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HANDBOOK OF THE FACULTY OF YESHIVA UNIVERSITY
August 13, 2018

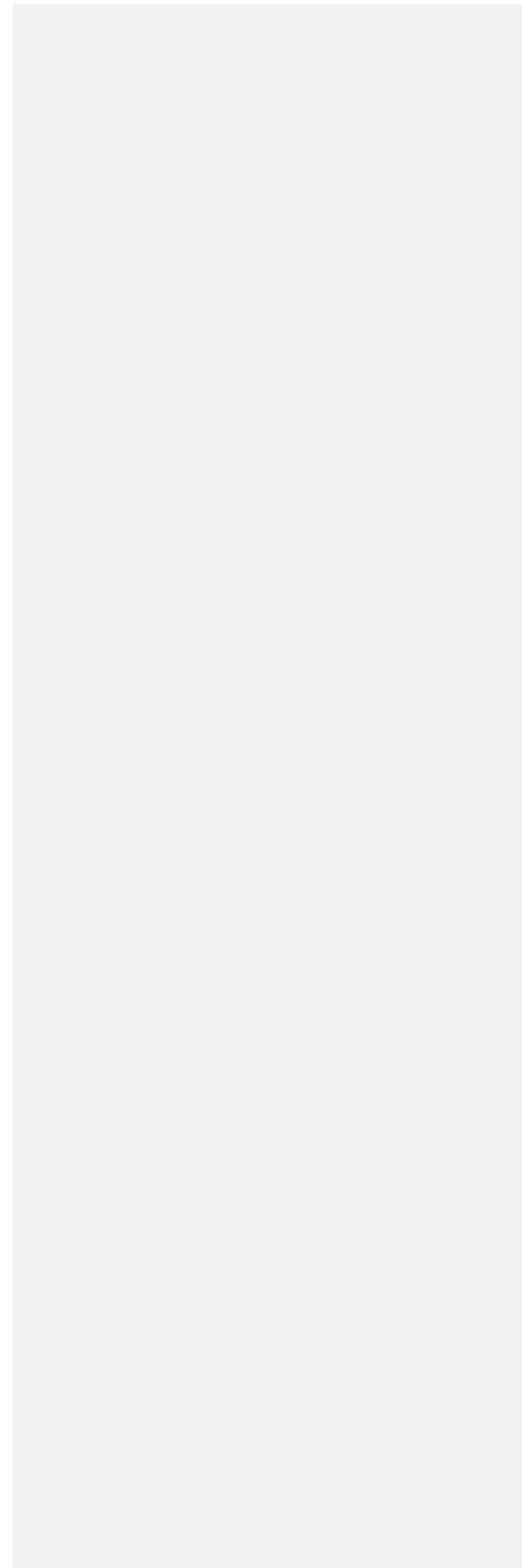


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I. STATEMENT ON ACADEMIC FREEDOM

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, [participation in public affairs](#), 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 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. Faculty must also adhere to the Constituent School's long-range academic plans. Faculty are expected to participate, as appropriate by rank, in: the appointment, reappointment, promotion, and tenure decisions of their respective Schools; implementation of the University's general education policy and goals together with the appropriate curriculum and procedures of student instruction; development of long-range academic plans; development of budgetary recommendations to the Administration and Board of Trustees; participation of all faculty members; election and term of faculty representatives; description of the faculty committee structure, if any; procedures for regular review, update, and amendment of the faculty bylaws; faculty participation in appointments, reappointments, decision not to reappoint, promotions, the granting of tenure, dismissal and the development of standards for promotion and appointments; development of requirements for each faculty rank and its criteria for promotion in rank; faculty participation in the evaluation and selection of the Dean; participation in decision-making concerning existing or prospective physical resources; provisions for the dissemination of information to all faculty members; and documentation of all deliberations and communication of recommendations to the Provost.

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C. School By-Laws

The Dean and faculty of each of the University's 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 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

1.A. The Faculty Council

The Faculty Council is the representative body of the faculty of the Manhattan Campuses

1.1. Representatives

~~The Faculty Council shall consist of two elected representatives from each Constituent School's full-time faculty. The Yeshiva University Faculty Council for Manhattan Campuses, the governing body of YU faculty, 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. From February 2012, the Council will consist of 23 full-time faculty members, as follows. This should be revisited every three years to take account of changes in faculty composition.~~

~~Yeshiva College: 83 faculty = 5 reps (1:17)~~

~~Stern College: 78 faculty = 5 reps (1:16)~~

~~Sy Syms: 26 faculty = 2 reps (1:13)~~

~~Torah Studies: 38 faculty = 2 reps (1:19)~~

~~Azrieli: 11 faculty = 1 rep (1:11)~~

~~Cardozo: 59 faculty = 4 reps (1:15)~~

~~Ferkauf: 27 faculty = 2 reps (1:13.5)~~

~~Wurzweiler: 17 faculty = 1 rep (1:17)~~

~~Revel: 10 faculty = 1 rep (1:10)~~

2.a.

