UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUQUESNE UNIVERSITY OF THE HOLY SPIRIT,

Employer,

v. **No. 06-RC-080933**

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC,

Petitioner.

EMPLOYER'S MOTION FOR BOARD TO ORDER AN EVIDENTIARY HEARING, VACATE ELECTION, AND DISMISS PETITION

COMES NOW Employer Duquesne University of the Holy Spirit (hereinafter referred to as "Duquesne" or the "University"), pursuant to this Board's Order of September 14, 2012,[1] and hereby renews its contention that this Board lacks statutory jurisdiction over Duquesne. In all the circumstances, the Board must order an evidentiary hearing, vacate the election held herein, and dismiss the instant Petition. In support, Duquesne will show as follows:

Introduction

Duquesne requests that the Board finally resolve the threshold question of whether it can properly exercise jurisdiction over Duquesne in light of the religious exemption from Board jurisdiction recognized by the Supreme Court in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979). The Regional Director, in its Order Denying Duquesne's Motion to Withdraw from a

[1] A copy of this Order is attached hereto as Exhibit "1."

Stipulated Election Agreement, essentially ignored Supreme Court precedent and relied on Duquesne's failure to challenge jurisdiction before the Board on prior occasions in support of its ruling. Because statutory jurisdiction cannot be waived, the Regional Director was required to address the merits of Duquesne's arguments regarding jurisdiction. Further, as an evidentiary hearing will demonstrate, because this Board lacks statutory jurisdiction over Duquesne, the election should be vacated, and the instant Petition should be dismissed.

Facts and Procedural Posture

On May 14, 2012, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (hereinafter referred to as the "Petitioner"), filed a petition in the above-captioned case, seeking to represent non-tenure track adjunct faculty in the McAnulty College and Graduate School of Liberal Arts. On May 25, 2012, the Regional Director approved a Stipulated Election Agreement executed by Duquesne and the Petitioner in a unit of "[a]ll part-time faculty employed by [Duquesne] in the McAnulty College and Graduate School of Liberal Arts located in Pittsburgh, Pennsylvania; excluding all full-time faculty, graduate students, staff and administrators, office clerical employees and guards, other professional employees and supervisors as defined in the Act, and all other employees." The election was conducted by mail ballot with voting commencing on June 22, 2012 and ending on July 9, 2012.

On June 14, 2012, Duquesne filed its Motion to Withdraw from the Stipulated Election Agreement and Request for Expedited Review[2] with the Regional Director. As the Acting Regional Director acknowledged, "[t]he Employer's basis for its Motion is its contention that the Employer is a 'church operated school' as defined by the Supreme Court in *NLRB v. Catholic*

[2] Duquesne's Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review is attached hereto as Exhibit "2." Duquesne sought expedited review from the Regional Director in order to have time to pursue a special appeal to the Board if the Regional Director ruled adverse to Duquesne, which it did.

Bishop of Chicago, 440 U.S. 490 (1979) and its progeny." (Order Denying Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review, p. 2.)[3] On June 18, 2012, the Acting Regional Director denied Duquesne's Motion, finding that the Board could exercise jurisdiction over Duquesne because the University had entered into an election agreement and because the Board had previously exercised jurisdiction over Duquesne in the past. Significantly, the Regional Director did not address the fact that Duquesne never contested jurisdiction in those cases.[4]

On June 19, 2012, Duquesne filed its Request for Special Permission to Appeal from the Regional Director's Order Denying Employer's Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review. On September 14, 2012, this Board issued its "Order" denying "without prejudice" Duquesne's Request for Special Permission to Appeal. In addition, this Board instructed the Regional Director to open and count the ballots[5] and held that, if Petitioner received a majority of the votes cast, Duquesne could "renew its jurisdictional contention before the Board." On September 20, 2012, the Regional Director issued his "Tally of Ballots," indicating that Petitioner received a majority of the votes cast. Accordingly, Duquesne submits the instant Motion and arguments in renewal of its contention that this Board lacks statutory jurisdiction in this matter.[6]

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[3] The Regional Director's Order Denying Duquesne's Motion to Withdraw from Stipulated Election Agreement is attached hereto as Exhibit "3."

[4] In *Duquesne University of the Holy Ghost*, 261 NLRB 587 (1982), Duquesne initially challenged the jurisdiction of the Board but later withdrew its challenge. At that time, as shown *infra* at page 9, *Catholic Bishop* was applied by the Board only to elementary and secondary schools. The Board now applies *Catholic Bishop* to all religiously affiliated schools at all levels of education.

[5] The ballots had been impounded, pending this Board's ruling on Duquesne's Request for Special Permission to Appeal.

[6] In an abundance of caution, Duquesne is also submitting "Employer's Objection to Conduct to Election" to the Regional Director.

Argument

I. Where statutory jurisdiction does not exist, neither "waiver" nor "consent" by a party can confer jurisdiction.

It is well established that the question of whether Duquesne is exempt from the National Labor Relations Act under *Catholic Bishop* is the type of jurisdictional issue that is not subject to waiver. *See, NLRB v. Cheney Cal. Lumber Co.*, 327 U.S. 385 (1946); *Local 900, Int'l Union of Elec., Radio & Machine Workers v. NLRB*, 727 F.2d 1184, 1191 n.5 (D.C. 1984) ("A court can always invalidate Board action that is patently beyond the Board's jurisdiction, even if the jurisdictional challenge was never presented to the Board"); *NLRB. v. Fed. Sec.*, 154 F.3d 751, 754 (7th Cir. 1998) (holding that a party's "contention that Congress explicitly excluded it from the Act's coverage surely is the type of jurisdictional challenge the Board agrees can never be waived."). "If the Board lacks statutory jurisdiction over a particular respondent, the respondent's failure to raise the issue does not waive it. A respondent is not Congress, and a respondent's waiver cannot confer on the Board jurisdiction which Congress has never given it." *Centex Independent Electrical Contractors Association, Inc. & Mills Electric, Inc. v. Intern. Brotherhood of Electrical Workers*, 344 N.L.R.B. 1393, 1396 (2005). For instance, in *Carroll College, Inc. v. NLRB*, 558 F.3d 568 (D.C. Cir. 2009), the United States Court of Appeals for the District of Columbia Circuit held that the Board lacked jurisdiction over the employer pursuant to *Catholic Bishop*, even though the employer raised the issue under *Catholic Bishop* for the very first time on appeal, and did not raise the issue before the Board. *Id.* at 574. The *Carroll College* court opined that the Board had no authority to order the employer to bargain with the union, and invalidated the Board's order. *Id.*

Similarly, to the extent this Board lacks statutory jurisdiction over Duquesne, such jurisdiction cannot be conferred by the consent of the parties. "Agency jurisdiction, like subject

matter in the federal courts, cannot be achieved by consent of the parties." *Plaquemines Part, Harbor and Terminal District* v. *Fed. Maritime Comm.*, 838 F.2d 536, 542 n. 3 (D.C. Cir. 1988); *see also, Inter-County Rural Electric Cooperative Corp.*, 106 N.L.R.B. 1316, 1317 (1953) (declining to assert jurisdiction even though the employer "concedes that it is engaged in commerce within the meaning of the Act and that therefore the Board could lawfully assert jurisdiction..."). Indeed, this Board's jurisprudence is replete with examples of the Board's rejecting stipulations on the grounds that the stipulations in question violated the National Labor Relations Act. *E.g., Central Cigar & Tobacco Co.*, 112 N.L.R.B. 1094, 1906 (1955) (holding that, based on the record before it, a cigarette machine service manager was a supervisor "notwithstanding the agreement of the parties to the contrary."); *F.M. Reeves & Sons, Inc.*, 114 N.L.R.B. 1243, 1243 n. 2 (1955) (holding that "a stipulation to include supervisors is in direct conflict with Section 2(11) of the Act and, therefore, is not binding.")

Member Brian Hayes recognized these bedrock legal principles in his dissent to the September 14, 2012 Order, noting that, although he "do[es] not favor releasing parties from their election agreements," the extent of the Board's jurisdiction, once challenged, must be analyzed in order "to determine whether we can do anything else." (Order, September 14, 2012, Member Hayes dissenting.) Member Hayes further recognized that, "[i]f we lack jurisdiction, then we have no power to order the Regional Director to do the things my colleagues order to be done." (*Id.*)

For example, in *The Salvation Army of Massachusetts*, 247 N.L.R.B. 413 (1980), this Board confronted a situation in which the employer, in a Stipulation for Certification Upon Consent Election, stipulated that it was engaged in "commerce" within the meaning of the NLRA and that "it met the monetary standards established by the Board for exercise of its

discretionary jurisdiction… ." After the union received a majority of votes cast, the employer objected to the election on the basis of *Catholic Bishop*, but the Acting Regional Director refused to void this stipulation on the grounds that the employer did not "proffer newly discovered or previously unavailable evidence" in support of its arguments that the stipulation should be voided. *Id.* On appeal, the Board held that "the Employer has raised the question of statutory rather than discretionary jurisdiction and, were we to find that this case involved 'teachers in church-operated schools' within the meaning of *The Catholic Bishop of Chicago*, the stipulation would be contrary to the Act, and the Board could not honor it." *Id.* Even though the Board ultimately concluded that *Catholic Bishop* did not apply in that case, it undertook an independent analysis of its jurisdiction, notwithstanding the stipulations of the parties.

Twelve years after it decided *Salvation Army*, this Board reasserted the fundamental proposition that a party cannot waive statutory jurisdiction. *Chelsea Catering Company*, 309 N.L.R.B. 822 (1992), involved "a catering business which provides catering services primarily to the airline industry." *Id.* at *1. The employer and the union entered into a Stipulated Election Agreement, and the union received the majority of votes cast. *Id.* Following the election, the employer moved to vacate the election and dismiss the petition on the basis that the employer was covered by the Railway Labor Act and that the Board lacked jurisdiction. *Id.* The union argued that the motion to vacate the election was untimely, and the Board swiftly rejected this argument, holding,

> We find no merit to the Petitioner's argument that the Board has jurisdiction over Chelsea because Chelsea submitted to the Board's jurisdiction in the Stipulated Election Agreement and that Chelsea's jurisdictional challenge was asserted in an untimely manner. Sec. 2(2) of the Act is a statutory limitation on the Board's jurisdiction which may be raised at any time.

Id. at *1 n. 2. Because the Board ultimately concluded that the employer was a "carrier" under the Railway Labor Act, the Board vacated the election and dismissed the petition. *Id.* at *1.

Thus, the Board has consistently held that neither a party's entering into a Stipulated Election Agreement nor a party's failure to raise the lack of statutory jurisdiction early in a proceeding constitutes either the party's consent to jurisdiction or a waiver of the right to object to the lack of statutory jurisdiction. Duquesne agrees with the position taken by Member Hayes in his dissent that, when the Board's statutory jurisdiction has been challenged, it is incumbent on the Board to analyze its jurisdiction before taking any other steps. It is clear from the Board's September 14, 2012 Order that, because Petitioner received a majority of the votes cast, the issue of statutory jurisdiction must finally be resolved.

II. The Regional Director erred in concluding that this Board has jurisdiction over Duquesne.

The Regional Director failed to address Duquesne's arguments on their merits. Rather, in its Order Denying Duquesne's Motion to Withdraw from the Stipulated Election Agreement, the Regional Director ruled that the Board can exercise jurisdiction over Duquesne because it exercised jurisdiction over Duquesne in *Duquesne University of the Holy Ghost*, 261 N.L.R.B. 587 (1982), as well as three other representation cases, including the instant case. The Regional Director has failed to acknowledge that jurisdiction before the Board cannot be waived. In light of Duquesne's properly contesting jurisdiction in this case well in advance of the election conducted herein, the Regional Director was obligated to address Duquesne's jurisdictional arguments rather than simply relying on prior cases in which the issue of jurisdiction was <u>not</u> before the Board.

A. The Parties' Stipulation in this matter does not foreclose examination of this Board's statutory jurisdiction.

The Board has a well-established rule that "once an election agreement has been approved, a party may withdraw therefore only upon an affirmative showing of unusual circumstances or by agreement of the parties." *First FM Joint Ventures, LLC*, 331 NLRB 238, 239 (2000) (citing *Sunnyvale Medical Center*, 241 NLRB 1156 (1979)). The Petitioner opposed Duquesne's requested withdrawal from the Stipulated Election Agreement. In its Motion, Duquesne argued that the "unusual circumstance" that should allow Duquesne to withdraw from the Stipulated Election Agreement is the inability of the Board to exercise jurisdiction over Duquesne pursuant to *Catholic Bishop*.

Although Duquesne maintains that this Board's lack of jurisdiction constitutes "unusual circumstances" that should allow Duquesne to withdraw from the Stipulated Election Agreement, such a finding is not strictly necessary for resolution of this matter. As noted above, the parties cannot confer jurisdiction where Congress has not done so. Indeed, in *The Salvation Army* and *Chelsea Catering Corp.*, this Board clearly rejected the argument that this type of stipulation could foreclose examination into the assertion of jurisdiction in a specific case.

