

# APPENDIX F: DIVINITY SCHOOL BYLAWS

*Articles of Organization*

*Bylaws of the Faculty*

*Policies and Procedures*

*The Divinity School, Duke University*

- I. The Divinity School Community.
  - A. Membership.

The Divinity School Community consists of the faculty, all other instructors, the student body (all full-time and part-time students who are regularly enrolled in the School), and the administrative and support staff.
  - B. Mission.

The Divinity School is the center of theological inquiry and learning within Duke University. By history and indenture, it stands within the Christian tradition. Its distinctive lineage and continuing obligation is to the United Methodist Church. From its inception, and consistent with the Wesleyan tradition, Duke Divinity School has been ecumenical in aspiration, teaching, and practice, as well as in its faculty and student body. The principal purpose of The Divinity School is graduate professional education for the various ministries of the Church. A significant component of this purpose is research and publication in the theological disciplines for the worldwide Church and for the academy.
  
- II. The Divinity School Council.
  - A. Membership of the Divinity School Council.

The Divinity School Council is composed of the faculty and the administrative staff.
  - B. Responsibilities of the Divinity School Council.
    1. The Council determines matters of significance to the community life of The Divinity School.
    2. The responsibilities of the Divinity School Council include advising on:
      - a. the yearly calendar;
      - b. community programs and events;
      - c. student affairs, library, and academic matters.
  - C. Meetings of the Divinity School Council.
    1. Meetings of the Council are held regularly according to a schedule announced in advance for each semester.
    2. Called and chaired by the Dean; notice of time, place, and proposed agenda normally given at least one week in advance; Roberts Rules of Order provides the procedural framework.
    3. The agenda is proposed by the Dean in consultation with the Executive Committee.
  - D. Committees of the Divinity School Council.
    1. The committees of the Council may include the following:
      - a. Arts
      - b. Worship and Spirituality
      - c. Technology
    2. Membership of standing committees is recommended by the Executive Committee.
    3. Ad hoc committees of the Council may be appointed from time to time by the Dean.
  - E. Amendments.

All sections of this document except for Section III and any other policies and procedures relating directly to faculty may be amended by an affirmative vote of a majority of the Divinity School Council, so long as the changes do not contradict the University Bylaws.

- III. The Divinity School Faculty.
  - A. Membership of the Divinity School Faculty.
    1. The Faculty of the Divinity School shall be composed of the President of the University, the Provost, the Secretary, and all regular rank members of the University Faculty whose primary faculty appointment is in the Divinity School and who have been hired through the normal process outlined in V.A. below (see the University Bylaws).
    2. "Regular rank" is defined by the University Bylaws and the Academic Council Faculty Handbook as tenured and tenure-track faculty, and non-tenure track faculty who are appointed through the regular process of approval by the Dean (with the advice of the Faculty) and Provost.
    3. The titles used for primary faculty appointments in The Divinity School are:
      - a. *Regular Rank Tenured and Tenure-track* - Professor (including Assistant and Associate, here and elsewhere in this list); and tenured, named chairs.
      - b. *Regular Rank Nontenure Track* - Lecturer; Professor with qualifying terms "of the Practice of . . .," "Clinical," "Research."
    4. Other instructional staff, with Non-regular Rank, are given the title Instructor or Professor (or other titles such as Scholar, Artist, Bishop) with qualifying terms "Visiting," "Adjunct," "in Residence," and do not have a vote in the Divinity School Faculty.
  - B. Divisional Structure.
    1. Membership of Divisions.
      - a. The Faculty is organized into academic divisions for purposes of governance, oversight of the curriculum, and assessment of instructional requirements.
      - b. Four divisions are currently recognized: Biblical, Historical, Theological, and Ministerial Studies.
      - c. Regular rank faculty hold membership in one division.
    2. Chairs of Divisions.
      - a. Divisions elect their own chairs for two-year terms. Elections are held in the late Spring and the terms for chairs begin July 1. Chairs are ordinarily selected from the tenured members of the division.
      - b. The terms of the chairs of the several divisions are staggered to guarantee continuity within the Executive Committee and Committee on Faculty.
      - c. Chairs have responsibility for convening meetings of the division, overseeing the election of successors, and determining advanced standing of students (on behalf of the division and under guidelines established by the division).
    3. Responsibilities of Divisions.
      - a. Divisions exercise responsibility in assessing their own curricular and instructional needs and making recommendations to the appropriate committees (Curriculum, Academic Policies, Faculty, or Executive); for initial recommending of courses and course descriptions; for identifying the persons who teach foundational courses each semester; for recommending persons to serve in adjunctive roles when leaves, sabbaticals, or delayed appointments make staffing from within the Faculty impossible; for submitting the slate of courses for upcoming semesters; and for monitoring leaves and sabbaticals so as to minimize disruption to the academic program.
      - b. Divisions play initiating and leadership roles in searches for faculty in their area(s) and particularly in identifying and screening candidates; they meet with candidates who are brought for interviews; and they make recommendations to the Committee on Faculty concerning those interviewed.
    4. Voting in Divisions.
 