2.b. All members of each School's full-time faculty, regardless of rank, are eligible to serve on the Faculty Council and vote for Faculty Council Representatives.

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2.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 his or her primary appointment.

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2.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.

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2.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.

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2.f. Each Faculty Council Representative will serve a three-year term. A Faculty Council Representative who leaves before the end of his or her term, will be replaced by an Alternate before the next regularly scheduled Faculty Council meeting.

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e.2. Alternates

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Each School's faculty may designate 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 to the Secretary of the Faculty Council, Alternate Representatives may vote on any matter pending before the Faculty Council or subcommittee. Alternate Representatives may otherwise attend meetings of the full Faculty Council, upon prior notice to the Secretary, but they may not vote or serve on subcommittees, except as a substitute.

b.3. Officers

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4.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 will be responsible for conducting the election. Officers will be elected by a majority vote of entire Council membership.

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4.b. The Speaker is the principal Executive Officer of the Faculty Council. He or she will convene and conduct meetings of the Faculty Council and perform such duties as the Council requests. The Speaker will serve a one-year term.

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4.c. The Vice-Speaker will assist the Speaker and perform the Speaker's duties in the Speaker's absence. He or she will prepare the minutes of the Faculty Council Executive Committee and submit them to the Secretary.

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The Vice Speaker will serve a one-year term.

~~4.d.~~ The Secretary is responsible for taking minutes of the Faculty Council meetings, maintaining a file of all resolutions adopted by the 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.

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~~4.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 or 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.

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~~4.~~ Committees

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~~4.a.~~ The Executive Committee

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~~4.a.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.

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~~4.a.ii.~~ The Executive Committee solicits Faculty Council meeting agenda items (issues needing Council attention) from 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).

~~4.a.iii.~~ Written notice of each Executive Committee meeting will be given at least seven days before the meeting. The notice may be delivered electronically and must include the date, time, and location of the meeting.

~~b.~~ Standing Committees

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~~4.b.i.~~ Two standing committees shall be formed: Budget and Academic Affairs. The Budget committee shall provide fac-

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ulty guidance to the Chief Financial Officer as to faculty advice and priorities for future budgets. The Academic Affairs committee shall provide faculty advice on the creation of new schools within the University and the creation of new degree programs spanning more than one school. The Academic Affairs committee shall maintain liaison with the Board of Trustees Academic Affairs committee.

e-ii. Ad Hoc Committees

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

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e-5. Faculty Council Meetings

i-a. Frequency: The Faculty Council will meet at least once per semester. The Speaker may call additional meetings of the Council at his or her discretion. The Speaker is required to call a meeting within two weeks of a request by the Provost, a majority of the Faculty Council Executive Committee, or a petition signed by 10 Council Representatives.

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ii-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 14 business days before the meeting. Notices of special meetings will identify the person(s) calling the meeting and state the purpose of the meeting.

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iii-c. Rules:

i-l. Meetings of the Faculty Council shall be conducted by the Speaker or, in his or her absence, by the Vice-Speaker.

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ii-ii. Robert's Rules of Order will provide guidance for protocols and procedures at meetings, except as otherwise noted in this Handbook.

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iii-iii. Meetings will be conducted in an atmosphere of cooperation, transparency, and mutual respect.

iv-iv. Representatives of the Faculty Council may go into Executive Session to discuss confidential matters.

v-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.

iv.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 Council Representatives, and shall be made available to all faculty and students on the Faculty Council website.

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iv.e. Quorum: A quorum is required for all action items. A quorum is a simple majority of the entire Council membership. Voting is by a show of hands. However, if at least two 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.

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iv.E. The Faculty Review Committee

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a.1. Composition of the Committee

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a. The Faculty Review Committee is an elected, standing committee of the University Faculty Council whose function is to hear appeals in certain cases as set forth in sections 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.

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b. Faculty Review Committee members serve specific and staggered terms. In the first year of election the two faculty members with the most votes will serve for two years. The three faculty members with the next highest number of votes will serve one year. The next three faculty members with the next highest number of votes will serve for one year as first, second and third alternates. After the first year, elections will be held in May for the following year(s) and all newly elected members will serve two-year terms.

