved Tenure Requirements. The academic unit in which the faculty member has his or her primary appointment shall make a recommendation for the granting or denial of tenure, based on the following:
 - i. The recommendations of the department, unit, and/or the division to the Dean, and
 - ii. the Dean's recommendation to the Provost.
- g. The Provost, on behalf of the President, shall exercise independent judgment and either accept or reject the recommendation. The Provost's decision on behalf of the President shall be subject to approval by the Board of Trustees.
- h. The Provost shall notify the faculty member, in writing, of the decision.

3. Denial of Tenure

A faculty member who is denied tenure may appeal that decision by making a written request to the Provost for a hearing before the Faculty Review Committee within 30 days of the date of the notice of denial of tenure. The same procedures and standards as set forth in Section III.B.6 shall apply to an appeal of a denial of tenure.

A tenure-track faculty member who is denied tenure will be offered an additional, one-year terminal contract.

4. Post-Tenure Review

- a. The University has instituted a post-tenure review policy to encourage and assist all faculty in their professional growth and to contribute to the University's mission of academic excellence in learning, teaching

- and research. Post-tenure review is intended to enhance each faculty member's professional development by periodically reviewing his or her recent and proposed academic pursuits, working collaboratively to support these pursuits, and determining ways to best match the faculty member's academic interests with the research and instructional needs of the academic department or unit.
- b. Post-tenure reviews are not intended to reexamine the scholarly or academic merits of the individual faculty member. That assessment was made at the time of the tenure decision and in connection with pre- and post-tenure promotions. Instead, post-tenure review provides an opportunity for individual faculty members, the academic department or unit to compare the current academic interests of each faculty member with the needs of the department and unit as influenced from time to time by shifts in academic scholarship. Post-tenure review presents an opportunity to make constructive suggestions in the best interest of both the faculty and academic department or unit. The University believes that the combination of tenured appointments, promotion reviews and post-tenure reviews will maximize the opportunity to strengthen the professional growth of the faculty member and further the scholarly mission of the University, ultimately leading to greater faculty satisfaction and productivity.
 - c. **Post-Tenure Review Process**
 - i. Each Fall, the Dean of each School or College will send the Provost a list of the tenured faculty members who have not had a post-tenure review or been evaluated for promotion during the prior five years.
 - ii. The Dean of the School or College will notify such faculty members of the date and time of their review.
 - iii. Reviews of faculty members who are on leave will either be deferred until their return from leave, or, at their request and with the Provost's approval, the post-tenure review may be advanced to the year prior to the leave.
 - iv. If faculty members are considered for promotion in the same year that they are eligible for post-tenure review, then the promotion evaluation will take precedence and the faculty member will not be eligible for post-tenure review for another five years.

- v. The review will take place in a meeting between the faculty member and the head of the academic department or unit. Prior to the review, the faculty member will provide a current curriculum vitae, a written five-year plan detailing goals for teaching and research, descriptions of works in progress, presentations scheduled for the year, and any other information related to academic endeavors s/he would like to be considered (collectively, the "Material").
- vi. The parties will review the Material and examine the relationship of planned activities to the current unit or departmental needs, as determined by the chair or head of the department or unit. The parties will discuss any modifications to the five-year plan in order to further the faculty member's professional growth and to better align the plan with academic unit and/or departmental needs.
- vii. After the review, the head of the academic department or unit will prepare a Memorandum, summarizing the Material, the discussions, and any suggested modifications to the five-year plan. She/he will provide a copy of the Memorandum to the faculty member, who may, within 30 days of receipt, provide written comments. The Memorandum along with any comments provided by the faculty member will be forwarded to the Dean and the Provost and will be placed in the faculty member's personnel file.

E. Non-Tenure Track Appointments

Different titles may be used for non-tenure track faculty positions as listed here and will be reflected in their respective Letters of Appointment.