All regular rank faculty are entitled to voice and vote in the division meetings; adjunct and other related instructional appointees are invited to attend meetings with voice but not vote.
  - C. Responsibilities of the Divinity School Faculty.
    1. The Faculty of The Divinity School shall be responsible for the conduct of instruction and research in the School, functioning under the President and other officers of educational administration and subject to the regulations of the University Faculty (see University Bylaws).

2. The responsibilities of the Faculty include, but are not limited to, the determination of the following:
    - a. requirements for admission;
    - b. policies for financial aid;
    - c. curricular courses of study;
    - d. nature of degrees to be offered;
    - e. degree requirements and credit;
    - f. conduct of the instruction, including grading and academic procedures;
    - g. certification and graduation requirements;
    - h. candidates for degrees to be conferred;
    - i. continuing education program;
    - j. persons to receive academic honors and special awards;
    - k. teaching loads.
- D. Meetings of the Divinity School Faculty.
1. Plenary meetings of all regular rank faculty.
    - a. Called and chaired by the Dean.
    - b. Notice of time, place, and proposed agenda normally given at least one week in advance.
    - c. Roberts Rules of Order provides the procedural framework.
    - d. The agenda is proposed by the Dean in consultation with the Committee on Faculty.
    - e. All regular-rank faculty have voice and vote in the plenary meetings.
    - f. The Faculty meets in plenary session to discuss and vote on
      - i. all matters listed in III.C.2.(a)-(k) above;
      - ii. instructional assignments of all adjunct and courtesy title faculty, teaching assistants, and staff with instructional responsibilities.
    - g. The Faculty does not submit or receive proxy votes on matters of business, except as specified for the review process; see V.A.2.(d) and V.B.2.(c).i.f.
  2. The regular rank members of the Faculty meet occasionally as advisory to the Dean on
    - a. original appointment of all faculty and instructional positions, full-time and part-time (with faculty of the proposed rank and higher voting on the appointment);
    - b. review and reappointment of nontenure-track appointments;
    - c. recommendations for promotion of nontenure-track faculty (with faculty of the proposed rank and higher voting in each instance).
  3. The tenured members of the faculty, Associate and Full Professors (no qualifying term), meet occasionally as advisory to the Dean on appointment and promotion of faculty to the unmodified ranks of Assistant and Associate Professor and on granting of tenure.
  4. The tenured Full Professors (no qualifying term) meet occasionally as advisory to the Dean on appointment and promotion of faculty to Full Professor.
  5. Faculty Forums.  
The Faculty meets in forum for informal discussion of scholarship, research, pedagogy, and other timely and pertinent issues.
- E. Committees of the Divinity School Faculty.
1. The standing committees of the Faculty include the following:
    - a. Committee on Faculty
    - b. Academic Policies; Academic Standing
    - c. Admissions, Scholarship and Awards
    - d. Curriculum; Field Education; Library
    - e. Th.D. oversight
    - f. International Studies
    - g. Course of Study School
  2. The Committee on Faculty consists of the Dean, division chairs, and other at-large members.
  3. The list of faculty members on standing committees is appointed annually by the Dean, in consultation with the Associate Deans; terms begin on July 1.
  4. Committee membership is normally for two years with no more than two consecutive terms on the same committee.
  5. Administrative staff shall be *ex officio* members, but normally not chairs, of the committees that relate to their area(s).