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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.

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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.

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e. Alternates will be called to serve in order, as needed, under the following conditions: (1) 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; (2) a Committee member serves in the same department as the Appellant or has a conflict of interest, requiring the member to recuse him or herself from the hearing, or (3) the Appellant exercises the right of peremptory challenge(s).

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2. Appeals to the Committee

a. The Provost will convene the Faculty Review Committee within thirty days of a request for an appeal by an affected faculty member (the "Appellant"), unless the Appellant requests an adjournment (See section e, below). The Provost will inform the Appellant of the composition of the Committee.

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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.

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c. Hearings will be closed to the public.

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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.

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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.

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f. 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.

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g. The burden of proof is on the Appellant/University.

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h. Any findings or recommendations will be based solely on the hearing record, and such recommendations will be made by majority vote.

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

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

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

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A.a. Following an Appellant's request for an appeal of termination of employment, the Provost will issue a Notice of Hearing within 30 days which will state the specific issues to be considered. 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 Faculty Review Committee will evaluate all available evidence and provide its written recommendation to the Provost on behalf of the President.

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B.b. A faculty member facing termination who poses a risk of harm to him- or herself and/or to others will be suspended with a maximum of six months' pay. The Faculty Review Committee will continue its consideration of the case during any suspension.

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C.c. 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.

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D.d. With the exception of dismissal or sanctions related to moral turpitude, the University will provide the terminated faculty member with one year's annual salary as severance pay.

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III. FACULTY POLICIES

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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:

i. Full-time, non-tenure-track faculty

ii. Research faculty

iii. Clinical faculty

iv. Visiting faculty

v. Adjunct faculty

b. Faculty Appointments are made by the Provost on behalf of the President. The 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 unit of appointment. Tenured and tenure-track faculty members are expected to fulfill their service obligations in their primary units. In some cases, service in the secondary unit may be necessary, but the Deans of both 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 unit in the University. A University Professor will report to the Provost and may teach at any academic unit of the University after discussions with the head of that Academic 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 ---, below, for further details)

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B.b. Faculty appointments are usually made after consultation with faculty in the unit(s) involved, according to procedures developed by those units in their bylaws and approved by the Provost on behalf of the President.

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B.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 member's to access to those funds.

B. Tenured and Tenure-Track Appointments

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i.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. See Section --- below for further details concerning non-renewal.

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ii.2. If the appointment is to be renewed, the written notification will include tenure eligibility details.

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iii.3. Faculty members with multi-year, tenure-track appointments will be subject to annual review by tenured members of their respective departments.

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iv.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.

v.5. Non-renewal of Tenure-Track Appointments

Full-time tenure-track faculty members whose appointments will not 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.

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

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a. The 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 for Appeals to the Faculty Review Committee.)

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b. The only issues on appeal are whether the non-renewal was based on:

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i. Failure to follow the procedures of the relevant Academic Unit, or the process set forth in this Handbook,

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ii. A violation of academic freedom, or

iii. 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").

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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.

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e. If the Faculty Review Committee concludes that the decision was based on failure to follow the procedures of the relevant Academic Unit or the process set forth in this Handbook, violation of academic freedom, or discrimination as defined by New York law, the Committee will report its recommendations to the Provost. The Provost will communicate this decision to the President, who will determine, in his/her discretion, whether to accept or reject the recommendation(s) and whether any remedial action is warranted and, if warranted, what such remedial action shall be.

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C. Tenure and Tenure-Track Ranks and Promotion

2.1. Academic ranks for tenured and tenure-track faculty members at the University are:

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a. Assistant Professor

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b. Associate Professor

c. Professor

2. Requirements for Rank and Promotion

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A-a. Each Academic 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. These Requirements will be formulated with the participation of the Unit's faculty and will be reevaluated periodically.

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B-b. Once approved, 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.

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D-c. The department 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.

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I-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 is unsuccessful, no further appeal may be made for at least two years.

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I-D. 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.

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e-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 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.

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b-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

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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 re-appointments at this rank.

e-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.

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e-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.

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e-5. Visiting Faculty

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

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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.

f-6. Adjunct Faculty

Adjunct faculty appointments may be made by the Dean of an academic 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

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by more than one college, 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.

g-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.

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h-8. Courtesy Appointments

In order to facilitate research, teaching, or organizational activities that cross departmental, school, or institutional lines, faculty may receive courtesy appointments 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.