In the case at bar, the text of the Stipulated Election Agreement itself demonstrates even more clearly than in *The Salvation Army* or *Chelsea Catering Corp.* that there has been no waiver of lack of statutory jurisdiction. In the Stipulation at issue in this case, Petitioner stipulated to facts that, in and of themselves, raise serious questions about this Board's ability to assert jurisdiction over Duquesne. Specifically, the Parties stipulated that Duquesne is "a University which provides religious and other higher education." (Stipulated Election Agreement, ¶ 2.) Thus, not only did Acting Regional Director Mark Wirick err in denying Duquesne's Motion to Withdraw from the Stipulated Election Agreement, it appears that it was

also error to approve the Stipulated Election Agreement without first analyzing the Board's statutory jurisdiction over Duquesne. The Board now has the opportunity to correct these errors by analyzing the extent of its jurisdiction over Duquesne, which requires that an evidentiary hearing be conducted to create a proper record.

B. The Board has not addressed the issue of jurisdiction over Duquesne under current Board and case precedent.

Contrary to the Regional Director's statements in the Order Denying Duquesne's Motion to Withdraw from Stipulated Election, the Board has never ruled that it can exercise jurisdiction over Duquesne under current precedent. The Regional Director cited *Duquesne University of the Holy Ghost*, 261 NLRB 587 (1982), in support of its ruling. In *Duquesne University*, Duquesne initially filed a motion to dismiss based on *Catholic Bishop* and asserted that the Board lacked jurisdiction. *Id.* at 587. Thereafter, Duquesne withdrew its motion to dismiss and indicated that it had no objection to the Board's assertion of jurisdiction in that proceeding. *Id.* The Board, in its Decision and Order, noted that Duquesne had withdrawn its contention that *Catholic Bishop* was a bar to the Board's jurisdiction. *Id.* The Board further opined in *Duquesne University* that the Board was not precluded from exercising jurisdiction over Duquesne pursuant to *Barber-Scotia College, Inc.*, 245 NLRB 406 (1979), which held that *Catholic Bishop* applied only to parochial elementary and secondary schools. *Id.*

As the Board is well-aware, the Board has since overruled *Barber-Scotia* and now considers the application of *Catholic Bishop* to educational institutions on all levels of education "on a case-by-case basis." *St. Joseph's College*, 282 NLRB 65, 68 (1986) (emphasis supplied). The Regional Director also places significant emphasis on Duquesne's not contesting jurisdiction in prior representation cases involving Duquesne. Such emphasis is grossly misplaced. Simply because Duquesne has not contested jurisdiction in previous cases does not preclude it from

raising the issue in this case. As the Board knows, the Board's precedent regarding *Catholic Bishop* has developed significantly over the years. As noted by the D.C. Circuit, the Board currently utilizes the "substantial religious character" test to determine whether it can exercise jurisdiction over colleges and universities. *Carroll College, Inc. v. NLRB*, 558 F.3d 568, 571 (D.C. Cir. 2009). Duquesne submits, as is explained in depth in its Motion to Withdraw from Stipulated Election Agreement, that it can satisfy the substantial religious character test. Additionally, Duquesne urged the Regional Director to adopt and apply the bright-line test from *University of Great Falls v. NLRB*, 278 F.3d 1335 (D.C. Cir. 2002). Under the *Great Falls* test, a university is exempt from the Board's jurisdiction if it: (1) holds itself out to students, faculty and the community as providing a religious educational environment, even if its principal academic focus is on "secular" subjects; (2) is organized as a nonprofit; and (3) is affiliated with, or owned, operated, or controlled, directly or indirectly, by a recognized religious organization, or with an entity, membership of which is determined, at least in part, with reference to religion. *Id.* at 1341-42. Duquesne also satisfies the *Great Falls* test.

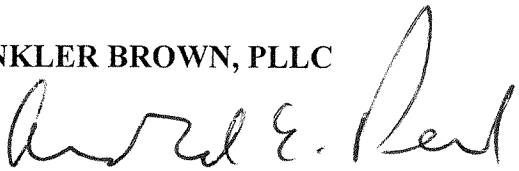
Significantly, there are two other cases pending before the Board that raise issues of statutory jurisdiction under *Catholic Bishop*. In *Saint Xavier University*, Case No. 13-RC-22025 and *Manhattan College*, Case No. 2-RC-23543, the Board has granted the employers' Requests for Review to determine whether the Board can exercise jurisdiction in light of *Catholic Bishop*. Saint Xavier and Manhattan College are both Catholic institutions. In both of these cases, evidentiary hearings were conducted to develop the proper record. In its motion before the Regional Director, Duquesne submitted an offer of proof sufficient to warrant a similar evidentiary hearing, and the University stands ready to offer additional evidence attesting to its religious identity at such a hearing.

Conclusion

For the reasons stated above, Duquesne respectfully requests that the Board remand this matter to the Regional Director for Region Six for an evidentiary hearing to develop a full and complete record regarding this Board's statutory jurisdiction over Duquesne. Duquesne further requests that, thereafter, the record in this matter be transferred directly back to this Board for decision.

Respectfully submitted,

GLANKLER BROWN, PLLC

By: 

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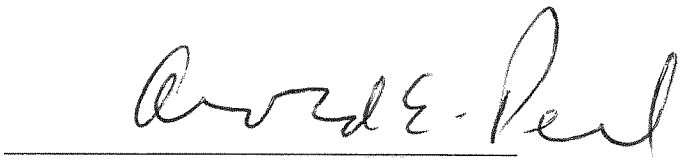
CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the foregoing was served via FedEx on the following on this 25th day of September, 2012:

Mr. Daniel Kovalik
United Steelworkers of America
5 Gateway Center, Room 807
Pittsburgh, Pennsylvania 15220-3608

Mr. Robert Chester, Regional Director
Region Six
National Labor Relations Board
William S. Moorhead Federal Building
1000 Liberty Avenue, Room 904
Pittsburgh, Pennsylvania 15222-4111



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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUQUESNE UNIVERSITY OF THE HOLY SPIRIT
Employer

and

Case 06-RC-080933

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC
Petitioner

ORDER

The Employer's request to file a Special Appeal of the Acting Regional Director's Order Denying Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review is denied without prejudice.

The Special Appeal raises issues concerning statutory jurisdiction, which may not be necessary to decide. The election in this case has been conducted and the ballots impounded. If the Petitioner did not receive a majority of the votes cast, it may not be necessary to address the Employer's contention that it is not subject to the Board's jurisdiction. Conversely, if the Union did receive a majority of the votes cast, the Employer may renew its jurisdictional contention before the Board.

Accordingly, the proceeding is remanded to the Regional Director to open and count the ballots, to serve on the parties a tally of ballots, and to take further appropriate action.

MARK GASTON PEARCE, CHAIRMAN

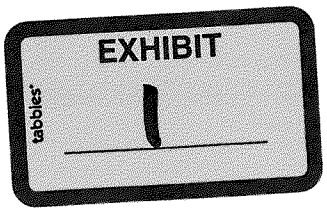
SHARON BLOCK, MEMBER

MEMBER HAYES, dissenting:

I do not favor releasing parties from their election agreements, but in this case I see no choice. The Board's jurisdiction has been challenged. We must settle that issue to determine whether we can do anything else. If we lack jurisdiction, then we have no power to order the Regional Director to do the things my colleagues order to be done. Accordingly, I dissent.

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., September 14, 2012



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

DUQUESNE UNIVERSITY OF THE HOLY SPIRIT,

Employer,

v. **No. 06-RC-080933**

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC,

Petitioner.

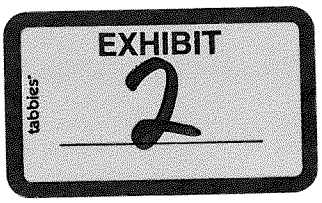
MOTION TO WITHDRAW FROM STIPULATED ELECTION AND REQUEST FOR EXPEDITED REVIEW

COMES NOW the Employer, Duquesne University of the Holy Spirit (hereinafter referred to as "Duquesne" or the "University"), and files its Motion to Withdraw from the Stipulated Election and its Request for Expedited Review[1] in the above-captioned matter. In support of its Motion, Duquesne will show as follows:

I. Introduction and Factual Background

Duquesne should be allowed to withdraw from the Stipulated Election in this matter because the National Labor Relations Board (hereinafter referred to as the "Board") cannot exercise jurisdiction over Duquesne. The Board cannot exercise jurisdiction over Duquesne

[1] A National Labor Relations Board election is scheduled to commence in the above-captioned matter on June 22, 2012. Duquesne respectfully requests an expedited review of this Motion in light of the impending election schedule to allow Duquesne time to seek special review from the Board, if necessary. Assuming *arguendo* that the election is allowed to proceed as currently scheduled, Duquesne requests that the ballots be impounded pending review of this Motion.



because Duquesne is a "church-operated school" as defined by the Supreme Court in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979) and its progeny.

Duquesne is a private, coeducational university located in Pittsburgh, Pennsylvania. Duquesne was founded on October 1, 1878, by the Reverend Joseph Strub and the Congregation of the Holy Ghost (the "Spiritans").[2] Duquesne is the largest and most comprehensive Catholic University in Pennsylvania, and it is the only Spiritan institution of higher education in the United States.[3]

Duquesne initially opened as Pittsburgh Catholic College of the Holy Ghost. In 1911, the name was changed to Duquesne University of the Holy Ghost. The name was changed to Duquesne University of the Holy Spirit in 2002. Duquesne currently has over 10,000 graduate and undergraduate students, and its campus occupies 49 acres in Pittsburgh's Bluff neighborhood. Duquesne maintains an associate campus in Rome, Italy, and encompasses ten schools of study.

On May 14, 2012, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (hereinafter referred to as the "Petitioner"), filed a petition in the above-captioned case, seeking to represent non-tenure track adjunct faculty in the McAnulty College and Graduate School of Liberal Arts. On May 25, 2012, the Regional Director approved a Stipulated Election Agreement executed by Duquesne and the Petitioner in a unit of "[a]ll part-time faculty employed by [Duquesne] in the McAnulty College and Graduate School of Liberal Arts located in Pittsburgh, Pennsylvania; excluding all full-time faculty, graduate students, staff and administrators, office clerical employees and guards, other professional employees and supervisors as defined in the Act, and

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[2] *See* Exhibit "1."
[3] *See id.*

all other employees." The election in this matter is currently scheduled for a mail ballot with voting commencing on June 22, 2012 and ending on July 9, 2012.

II. Offer of Proof, Statement of Fact, and Applicable Legal Principles

A. Standard for Motion to Withdraw from Stipulated Election.

Under the National Labor Relations Act (the "NLRA"), the Board is authorized to approve consent agreements or stipulations that define appropriate bargaining units for purposes of an impending representation election. *See* 29 U.S.C. § 159(c)(4). The Board's regulations authorize election agreements, subject to the approval of the Regional Director, and provide that such agreements "shall include a description of the appropriate unit." 29 C.F.R. § 102.62(a). "When the parties have agreed to an appropriate bargaining unit in an election agreement, the Board will approve that agreement unless it determines the bargaining unit contravenes the NLRA or Board policy. This standard has been upheld—indeed, mandated—in numerous circuit court decisions." *NLRB v. MEMC Electronic Materials, Inc.*, 363 F.3d 705, 708 (8th Cir. 2004).

The Board has a well-established rule that "once an election agreement has been approved, a party may withdraw therefrom only upon an affirmative showing of unusual circumstances or by agreement of the parties." *First FM Joint Ventures, LLC*, 331 NLRB 238, 239 (2000) (citing *Sunnyvale Medical Center*, 241 NLRB 1156 (1979)). Under this standard, it is not enough to show that, absent the election agreement, the Board would have defined that appropriate bargaining unit differently. *See Micro Pac. Dev. Inc. v. NLRB*, 178 F.3d 1325, 1335 (D.C. Cir. 1999).

For instance, in *NLRB v. Unifemme, Inc.*, 570 F.2d 230 (8th Cir. 1978), an employer and a union entered into an election agreement defining the appropriate bargaining unit. After the regional director approved the agreement, a second union filed a motion to intervene in the

election. The Board granted the motion to intervene. The employer then moved to withdraw from the election agreement, arguing that it wished to contest the proposed unit if the second union would participate in the election. After the Regional Director denied the motion to withdraw, the second union won the election and the Board entered an unfair labor practice order when the employer refused to bargain. The *Unifemme* court denied the Board's petition to enforce the unfair labor practice order, finding that the Board should have granted the motion to withdraw because allowing the second union "to intervene after the scope of the bargaining unit had been determined between other parties created changed circumstances and parties sufficient to require that Unifemme be allowed to withdraw from the election agreement." *Id.* at 233.

