

# APPENDIX B: BYLAWS OF THE UNIVERSITY FACULTY

In this Appendix:

Bylaws of the University Faculty	1
Bylaws of the Academic Council	2

## Bylaws of the University Faculty

I. The university faculty shall meet annually at a date set by the Executive Committee of the Academic Council, at which time the president of the university shall usually present a report on the state of the university, and at which time the chair of the Academic Council shall report on the activities of the council for the previous year and on plans for the ensuing year. The university faculty shall also meet at the call of the president or the provost or upon the written request of the Executive Committee of the Academic Council or of fifty members of the faculty.

II. All powers and functions of the university faculty, insofar as their powers or functions are not exercised in the individual departments, schools, colleges, and divisions of the university, are hereby delegated to the Academic Council, to which is also delegated the power the university faculty possesses to resolve jurisdictional disputes among the various component faculties of the university.

III. These bylaws of the university faculty may be amended by a majority of those members of the faculty present at a meeting of the university faculty, provided that the text of any proposed amendment has been circulated to the members of the university faculty at least ten days prior to any such meeting.

IV. The Academic Council shall have the power to establish its own bylaws except that no amendment affecting the composition of the council shall be effective until it has been approved by the university faculty in accordance with Article III of the Bylaws of the University Faculty.

V. A. Eligibility to vote at meetings of the university faculty and in Academic Council elections shall include all tenured and tenure track members of the faculty and persons meeting all of the following criteria:

1. The individual has an appointment in at least one Duke University school, department, program, institute, or center that provides credit toward an academic degree.
  2. Said individual's primary responsibilities are directed toward the university's goals and efforts with performance of his or her role principally at the university, and in accord with criteria for full-time status as defined by the unit in which the primary appointment is held.
  3. The activity of his or her work has an obvious instructional component either in relation to the degree-granting mechanisms of the university or in relation to those individuals at the university who are undertaking further training/studies beyond graduate degree programs.
  4. There is intent of ongoing contractual relationship to the university (e.g., tenure track; repetitive contract; participation in continuing research grants; etc.); and that such relationship is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the provost for non-tenure track positions.
- B. The Academic Council is empowered to determine which faculty titles are consistent with the above criteria and which faculty are therefore eligible to vote in meetings of the university faculty and in elections to the Academic Council.
- C. Only faculty with the unmodified titles of professor, associate professor, and assistant professor, or with unique tenured titles associated with named chairs, are eligible to serve on the Academic Council. Those eligible to serve on the Academic Council are:
1. All tenured and tenure track faculty, and
  2. Those regular rank, non-tenure track faculty who are eligible to vote in Academic Council elections and who are in at least their third continuous year of service as a faculty member at Duke.

Revised 2003

## Bylaws of the Academic Council

### I. Membership of the Academic Council

#### A. The Composition of the Council

1. The Academic Council shall consist of the president, the provost of the university, and the chair of the Academic Council as members *ex officio*, and of elected members of the three divisions of the Faculty of Arts and Sciences (humanities, social sciences, and natural sciences and mathematics), of the two divisions of the School of Medicine (clinical and basic sciences), and of the other professional schools. One member of the council shall be elected for each eight members of the faculty and for any remaining fraction of four or more members of the faculty of any such division or school. However, each division or school is entitled to at least one member but to no more than ten members.
2. The term of office of elected members shall be two years. No member shall be eligible for election for more than three successive full terms.

#### B. Mode of Election

1. Nominations and elections to the Council shall be conducted by an Elections Committee consisting of three to four members of the faculty appointed by the Executive Committee of the Academic Council.
2. All nominations and elections to the Council shall be by secret ballot among all members of the university faculty defined as eligible to vote in the Bylaws of the University Faculty, Article V. The nominating ballot for each division or school shall, at the discretion of the Election Committee, either list all faculty members who are eligible to serve or list that subset of eligible faculty members who have expressed a willingness to serve. The nominating ballot shall be presented to the faculty on a date in the spring term, and shall indicate the faculty members who have already been elected for the coming academic year and those who will be on leave, or be otherwise unavailable to serve a full term. In each division or school, each faculty member entitled to vote under Article V of the Bylaws of the University Faculty may then vote by returning the relevant nominating ballot by a specified date. Each faculty member may vote for as many nominees as he or she wishes, yet the votes cast should not exceed twice the number of members to be chosen to represent the division or school. Ballots not conforming to this requirement shall be invalid.