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e-E. Faculty Tenure and Review

e-1. Eligibility

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

ii-b. Normally, faculty members who are in their sixth year of appointment are eligible for tenure consideration.

iii-c. A faculty member may apply for and be presented for early tenure consideration if the academic unit in which the faculty member has his or her basic appointment believes the faculty member has met its criteria for tenure.

iv-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.

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i-2. Review

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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").

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b. The Tenure Requirements will then be circulated among all members of the faculty of that Academic Unit, and take effect when approved by the Provost on behalf of the President.

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c. Periodically, the Academic Units will review their respective Tenure Requirements and notify the Provost of any proposed changes.

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d. Faculty will be evaluated for reappointment and tenure under the Tenure and Promotion Requirements in effect at the time of their initial appointment.

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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.

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f. The final tenure review will normally take place in the sixth year of appointment in accordance with the Academic Unit's approved Tenure Requirements. Review may be delayed for reasons of parental leave or serious illness. 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:

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b-i. The recommendations of the department,

b-ii. and/or the division to the Dean,

b-iii. and the Dean's recommendation to the Provost.

b-iv. The Provost, on behalf of the President, shall exercise independent judgment and either accept or reject the recommendation.

b-v. The Provost shall notify the faculty member, in writing of the decision.

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i-3. Denial of Tenure

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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 receiving the notice of denial of tenure. See Section III.B. 5 and 6 (page -) for further details.

b.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 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 department and the 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 department. 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.

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b. Post-Tenure Review Process

- a. Each fall the head of each Academic Unit 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.
- b. The Dean of the Academic Unit will notify such faculty members of the date and time of their review.
- c. Reviews of faculty members who are on leave will either be deferred until their return from leave, or, at their request and with the

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Provost's approval, the post-tenure review may be advanced to the year prior to the leave.

d. 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.

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e. The review will take place in a meeting between the faculty member and the head of the Academic 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").

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f. The two parties will review the Material and examine the relationship of planned activities to the current unit and departmental needs, as determined by the chair of the department. 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 unit and/or departmental needs.

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g. After the review, the head of the Academic Unit will prepare a Memorandum, summarizing the Material, the discussions, and any suggested modifications to the five-year plan. S/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.

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F. Faculty Duties

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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.

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2. The Deans and Directors of each Academic Unit will establish, in consultation with their faculty, regulations defining full-time faculty duties, consistent with University standards and aligned with the needs of the Unit. The Dean will convey the draft of these regulations to the Office of the General Counsel for review. The Dean will submit the regulations to the Provost on behalf of the President. These regulations will be effective once

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they are approved by the President or the Provost on behalf of the President.

3. The Dean or Director of each unit may establish regulations which permit full-time faculty to accept work beyond their designated full-time duties. These regulations will be effective once they are approved by the President or the Provost on behalf of the President. However, outside employment is not permitted if it might interfere with job performance or pose a conflict of interest.

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a. During the academic year, full-time faculty members may not devote more than 20 percent of their time to outside consultations or assignments without the express written approval by the Provost and after consultation with the faculty member's Dean or Director. In order to monitor compliance with this requirement, each September Deans will distribute and collect a form from faculty requesting information about outside consultations or assignments. These forms will be submitted to the Provost and inserted in the faculty member's file.

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b. It is the faculty member's responsibility to disclose outside employment, consultations, and assignments to the Dean and the Provost. Final judgment as to the compatibility of such activity with proper performance of 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 may be withdrawn by the Provost at any time, if the University determines that such employment no longer meets the above requirements or if it is not in the best interests of the University.

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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.

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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

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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.

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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 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.

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G. Faculty Leave

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1. Sabbatical Leave

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- 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.

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- b. Sabbatical leave may be granted 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.

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- c. Sabbatical leave will be granted only after consultation with and approval by the department or program head and the Dean. The granting of sabbatical leave depends on the ability of the academic unit to arrange coverage of teaching and administrative duties usually performed by the faculty member. Final approval for

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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 recipient 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, he or she 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.
- e. A faculty member on sabbatical who 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 unit in which the faculty member holds primary appointment.
- f. No compensation will be paid in lieu of taking a sabbatical leave.

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e-2. Pre-tenure Research Leave

Tenure-track faculty members who are appointed to a second multiyear 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.

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e-H. Termination of Employment of Faculty Members

e-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.

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b-2. Termination of Employment of Non-Tenure Track Faculty

The termination or non-renewal of the appointment of a faculty member who is

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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.

e-3. 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 these cases rests on the Appellant.