B. Duquense is Exempt from the Jurisdiction of the NLRA pursuant to *Catholic Bishop*.

The Board cannot exercise jurisdiction over Duquesne because Duquesne is a church-operated school as defined by the United States Supreme Court decision in *NLRB v. Catholic Bishop of Chicago* and its progeny. The Board's lack of jurisdiction clearly constitutes an "unusual circumstance" that should allow Duquesne to withdraw from the stipulated election in this matter. The question of whether Duquesne is exempt from the NLRA under *Catholic Bishop* is the type of jurisdictional issue that is not subject to waiver. *See NLRB v. Cheney Cal. Lumber Co.*, 327 U.S. 385 (1946); *Local 900, Int'l Union of Elec., Radio & Machine Workers v. NLRB*, 727 F.2d 1184, 1191 n.5 (D.C. 1984) ("A court can always invalidate Board action that is patently beyond the Board's jurisdiction, even if the jurisdictional challenge was never presented to the Board").

1. *Catholic Bishop*.

NLRB v. Catholic Bishop of Chicago, 440 U.S. 490 (1979) is the preeminent authority regarding the jurisdiction of the Board over church-operated schools. In *Catholic Bishop*, the

Supreme Court analyzed the NLRA in light of the Religion Clauses in the First Amendment to hold that the Board cannot maintain jurisdiction over church-operated schools. *Id.* at 507. In *Catholic Bishop*, the Board certified unions as bargaining agents for lay teachers in schools operated by the Catholic Bishop of Chicago. *Id.* at 494. After the Catholic Bishop of Chicago refused to bargain with the unions, the unions filed unfair labor charges. *Id.* The case eventually made its way to the Supreme Court where the Court found that there would be a significant risk of infringement on the Religion Clauses of the First Amendment if the Board could exercise jurisdiction over church-operated schools. *Id.* at 504.

The Supreme Court reasoned that the Board, in ordering collective bargaining at church-operated schools, could find itself inquiring "into the good faith of the position asserted by the clergy-administrators and its relationship to the school's religious mission. It is not only the conclusions that may be reached by the Board which may impinge on rights guaranteed by the Religion Clauses, but also the very process of inquiry leading to findings and conclusions" *Id.* at 502. The Court further opined that the "[g]ood intentions by government-or third parties-can surely no more avoid entanglement with the religious mission of the school in the setting of mandatory collective bargaining than in the well-motivated legislative efforts consented to by the church-operated schools which we found unacceptable" in other cases. *Id.* at 502. The *Catholic Bishop* Court "recognized the critical and unique role of the teacher in fulfilling the mission of a church-operated school." *Id.* at 501. Therefore, the Supreme Court held that the NLRA must be construed in a manner to avoid constitutional questions arising out of the Religion Clauses of the First Amendment and, consequently, the Board lacks jurisdiction over church-operated schools. *Id.* at 504.

2. The Board's "Substantial Religious Character" Test.

In a series of decisions following *Catholic Bishop*, the Board created a framework for analysis that looked to whether a school has a "substantial religious character" to determine if it is exempt from jurisdiction. *Carroll College, Inc. v. NLRB*, 558 F.3d 568, 571 (D.C. Cir. 2009). The Board weighs, among other factors, the involvement of the affiliated religious group in the school's day-to-day affairs, the degree to which the school has a religious mission, and whether religious criteria play a role in faculty appointment and evaluation. *See Livingstone College*, 286 NLRB 1308, 1309-10. The "substantial religious character" test allows the Board to consider "all aspects of a religious school's organization and function that [it deems] relevant." *St. Joseph's College*, 282 NLRB 65, 68 n.10 (1986).

After the Supreme Court's *Catholic Bishop* decision, the Board initially ruled that the *Catholic Bishop* opinion only applied to elementary and secondary parochial schools. *Barber-Scotia College, Inc.*, 245 NLRB 406 (1979). Now, the Board considers the application of *Catholic Bishop* to educational institutions on all levels of education "on a case-by-case basis." *St. Joseph's College*, 282 NLRB 65, 68 (1986). In conducting its inquiry, "[t]he Board has not relied solely on the employer's affiliation with a religious organization, but rather has evaluated the purpose of the employer's operations, the role of the unit employees in effectuating that purpose, and the potential effects if the Board exercised jurisdiction." *Univ. of Great Falls*, 331 NLRB 1663, 1664-65 (2000), enforcement denied, 278 F.3d 1335 (D.C. Cir. 2002).

The Board has held that the *Catholic Bishop* decision precluded it from exercising jurisdiction over a school "whose purpose and function in substantial part are to propagate a religious faith." *Jewish Day School*, 283 NLRB 757, 761 (1987). In *Jewish Day School*, the Board declined to exercise jurisdiction where religious instruction was mandatory for all grade

levels, the schools adhered to Jewish dietary laws, and the school held mandatory prayer sessions. *Id.* at 761-62.

The Board has also declined to exercise jurisdiction over a religiously-affiliated college which was financially dependent on the Sisters of Mercy of Maine (the "Order"), all members of the Board of Trustees were required to be members of the Order, the Bishop of Portland was authorized to remove faculty whose conduct was not in harmony with the Church, and faculty members were prohibited from knowingly presenting ideas which are contrary to the position of the Catholic Church. *St. Joseph's College*, 282 NLRB at 68.

In most of the cases before the Board examining the religious exemption issue, the Board has determined that the exercise of jurisdiction over colleges and universities would not create the sort of risk contemplated by *Catholic Bishop.* For example, in *Livingston College*, 286 NLRB 1308, 1309 (1987), the Board concluded that the church was not involved with the college at issue "in a manner that creates a significant risk of constitutional infringement." The Board based its decision on its findings that the college was not financially dependent on the church, the college's stated mission was not religious, faculty members were not required to conform to church doctrine or promote church teachings, and neither students nor faculty were required to engage in worship. *Id.* at 1309-10. The Board ignored the fact that the AME Zion Church owned the church's property, appointed half of the board of trustees, and provided financial support to the college. *Id.* at 1310.

Also, in *University of Great Falls*, the Board concluded that a university was not church-operated within the meaning of *Catholic Bishop* where no religious entity was directly involved in day-to-day administration of the school, the university was not financially dependent on the church, and "[m]ost significantly, . . . propagation of a religious faith is not the primary purpose

of the [university], but rather . . . the University's purpose and function are primarily secular." 331 NLRB 1663 (2000). The Board opined that the university did not "have a 'substantial religious character.'" *Id.*

3. Duquesne Satisfies the "Substantial Religious Character" Test.

Based on the principles from the various Board cases cited in Part II.B.2 above, Duquesne meets the Board's "substantial religious character" test. Duquesne was founded in 1878 by Reverend Joseph Strub and the Congregation of the Holy Ghost (now known as the "Congregation of the Holy Spirit"). Duquesne was initially named Pittsburgh Catholic College of the Holy Ghost until 1911, when its name was changed to Duquesne University of the Holy Spirit. Duquesne, in its Statement of Mission, demonstrates that the propagation of the Catholic faith is one of its primary purposes:

> Duquesne University of the Holy Spirit is a Catholic University, founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students through commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation and the world.[4]

See Great Falls, 331 NLRB 1663 (2000). Duquesne's motto is "Spiritus est qui vivificat", which means "It is the Spirit who gives life." Duquesne's website states that "[t]he words of our motto reflect our faith that Duquesne University is directed in its course and sustained in all its efforts by the Holy Spirit of God."[5] Several other aspects of Duquesne's organization further establish that the propagation of the Catholic faith is part of the fabric of Duquesne.

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[4] Duquesne's Statement of Mission is attached hereto as Exhibit "2."
[5] Duquesne's Mission and Identity section of its website is attached hereto as Exhibit "3."

a. Articles of Incorporation.

Article I of the Articles of Incorporation provides that Duquesne's corporate name "shall be 'Duquesne University of the Holy Spirit.'"[6] Article IV provides that the "purpose of the University is to support and maintain educational programs in all branches of a thorough, moral and secular education, including languages, and also for the preparation and education of individuals destined for the Catholic Priesthood." Article VII provides that Duquesne shall have "Members." Duquesne is a "membership corporation" under the laws of the Commonwealth of Pennsylvania. "The Members of the University [corporation] shall be the Provincial Superior, the Provincial Councillors, and such other vowed members of the Congregation of the Holy Spirit Province of the United States as are appointed by the Provincial Superior with the consent of the Provincial Council . . . ." As such, Spiritan Fathers (members of the Congregation of the Holy Spirit) are the owners of the University.

Article IX provides that the Members have several exclusive powers, including but not limited to: (1) the power to determine or change the mission, philosophy, objectives or purpose of the University; (2) the power to elect or remove, with or without cause, any individual to and from the University's Board of Directors; (3) the power to make change to the University's By-Laws and Articles of Incorporation; (4) the power to sell or purchase real property; (5) the power to liquidate and dissolve the University; (5) the power to issue to the Board of Directors a statement of policy and mission of the University; (6) the power to approve the annual budget, (7) the power to approve the appointment of officers of the University; and (8) the power to approve indebtedness in excess of one million dollars. Article XV provides that "[u]pon the dissolution of the University, . . . any remaining assets . . . shall be distributed to Congregation of the Holy Spirit Province of the United States ('Congregation')."

[6] Duquesne's Articles of Incorporation are attached hereto as Exhibit "4."

b. Executive Resolutions of the Board.[7]

The Executive Resolutions of the Board, in pertinent part state that: faculty members, by contracting for employment with the University, "shall be deemed to uphold the purpose of the University . . . ." Additionally, Duquesne's faculty "is entitled to full freedom in the classroom, subject to the principles and values expressed in the Duquesne University Mission Statement." (emphasis added). To insure the faculty's understanding of this obligation related to the Mission, when prospective faculty are interviewed during the hiring process, the Office of the Provost discusses in detail the Mission and Catholic identity of the University. Further, all advertisements for full-time faculty positions make reference to the Mission and Catholic identity of the University, and the annual performance appraisals include a discussion concerning compliance with the Mission.

c. Faculty Senate Constitution and Faculty Handbook.

The Faculty Senate Constitution and the Faculty Handbook provide guidance to Duquesne's faculty members regarding Duquesne's adherence to the principles of the Catholic Church. The Mission of the Faculty Constitution provides that "[t]he Faculty Senate subscribes to the statement of missions and goals of the University and elaborations thereof as promulgated by the Board of Directors."[8] The introduction to the Faculty Handbook provides:

> Duquesne University is a Catholic University in the charism of the Congregation of the Holy Spirit. As a Catholic University, Duquesne manifests a commitment to ecumenism. We welcome; we do not exclude. At the same time, we take great pride in our Catholic character and ambience, and we subscribe to the teachings of the Roman Catholic Church. As a University, we are compelled to search for truth. Our Catholic character demands an unfettered search for truth as a first loyalty of the mind in accordance with the teaching of St. Augustine, *Whatever is true, is ours*. Our teaching

[7] Duquesne's Executive Resolutions of the Board are attached hereto as Exhibit "5."
[8] Duquesne's Faculty Senate Constitution is attached hereto as Exhibit "6."

> of the moral and ethical foundations of thought and action reflect our Catholic heritage and should pervade the University.[9]

One goal of Duquesne University is to "seek truth and to disseminate knowledge within a moral and spiritual framework."[10] The Faculty Handbook further provides that "Duquesne is dedicated to fostering an environment that invites, but does not conscript, participation in its spiritual life."[11]

d. Code of Student Rights, Responsibilities and Conduct.

Students at Duquesne are required to adhere to the Code of Student Rights, Responsibilities and Conduct (hereinafter referred to as the "Code").[12] The very first page of the Code recites Duquesne's Mission Statement. Also, the first expectation of Duquesne's students is to "[r]ead, understand and accept the values contained in the Mission Statement." Other expectations for students are to "[g]row spiritually, preparing for life, not just a career" and to "[b]e at peace with God and with yourself."

The President's Message and the Executive Vice President's Message to students, which are contained in the Code, further indicate that religion and, specifically, the Catholic faith, are part of the life of any student attending Duquesne. Duquesne's President, Dr. Charles J. Dougherty, urges students to "[a]ttend religious services and programs. Serve God by serving others." Duquesne's Executive Vice President, Reverend Sean Hogan, stated in his message to students that "[o]ne hundred and thirty-three years ago, the members of the Congregation of the Holy Spirit Fathers and Brothers, a Catholic religious community, founded a school so that women and men of every race, creed, and class would have the opportunity to fulfill their aspirations, to enrich their society, and to serve God through professional leadership inseparably

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[9] Duquesne's Faculty Handbook is attached hereto as Exhibit "7."
[10] *See* Exhibit "7" at page 3.
[11] *Id.* at page 4.
[12] Duquesne's 2011-12 Code of Student Rights, Responsibilities, and Conduct is attached hereto as Exhibit "8."

linked to high personal values." Reverend Hogan, the Vice President for Student Life, requires the students to review, with him, the University's Mission and Expectations during their orientation, and the students are expected to comply with the values and conduct set forth in the Mission Statement. Further, every student and parent is given a wallet-size card containing the University's Mission Statement.

