

UNIVERSITY ORGANIZATION AND POLICY-MAKING

6. Administrative Organization of the University

The legal powers of the University are vested in a Board of Trustees of not less than twenty five nor more than fifty members. Members can be elected by the Board to three-year terms. The Board of Education of The United Methodist Church must approve the election of trustees. The Board meets ordinarily three times a year, in the Fall, Winter, and Spring - the Winter meeting being devoted principally to the enactment of the budget for the ensuing year. An eleven member Executive Committee of the Board acts for the Board between regular meetings.

The President of the University is chief executive officer of the University. He/she is responsible for presenting information and recommendations to the Board and is charged with responsibility for the ultimate execution of the policies of the Board for operation, development, and promotion of the University. He/she represents the University, also, before the public.

The provost is appointed by the president with the approval of the Board and continues in office at the pleasure of the president. The provost is: a) is the chief academic officer of the university, second in responsibility only to the president; b) reports to the president, and has other powers and duties assigned by the president; c) is a member of the university faculty and of each department, school and college, and an *ex officio* member of each academic committee of the University; d) receives recommendations developed by the faculty and academic administrators for consideration and recommendations to the president; e) exercises the powers and duties of the president during the absence or incapacity of the president, or in case of a vacancy in that office; f) has the option of attending meetings of faculties, schools, colleges, departments, and academic committees; g) at least once during each academic year, calls a meeting of all persons holding faculty rank to discuss matters affecting the academic policies and educational offering of the University.

There are at present five vice presidents: a vice president of finance and treasurer; a vice president of development; a vice president of student services, a vice president of enrollment services, and a vice president and university counsel.

All legal representation on behalf of the University shall be undertaken by the Office of the University Counsel. Representation of faculty in accordance with the indemnification provision of the Bylaws of the Board of Trustees of American University, shall be undertaken solely by the Office of the University Counsel or its designee.

The deans of the colleges and schools report to the provost and are charged with administrative responsibility for their respective units. In certain of the larger colleges and schools, departmental or other subordinate organization exists, with department chairpersons or other academic administrators reporting to their respective deans.

By joint agreement of the University Senate and the Trustees, the University has adopted a "Tripartite Principle" affecting University organization and governance in academic affairs. In general, this principle, as elaborated in practice, attempts to define appropriate roles for faculty, students, and administrators at various levels of academic policy making. Its specific manifestations include the representation of students on faculty councils at the departmental and college or school level, and the procedures to be employed in the event of disagreements between teaching unit councils and chairpersons and deans.

The University Senate has adopted the principle of accountability of the principal University administrators by recommending that committees be employed to search for and recommend candidates for these positions and that evaluation committees review the work of these same administrators at regular intervals. The dean of the Washington College of Law is subject to these evaluation procedures.

A formal evaluation of the dean shall be conducted no less than every three years. This evaluation shall include a survey of the full-time faculty within the Washington College of Law regarding the leadership and management of the dean. This survey shall be conducted by and at the discretion of the provost.

The Committee to evaluate the dean of the Washington College of Law shall be composed of:

- Three members of the tenured faculty of the Washington College of Law elected by the Washington College of Law Rank and Tenure Committee;
- An alumnus/alumna of the Washington College of Law;
- A current law student who has completed at least two years at the Washington College of Law.

The ultimate authority for appointing and removing administrative personnel rests with the appropriate administrative officers, the president, and the Board of Trustees. The deans of the College of Arts & Sciences, Kogod School of Business, School of Public Affairs, School of International Service, Washington College of Law, School of Communication, and the University Librarian shall be appointed by the provost with the advice and consent of the full-time faculty of the college or school concerned and with the approval of the president and the Board of Trustees. Department chairs, deans, and directors within the colleges and schools shall be appointed by the dean concerned with the assistance of the teaching unit council and after the council has made a recommendation, with no appointment ordinarily to be made by the dean which is unacceptable to a majority of the members of the full-time faculty. Should the dean make such an appointment, reasons for his/her actions will be supplied to the teaching unit council or the equivalent body in the Washington College of Law. These appointments require approval of the provost.