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e-4. Termination of Employment for Cause

e-a. 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.

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e-b. If the head of an Academic Unit or other responsible officer of the University (the "Officer") has information about or receives a complaint against a 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 appropriate, that action is warranted, the Provost will provide a written Statement of Charges to the faculty member concerned.

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e-c. Final action will be taken on the charges 30 days from the date of the Statement of Charges, unless, during that time, the faculty member makes a written request to the Provost for a hearing before the Faculty Review Committee. 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 General Counsel.

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e-5. Termination of Employment for Disability

e-a. Termination of the employment of a faculty member because of

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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 head of the faculty member's academic unit and the Provost have each made appropriate investigation and agree that termination is warranted. Before a written notice to terminate employment (the "Notice of Termination") is sent, the faculty member, or his or her designated representative, will be informed of the basis of the termination and given an opportunity to comment.

6.b. Final action will be taken 30 days from the date of the Notice of Termination, unless, during that time the faculty member (or representative) has made a written request to the Provost for a hearing before the Faculty Review Committee.

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6. Termination of Employment for Financial Exigency

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a. When termination of employment is based on a genuine financial exigency at the University, the Provost on behalf of the President will inform the faculty. If the Provost anticipates that financial circumstances within the institution require a reduction in tenured faculty, the Provost will confer with the head of the academic unit and Faculty Council Representatives of each affected academic unit before any terminations. The head of the academic unit and Faculty Council Representatives may recommend alternatives to the termination of appointments.

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6.b. In the event of unit or program reorganization due to financial exigency that permanently eliminates faculty positions, non-tenured personnel of the unit will be separated from the University before any tenured positions are affected and considered for separation. Separations 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.

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6.c. A tenured faculty member who suffers loss of employment because of financial exigency is considered to be on leave with pay for one year from loss of the tenured position and without pay for one additional year.

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7. Termination of Employment Due to Discontinuation of a Program or Department

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a. Termination of tenured faculty positions may occur as a result of the formal discontinuation of a program or department of instruction. 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 representatives of the Faculty Council and the Dean or Director of the academic unit under consideration.

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b. Reasonable efforts shall be made to place faculty members from discontinued programs 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 the finances are not in place, the tenured faculty member who suffers loss of employment because of discontinuation of a program or department will receive compensation for one year from loss of the tenured position.

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A.8. Appeal of Termination of Tenured Faculty

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 ~~faculty member (the "Appellant")~~ University.

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a.

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b. The Faculty Review committee will reach its conclusions based on the same criteria as for Non-Renewal of Appointment (See Section –2 H) and will not review or comment on the underlying decision.

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c. If the Faculty Review Committee concludes that the decision was based on failure to follow the process set forth in this Handbook, violated academic freedom, or resulted from illegal discrimination as defined by New York law, the Committee will report this 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 Report and whether any remedial action is warranted, and if warranted, what such remedial action shall be.

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

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IV. Amendments and Modifications

A. The provisions of this Handbook may be amended, altered, or repealed as follows:

~~Amendments require the approval of the Provost, the President, and the Board of Trustees. The Board of Trustees retains the authority to amend or modify these policies.~~

~~The policies in this Handbook may be amended, altered or repealed, or additional policies adopted, upon review by the Faculty Council and approval by the Faculty Council, Provost, and the President. All faculty are requested to send any suggested modifications of the Handbook to the Provost.~~

~~In any matter in which a disagreement arises between the YU Faculty Council and the University, either the Council or the University may request mediation. Except as provided below, the mediation procedure used shall be the same as the mediation procedure available to individual members of the faculty and staff of the University, as provided in the statement of YU Human Resources Policies, YU Mediation Policy and Procedures, found at <https://www.yu.edu/hr/policies>. In any such matter, the Faculty Council may act only in its own capacity, and not as individual faculty members or as the representative of any individual faculty member. Neither party has the power to decline the mediation request. In the mediation process itself, the University and the Faculty Council shall act in good faith.~~

2.

a. The faculty of any academic unit may propose amendments or modifications to the Provost. The Provost will confer with the academic unit(s) potentially affected by the proposal, and consider the interests and concerns of such academic unit(s) before making a recommendation to the President.

b. The Provost may propose amendments or modifications to the President after submitting such proposals to all academic units. The Provost will forward all comments made by any academic unit to the President, along with the Provost's recommendation for such action as he or she deems advisable.

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1.C. All amendments and modifications finally approved by the Board of Trustees will be given an effective date and be included as part of the Faculty Handbook as of that date.

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