1. *First level:* Instructor or Clinical Assistant Professor

To be appointed to this rank, an individual should possess an advanced degree in the relevant area or specific, relevant professional experience. Letters of Appointment will be for a term of one or two years and may be renewed following a review of performance prior to the termination date of the appointment and after consultation with the Provost. The maximum time in rank is six years. A faculty member who is not promoted to the next rank by the end of this period will not be reappointed.

2. *Second level:* Lecturer or Clinical Associate Professor

To be appointed to this rank, an individual should have at least five years'

experience at the previous rank at Yeshiva University, substantial teaching experience elsewhere, or a substantial record of discipline-specific experience. Upon successful review and evaluation of performance, and after consultation with the Provost, the appointment may be renewed. There is no limit to the number of reappointments at this rank.

3. *Third level: Senior Lecturer or Clinical Professor*

To be appointed to this rank, an individual should generally have at least 10 years of experience in the full-time non-tenure track ranks at Yeshiva University, extensive teaching experience elsewhere, or a record of extraordinary accomplishment in the discipline. Letters of Appointment are generally for a three to five-year term, but shorter terms are appropriate if this is the first Appointment at Yeshiva University. Upon review and evaluation of performance by the Dean, the appointment may be renewed for additional terms.

4. *Research Faculty*

Research faculty have as their primary responsibility the conduct of research, and only incidental responsibility for teaching and service. Research faculty may be appointed at the ranks of Research Assistant Professor, Research Associate Professor, and Research Professor for the same terms as Clinical Assistant Professors, Clinical Associate Professors, and Clinical Professors and with the same conditions and terms for rank and reappointment.

5. *Visiting Faculty*

Visiting faculty appointments may be made by the Provost upon the recommendation of the Deans(s) of one or more Schools. A visiting faculty member will have an administrative home in one of the academic departments or units, and appointments may be made at any academic rank. The maximum term of appointment for visiting faculty is two years, which may be renewed at the discretion of the Provost.

Visiting faculty are generally either tenure-track or tenured faculty at other institutions. They may also be individuals with specific high-level applied professional experience within their discipline or field. Visiting faculty will generally be appointed at the same level as in their home institution, or as appropriate to their level of experience if they do not hold a current position at an academic institution.

6. *Adjunct Faculty*

Adjunct faculty appointments may be made by the Dean of an academic department or unit at any academic rank. Adjunct faculty will be appointed for a term of one year (or one semester) at a time. Their performance must be reviewed at least once per year before being renewed. An adjunct faculty member may be appointed by more than one School but may not teach more than four courses in an academic year or two courses in a semester. Exceptions require approval by the Dean(s) of the School(s) in which the adjunct faculty member is teaching after consultation with the Chief Human Resources Officer.

7. *Joint Appointments with External Organizations or Institutions*

The University believes that joint appointments with external organizations or institutions can benefit the students and faculty. Such appointments require a specific delineation describing in detail the division of responsibilities and effort and recommendation by the Dean for approval by the Provost.

8. *Courtesy Appointments*

In order to facilitate research, teaching, or organizational activities that cross departmental, school, or institutional lines, faculty may receive courtesy appointments to the University in order to provide recognition of effort and/or access to institutional resources otherwise unavailable to faculty. Such appointments require the approval of the relevant Dean and the Provost, and the term of such appointments as well as a clear description of expected effort will be included in the Letter of Appointment.

F. Faculty Duties

1. Yeshiva University faculty facilitate the fulfillment of the University's mission. Accordingly, full-time faculty shall dedicate their full-time attention to their University responsibilities.
2. The Deans of each School or College will establish, in consultation with their faculty, regulations defining full-time faculty duties, consistent with University standards and aligned with the needs of the School or College. The Dean will convey the draft of these regulations to the Office of the General Counsel for review. Following such review, the Dean will submit the regulations to the Provost on behalf of the President. These regulations

will be effective once they are approved by the President or the Provost on behalf of the President.