6. Each standing committee of the Faculty shall make regular reports to the Faculty.
- F. Academic Freedom and Tenure
1. The Faculty of The Divinity School works within the understanding of academic freedom, academic tenure, and certain matters of due process appertaining thereto, as found in the historic agreements between the President and Faculty of the University, summarized in Appendix C of the Faculty Handbook and further delineated in III.F.2 below.
  2. Academic freedom includes the freedom and responsibility
    - a. "To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course which he or she is teaching.
    - b. "To carry on research and publish the results subject to the adequate performance of his or her other academic duties.
    - c. "To act and to speak in his capacity as a citizen without institutional censorship or discipline." (Faculty Handbook, App. C.I)

G. Amendments

1. This section ("III. The Divinity School Faculty") in its entirety shall be construed as the "Bylaws of the Divinity School Faculty."
2. These Bylaws of the Faculty and other policies and procedures relating to the Faculty (other than those taken directly from the University Bylaws or Faculty Handbook) may be amended as follows:
  - a. Any proposed amendment to these Bylaws shall be circulated to each member of the Faculty at least three weeks in advance of the vote.
  - b. An affirmative vote of two-thirds of the Faculty (as defined in III.A.1) is required to pass any Bylaw amendment.

IV. The Divinity School Executive Committee.

A. Membership.

The Executive Committee is composed of the Dean, the Associate Deans, the chairs of the four academic Divisions, the Co-Presidents of the Divinity Student Council, and other staff and faculty as determined by the Dean.

B. Responsibilities.

1. The Executive Committee is responsible for advising the Dean on internal operational oversight and institutional planning.
2. The responsibilities of the Executive Committee include:
  - a. advising the Dean on the agenda for meetings of the Council.
  - b. developing and reviewing long range institutional planning
  - c. advising the Dean on operational matters.

C. Meetings.

1. Meetings of the Executive Committee are held as needed.
2. Called and chaired by the Dean.

V. Procedures.

A. Procedures for Appointment of New Faculty.

1. Faculty appointments. (see Faculty Handbook)

All tenured regular rank faculty appointments in The Divinity School are made from the initial recommendation of the Dean (with the advice of the Faculty) by the Board of Trustees of the University or the Executive Committee of the Board of Trustees upon the recommendation of the Provost, with the approval of the President. Tenure-track and non-tenure appointments do not require Board approval.

- a. Faculty appointments may be made either with or without tenure. Appointments without tenure may be made either in a tenure-track or a nontenure-track. The terms of that appointment shall be made clear to the faculty member at the time of appointment.
- b. Tenure track positions.
  - i. These positions, when at the unmodified ranks of Assistant, Associate, or Full Professor, are normally filled by faculty with the Ph.D.
  - ii. The initial appointment to a tenure-track position without tenure in a regular rank is normally for a term of four years.

- c. Non-tenure track positions.
  - i. A regular rank (non-tenure track) position may be filled by a candidate without the Ph.D. at the rank of lecturer. When such an appointment is made as lecturer, the faculty member will not begin to accrue time toward tenure until the degree is awarded and he or she has been given a title in a professorial rank.
  - ii. Faculty who do not hold tenure-track positions will be given modified titles; see list in III.A.3.(b) & 4 above.
  - iii. Non-tenure track term appointments at the regular ranks of lecturer and modified-title Assistant, Associate, and Full Professor, and promotions of regular rank faculty not involving tenure shall be made by the Provost based on appropriate recommendations by the Dean in accordance with internal School procedures; see V.B.1.(b) below. Additional review by an advisory committee to the Provost is not required.
- 2. Search process for initial faculty appointments (see Faculty Handbook).
  - a. Initial appointments are overseen by the Committee on Faculty which makes recommendations to the Faculty about academic priorities, approves searches and descriptions for positions, typically appoints a subcommittee to undertake initial screening of applicants and nominees.
  - b. The Committee on Faculty interviews all candidates (as do other individuals and groups among the faculty and students). The committee receives recommendations from the search committee, the division, and others involved in the search process.
  - c. The Committee on Faculty then makes a recommendation to the Faculty concerning the appointment(s).
  - d. The regular faculty, having also interviewed the candidate(s) and received the Committee on Faculty's recommendation, then deliberates, and those who hold regular faculty appointments vote. Initial appointments require the internal review process outlined below (V.B.2.[c]), written secret balloting by the eligible members of the Faculty, action by the Dean in the case, and, if a positive vote, the Dean's transmission of the decisions (of the Dean and the Faculty) to the Provost.
  - e. Absentee ballots, when accompanied by a substantive statement that is read at the meeting, are accepted and recorded separately.
- B. Procedures for Review and Evaluation of Continuing Faculty.
 