7. Academic Policy-Making Bodies

A modern university is such a complex institution, with so many closely interrelated functions, that responsibility for the policy direction of many of them is in reality a series of shared responsibilities, some of which can be rather easily identified and lodged with a specific group and others of which cannot. Thus, it is clear that the conduct of the ongoing academic program has to be vested in the faculty and students. But it is equally clear that the deliberations of a forward-looking faculty will often result in plans which not only affect the existing educational enterprise but may also have serious implications with respect to the future nature and purpose and fiscal capabilities of the University as a whole. It is likely, therefore, that the success with which individual responsibilities are fulfilled, and the success with which an institution's goals and potentialities are achieved, will in the long run be measured by the success with which those who

share the responsibilities are able to understand their respective roles and agree on courses of action which they can all support.¹

The principal bodies and groups charged with significant responsibility in academic policy-making include the Board of Trustees, the University Senate, the Educational Policy Committees and Teaching Unit Councils of the colleges, schools, and departments, or the equivalent body in the Washington College of Law, and the committees associated with these bodies.

The University Faculty as a body does not have independent policy-making powers. It meets at least once each academic year and at other times, as appropriate, at the call of the provost to hear reports on the state of the University and to provide an opportunity for general discussion of matters of interest to the faculty.

In general terms, the roles of the policy-making bodies may be described as follows:

a. The Board of Trustees

The Board of Trustees determines the nature and directions of development of the University, formulates the policies by which the institution is governed, selects the president, and assures itself at all times that the University is functioning in accordance with these policies as an academically and fiscally sound institution dedicated to the highest possible standards. Legally and traditionally, the Board of Trustees delineates the broad outlines of the activities, including the educational activities, in which the University is to engage and endeavors to provide the resources to support them properly.

The Board has long recognized the important role of the faculty at American University. Reflecting that recognition, the Bylaws of the University state that:

Subject to the powers vested in the Board, the Executive Committee, the president and the provost, the faculty, functioning through its duly constituted entities, shall have primary responsibility for:

- instruction and academic standards;
- determination of curricula and approval of courses;
- recommendation of faculty appointments, promotions, and other faculty personnel concerns;
- recommendations for the instructional budget;
- recommendation of policies affecting student affairs.

¹Based on the conclusion reached in the Statement on Governance of Colleges and Universities (1973 Edition), a publication issued jointly by the American Association of University Professors, the American Council on Education and the Association of Governing Boards of Universities and Colleges.

The Board of Trustees of American University has approved designees for execution of contracts on behalf of the University. Only Board-approved designees are authorized to sign contracts that obligate the University; all other contracts may be ratified or adopted by the Board and the University at its sole discretion.

b. The University Senate

The University Senate formulates the academic policies and regulations and sets the general and minimum standards in accordance with which instruction is conducted throughout the University. Standing Committees include: Athletics; Computer Resources; Equity; Faculty Benefits; Faculty Development; Faculty Grievances; Faculty Hearing; Faculty Relations; Finance; General Education; Graduate Studies; International Programs and Students; Library; Physical Plant Services; Research; Student Relations; Undergraduate Admissions, Scholarships, and Financial Aid; Undergraduate Studies; and University Honors Program Advisory Board.

An Executive Committee serves to organize the work of the Senate, assign matters to committees, and prepares and presents the Senate agenda. From time to time, special committees are created either by the Senate or by its Executive Committee. Senate enactments are subject to review and approval or disapproval by the provost, the president, and the Board of Trustees. Similarly, policies and procedures pertaining to the Washington College of Law have been delegated and vested by the Board of Trustees to that College and, where appropriate, subject to review and approval or disapproval by the provost, the President, and the Board of Trustees.

c. Educational Policy Committees and Teaching Unit Councils

The Educational Policy Committees and Teaching Unit Councils of the various colleges, schools, and departments, or equivalent bodies of the Washington College of Law, develop the courses and curricula which in their judgment will enable them best to perform their missions, being limited only by the fact that they must act in conformity with policies and regulations established by the University Senate. Whether such functions are performed through a full council, a representative educational policy committee, or both is a function of both its size and its style. In either case, the body will consist of both students and faculty. The chairperson of a council will be the appropriate chairperson or dean; an Educational Policy Committee may be chaired by a faculty member. The work of either will be subject to review by the appropriate chairperson or dean. Teaching Unit Councils, or the equivalent bodies in the Washington College of Law, must, by Senate regulation, keep minutes of their meetings.