3. The Dean of each School or College may establish regulations which permit full-time faculty to accept work beyond their designated full-time duties, subject to the restrictions and other conditions set forth below.. These regulations will be effective after, and if, they are approved by the President or the Provost on behalf of the President. However, outside employment, consultations, or assignments are not permitted if they might interfere with job performance or pose a conflict of interest in the sole determination of the President or the Provost on behalf of the President. Notwithstanding any such approved regulations:
 - a. During the academic year, full-time faculty members may not devote more than 20 percent of their time to outside employment consultations or assignments without the express written approval of the Provost and after consultation with the faculty member's Dean, Director, and chair when relevant. In order to monitor compliance with this requirement, each September Deans or Directors will distribute and collect a form to faculty requesting information about outside employment, consultations or assignments. These completed forms will be collected and submitted to the Provost and inserted in the faculty member's file.
 - b. It is the faculty member's responsibility to disclose all outside employment, consultations, and assignments to the Dean and the Provost and obtain approval from them. Final judgment as to the compatibility of such activity with proper performance of a faculty member's duties for the University or any conflict of interest will rest with the Provost, who has the right to prohibit such activity at any time during employment at Yeshiva University. Approval for outside employment, consultations, or assignments may be withdrawn by the Provost at any time, if the Provost in his/her sole discretion determines that such employment, consultations, or assignments no longer meets the above requirements or if it is not in the best interests of the University.
 - c. The University encourages outside volunteer involvement in community, industry, and charitable activities, as long as the involvement does not present a conflict of interest with the University or interfere with the faculty member's University responsibilities, as may be determined by the Provost in his/her

sole discretion.

4. Advisement and Registration

- a. Faculty are expected to participate as assigned in student academic advisement and registration, including senior checkout and degree clearance. While the responsibility for course selection rests with the student, faculty advisers should be familiar with University course and degree requirements and should be able to provide accurate information and thoughtful advice. Faculty are encouraged to meet with their advisees at least once a semester to mentor on academic success and education objectives, to assist in course selection for the next term, and to assess progress toward the degree.
- b. As a courtesy and a necessary convenience for students, faculty are expected to post and keep a reasonable number of office hours, but no fewer than two hours each week during the academic year.

5. Attendance at Convocations and Commencement Exercises

Faculty are expected to attend the formal exercises of the University such as Convocations and Commencement. Faculty members should confirm to their Dean or Director that they will attend these exercises. Faculty will be assisted in the rental of caps and gowns and transportation, if practical. Deans will provide a list of faculty attending Convocations and Commencement to the Provost after each event.

G. Faculty Leave

1. Sabbatical Leave

- a. The purpose of sabbatical leave is to provide an opportunity for tenured faculty members to engage in scholarship, creative endeavors, research, and/or other academic activities that will enhance their contributions to the University.
- b. Sabbatical leave may be granted only to tenured faculty members with the rank of Associate Professor or above in every seventh year of their continuous full-time service. Leaves of absence, or extension of the tenure track do not contribute allowable credit toward the sabbatical. Eligibility for sabbatical leave is calculated from the time of initial full-time, tenure-track appointment to the faculty with a

minimum rank of Assistant Professor. Compensation during the sabbatical leave will be either at the rate of the full salary for a six-month leave or at the rate of half the annual salary for a 12-month leave. Full benefits, including medical benefits, will continue during sabbatical leave.

- c. Sabbatical leave will be granted only after consultation with and approval by the academic department or unit head and the Dean. The granting of sabbatical leave depends on the ability of the academic department or unit to arrange coverage of teaching and administrative duties usually performed by the faculty member. Final approval for sabbatical leave is required in writing from the Provost.
- d. Sabbatical leave may not be used to take a full-time paid position elsewhere. Fellowships that support scholarship or research plans during a sabbatical are permitted. At the conclusion of the leave, the faculty member shall return to Yeshiva University for a period at least equal to that of the sabbatical leave. If the faculty member fails to comply with this requirement, she/he must reimburse the University for any salary and benefits received during the sabbatical leave. This requirement will be waived only for reasons of health, disability, or other extenuating circumstances at the sole discretion of the Provost.
- e. A faculty member on a sabbatical leave whose compensation has been supported by a grant, should make efforts to continue the grant support during the sabbatical leave, particularly in instances where the leave is to be spent in research activities related to the grant. In all cases, compensation paid by Yeshiva University during sabbatical leave is the responsibility of, and is to be budgeted by, the academic department or unit in which the faculty member holds primary appointment.
- f. No compensation will be paid in lieu of taking a sabbatical leave.