Other information distributed to prospective students and available on Duquesne's website reflects the University's Catholic heritage.[13] Many pages in the University's website include the phrase, "A Catholic University in the Spiritan Tradition."

III. Duquesne is Exempt from the Jurisdiction of the Board under the Bright-line Test of the United States Court of Appeals for the District of Columbia

Assuming *arguendo* that Duquesne does not satisfy the Board's current "substantial religious character" test, we contend that the Board should adopt the bright-line test provided in *University of Great Falls v. NLRB*, 278 F.3d 1335 (D.C. Cir. 2002). In *Great Falls*, the D.C. Circuit, in construing *Catholic Bishop*, opined that the Board is not allowed to engage in an "intrusive inquiry" into the religious aspects of a university by "trolling through the beliefs of [universities], making determinations about [a university's] mission, and the mission's centrality to the 'primary purpose' of the [university]." *Id.* at 1341-42. The *Great Falls* court developed a three-part test to determine if a university is exempt from the Board's jurisdiction. A university is exempt from the Board's jurisdiction if it: (1) holds itself out to students, faculty and the community as providing a religious educational environment, even if its principal academic focus is on "secular" subjects; (2) is organized as a nonprofit; and (3) is affiliated with, or owned, operated, or controlled, directly or indirectly, by a recognized religious organization, or with an entity, membership of which is determined, at least in part, with reference to religion. *Id.*

[13] See Exhibit "9."

at 1343. This test creates a bright-line rule for determining jurisdiction "without delving into matters of religious doctrine or motive." *Carroll College, Inc. v. NLRB*, 558 F.3d 568, 572 (D.C. Cir. 2009) (citing *Great Falls*, 278 F.3d at 1345).[14]

In *Carroll College*, the college raised the issue that it was exempt from the Board's jurisdiction pursuant to the Religion Clauses of the First Amendment for the first time before the D.C. Circuit. *Carroll College*, 558 F.3d at 571. The *Carroll College* court, relying on the *Great Falls* test, held that the college was exempt from the Board's jurisdiction. *Id.* at 570. The *Carroll College* court found that the college satisfied the first element—holding itself out as providing a religious educational environment—as the college's articles of incorporation provide that the college was incorporated "for the purpose of maintaining [itself] as a Christian liberal arts college dedicated to God." *Id.* at 572. The court also relied on the college's mission, which is to provide "a learning environment devoted to academic excellence and congenial to the Christian witness." *Id.* The college satisfied the second element—nonprofit institution—because its articles of incorporation state the college is a nonprofit college. The court further found that the college satisfied the third element—relationship/affiliation with a religious organization—because Carroll College's articles of incorporation provide that it is "related" to the Synod of Lakes and Prairies of the United Presbyterian Church. *Id.* at 573.

Duquesne satisfies the D.C. Circuit's three-part test for religious exemption as set forth in its *Great Falls* decision.

First, Duquesne holds itself out to faculty, students, and the community as providing a "religious educational environment." The "Message from the President" states, "We are a Catholic university in the Spiritan tradition, dedicated to education for the mind, heart and

[14] While the Board has yet to adopt the *Great Falls* test, it has applied the test on at least two occasions. *See Catholic Social Services*, 355 NLRB No. 167 (2010) and *Salvation Army*, 345 NLRB 550 (2005).

spirit." He adds, "Today Spiritans continue to serve the University as faculty and administrators, in a spirit of partnership with their lay collaborators," and that "they help keep Duquesne's legacy alive."

The actual name of the University, as provided in the Articles of Incorporation and reflected in the Mission Statement, is Duquesne University of the Holy Spirit. In keeping with its name, Duquesne espouses that it is "The Spirit Who Gives Life." The imposing crucifix rising in the middle of the campus underscores its motto that "the University is directed in its course and sustained in all its efforts by the Spirit of God." This dedication to the Holy Spirit is reflected in Duquesne's Statement of Mission.

Significantly, the Undergraduate course catalog states that "the Dimensions of a Duquesne Education provide a framework for linking mission to student learning outcomes." Also, the Code, after reciting the mission in its entirety, sets forth certain expectations beginning with (1) "Read, understand and accept the values contained in the Mission Statement."

The introduction in Duquesne's Faculty Handbook provides that "Duquesne is a Catholic University in the charism of the Congregation of the Holy Spirit. As a Catholic University, Duquesne manifests a commitment to ecumenism. . . . [W]e subscribe to the teachings of the Roman Catholic Church." Furthermore, Duquesne's articles of incorporation provide that "[t]he purpose of the University is to support and maintain education programs in all branches of a thorough, moral and secular education, including languages, the liberal arts and sciences, and also for the preparation and education of individuals destined for the Catholic priesthood."

Second, Duquesne is organized as a nonprofit. Article II of Duquesne's Articles of Incorporation provides that Duquesne "is governed under the Pennsylvania Nonprofit Corporation Law of 1988, as it may be amended from time to time . . . . The University is

organized, and shall be operated, exclusively for religious, charitable, scientific, literary and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986."

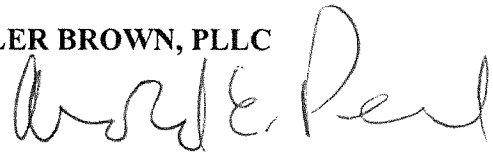
Third, Duquesne is affiliated with a recognized religious organization—the Roman Catholic Church. As stated above, the Faculty Handbook clearly states that Duquesne is a Catholic University which subscribes to the teachings of the Roman Catholic Church. Also, Duquesne is owned by the Spiritan Fathers.

IV. CONCLUSION

For the reasons stated above, Duquesne respectfully requests that its Motion to Withdraw from the Stipulated Election and for Expedited Review be granted.

Respectfully submitted,

GLANKLER BROWN, PLLC

By: 

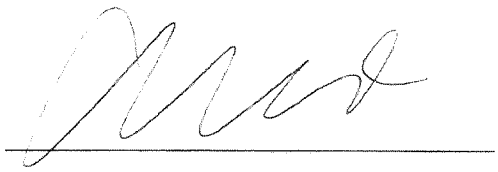
Arnold E. Perl
Andre B. Mathis
6000 Poplar Avenue, Suite 400
Memphis, Tennessee 38119
(901) 525-1322

Attorneys for Employer

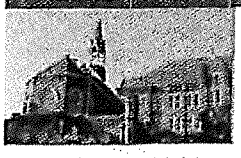
CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the foregoing was served via FedEx on the following on this 14th day of June, 2012:

Mr. Daniel Kovalik
Jeff Cech
United Steelworkers of America
5 Gateway Center, Room 807
Pittsburgh, PA 15220-3608



About Duquesne University



About Duquesne

At a Glance

Academics and Programs

Consumer Information and Graduation Rates

Centers and Institutes

History

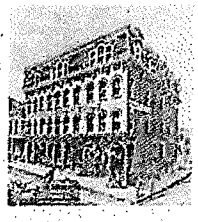
Campus Map and Directions

Rankings and Recognition

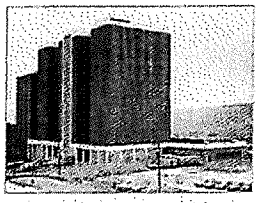
Pittsburgh

A Brief History

Duquesne University, the world's only Spiritan university, is one of America's leading Catholic universities, with a worldwide reputation of excellence in liberal and professional education. At its founding, Duquesne brought higher education to the children of struggling immigrant workers, and was one of the first universities to admit women and minorities.



- Duquesne was founded on **Oct. 1, 1878**, by the Rev. Joseph Strub and the Congregation of the Holy Ghost (the Spiritans). They opened as the Pittsburgh Catholic College with 40 students and six faculty members. Students attended classes in rented space above a bakery on Wylie Avenue in downtown Pittsburgh.
- Duquesne expanded to its current campus on the Bluff and built the original "Old Main" building in **1885**. This five-story red brick landmark was, for years, the highest point on the Pittsburgh skyline. It is still actively used as the administrative building on campus.
- On **May 27, 1911**, the name was changed to Duquesne University of the Holy Ghost.
- Rockwell Hall was constructed in the **1950's** to house the schools of business and law.
- Assumption Hall opened in **1950** as the first student dormitory.



- Between **1959 and 1980**, the University redeveloped College Hall, the music school and the library, also building a new Student Union and Mellon Hall, along with four dormitories, including the 17-story, 1,200 student Towers residence hall.
- During the **1980's** the law school expansion was completed and construction began on the Palumbo Sports Center.
- Between **1988 - 2001**, the University opened its first new schools in 50 years, including the Rangos School of Health Sciences and the Bayer School of Natural and Environmental Sciences, created new spaces for classrooms, offices and residential halls, as well as parking garages, and the Art Rooney Football Field.

- In **January 2008** Duquesne dedicated the Power Center on Forbes Avenue. This new five-story building provides student fitness facilities to meet increasing interest in health and wellness. The Power Center features banquet facilities, retail shops, restaurants and a Barnes and Noble bookstore.
- **In 2010**, Duquesne began construction on a new 12-story Des Places Residence Hall for graduate students. The University also purchased an eight-story academic building at 600 Fifth Avenue and dedicated it as Libermann Hall.

For more on the history of Duquesne University, please pick up a copy of *The Spirit That Gives Life: The History of Duquesne University, 1878-1996*, by Joseph F. Rishel, available at the Duquesne bookstore.

Duquesne's Leaders

Dr. Charles J. Dougherty
President, 2001 - present

Dr. John E. Murray Jr.
President, 1988 - 2001

Rev. Donald Nesti
President, 1980 - 1988

Rev. Henry McAnulty
President, 1959 - 1980

Rev. Vernon Gallagher
President, 1950 - 1959

Rev. Raymond V. Kirk
President, 1940 - 1946

Rev. Francis P. Smith
President, 1946 - 1950

Rev. Jeremiah Joseph Callahan
President, 1931 - 1940

Rev. Martin Hehir
President, 1899 - 1931

Rev. John Tobbill Murphy
President, 1886 - 1899

Rev. John Wilms
Rector, 1885 - 1886

Rev. William Patrick Power
Rector, 1878 - 1885

DUQUESNE UNIVERSITY

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EXHIBIT 1

Duquesne University of the Holy Spirit

Mission Statement

"Duquesne University of the Holy Spirit is a Catholic University founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students - through a commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation and the world."

DUQUESNE UNIVERSITY

EXHIBIT

2

Mission and Identity Duquesne University

Spiritus est qui vivificat

- It is the Spirit who gives life

- Mission and Identity Home
- About the Office of Mission and Identity
- Events
  - Collegium
- Our Mission
- The Spiritan Tradition
  - Spiritan Community at Duquesne
- Engaging with Africa
- Welcome

The words of our motto reflect our faith that Duquesne University is directed in its course and sustained in all its efforts by the Holy Spirit of God. We express this dedication to the Spirit in our statement of mission.The Duquesne University Mission Statement

Our Mission

Duquesne University of the Holy Spirit is a Catholic University, founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students - through commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation, and the world.

Contact

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Vice President for I
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mccloskey@duq.ec

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Pittsburgh, PA 152

DUQUESNE UNIVERSITY

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EXHIBIT
3

Mission and Identity Duquesne University

Spiritus est qui vivificat

- It is the Spirit who gives life

Mission and Identity Home

About the Office of Mission and Identity

Events

Collegium

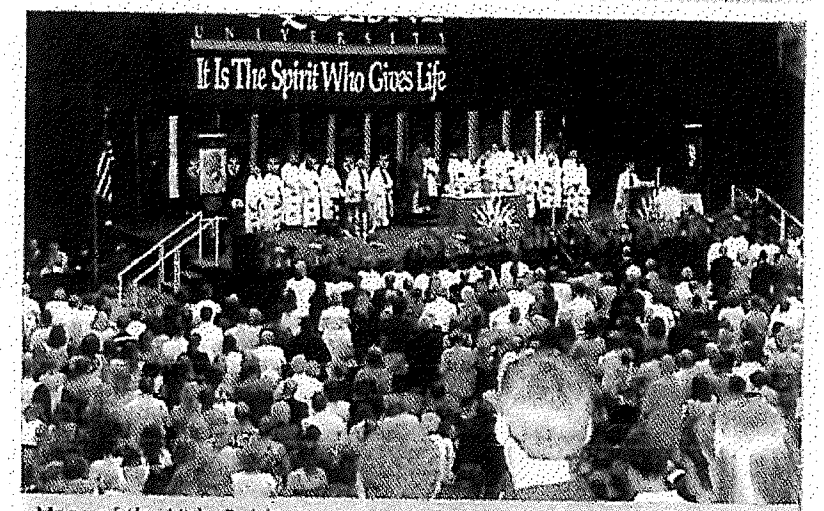
Our Mission

The Spiritan Tradition

Spiritan Community at Duquesne

Engaging with Africa

Welcome



Mass of the Holy Spirit

Bishop David Zubik and Duquesne's Spiritan priests conducted the Mass of the Holy Spirit for several thousand students, parents and others at the beginning of the fall semester.