Regular and systematic evaluations shall be made of the scholarship, teaching, and service (to The Divinity School and the University) of all faculty members. The schedule for evaluations varies according to the type of appointment and status of the faculty member under review. The schedule of reviews and the membership of the review committees will be recommended to the Faculty by the Committee on Faculty.

  - 1. Review of faculty on term contract.
    - a. Non-regular rank faculty.
      - i. Persons on one year appointments will be reviewed annually by the Dean. Where there have been ongoing appointments, there will be a review once every three years by a three person faculty panel who will report to the Dean, who will convey the findings and decisions about the person to the Faculty.
      - ii. Persons with adjunct appointments will be evaluated once every three years by the Curriculum Committee, which reports to the Dean; the findings and the Dean's decisions are reported to the Faculty.
    - b. Regular rank nontenure-track faculty.
 

Persons on nontenure-track term appointments of more than one year shall be evaluated in the year prior to the final year of their term, if they are being considered for reappointment. The review process includes the following steps:

      - i. The Committee on Faculty originates recommendations for reappointments and for promotions of full time faculty in regular, nontenure-track ranks.
      - ii. The Dean, in consultation with the Committee on Faculty, nominates a review committee consisting of at least three faculty members. Members of this committee must hold a position higher than Assistant Professor and must also be of equivalent or higher rank than that to which the nominee is to be reappointed or promoted.

- iii. The review committee assembles a dossier containing the candidate's CV and other relevant materials. Outside review will typically be part of first reappointment review and reviews for promotion. The Committee on Faculty determines whether outside review is appropriate in other cases of reappointment or promotion.
  - iv. Evaluation of candidates for reappointment and promotion focuses on the three components of scholarship, teaching, and service. In all three components, attention is directed not just to productivity but to evidence of intentional and continuous development. In light of the variety of nontenure-track appointments, the scholarship encouraged and affirmed will include: "scholarship of discovery," "scholarship of teaching," "scholarship of application," and "scholarship of integration" (cf. Ernest Boyer's *Scholarship Reconsidered*, 1990). In all cases, the scholarly products should be subject to peer review and publicly disseminated.
  - v. For reappointment or promotion to the rank of Assistant Professor, candidates must demonstrate good performance in all three components. Reappointment or promotion to the rank of Associate Professor assumes demonstrated continuous high-quality performance in at least one component and good performance in the remainder. Reappointment or promotion to the rank of Professor will be reserved for those demonstrating continuous high-quality performance in at least two components and good performance in the remainder. Length of service alone should not produce an expectation for promotion.
  - vi. The review committee prepares a written report assessing the candidate in light of the criteria and benchmarks for reappointment and promotion, which is delivered to the Dean and through the Dean to the Faculty.
  - vii. The Faculty discusses in confidence the report of the review committee and votes on it by secret ballot at a meeting attended by more than half of the eligible voters. Eligibility for voting is determined by the same criteria used to determine eligibility on the review committee.
  - viii. The Dean decides whether to proceed with the reappointment or promotion and forwards a recommendation to the Provost, who, upon favorable evaluation, takes it to the Board of Trustees for approval. If the Dean's decision differs from the Faculty's recommendation, she/he explains her/his reasons to the Faculty and sends a letter to the candidate informing her/him of the decision. In the case of unfavorable Faculty decision, the Dean also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable Faculty decision to the Dean.
  - ix. Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. In special cases, the Dean may approve a request from the Committee on Faculty for an interval as long as ten years for a faculty member who has undergone at least one review for reappointment at the level of Professor. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.
- c. Regular rank tenure-track faculty (see Faculty Handbook, 3/2).
- i. Annual review: Annual reviews of non-tenured regular rank faculty will be conducted by the Dean for the purpose of providing direction and advice to the faculty member regarding progress at Duke. In general, the advice of senior faculty in The Divinity School will be solicited for this review.
  - ii. Contract renewal: Renewal of the initial appointment for a second term which may extend through the end of the probationary period will be made only on the basis of a careful School review and of approval by the Dean and Provost. The purpose of this comprehensive review is to develop a judgment as to the faculty member's probable suitability for tenure at Duke. Once approval has been granted for the second term appointment, the faculty member becomes eligible to apply for a junior faculty leave.
2. Review for continuation, termination, promotion, and tenure of tenure-track faculty.