8. Washington College of Law Governance

a. Dean of the Washington College of Law

The dean of the Washington College of Law is responsible to the provost for the administration of the Washington College of Law, consistent with the provisions of this *Manual*.

b. The Faculty of the Washington College of Law

The faculty shall exercise substantial control over decanal and faculty appointments or changes in faculty status, such as reappointment, promotion, leaves of absence, and granting of

tenure. The capacity to make the pertinent decisions is maintained under the following procedures:

- the faculty (acting in general meeting or by a representative portion determined by reasonable criteria), assembled in a meeting of which suitable notice has been given, makes initial recommendations with respect to faculty appointments or changes in faculty status for submission through intermediate approving authorities to the provost;
- the faculty, individually or collectively, is consulted with respect to appointment of the dean or acting dean. Persons recommended for appointment as dean or acting dean must have received the support of the majority of the faculty;
- only in exceptional circumstances can decanal or faculty appointments or changes in faculty status as defined above be made over the expressed opposition of a majority of the faculty (acting as a whole or by a representative portion determined by reasonable criteria); and
- the faculty's judgment concerning the law school's opportunities and needs shall be given appropriate consideration as defined by ABA and AALS Standards.

c. Washington College of Law Committee on Rank and Tenure

The faculty of the Washington College of Law has delegated to the Washington College of Law Committee on Rank and Tenure responsibility for making recommendations directly to the dean of the Washington College of Law regarding the initial rank of all full-time faculty appointments above the rank of Instructor and the initial rank of part-time faculty appointments above the rank of Lecturer. The faculty also has delegated to the Committee on Rank and Tenure responsibility for recommending to the dean all faculty promotions, reappointments and appointments with tenure, and approval or disapproval of sabbatical leaves and leaves without pay.

The Committee on Rank and Tenure is composed of all tenured professors, including those on leave. A quorum of the Committee for the conduct of business consists of a majority of professors on tenure in residence. When assembled in a meeting, only professors present in person shall have the right to vote. The Chair, however, may poll the Committee in connection with an initial appointment where a determination is a matter of urgency.

d. Washington College of Law Committee on Appointments

The Committee on Appointments is composed of five faculty members and two student representatives. This Committee is responsible for the recruiting and screening of prospective faculty candidates and the recommendation of appointment actions to the faculty.

e. Washington College of Law Committee on Standards and Evaluations and Library

The Committee on Standards and Evaluations and Library is composed of five faculty members and two student representatives. This Committee is responsible for reviewing and

proposing the establishment or revision of the standards by which the law school, its faculty, students, and support staff operate and evaluate performance.

f. The Dean of Academic Affairs

The dean of academic affairs, under the direction of the provost, is authorized to act in all faculty personnel matters. The dean of academic affairs must approve all full-time faculty employment commitments in advance of the offer to the prospective faculty member. The dean of academic affairs will give due respect to, but is not bound by, the recommendations of Committee on Rank and Tenure or other faculty committees, department chairs, or deans involved in the faculty action process.

g. The University Committee on Faculty Grievances

The University Committee on Faculty Grievances is composed of seven tenured faculty members who are elected by the faculty-at-large. Persons identified as resource persons by Article V, Section A under section 50.00.00 of the Academic Regulations, deans, teaching unit chairs or division directors, and Committee on Faculty Relations members are not eligible to serve on this committee.

This Committee represents the University Senate in matters referred to it by any faculty member, faculty committee, teaching unit council, or equivalent body of the Washington College of Law, or administrative officer. The Committee is the primary instrument in University governance for faculty review of the grievances of any faculty member. It accepts the submission of a grievance on any subject relating to the faculty member's professional functioning at American University. It reviews grievances presented to it and makes recommendations for settling them, in accordance with the procedures specified in Section 19 of this Manual. The Committee's recommendations provide means for resolving differences affecting the interests and welfare of faculty members and the University.

b. Faculty Hearing Committee

The University Faculty Hearing Committee shall be composed of fifteen tenured members of the teaching faculty elected by the University faculty-at-large. Members of the Hearing Committee shall be elected for terms of three years. Individual panels are drawn from the elected members of the Committee to hear cases. The Faculty Hearing Committee is charged with hearing cases involving termination of continuous tenure appointments, or probationary or special term appointments before the end of the specified term due to incompetence, misconduct, or other cases involving major disciplinary sanctions against a faculty member. It is also used to hear cases of a formal complaint of sexual harassment or violation of research integrity. It reviews cases presented to it and makes recommendations in accordance with the procedures specified in Section 19 of this *Manual* referred to it by the provost.