Welcome!

As a Catholic and Spiritan University, Duquesne prides itself on being mission-centered and mission-driven.

Read more »

Fr. James McCloskey, C.S.Sp., Vice President for Mission and Identity

Embodying the Mission

- The Spiritan Tradition
- Spiritan Campus Ministry
- Center for Spiritan Studies

Human Resources
DU Daily
Athletics
Newsroom

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Presentations
From Africa to Acar
Student Experiencc
Spiritan Charism

Spiritan Mission an
Ecumenical Project
Factor

The Spiritans and I
Challenges and Op

Past events gallery

Explore the He
Old Main

Old Main Historical

Building Faith for 1

History of Old Main

The Spiritan Traditi

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Pittsburgh, PA 152

Frequently Asked Questions

Visit Duquesne University

Human Resources
DU Daily
Athletics
Newsroom

About DU | Academics | Admissions | Student Life | Alumni and Giving | Search | Home

Search DU Go

- Visit Campus
  - Visitor's Parking Guide
  - Virtual Tour
- Weekday Visits
- Group Information Sessions
- Special Events
- Group Visits
- Restricted Dates
- Campus Map & Directions
- Hotels
- Admissions Home

Questions that Future Students Ask

Transportation

Is there any transportation provided to Duquesne students?
The Student Government Association Loop Bus is a **FREE** service provided by the Office of the Student Government Association and the Division of Student Life. All Duquesne University students may ride the bus free of charge during normal operational hours.

Are freshmen allowed to have a car on campus?
No. Resident freshmen cannot have a car on campus.

Read more about public transportation, and living off campus at Commuter Affairs.

Faith

Do you have to be Catholic to attend Duquesne?
Founded in the Catholic tradition, Duquesne University is Catholic by design and is ecumenical by mission, welcoming students from all faiths to grow in their spiritual journey. There are worship sites nearby for many religious denominations.

Please visit Campus Ministry.

Majors and Academics

Do I have to specify a major before I am admitted?
No. You may apply as "undecided."

Can you double-major at Duquesne?
Yes, but not in all programs. Contact the Office of Admissions for further information.

Is a foreign language required for admission?
No, but we prefer two years of the same foreign language.

Can non-music majors enroll in music classes?
Students in any academic program have the option of playing an instrument and joining our own Duquesne Symphony Orchestra. See the School of Music Web site for a list of ensembles.

Admission Process

Is an interview required for the admission process?
No. A personal information session is not required but is recommended.

What is the difference between Early Decision and Early Action?
For Early Decision, you must apply only to Duquesne. Students who apply Early Decision must also submit their enrollment deposit by December 31. Early Action has a December 1 application deadline and only applies to Pharmacy, Physical Therapy, and Physician Assistant Studies majors. Learn more.

Do you have 'Pre-Med' and 'Pre-Law' as majors?
We offer a 'Pre-Med' and 'Pre-Law' track. Please visit Pre-Health Professions and Pre-Law for additional information.

Do you accept Advanced Placement (AP) course credits?
Yes, provided the student passes the AP exam with the appropriate score. Decisions on passing scores and the acceptability of AP credits is left up to the discretion of individual academic programs.

Do I have to begin in the fall semester?
No. A student can apply for the Fall, Spring or Summer semester. We have rolling admission throughout the year for most majors.

How long will it take to find out if I'm admitted?
Once your application is complete, and is submitted online or by mail, all necessary supporting documents must be sent to the Admissions Office. Once all documentation is received, decisions may take 4-6 weeks.

Is the FAFSA form required for academic scholarship?
No. Academic scholarships are offered to students based on academic performance, not financial need.

Once I am accepted, how do I confirm that I want to attend Duquesne?
Submit the your $500 enrollment deposit online to the Office of Admissions.

Can Duquesne employees and their families attend classes?
Yes. Learn about Tuition Remission or Tuition Exchange.

DUQUESNE UNIVERSITY

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Duquesne University Administration

- Overview and Biographies
- Administrative Contacts
- Board of Directors
- Schools and Colleges
- Directory of Offices/Departments
- Duquesne University Corporation
- Office of the President
- Policies, Guidelines and Plans
- 2010-2015 Strategic Plan
- Mission & Identity

Strategic Plan 2010-2015

Strategic Plan 2010-2015

Vision Statement

Duquesne University will consolidate its position in the first ranks of American Catholic higher education by a University-wide emphasis on our Spiritan mission and identity, enhancement of the quality of our students' experience, and development of our national reputation for academic excellence.

Overarching Goals

The following goals will be achieved throughout the University—in the lives of students, among faculty and staff, and in all administrative units:

I. Our extraordinary and pervasive sense of mission as a Spiritan Catholic university will be the guide for all Duquesne University does.

II. Ethics will be central for the University both theoretically and practically.

III. Leadership and the development of leadership skills will be a core focus.

IV. Duquesne University will become an increasingly diverse community and sustain an environment in which human diversity is valued.

V. Service to others will be an essential theme in all our efforts.

VI. Respect for the environment will shape both academic and business decisions.

VII. There will be responsible stewardship of all University resources—human, financial, and physical.

III. Assessment will be coordinated University-wide and used as a means of planning.

IX. There will be a new emphasis on Africa and the African diaspora.

X. A culture of excellence will be created and sustained through policies, practices, and habits that assure continuous improvement.

1. Duquesne University will continue to emphasize our Spiritan Identity and mission.

1.1 Links between Duquesne University and the world-wide Spiritan mission will be strengthened.

1.2 Service to others will be a theme throughout the Duquesne experience.

1.3 Duquesne students will be made aware of the problems of poverty, unjust structures, and the degradation of the environment in their own society and around the world.

1.4 Issues of peace, justice, and respect for the integrity of creation will be highlighted in faculty research projects.

1.5 The continent of Africa will receive special focus, as well as the global African diaspora.

1.6 There will be new outreach to the poor in Pittsburgh, particularly in the Hill District.

1.7 Steps will be taken to ensure that relationships on campus are consistent with our mission, especially regarding civility and mutual respect.

1.8 The Catholic identity of Duquesne University will be strengthened while preserving our commitments to ecumenism and inclusion.

1.9 New models of connecting mission and ministry will be explored.

2. Duquesne University will further enhance the quality of our students' experience.

2.1 Freshman admissions will continue to become more selective. The percentage of legacy freshmen will increase.

2.2 The student body will become more diverse and support for human diversity will become a commitment of all students.

2.3 The quality of the student experience will promote life-long bonding to the University and continued engagement of alumni.

2.4 The graduate student experience will be assessed and improved.

2.5 There will be improved assessment of all student outcomes and those assessments will be used for systematic enhancements.

2.6 Intentional collaborations between Student Life and Academic Affairs will be increased.

2.7 Housing facilities will be improved, as well as those for commuter students.

3.2 Scholarship will increase with emphasis not only on numbers of publications but also on quality.

3.3 Interdisciplinary scholarship and interdisciplinary programs will be supported and new efforts in this area encouraged. Programs on sustainability will be a special focus.

3.4 An interdisciplinary program on Africa and the African diaspora will be established.

3.5 Research funding will be increased substantially.

3.6 The number of endowed chairs will continue to increase.

3.7 Graduate programs will be improved, with special emphasis on the quality of our Ph.D. programs.

3.8 Academic facilities and support technologies will continue to be improved.

3.9 Our libraries will become improved facilities for research and study and will be supported in accessing additional electronic resources.

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Mission and Identity Duquesne University

Engaging with Africa

Academic Programs

Physician Assistants Experience Liberia

Occupational Therapy Relationships

Center for African Studies

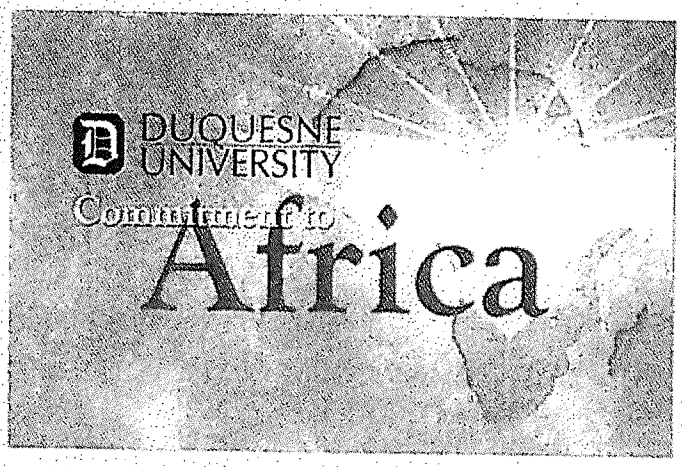
Academic Program Chair

Spiritan Ministries

Spiritan Mission in Tanzania

Learn about Africa

Mission and Identity



Engaging with Africa

As America's only Spiritan University, Duquesne reflects the mission and identity of our sponsoring congregation, the Spiritans. The Spiritans serve the poor and suffering and work to promote justice and interreligious understanding on six continents including Africa.

Haitian Art Exhibit

The African diaspora is well represented in Haiti. Discover Haitian artists Jean-Baptiste Jean, Joseph Augustin and Dumerleus Jeune at a Haitian art exhibit starting April 3, in the *Les Idees Gallery* in the Union.

A Core Value and Strategic Goal of Duquesne University

One of the goals of the University's 2010-2015 Strategic Plan is a new emphasis on Africa and the African diaspora. This emphasis extends outreach efforts that have been going on since 2008:

- Academic program collaborations with Spiritan parishes, schools and hospitals in nursing, health sciences, pharmacy, education and theology
- Charitable contributions of educational, medical and other supplies in Spiritan-served areas throughout Africa
- Environmental and sustainability research, consulting, teaching exchange and study abroad programs
- Theology programs through schools and institutes in several countries, preparing Duquesne graduates in Africa to influence the world.

From research and teaching to delivering valuable supplies, these efforts exemplify Duquesne's strategic commitment to service, the Spiritan mission. This website explores the emphasis on Africa and the African diaspora through partnerships, research, studies and service and the presence of African students, faculty and priests on our Pittsburgh campus.

Contact

mission@duq.edu
412.396.5286

James McCloskey,
Vice President for M
Identity
mccloskey@duq.edu

502 Admin Building
Duquesne Universit
600 Forbes Ave.
Pittsburgh, PA 1528

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Learn more about th
countries and Duque
involvement with ea

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About the Office of Mission and Identity

Founded in 1997, the Office of Mission and Identity maintains and promotes the Catholic and Spiritan mission of the University and the values it espouses. It seeks to accomplish this goal through the coordination, animation, and development of programs and initiatives which engage students, faculty, administration, staff, directors, board members and alumni in an understanding of the religious identity of the University and its commitments. It directly oversees the work of the Office of Campus Ministry, the Center for Catholic Social Thought, and the Center for Spiritan Studies.

Since every office and effort on the Duquesne campus plays a part in the realization of Duquesne's mission, the work of the Office of Mission and Identity is highly collaborative. By encouraging students, faculty, and staff to see their work as part of a larger effort to serve the common good and explore the various ways in which faith and service lie at the heart of a Duquesne education, the Spiritan mission of the University is realized and enhanced.

Guided by the overarching goal of the Strategic Plan (2010-2015) that "our extraordinary and pervasive sense of mission as a Spiritan Catholic university will be the guide for all Duquesne University does," the Office of Mission and Identity is committed to the vital integration of mission throughout every area of University life.

New and Upcoming

2012 Founders Week Presentations

From Africa to Academic Walk: The Student Experience and the Spiritan Charism

Spiritan Mission and the Ecumenical Project - The Linguistic Factor

The Spiritans and Haiti Today: Challenges and Opportunities

Past events gallery

Contact

mission@duq.edu
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Mission and Ic
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- The Congregatio Spirit
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Collegium - A Colloquy on Faith and Intellectual Life

Collegium is a national organization of Catholic colleges and universities, founded in 1992, to encourage the meaningful engagement of the Catholic Intellectual Tradition in the classroom. Collegium "engages faculty from all traditions to discover how they can make a particular contribution to their institution's identity that respects and explores Catholicism's traditions and goals, while also respecting and taking advantage of their own religious perspectives and talents."

Each June, Collegium sponsors a summer colloquy - part workshop, part retreat - for a new group of faculty from its member institutions, and advanced graduate students from universities throughout the United States. The colloquies invite scholars to explore compelling aspects of the Catholic Intellectual Tradition, and to develop their own sense of vocation as intellectuals in a contemporary context. Participants usually include: new faculty from a variety of religious and cultural backgrounds curious about what role they have in the mission of their Catholic Institution; tenured faculty looking for collaborative, integrative models for their institutions; graduate students hoping to discern where they might best develop their own spiritual and intellectual vocation.