2. Pre-tenure Research Leave

Tenure-track faculty members who are appointed to a second multi-year term will be eligible for a one-semester pre-tenure leave to provide for an intensive period of research and the opportunity to publish scholarly work prior to the tenure decision. The faculty member will receive full pay and benefits during this leave and must continue to work at the University for at least one semester following the leave. If the faculty member fails to comply with this requirement,

he or she must reimburse the University for any salary and benefits received during the pre-tenure leave. This requirement will be waived only for reasons of health, disability, or other extenuating circumstances at the sole discretion of the Provost.

H. Termination of Employment of Faculty Members

1. Termination by Resignation

A faculty member shall make the best effort to give notice of resignation or retirement by May 15 of the academic year in which the resignation or retirement is to take effect. Resignation or retirement automatically ends such faculty member's tenured status.

2. Early Termination or Non-Renewal of Employment of Non-Tenure Track Faculty

The early termination or non-renewal of the appointment of a faculty member who is neither tenured, nor on the tenure-track, is governed by the terms of appointment for each rank in the Non-Tenure Track Appointments section of this Handbook. There is no expectation of re-appointment of non-tenure track faculty, and they may not appeal decisions of non-renewal. The early termination of non-tenure track faculty mid-contract for failure to comply with the terms of the appointment or the duties of such faculty member, or for the reasons set out in Section III.H.4.a, b, c or d or Section III.D.2.d, shall be subject to appeal under the procedure and standard set out in Section III.B.6.

3. Early Termination or Non-Renewal of Employment of Tenure-Track Faculty

The early termination of the appointment of a faculty member who is not tenured but is on the tenure-track for failure to comply with the terms of the appointment or the duties of such faculty member, or for the reasons set out in Section III.H.4.a, b, c or d shall be subject to appeal under the procedure and standard set out in Section III.B.6.

The non-renewal of the appointment of a faculty member who is not tenured but is on the tenure-track is governed by Sections III.B.5 and III.B.6. above.

4. Termination of Employment of Tenured Faculty

A tenured faculty member cannot be removed except for cause, disability,

incompetence, financial exigency, or discontinuance of a program. The burden of proof in an appeal of such termination rests on the University.

a. Termination of Employment for Cause

- i. Grounds for dismissal for cause include incompetence, immoral character or conduct unbecoming a faculty member, neglect of duty, or personal conduct that significantly impairs fulfillment of the faculty member's institutional responsibilities.
- ii. If the Dean of a School or College, or other responsible officer of the University (the "Officer"), has information about or receives a complaint against a tenured faculty member containing allegations, which, if true, would serve as grounds for dismissal for cause, and if the Officer believes the information or complaint is substantial, the Officer will investigate further. Should the Officer determine that charges should be brought against the faculty member, the information will be forwarded to the Provost with recommendations for appropriate action. If the Provost determines, after additional investigation as deemed necessary and appropriate, that action is warranted, the Provost will provide a written Statement of Charges to the faculty member concerned.
- iii. The termination will be effective 30 days from the date of the Statement of Charges, unless, during that 30-day notice period, the faculty member makes a written request to the Provost for a hearing before the Faculty Review Committee pursuant to Section III.H.4.e. During this 30-day notice period, the faculty member may be suspended with pay only if there is a threat of immediate harm to the faculty member or others, and only after the Provost has consulted with the appropriate faculty body and the Office of the General Counsel.

b. Termination of Employment for Disability

- i. Termination of the employment of a tenured faculty member because of disability is to be based on medical or other relevant evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the

essential functions of the position. The decision to terminate will be reached only after the Dean of the faculty member's School or College and the Provost have each conducted an appropriate investigation and agree that termination is warranted. Before a written notice to terminate employment (the "Notice of Termination") is sent to the faculty member, the faculty member or his/her designated representative will be informed of the basis of the termination and given an opportunity to comment.