- a. Participation.
 

The tenured members of the Faculty render decisions concerning all matters of continuation, termination, promotion, and tenure.

    - i. All tenured faculty consider cases having to do with continuation, termination, tenure, and appointment to Assistant Professor and to Associate Professor with tenure.
    - ii. Tenured Full Professors consider cases having to do with promotion to that rank.
  - b. Review for academic tenure.
    - i. “Tenure at Duke University...should be reserved for those who have clearly demonstrated through their performance as scholars and teachers that their work has been widely perceived among their peers as outstanding. Persons holding the rank of Associate Professor with tenure are expected to stand in competition with the foremost persons of similar rank in similar fields. Good teaching and university service should be expected but cannot in and of themselves be sufficient grounds for tenure. The expectation of continuous intellectual development and leadership as demonstrated by published scholarship that is recognized by leading scholars at Duke and elsewhere must be an indispensable qualification for tenure at Duke University” (Faculty Handbook, 3/3).
    - ii. Persons on tenure-track term appointments will be reviewed in the year prior to the final year of their term, using the process outlined below (2.c.)
  - c. Review process.
    - i. All decisions on continuation, termination, promotion, and tenure involve the following steps:
      - (a) a meeting of the Committee on Faculty to consider the case and discuss the review process, including a calendar for the review;
      - (b) nomination by the Dean and approval by the Committee on Faculty of a review committee, typically composed of three persons all of whom are eligible to vote on the matter, with membership drawn from both within and without the candidate's field or division;
      - (c) review by the committee of the candidate's materials, following guidelines from the Provost's Office—including but not limited to an intellectual development statement, curriculum vitae, list of published work and reviews thereof, teaching evaluations, letters of reference (required for promotion and tenure) determined by the review committee, statement concerning service to church, school, and community;
      - (d) submission of a written report by the committee and consideration of that and all relevant materials in the dossier by the Faculty;
      - (e) a meeting of eligible faculty, a discussion of the candidate in detail, and a vote by secret written ballot (absentee ballots, when accompanied by a substantive statement that is read at the meeting, are accepted and recorded separately);
      - (f) a decision by the Dean, who reviews all relevant materials, makes his/her own determination in the case, registers his/her concurrence or non-concurrence with the Faculty, transmits that decision and the full dossier and the vote of the Faculty to the Provost with a substantive evaluative statement that reviews, in some detail, all the factors and the quality thereof in the case and indicates his/her concurrence or non-concurrence with the Faculty's recommendation (and in cases of tenure and promotion to the Provost's Advisory Committee on Appointment, Promotion, and Tenure, following the guidelines from the Provost's Office).
      - (g) consultation by the Dean with the Provost.
    - ii. Tenure and promotion decisions follow further protocols approved by Academic Council and established by the Provost and the Provost's Advisory Committee on Appointments, Promotion, and Tenure.
3. Peer review of tenured faculty.

- (a) The purpose of peer review of tenured faculty is to provide a means of continuing mutual support and accountability through collegial review of productive scholarship and effective teaching.
      - (b) Persons holding tenure will be reviewed approximately every seven years by a panel of three peers. A report will be made to the Dean, who will discuss the assessment with the faculty member. A copy of the report will be forwarded by the Dean to the Provost.
- 4. Annual report and evaluation of faculty.
 