The 2012 Colloquy will be held June 15-22 at St. John's University, Collegeville, Minnesota. Please contact Fr. James McCloskey, C.S.Sp. for more information regarding the summer Collegium program.

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The Spiritan Community at Duquesne

Currently, there are 21 members of the Spiritan Congregation living and working on the Duquesne campus, 14 priests in Trinity Hall, and seven priests in Laval House.

The Trinity Hall Spiritans actively minister at the University through teaching, administration or pastoral ministry. This international community represents five different national groups.

The Spiritans at Laval House are pursuing graduate level study at the University and also form a diverse international community.

Spiritans at Duquesne

Emmanuel Ahua, C.S.Sp.

Country of Origin: Nigeria

Role at Duquesne: Graduate student (Ph.D.)

Ministries: Mission work in Malawi (3 years); Parish work as pastor in Nigeria (10 years)

Interests: My studies and part-time pastoral work.

Did you know... I am guided by inner strength and a sense of conviction.

Favorite Book: *The Idea of Justice* by Amartya Sen

Favorite Saying: *"Now to him who is able to accomplish far more than we ask or imagine, but the power at work within us, to him be glory in the church and in Christ-Jesus, to all generations forever and ever." -Ephesians 3:20-21*

Chike Anyigbo, C.S.Sp.

Country of Origin: Nigeria

Role at Duquesne: Ph.D candidate, Bioethics / Medical Ethics

Contact: anyigboc@duq.edu
412.396.2253

Ministries: Co-pastor in two parishes, regional secretary, secretary of AMTA Foundation for training of priests and missionaries

Interests: Tennis, reading, music and traveling

Did you know... Fr. Anyigbo has taken religious pilgrimages to five countries in Europe. He hopes to integrate his doctoral work with Spiritan Studies.

Favorite Book: African series such as *Things Fall Apart* by Chinua Achebe

Favorite Saying: *"I am satisfied with the very best" -Winston Churchill*

Brian Cronin, C.S.Sp.

Country of Origin: Ireland

Role at Duquesne: Associate Professor of Philosophy

Contact: croninb@duq.edu
412.396.6163

Ministries: Education

Did you know... "I used to be a great soccer player."

Favorite Book: *Insight: A Study of Human Understanding* by Bernard Lonergan

Favorite Quote or Scripture: *"Do not be afraid." -John 6:20*

Raymond French, C.S.Sp.

Country of Origin: Scotland

Role at Duquesne: University Chaplain and Director of Spiritan Campus Ministry

Contact: french@duq.edu
412.396.6020

Ministries: Counseling

Did you know... Fr. French worked for the U.K. government in the Housing Department, Homeless

Ministries: Education, counseling

Did you know... Fr. Gregoire is a National Certified Counselor (NCC), Licensed Professional Counselor (LPC), and Certified Co-occuring Disorder Professional (CCDP) Diplomate.

Sean Hogan, C.S.Sp.

Country of Origin: Ireland

Role at Duquesne: Executive Vice President for Student Life

Contact: hogan@duq.edu
412.396.5069

Ministries: Educational administration

Interests: Reading, traveling and exercise

Did you know... During the Nigerian Civil War, Fr. Hogan was involved with maintaining communication links with the Irish Missionary Personal working in the civil war area. He also worked as Pastor of Thika, a large industrial town near Nairobi, Kenya and was responsible for building several churches there as well as developing several credit union projects and building Kenya's first youth center.

Favorite Book: *The Book of Virtues* by William J. Bennett

Sean Kealy, C.S.Sp.

Country of Origin: Ireland

Role at Duquesne: Noble J. Dick Endowed Chair in Academic Leadership; Professor of Scripture in Theology Department

Contact: kealy@duq.edu
412.396.5619

Ministries: Education, provincial administrator

Did you know... Fr. Kealy is a renowned Scripture scholar whose work has been published in England, Africa, Ireland and the United States. His primary research interest has been on the Gospels.

Bernard Kelly, C.S.Sp.

Country of Origin: Ireland

Role at Duquesne: Interim Director, Center for Spiritan Studies

Contact: kellyb3@duq.edu
412.396.4824

Ministries: Formation work, teaching (French, Theology), directing retreats

Interests: Walking, golf, sports, music, dawns and sunsets and visiting Ireland

Did you know... Fr. Kelly spent three years studying to be a quantity surveyor before feeling a call to become a Spiritan.

Favorite Book: *The Little Prince* by Antoine de Saint-Exupéry

Favorite Song: Bridge Over Troubled Water

Favorite Music: The Messiah

Favorite Saying: *"For when the One Great Scorer comes*
To write against your name
He marks not that you have won or lost
But how you played the game"
- Grantland Rice (1880-1954)

Antonio Quimino Damiao, C.S.Sp.

Country of Origin: Angola

Role at Duquesne: Graduate student, Liberal Arts

Contact: damioa@duq.edu

Ministries: Pastoral ministry for one year in Angola and seven years in Central Africa

Interests: African music, classical music, soccer, ancient philosophy and universal history

Did you know... Like many people, Fr. Damiao has a fear of snakes. He will never forget the day in 2002 in the Central African Republic when he awoke for Mass and discovered a snake under his bed.

Favorite Book: *Gone with the Wind* by Margaret Mitchell

Favorite Saying: *"To handle yourself, use your head; to handle others, use your heart." -Donald Laird*

James McCloskey, C.S.Sp.

Country of Origin: USA

Favorite Book: *The Seven Story Mountain* by Thomas Merton

Naos McCool, C.S.Sp.

Country of Origin: Ireland

Role at Duquesne: Assistant Dean for Student Formation, School of Education

Contact: mccool@duq.edu
412.396.6144

Ministries: Education, Greek Life, chaplain to the football team and advisor to ATO and the Knights of Columbus

Interests: Irish traditional music, Beethoven and watching John Wayne movies

Did you know... Fr. McCool is the campus advisor for the Alpha Tau Omega fraternity at Duquesne.

Favorite Book: *Knight's Cross : A Life of Field Marshal Erwin Rommel* by David Fraser
A Memoir by Tim Pat Coogan

Favorite Saying: *"That's all right."* (even when it isn't)

Casimir Nyaki, C.S.Sp.

Country of Origin: Tanzania

Role at Duquesne: Fr. Nyaki earned his masters degree and Ph.D in Philosophy at Duquesne University where he teaches African philosophy, basic philosophical questions, logic and African political philosophy.

Contact: nyaki5053@duq.edu
412.396.6157

Ministries: Education

Peter Osuji, C.S.Sp.

Country of Origin: Nigeria

Role at Duquesne: Campus Minister, Commuter Affairs

Contact: osujip@duq.edu
412.396.4757

Ministries: Missionary work and teaching

Interests: Sports, playing soccer, ping-pong and tennis

Did you know... Fr. Peter Osuji is currently working on his doctoral degree in [discipline] and is also the campus advisor for the Table Tennis Club at Duquesne.

Favorite Book: *Things Fall Apart & No Longer at Ease* by Chinua Achebe

Favorite Saying: *"I am, because we are; and since we are, therefore, I am."*

John Sawicki, C.S.Sp.

Country of Origin: USA

Role at Duquesne: Assistant Professor, Political Science Department

Contact: sawicki@duq.edu
412.396.4864

Ministries: Education, crisis management and international relations

Did you know... Fr. Sawicki is a guest lecturer at the Marshall Center for European Security in Garmsich-Partenkirchen, Germany. His areas of expertise include ethical and moral constraints on the use of force, ethics and national security policy decision-making and counter-terrorism.

Vincent Stegman, C.S.Sp.

Country of Origin: United States

Role at Duquesne: Superior at Laval House

Ministries: Mission Work in Tanzania (9 years); Mission Work in Ethiopia (30 years)

Interests: Reading and Hiking

Did you know... I lived 39 years in Africa.

Favorite Book: *The Help* by Kathryn Stockett

Favorite Saying: *"Love one another as I have loved you." -John 15:12*

Elochukwu (Eugene) Uzukwu, C.S.Sp.

Country of Origin: Nigeria

explore areas of the liturgy ecclesiology in continental Africa and Africa in the Diaspora. The Governing Council for the Spiritan International School of Theology in Enugu established the Uzukwu Award for Excellence in his honor to be granted to the best student of the year.

Favorite Book: *Things Fall Apart* by Chinua Achebe

Favorite Saying: *"Ife Kwulu Ife Akwudebe Ya" –*
"When something stands, something else stands beside it."

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APOSTOLIC CONSTITUTION OF THE SUPREME PONTIFF JOHN PAUL II ON CATHOLIC UNIVERSITIES

INTRODUCTION

BORN FROM THE HEART of the Church, a Catholic University is located in that course of tradition which may be traced back to the very origin of the University as an institution. It has always been recognized as an incomparable centre of creativity and dissemination of knowledge for the good of humanity. By vocation, the *Universitas magistrorum et scholarium* is dedicated to research, to teaching and to the education of students who freely associate with their teachers in a common love of knowledge(1). With every other University it shares that *gaudium de veritate,* so precious to Saint Augustine, which is that joy of searching for, discovering and communicating truth(2) in every field of knowledge. A Catholic University's privileged task is "to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth, and the certainty of already knowing the fount of truth"(3).

2. For many years I myself was deeply enriched by the beneficial experience of university life: the ardent search for truth and its unselfish transmission to youth and to all those learning to think rigorously, so as to act rightly and to serve humanity better.

Therefore, I desire to share with everyone my profound respect for Catholic Universities, and to express my great appreciation for the work that is being done in them in the various spheres of knowledge. In a particular way, I wish to manifest my joy at the numerous meetings which the Lord has permitted me to have in the course of my apostolic journeys with the Catholic University communities of various continents. They are for me a lively and promising sign of the fecundity of the Christian mind in the heart of every culture. They give me a well-founded hope for a new flowering of Christian culture in the rich and varied context of our changing times, which certainly face serious challenges but which also bear so much promise under the action of the Spirit of truth and of love.

It is also my desire to express my pleasure and gratitude to the very many Catholic scholars engaged in teaching and research in non-Catholic Universities. Their task as academics and scientists, lived out in the light of the Christian faith, is to be considered precious for the good of the Universities in which they teach. Their presence, in fact, is a continuous stimulus to the selfless search for truth and for the wisdom that comes from above.

3. Since the beginning of this Pontificate, I have shared these ideas and sentiments with my closest collaborators, the Cardinals, with the Congregation for Catholic Education, and with men and women of culture throughout the world. In fact, the dialogue of the Church with the

cultures of our times is that vital area where "the future of the Church and of the world is being played out as we conclude the twentieth century"(4). There is only one cultre: that of man, by man and for man(5). And thanks to her Catholic Universities and their humanistic and scientific inheritance, the Church, expert in humanity, as my predecessor, Paul VI, expressed it at the United Nations(6), explores the mysteries of humanity and of the world, clarifying them in the light of Revelation.

4. It is the honour and responsibility of a Catholic University to consecrate itself without reserve to *the cause of truth.* This is its way of serving at one and the same time both the dignity of man and the good of the Church, which has "an intimate conviction that truth is (its) real ally ... and that knowledge and reason are sure ministers to faith"(7). Without in any way neglecting the acquisition of useful knowledge, a Catholic University is distinguished by its free search for the whole truth about nature, man and God. The present age is in urgent need of this kind of disinterested service, namely of *proclaiming the meaning of truth,* that fundamental value without which freedom, justice and human dignity are extinguished. By means of a kind of universal humanism a Catholic University is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God. It does this without fear but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is "the Way, the Truth, and the Life"(8), the *Logos,* whose Spirit of intelligence and love enables the human person with his or her own intelligence to find the ultimate reality of which he is the source and end and who alone is capable of giving fully that Wisdom without which the future of the world would be in danger.

5. It is in the context of the impartial search for truth that the relationship between faith and reason is brought to light and meaning. The invitation of Saint Augustine, *"Intellege ut credas; crede ut intellegas"*(9), is relevant to Catholic Universities that are called to explore courageously the riches of Revelation and of nature so that the united endeavour of intelligence and faith will enable people to come to the full measure of their humanity, created in the image and likeness of God, renewed even more marvellously, after sin, in Christ, and called to shine forth in the light of the Spirit.

6. Through the encounter which it establishes between the unfathomable richness of the salvific message of the Gospel and the variety and immensity of the fields of knowledge in which that richness is incarnated by it, a Catholic University enables the Church to institute an incomparably fertile dialogue with people of every culture. Man's life is given dignity by culture, and, while he finds his fullness in Christ, there can be no doubt that the Gospel which reaches and renews him in every dimension is also fruitful for the culture in which he lives.

7. In the world today, characterized by such rapid developments in science and technology, the tasks of a Catholic University assume an ever greater importance and urgency. Scientific and technological discoveries create an enormous economic and industrial growth, but they also inescapably require the correspondingly necessary *search for meaning* in order to guarantee that the new discoveries be used for the authentic good of individuals and of human society as a whole. If it is the responsibility of every University to search for such meaning, a Catholic University is called in a particular way to respond to this need: its Christian inspiration enables it to include the moral, spiritual and religious dimension in its research, and to evaluate the attainments of science and technology in the perspective of the totality of the human person.