If the number of faculty members available for nomination within a given school or division is less than or equal to three times the number of open seats for that school or division, the need for a nominating ballot is negated and the process shall proceed directly to the election ballot.

3.
  - a. Annual elections shall be so conducted that in divisions and schools entitled to elect ten members, at least one member shall be an assistant professor and at least two members shall be associate professors, if numbers in those ranks permit. Schools or Divisions entitled to elect ten members. Annual elections shall be so conducted that in divisions and schools entitled to elect ten members, no more than one member shall be from the regular rank non-tenure track faculty, except that in the Division of Clinical Sciences up to four members may be from the regular rank non tenure track faculty, and at least one member shall be a tenure track assistant professor, and at least two members shall be tenured or tenure track associate professors, if the numbers in those ranks permit. The nominating ballot shall indicate the number of persons to be nominated in each such category in order to fulfill this requirement. Each faculty member in the division or school may then vote, if entitled to do so, by a date specified, and shall vote for at least as many assistant professors as are specified on the ballot, for at least as many associate professors as are specified on the ballot, and for the total number specified for all ranks. Ballots failing to conform to these specifications shall be invalid. Rank held at the time of nomination ballot listing shall obtain throughout the election process for the purpose of achieving distribution by rank under this bylaw.
  - b. From the results of the nominating ballot in each division or school, the Elections Committee shall prepare an election ballot listing twice the number of nominees in each rank

category as there are council members to be elected in that rank category, not including alternates further to be identified. For those schools or divisions for which no nominating ballot was issued, the Elections Committee shall prepare an election ballot listing all faculty members who indicated a willingness to stand for election. In each division or school each university faculty member who is entitled to vote under Article V of the Bylaws of the University Faculty may then vote, by returning the relevant election ballot by a date further specified. Each faculty member entitled to vote may vote for as many candidates as he or she wishes, not exceeding the number of members to be chosen to represent the division by the balloting. Ballots not conforming to this requirement shall be invalid. Those nominees receiving the highest number of votes in each rank category, up through the number to be elected in such rank category, shall be declared elected, with ties resolved by lot.

4. Schools or Divisions entitled to elect fewer than ten members. When a division or school is entitled to fewer than ten members, it shall follow the mode of election prescribed in the previous paragraph except that it shall not be bound to achieve distribution by rank, except that no more than one regular rank non tenure track member may be elected from that division or school.
- C. Time of Election. Elections shall regularly be held in the spring semester, and the first regular meeting of the council in which the newly elected members shall sit shall be the first regular meeting of the academic year. Voting privileges, except for those pertaining to the election of Executive Council members, as explained in section II.B.2 of these bylaws, shall commence at this meeting.
- D. Vacancies<sup>1</sup>
1. Vacancies which may occur on the Academic Council between elections shall be filled by reference to a list of alternates developed in each division or school by the Elections Committee. Such lists shall be in descending order of numbers of votes received on the election ballot among all nominees not elected, not having declined to serve anytime during the entire two-year term, and having received at least two nominating votes. Ties on the alternate list are resolved by lot.
  2. Should an elected member of the council anticipate an absence from three or more successive meetings of the council due to sabbatical or leave of absence from the university faculty or due to disability, the chair of the Academic Council shall, at the member's request, appoint a temporary substitute for the term of the leave or the period of disability. The substitute shall be the first available alternate from the school or division which the substituted member represents. The elected member may reassume membership on the council upon termination of the sabbatical, leave of absence or disability and the alternate shall reassume his or her position as the first available alternate on the alternate list. Such requests for substitution shall be made prior to the anticipated absences. If there is no available alternate, the chair of the council may designate a temporary replacement from the same school or division.
  3. Except as provided in paragraph 2, when an elected member has resigned or been absent from three successive meetings of the council without accepted prior notice, a vacancy shall be recognized. After acceptance of the resignation or notification of the repeatedly absent member that such membership has lapsed, the vacancy shall be filled until the next election by the next available alternate on the list for that school or division. If there is no available alternate under that provision, the replacement shall be designated by the Executive Committee of the Academic Council.
- E. Meetings
1. The Academic Council shall meet monthly during the regular academic year, September through May, at dates, times, and places specified by the Executive Committee of the Academic Council. It shall meet at other times at the call of its chair or Executive Committee or upon the written request of ten of its members.
  2. A simple majority of the elected members of the Council shall constitute a quorum, except for approval of degrees in course, when the members present shall constitute a quorum.