The Dean will make an annual review of every faculty member as a part of a yearly report made to the Provost. The Dean may solicit an annual summary of activities from each faculty member. Any issues that merit attention will be discussed by the Dean with the particular faculty member.
- C. Review and Evaluation of Administrative and Support Staff.
  - 1. Review of the Dean.
 

A review of the Dean is made by the central administration in the year prior to the completion of his or her term of appointment.
  - 2. Review of the associate deans and administrative staff.
 

A review of the associate deans and administrative staff is made by the Dean at least every five years of the person's occupancy of the position, taking appropriate counsel from the regular faculty.
- D. Leaves of Absence.
  - 1. Leaves of absence for administrators and staff are handled according to the guidelines in the Duke Staff Handbook.
  - 2. Non-Academic leaves for all regular rank faculty, such as Family Medical Leave, Military Leave, Parental Leave, and Personal Leave, are handled according to the guidelines of the University Faculty Handbook (4.9-12).
  - 3. Academic Leaves for tenure-track and tenured faculty, such as Junior Faculty Research Leaves and Sabbaticals, are handled according to the guidelines of the University Faculty Handbook (4.6-8).
  - 4. Regular rank non-tenure-track faculty in the Divinity School (Professors of the Practice and Research Professors) are eligible for academic leaves at the same frequency and under the same guidelines as tenured regular rank faculty.
  - 5. We encourage all regular rank faculty to seek external financial support for research leave in addition to the University provision of Junior Research Leave and sabbaticals, as well as occasional roles as visiting scholar at other institutions. Such "Dean's leaves" are subject to the following guidelines.
    - a. Approval is obtained from the Dean *prior* to submitting the application. The Dean will consult with the applicant's Division Chair and the Associate Dean of Academic Programs in determining approval, considering at least the following factors:
      - (1) The length and timeliness of a leave in view of the faculty member's regular, scheduled reviews and earned sabbaticals, with adjustments for extraordinarily demanding additional duties that may have been assumed in service to the Divinity School, at the request of the Dean or Provost.
      - (2) Curricular needs of the teaching field, at both master's and doctoral levels, and wider needs of the faculty as a whole (like student and thesis advising, roles on committees, etc.).
    - b. The outside funding is paid to DDS, to use in general instructional support.
    - c. For Dean's leave a year in length, outside funding should comprise about 50% of the faculty person's total salary and benefits.
    - d. For Dean's leave a semester in length, outside funding should comprise about 25% of the faculty person's total salary and benefits.
    - e. Faculty may combine a university-guideline sabbatical of one semester with a Dean's leave of one semester in the same academic or calendar year.



- f. Faculty may also combine *either* a university-guideline sabbatical of one semester *or* a Dean’s leave of one semester with sufficient approved compensation time for prior overload teaching (or course reduction for certain administrative roles) to achieve a year-long leave.
- E. Termination Procedures
- 1. By faculty member
    - a. Resignation.
      - i. Faculty members are expected to follow the general code of ethics of American universities and should resign from the University prior to May 1 if the resignation is to become effective the following academic year; if possible, notification as early as March 1 is appreciated.
      - ii. A person wishing to resign should write a letter of resignation to the Dean with a copy to the Provost; the letter should include the date on which the appointment is to terminate.
    - b. Retirement.
      - i. Faculty members may retire with full benefits after they reach the age of sixty-five.
      - ii. Faculty members who decide to retain their position beyond the age of sixty-five should consult with the Dean concerning their expected retirement date (see Faculty Handbook, 4/9-10 for more information).
  - 2. By the university (see Faculty Handbook, Appendix N, “Ombuds and Faculty Hearing Committee”).

Document and enabling legislation passed by the Divinity School, 4/7/97; amended 09/24/07, 11/5/07, and 4/27/09 and 2/22/16.

Enabling legislation:

- 1. These articles, bylaws, and policies replace and supersede any previous statements on these topics.
- 2. These articles, bylaws, and policies go into effect 7/1/16.