In this context, Catholic Universities are called to a continuous renewal, both as "Universities" and as "Catholic". For, "What is at stake is the *very meaning of scientific and technological research, of social life and of culture,* but, on an even more profound level, what is at stake is

the very meaning of the human person"(10). Such renewal requires a clear awareness that, by its Catholic character, a University is made more capable of conducting an *impartial* search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind.

8. Having already dedicated the Apostolic Constitution *Sapientia Christiana* to Ecclesiastical Faculties and Universities(11), I then felt obliged to propose an analogous Document for Catholic Universities as a sort of "magna carta", enriched by the long and fruitful experience of the Church in the realm of Universities and open to the promise of future achievements that will require courageous creativity and rigorous fidelity.

9. The present Document is addressed especially to those who conduct Catholic Universities, to the respective academic communities, to all those who have an interest in them, particularly the Bishops, Religious Congregations and ecclesial *Institutions,* and to the numerous laity who are committed to the great mission of higher education. Its purpose is that "the Christian mind may achieve, as it were, a public, persistent and universal presence in the whole enterprise of advancing higher culture and that the students of these institutions become people outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world"(12).

10. In addition to Catholic Universities, I also turn to the many Catholic Institutions of higher education. According to their nature and proper objectives, they share some or all of the characteristics of a University and they offer their own contribution to the Church and to society, whether through research, education or professional training. While this Document specifically concerns Catholic Universities, it is also meant to include all Catholic Institutions of higher education engaged in instilling the Gospel message of Christ in souls and cultures.

Therefore, it is with great trust and hope that I invite all Catholic Universities to pursue their irreplaceable task. Their mission appears increasingly necessary for the encounter of the Church with the development of the sciences and with the cultures of our age.

Together with all my brother Bishops who share pastoral responsibility with me, I would like to manifest my deep conviction that a Catholic University is without any doubt one of the best instruments that the Church offers to our age which is searching for certainty and wisdom. Having the mission of bringing the Good News to everyone, the Church should never fail to interest herself in this Institution. By research and teaching, Catholic Universities assist the Church in the manner most appropriate to modern times to find cultural treasures both old and new, *"nova et vetera",* according to the words of Jesus(13).

11. Finally, I turn to the whole Church, convinced that Catholic Universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial Community is invited to give its support to Catholic Institutions of higher education and to assist them in their process of development and renewal. It is invited in a special way to guard the rights and freedom of these Institutions in civil society, and to offer them economic aid, especially in those countries where they have more urgent need of it, and to furnish assistance in founding new Catholic Universities wherever this might be necessary.

My hope is that these prescriptions, based on the teaching of Vatican Council II and the directives of the Code of Canon Law, will enable Catholic Universities and other Institutes of higher studies to fulfil their indispensable mission in the new advent of grace that is opening up to the new Millennium.

PART I

IDENTITY AND MISSION

A. THE IDENTITY OF A CATHOLIC UNIVERSITY

1. Nature and Objectives

12. Every Catholic University, *as a university,* is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities(14). It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good(15).

13. Since the objective of a Catholic University is to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture(16), every Catholic University, as *Catholic,* must have the following *essential characteristics:*

"1. a Christian inspiration not only of individuals but of the university community as such;

2. a continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;

3. fidelity to the Christian message as it comes to us through the Church;

4. an institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life"(17).

14. "In the light of these four characteristics, it is evident that besides the teaching, research and services common to all Universities, a Catholic University, by *institutional commitment,* brings to its task the inspiration and light of the *Christian message.* In a Catholic University, therefore, Catholic ideals, attitudes and principles penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being both a University and Catholic, it must be both a community of scholars representing various branches of human knowledge, and an academic institution in which Catholicism is vitally present and operative"(18).

15. A Catholic University, therefore, is a place of research, where scholars *scrutinize reality* with the methods proper to each academic discipline, and so contribute to the treasury of human knowledge. Each individual discipline is studied in a systematic manner; moreover, the various disciplines are brought into dialogue for their mutual enhancement.

In addition to assisting men and women in their continuing quest for the truth, this research provides an effective witness, especially necessary today, to the Church's belief in the intrinsic value of knowledge and research.

In a Catholic University, research necessarily includes *(a)* the search for an *integration of*

knowledge, (b) a *dialogue between faith and reason, (c)* an *ethical concern,* and *(d)* a *theological perspective.*

16. *Integration of knowledge* is a process, one which will always remain incomplete; moreover, the explosion of knowledge in recent decades, together with the rigid compartmentalization of knowledge within individual academic disciplines, makes the task increasingly difficult. But a University, and especially a Catholic University, *"has to be a 'living union' of individual organisms* dedicated to the search for truth ... It is necessary *to work towards a higher synthesis* of knowledge, in which alone lies the possibility of satisfying that thirst for truth which is profoundly inscribed on the heart of the human person"(19). Aided by the specific contributions of philosophy and theology, university scholars will be engaged in a constant effort to determine the relative place and meaning of each of the various disciplines within the context of a vision of the human person and the world that is enlightened by the Gospel, and therefore by a faith in Christ, the *Logos,* as the centre of creation and of human history.

17. In promoting this integration of knowledge, a specific part of a Catholic University's task is to promote *dialogue between faith and reason,* so that it can be seen more profoundly how faith and reason bear harmonious witness to the unity of all truth. While each academic discipline retains its own integrity and has its own methods, this dialogue demonstrates that "methodical research within every branch of learning, when carried out in a truly scientific manner and in accord with moral norms, can never truly conflict with faith. For the things of the earth and the concerns of faith derive from the same God"(20). A vital interaction of two distinct levels of coming to know the one truth leads to a greater love for truth itself, and contributes to a more comprehensive understanding of the meaning of human life and of the purpose of God's creation.

18. Because knowledge is meant to serve the human person, research in a Catholic University is always carried out with a concern for the *ethical* and *moral implications* both of its methods and of its discoveries. This concern, while it must be present in all research, is particularly important in the areas of science and technology. "It is essential that we be convinced of the priority of the ethical over the technical, of the primacy of the person over things, of the superiority of the spirit over matter. The cause of the human person will only be served if knowledge is joined to conscience. Men and women of science will truly aid humanity only if they preserve 'the sense of the transcendence of the human person over the world and of God over the human person"(21).

19. *Theology* plays a particularly important role in the search for a synthesis of knowledge as well as in the dialogue between faith and reason. It serves all other disciplines in their search for meaning, not only by helping them to investigate how their discoveries will affect individuals and society but also by bringing a perspective and an orientation not contained within their own methodologies. In turn, interaction with these other disciplines and their discoveries enriches theology, offering it a better understanding of the world today, and making theological research more relevant to current needs. Because of its specific importance among the academic disciplines, every Catholic University should have a faculty, or at least a chair, of theology(22).

20. Given the close connection between research and teaching, the research qualities indicated above will have their influence on all teaching. While each discipline is taught systematically and according to its own methods, *interdisciplinary studies,* assisted by a careful and thorough study of philosophy and theology, enable students to acquire an organic vision of reality and to

develop a continuing desire for intellectual progress. In the communication of knowledge, emphasis is then placed on how *human reason in its reflection* opens to increasingly broader questions, and how the complete answer to them can only come from above through faith. Furthermore, the *moral implications* that are present in each discipline are examined as an integral part of the teaching of that discipline so that the entire educative process be directed towards the whole development of the person. Finally, Catholic theology, taught in a manner faithful to Scripture, Tradition, and the Church's Magisterium, provides an awareness of the Gospel principles which will enrich the meaning of human life and give it a new dignity.

Through research and teaching the students are educated in the various disciplines so as to become truly competent in the specific sectors in which they will devote themselves to the service of society and of the Church, but at the same time prepared to give the witness of their faith to the world.

2. The University Community

21. A Catholic University pursues its objectives through its formation of an authentic human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ which gives the Institution its distinctive character. As a result of this inspiration, the community is animated by a spirit of freedom and charity; it is characterized by mutual respect, sincere dialogue, and protection of the rights of individuals. It assists each of its members to achieve wholeness as human persons; in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity, contributes towards decisions which affect the community, and also towards maintaining and strengthening the distinctive Catholic character of the Institution.

22. *University teachers* should seek to improve their competence and endeavour to set the content, objectives, methods, and results of research in an individual discipline within the framework of a coherent world vision. Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences attained integration between faith and life, and between professional competence and Christian wisdom. All teachers are to be inspired by academic ideals and by the principles of an authentically human life.

23. Students are challenged to pursue an education that combines excellence in humanistic and cultural development with specialized professional training. Most especially, they are challenged to continue the search for truth and for meaning throughout their lives, since "the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense"(23). This enables them to acquire or, if they have already done so, to deepen a Christian way of life that is authentic. They should realize the responsibility of their professional life, the enthusiasm of being the trained 'leaders' of tomorrow, of being witnesses to Christ in whatever place they may exercise their profession.

24. *Directors* and *administrators* in a Catholic University promote the constant growth of the University and its community through a leadership of service; the dedication and witness of the *non-academic staff* are vital for the identity and life of the University.

25. Many Catholic Universities were founded by Religious Congregations, and continue to depend on their support; those Religious Congregations dedicated to the apostolate of higher

education are urged to assist these Institutions in the renewal of their commitment, and continue to prepare religious men and women who can positively contribute to the mis a Catholic University.

Lay people have found in university activities a means by which they too could exercise important apostolic role in the Church and, in most Catholic Universities today, the acad community is largely composed of laity; in increasing numbers, lay men and women are assuming important functions and responsibilities for the direction of these Institutions. These lay Catholics are responding to the Church's call "to be present, as signs of courage and intellectual creativity, in the privileged places of culture, that is, the world of education-school and university"(24). The future of Catholic Universities depends to a great extent on the competent and dedicated service of lay Catholics. The Church sees their developing presence in these institutions both as a sign of hope and as a confirmation of the irreplaceable lay vocation in the Church and in the world, confident that lay people will, in the exercise of their own distinctive role, "illumine and organize these (temporal) affairs in such a way that they always start out, develop, and continue according to Christ's mind, to the praise of the Creator and the Redeemer"(25).

26. The university community of many Catholic institutions includes members of other Churches, ecclesial communities and religions, and also those who profess no religious belief. These men and women offer their training and experience in furthering the various academic disciplines or other university tasks.

3. The Catholic University in the Church

27. Every Catholic University, without ceasing to be a University, has a relationship to the Church that is essential to its institutional identity. As such, it participates most directly in the life of the local Church in which it is situated; at the same time, because it is an academic institution and therefore a part of the international community of scholarship and inquiry, each institution participates in and contributes to the life and the mission of the universal Church, assuming consequently a special bond with the Holy See by reason of the service to unity which it is called to render to the whole Church. One consequence of its essential relationship to the Church is that the *institutional* fidelity of the University to the Christian message includes a recognition of and adherence to the teaching authority of the Church in matters of faith and morals. Catholic members of the university community are also called to a personal fidelity to the Church with all that this implies. Non-Catholic members are required to respect the Catholic character of the University, while the University in turn respects their religious liberty(26).

28. Bishops have a particular responsibility to promote Catholic Universities, and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between University and Church authorities, characterized by mutual trust, close and consistent cooperation and continuing dialogue. Even when they do not enter directly into the internal governance of the University, Bishops "should be seen not as external agents but as participants in the life of the Catholic University"(27).

29. The Church, accepting "the legitimate autonomy of human culture and especially of the sciences", recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods(28), and within the confines of the truth and the

common good.

Theology has its legitimate place in the University alongside other disciplines. It has proper principles and methods which define it as a branch of knowledge. Theologians enjoy this same freedom so long as they are faithful to these principles and methods.

Bishops should encourage the creative work of theologians. They serve the Church through research done in a way that respects theological method. They seek to understand better, further develop and more effectively communicate the meaning of Christian Revelation as transmitted in Scripture and Tradition and in the Church's Magisterium. They also investigate the ways in which theology can shed light on specific questions raised by contemporary culture. At the same time, since theology seeks an understanding of revealed truth whose authentic interpretation is entrusted to the Bishops of the Church(29), it is intrinsic to the principles and methods of their research and teaching in their academic discipline that theologians respect the authority of the Bishops, and assent to Catholic doctrine according to the degree of authority with which it is taught(30). Because of their interrelated roles, dialogue between Bishops and theologians is essential; this is especially true today, when the results of research are so quickly and so widely communicated through the media(31).

B. THE MISSION OF SERVICE OF A CATHOLIC UNIVERSITY

30. The basic mission of a University is a continuous quest for truth through its research, and the preservation and communication of knowledge for the good of society. A Catholic University participates in this mission with its own specific characteristics and purposes.