- ii. The termination will be effective 30 days from the date of the Notice of Termination (or such other date as the parties may agree), unless, during that 30-day notice period the faculty member (or representative) makes a written request to the Provost for a hearing before the Faculty Review Committee pursuant to Section III.H.4.e.

c. Termination of Employment for Financial Exigency

- i. When termination of the employment of a tenured faculty member is based on a genuine financial exigency at the University, the Provost on behalf on the President will inform the faculty. If the Provost anticipates that financial circumstances of the University require a reduction in tenured faculty, the Provost will confer with the Dean of the School or College and Faculty Council Representatives of each affected academic department or unit before any terminations. The head of the academic unit and Faculty Council Representatives may recommend alternatives to the termination of tenured appointments.
- ii. In the event of academic unit or department reorganization due to financial exigency that permanently eliminates faculty positions, non-tenured personnel of the academic unit or department will be terminated from the University before any tenured positions are affected and considered for termination. Terminations will be made in inverse order of rank. A tenured faculty member may be reassigned to new duties if practicable in the opinion of the Provost.
- iii. A tenured faculty member who is terminated because of financial exigency is considered to be on leave with pay for one year from termination and to be on leave without pay for one additional year.

d. Termination of Employment Due to Discontinuation of a Program

- i. Termination of tenured faculty positions may occur as a result of the formal discontinuation of a program. The decision to discontinue a program or department may be based on a variety of considerations, including, but not limited to educational need and/or enrollment. The Provost will discuss discontinuation decisions with the the Faculty Council Representatives and the Dean or Director of the academic program under consideration.
- ii. Reasonable efforts shall be made to place faculty members from discontinued programs or departments into other suitable positions at Yeshiva University. Financial considerations in addition to appropriate training for the new position will be taken into consideration. In the event no suitable position is available or that financial considerations do not support placement into a new position, the tenured faculty member who is terminated because of discontinuation of a program or department will receive compensation for one year after termination.

e. Appeal of Termination of Tenured Faculty

- i. In the appeal of termination of employment for cause, for disability, for financial exigency, or for discontinuance of a program that is brought before the Faculty Review Committee, the burden of proof rests with the University.
- ii. The Faculty Review Committee shall be limited to reaching its conclusions based solely on the same criteria and procedure as set out in Section III.B.6) and will not otherwise review or comment on the merits of the underlying decision.
- iii. If the Faculty Review Committee concludes that the decision failed to follow the process set forth in this Handbook, violated academic freedom, or resulted from illegal discrimination as defined by New York law, the Faculty Review Committee will report its conclusion to the Provost (the "Report"). The Provost will transmit the Report to the President, who will determine, in his/her discretion, whether to accept or reject the conclusions of the Report and whether any remedial action is warranted, and if warranted, what such remedial action shall be.

- iv. The process to be followed for the appeals to the Faculty Review Committee are set forth in Section III.E.1, 2, and 3.

IV. Amendments and Modifications

- A. Amendments and modifications to the Faculty Handbook require review by the Faculty Council and the approval of the Provost, the President, and the Board of Trustees. The Board of Trustees retains the authority to amend or modify this Faculty Handbook.
- B. The provisions of this Faculty Handbook may be amended, altered, or repealed as follows:
- a. The faculty of any academic department or unit may propose amendments or modifications to the Provost. The Provost will confer with the academic departments or units potentially affected by the proposal and consider the interests and concerns of such academic departments or units before making a recommendation to the President.
 - b. In the alternative, the Provost may propose amendments or modifications to the President after submitting such proposals to all academic departments and units. The Provost will forward all comments made by any academic department or unit to the President, along with the Provost's recommendation for such action as he/she deems advisable.
- C. All amendments and modifications finally approved by the Board of Trustees will be given an effective date by the Board and be included as part of the Faculty Handbook as of that date.