9. Provisions for Handling Faculty Appointments, Reappointment, Promotion, Tenure, and Grievances

a. Washington College of Law Faculty Personnel Procedures

It is the responsibility of the dean of the Washington College of Law to prepare the

Personnel Action Forms for each faculty member and to forward them to the office of the dean of academic affairs, together with his/her recommendations and those of the Committee on Rank and Tenure. He/she is also responsible for providing to the chair of the Committee on Rank and Tenure at the beginning of each academic year and, in any event, not later than October 1, a list of all faculty concerning whom personnel actions are to be considered for the following academic year. Such actions may involve reappointment, promotion, leaves of absence, and granting of tenure.

The chair of the Committee on Rank and Tenure will in turn promptly compile a list of all faculty personnel actions under consideration and forward copies of this list to the president of the Student Bar Association inviting comments. Faculty members for whom personnel actions are under consideration must then be notified to submit appropriate documentation regarding their work, activities, and honors for review. The Committee may act through subcommittees of not less than three tenured faculty members in gathering additional information from faculty, students, alumni, and peers by means of letters, telephone calls, interviews, and class visitations.

During the month of November of each academic year, the Committee on Rank and Tenure holds a series of assembled meetings during which each faculty personnel action is deliberated.

Faculty members whose cases are considered may appear in person before the Committee either at their own or at the Committee's request. At the conclusion of each case, a vote is taken, and the position of a majority of the quorum present becomes the formal action of the Committee. The procedures of the Committee do not permit voting by proxy. The vote and other actions of the Committee are reported and recorded for the record in the written minutes of the chair and approved by the Committee.

If it appears that adverse action is to be recommended, that fact must be made known in writing to the faculty member promptly but not later than December 1. The faculty member under consideration may waive this deadline, but in no event can an adverse written communication from the Committee on Rank and Tenure be delayed beyond March 1.

The dean receives from the chair of the Committee on Rank and Tenure a memorandum explaining its recommendation for each individual considered.

If the dean disagrees with any recommendation of the Committee on Rank and Tenure, he/she shall make that fact known in writing to the chair of the Committee on Rank and Tenure, together with his/her reasons, prior to forwarding the individual Personnel Action Form to the dean of academic affairs.

b. *Review of Washington College of Law Faculty Personnel Decisions*

Formal authority for making faculty appointments rests with the provost, on advice and consent of the appropriate faculty after consultation with the dean concerned, and subject to the approval of the president and the Board of Trustees. And, in practice, the authority of the provost may be exercised by the dean of academic affairs on behalf of the Provost.

The processes of appointment, granting of tenure, promotion, termination, and grievance handling involve an array of offices and committees. Conflicts of interest involving the evaluation of individual faculty members for appointment, tenure, or promotion should be avoided wherever and whenever they might arise. The provost, deans, members of the Committee on Rank and Tenure, and all others who participate are expected to acknowledge such conflicts openly and to abstain from participation whenever such conflicts arise. In the interest of fairness, the effective principle is that no person shall have more than a single voice or vote in the evaluation of a faculty member.

The provost reviews the faculty personnel recommendations for appointment, reappointment, promotion, and tenure made by the dean of the Washington College of Law and, following this review, submits his/her recommendations to the president and the Board of Trustees for approval. In conducting this review, the provost ordinarily will concur with such recommendations, withholding his/her approval only in exceptional circumstances. This power of review resides exclusively with the provost.

The provost also reviews the recommendations of the Washington College of Law Committee on Rank and Tenure and of the dean of the Washington College of Law for sabbatical leave and for leave without pay.

The provost resolves any inconsistency in case of diverse recommendations by the Committee on Rank and Tenure and the dean of the Washington College of Law regarding faculty personnel actions. Subject to the provisions of this *Manual*, the dean of academic affairs, acting under guidelines established by the provost, acts for the University in faculty appointments. No formal commitment or offer of a contract may be made until the dean of academic affairs has approved and authorized the sending of a letter offer or has approved and signed the Faculty Personnel Action Form and the contract offer.

Faculty personnel actions originating in the Washington College of Law are not subject to review by the University Committee on Faculty Relations, except those recommended for appointment as University Professors. The University Committee on Faculty Relations is described in Section 7.d. of the *Faculty Manual* (Section II, Part I, of the Manual of Information and Procedures).