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<sup>1</sup> Customarily, faculty members have been considered unavailable for election to the council if they expect to take a leave or sabbatical in the year following a given election. This provision concerns primarily those who need to plan for an absence subsequent to their election to the council.

3. Members of the Council shall serve in person.
4. Only elected members shall vote on matters brought before the Council with the exception that, in the case of a tie, the chair may cast the deciding vote. Voting shall ordinarily proceed by voice, but upon petition of a member of the Council or on its own authority, the Executive Committee of the Council may provide for voting by secret ballot.

## II. The Chair and the Executive Committee of the Council

### A.

1. The Academic Council shall nominate and elect by secret ballot a chair who shall serve a term of two years. The Executive Committee of the Academic Council shall appoint a five-person committee from the university faculty to nominate two persons for chair of the Academic Council. Additional nominations may be made from the floor. Any member of the university faculty who has given consent is eligible to serve as chair of the council. The new chair shall take office on July 1, and shall be elected no later than the February meeting of the council. The chair shall be an ex officio member of the Academic Council and shall not be counted as a representative of any division or school of the university. The chair shall be responsible for the appointment, direction, and supervision of the administrative and secretarial personnel of the Academic Council and for preparing and administering the council's budget.
2. In the event of a vacancy in the office of the chair, the Executive Committee of the Academic Council shall call a special election to elect a new chair to serve the balance of the preceding chair's term. Such special election shall be conducted at the earliest practicable regular or special meeting of the council. Until such special election, the vice chair of the Academic Council shall serve as acting chair.
3. No person elected as chair shall be eligible for election to more than two consecutive full or partial terms in that office.

### B.

1. The Academic Council shall elect seven of its members who, together with the chair and the faculty secretary, shall constitute the Executive Committee of the Academic Council. The seven members shall serve two-year terms, three or four members being elected each year, except as more may be needed to fill vacancies. With the exception noted in paragraph 3 below, current members of the Executive Committee shall not be eligible for re-election. Only members of the Council may serve on the Executive Committee, membership ceasing if one is not re-elected to the Council before expiration of a term on the Executive Committee.
2. The annual election of members of the Executive Committee shall be held in the spring after the election of new members of the Academic Council. The election of new Executive Committee members is the privilege of recently-elected Council members and those Council members whose terms continue into the following academic year. A few weeks prior to the election of the Executive Committee members, the Academic Council Chair shall solicit nominations from the new and continuing members, any five of whom may nominate a candidate on the condition that the candidate has agreed to stand for election. After soliciting nominations and considering the need for representation across the University, the Executive Committee shall prepare an election ballot with twice the number of nominees as open seats. The list of nominees shall be circulated to the members of the council prior to the election. A valid ballot must contain selections equal to the number of open seats.
3. In the event of a vacancy in the membership of the Executive Committee, a council member shall be chosen by the Executive Committee to serve until the next annual election. If at that time there remains an unexpired year in the term, the council shall elect, in the manner described above, a member to serve the remainder of the term. In this case, the member previously chosen by the Executive Committee shall be eligible for election to complete the term.
4. Each year, after the election of new members, the Executive Committee shall choose from its members a vice chair and a faculty secretary of the Academic Council.

- C. The Executive Committee shall serve as the committee on committees for both the council and the university faculty. The Executive Committee may set up such ad hoc committees of the council as it finds needed. Members of the committees shall be drawn principally from the members of the council and other members of the faculty, but other persons may be appointed

to such committees as the Executive Committee, in its discretion, deems advisable. The Executive Committee shall also nominate all faculty representatives on all university committees, including search committees and committees of the Board of Trustees, on which the faculty shall be accorded representation. All faculty representatives so nominated shall report to the Academic Council on their activities on these committees at the request of the Executive Committee, but in no event less frequently than once in each academic year for faculty representatives chairing such committees.

### III. Amendments

These bylaws may be amended by the vote of a majority of the entire membership of the Academic Council, provided that the text of any such amendment, without significant deletion or addition, has been circulated to the members of the Academic Council at least ten days prior to the meeting at which such vote is taken. Provided further, that, as stipulated in Article IV of the Bylaws of the University Faculty, no amendment to these bylaws affecting the composition of the membership of the council shall be effective until approved by the university faculty in accordance with the procedures specified in Article III of the Bylaws of the University Faculty.

*Amended 9/25/03, 1/24/08, 2/23/12, 10/18/12*