1. Service to Church and Society

31. Through teaching and research, a Catholic University offers an indispensable contribution to the Church. In fact, it prepares men and women who, inspired by Christian principles and helped to live their Christian vocation in a mature and responsible manner, will be able to assume positions of responsibility in the Church. Moreover, by offering the results of its scientific research, a Catholic University will be able to help the Church respond to the problems and needs of this age.

32. A Catholic University, as any University, is immersed in human society; as an extension of its service to the Church, and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society. Induded among its research activities, therefore, will be a study of *serious contemporary problems* in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions.

If need be, a Catholic University must have the courage to speak uncomfortable truths which do not please public opinion, but which are necessary to safeguard the authentic good of society.

33. A specific priority is the need to examine and evaluate the predominant values and norms

of modern society and culture in a Christian perspective, and the responsibility to try to communicate to society those *ethical and religious principles which give full meaning to human life.* In this way a University can contribute further to the development of a true Christian anthropology, founded on the person of Christ, which will bring the dynamism of the creation and redemption to bear on reality and on the correct solution to the problems of life.

34. The Christian spirit of service to others for the *promotion of social justice* is of particular importance for each Catholic University, to be shared by its teachers and developed in its students. The Church is firmly committed to the integral growth of all men and women(32). The Gospel, interpreted in the social teachings of the Church, is an urgent call to promote "the development of those peoples who are striving to escape from hunger, misery, endemic diseases and ignorance; of those who are looking for a wider share in the benefits of civilization and a more active improvement of their human qualities; of those who are aiming purposefully at their complete fulfilment"(33). Every Catholic University feels responsible to contribute concretely to the progress of the society within which it works: for example it will be capable of searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups who customarily have been deprived of it. A Catholic University also has the responsibility, to the degree that it is able, to help to promote the development of the emerging nations.

35. In its attempts to resolve these complex issues that touch on so many different dimensions of human life and of society, a Catholic University will insist on cooperation among the different academic disciplines, each offering its distinct contribution in the search for solutions; moreover, since the economic and personal resources of a single Institution are limited, cooperation in *common research projects* among Catholic Universities, as well as with other private and governmental institutions, is imperative. In this regard, and also in what pertains to the other fields of the specific activity of a Catholic University, the role played by various national and international associations of Catholic Universities is to be emphasized. Among these associations the mission of *The International Federation of Catholic Universities,* founded by the Holy See(34), is particularly to be remembered. The Holy See anticipates further fruitful collaboration with this Federation.

36. Through programmes of *continuing education* offered to the wider community, by making its scholars available for consulting services, by taking advantage of modern means of communication, and in a variety of other ways, a Catholic University can assist in making the growing body of human knowledge and a developing understanding of the faith available to a wider public, thus expanding university services beyond its own academic community.

37. In its service to society, a Catholic University *will relate especially to the academic, cultural and scientific world* of the region in which it is located. Original forms of dialogue and collaboration are to be encouraged between the Catholic Universities and the other Universities of a nation on behalf of development, of understanding between cultures, and of the defence of nature in accordance with an awareness of the international ecological situation.

Catholic Universities join other private and public Institutions in serving the public interest through higher education and research; they are one among the variety of different types of institution that are necessary for the free expression of cultural diversity, and they are committed to the promotion of solidarity and its meaning in society and in the world. Therefore they have the full right to expect that civil society and public authorities will recognize and defend their institutional autonomy and academic freedom; moreover, they have the right to the financial support that is necessary for their continued existence and

development.

2. Pastoral Ministry

38. Pastoral ministry is that activity of the University which offers the members of the university community an opportunity to integrate religious and moral principles with their academic study and non-academic activities, *thus integrating faith with life.* It is part of the mission of the Church within the University, and is also a constitutive element of a Catholic University itself, both in its structure and in its life. A university community concerned with promoting the Institution's Catholic character will be conscious of this pastoral dimension and sensitive to the ways in which it can have an influence on all university activities.

39. As a natural expression of the Catholic identity of the University, the university community *should give a practical demonstration of its faith in its daily activity,* with important moments of reflection and of prayer. Catholic members of this community will be offered opportunities to assimilate Catholic teaching and practice into their lives and will be encouraged to participate in the celebration of the sacraments, especially the Eucharist as the most perfect act of community worship. When the academic community includes members of other Churches, ecclesial communities or religions, their initiatives for reflection and prayer in accordance with their own beliefs are to be respected.

40. Those involved in pastoral ministry will encourage teachers and students to become more aware of their responsibility towards those who are suffering physically or spiritually. Following the example of Christ, they will be particularly attentive to the poorest and to those who suffer economic, social, cultural or religious injustice. This responsibility begins within the academic community, but it also finds application beyond it.

41. Pastoral ministry is an indispensable means by which Catholic students can, in fulfilment of their baptism, *be prepared for active participation in the life of the Church;* it can assist in developing and nurturing the value of marriage and family life, fostering vocations to the priesthood and religious life, stimulating the Christian commitment of the laity and imbuing every activity with the spirit of the Gospel. Close cooperation between pastoral ministry in a Catholic University and the other activities within the local Church, under the guidance or with the approval of the diocesan Bishop, will contribute to their mutual growth(35).

42. Various associations or movements of spiritual and apostolic life, especially those developed specifically for students, can be of great assistance in developing the pastoral aspects of university life.

3. Cultural Dialogue

43. By its very nature, a University develops culture through its research, helps to transmit the local culture to each succeeding generation through its teaching, and assists cultural activities through its educational services. It is open to all human experience and is ready to dialogue with and learn from any culture. A Catholic University shares in this, offering the rich experience of the Church's own culture. In addition, a Catholic University, aware that human culture is open to Revelation and transcendence, is also a primary and privileged place for a *fruitful dialogue between the Gospel and culture.*

44. Through this dialogue a Catholic University assists the Church, enabling it to come to a

better knowledge of diverse cultures, discern their positive and negative aspects, to receive their authentically human contributions, and to develop means by which it can make the faith better understood by the men and women of a particular culture(36). While it is true that the Gospel cannot be identified with any particular culture and transcends all cultures, it is also true that "the Kingdom which the Gospel proclaims is lived by men and women who are profoundly linked to a culture, and the building up of the Kingdom cannot avoid borrowing the elements of human culture or cultures(37). "A faith that places itself on the margin of what is human, of what is therefore culture, would be a faith unfaithful to the fullness of what the Word of God manifests and reveals, a decapitated faith, worse still, a faith in the process of self-annihilation"(38).

45. A Catholic University must become *more attentive to the cultures of the world of today,* and to the *various cultural traditions existing within the Church* in a way that will promote a continuous and profitable dialogue between the Gospel and modern society. Among the criteria that characterize the values of a culture are above all, the *meaning of the human person,* his or her liberty, dignity, *sense of responsibility,* and openness to the transcendent. To a respect for persons is joined *the preeminent value of the family,* the primary unit of every human culture.

Catholic Universities will seek to discern and evaluate both the aspirations and the contradictions of modern culture, in order to make it more suited to the total development of individuals and peoples. In particular, it is recommended that by means of appropriate studies, the impact of modern technology and especially of the mass media on persons, the family, and the institutions and whole of modem culture be studied deeply. Traditional cultures are to be defended in their identity, helping them to receive modern values without sacrificing their own heritage, which is a wealth for the whole of the human family. Universities, situated within the ambience of these cultures, will seek to harmonize local cultures with the positive contributions of modern cultures.

46. An area that particularly interests a Catholic University is the *dialogue between Christian thought and the modern sciences.* This task requires persons particularly well versed in the individual disciplines and who are at the same time adequately prepared theologically, and who are capable of confronting epistemological questions at the level of the relationship between faith and reason. Such dialogue concerns the natural sciences as much as the human sciences which posit new and complex philosophical and ethical problems. The Christian researcher should demonstrate the way in which human intelligence is enriched by the higher truth that comes from the Gospel: "The intelligence is never diminished, rather, it is stimulated and reinforced by that interior fount of deep understanding that is the Word of God, and by the hierarchy of values that results from it... In its unique manner, the Catholic University helps to manifest the superiority of the spirit, that can never, without the risk of losing its very self, be placed at the service of something other than the search for truth"(39).

47. Besides cultural dialogue, a Catholic University, in accordance vith its specific ends, and keeping in mind the various religious-cultural contexts, following the directives promulgated by competent ecclesiastical authority, can offer a contribution to ecumenical dialogue. It does so to further the search for unity among all Christians. In inter-religious dialogue it will assist in discerning the spiritual values that are present in the different religions.

4. Evangelization

48. The primary mission of the Church is to preach the Gospel in such a way that a

relationship between faith and life is established in each individual and in the socio-cultural context in which individuals live and act and communicate with one another. Evangelization means "bringing the Good News into all the strata of humanity, and through its influence transforming humanity from within and making it new... It is a question not only of preaching the Gospel in ever wider geographic areas or to ever greater numbers of people, but also of affecting and, as it were, upsetting, through the power of the Gospel, humanity's criteria of judgment, determining values, points of interest, lines of thought, sources of inspiration and models of life, which are in contrast with the Word of God and the plan of salvation"(40).

49. By its very nature, each Catholic University makes an important contribution to the Church's work of evangelization. It is a living *institutional* witness to Christ and his message, so vitally important in cultures marked by secularism, or where Christ and his message are still virtually unknown. Moreover, all the basic academic activities of a Catholic University are connected with and in harmony with the evangelizing mission of the Church: research carried out in the light of the Christian message which puts new human discoveries at the service of individuals and society; education offered in a faith-context that forms men and women capable of rational and critical judgment and conscious of the transcendent dignity of the human person; professional training that incorporates ethical values and a sense of service to individuals and to society; the dialogue with culture that makes the faith better understood, and the theological research that translates the faith into contemporary language. "Precisely because it is more and more conscious of its salvific mission in this world, the Church wants to have these centres closely connected with it; it wants to have them present and operative in spreading the authentic message of Christ"(41).

PART II

GENERAL NORMS

Article 1. ***The Nature of these General Norms***

§ 1. These General Norms are based on, and are a further development of, the Code of Canon Law(42) and the complementary Church legislation, without prejudice to the right of the Holy See to intervene should this become necessary. They are valid for all Catholic Universities and other Catholic Institutes of Higher Studies throughout the world.

§ 2. The General Norms are to be applied concretely at the local and regional levels by Episcopal Conferences and other Assemblies of Catholic Hierarchy(43) in conformity with the Code of Canon Law and complementary Church legislation, taking into account the Statutes of each University or Institute and, as far as possible and appropriate, civil law. After review by the Holy See(44), these local or regional "Ordinances" will be valid for all Catholic Universities and other Catholic Institutes of Higher Studies in the region, except for Ecclesiastical Universities and Faculties. These latter Institutions, including Ecclesiastical Faculties which are part of a Catholic University, are governed by the norms of the Apostolic Constitution *Sapientia Christiana(45).*

§ 3. A University established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop is to incorporate these General Norms and their local and regional applications into its governing documents, and conform its existing Statutes both to the General Norms and to their applications, and submit them for approval to the competent ecclesiastical Authority. It is contemplated that other Catholic Universities, that is, those not established or approved in any of the above ways, with

the agreement of the local ecclesiastical Authority, will make their own the General Norms and their local and regional applications, internalizing them into their governing documents, and, as far as possible, will conform their existing Statutes both to these General Norms and to their applications.

Article 2. ***The Nature of a Catholic University***

§ 1. A Catholic University, like every university, is a community of scholars representing various branches of human knowledge. It is dedicated to research, to teaching, and to various kinds of service in accordance with its cultural mission.

§ 2. A Catholic University, as Catholic, informs and carries out its research, teaching, and all other activities with Catholic ideals, principles and attitudes. It is linked with the Church either by a formal, constitutive and statutory bond or by reason of an institutional commitment made by those responsible for it.

§ 3. Every Catholic University is to make known its Catholic identity, either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical Authority. The University, particularly through its structure and its regulations, is to provide means which will guarantee the expression and the preservation of this identity in a manner consistent with §2.

§ 4. Catholic teaching and discipline are to influence all university activities, while the freedom of conscience of each person is to be fully respected(46). Any official action or commitment of the University is to be in accord with its Catholic identity.

§ 5. A Catholic University possesses the autonomy necessary to develop its distinctive identity and pursue its proper mission. Freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline, so long as the rights of the individual and of the community are preserved within the confines of the truth and the common good(47).

Article 3. ***The Establishment of a Catholic University***

§ 1. A Catholic University may be established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop.

§ 2. With the consent of the diocesan Bishop, a Catholic University may also be established by a Religious Institute or other public juridical person.

§ 3. A Catholic University may also be established by other ecclesiastical or lay persons; such a University may refer to itself as a Catholic University only with the consent of the competent ecclesiastical Authority, in accordance with the conditions upon which both parties shall agree (48).

§ 4. In the cases of §§ 1 and 2, the Statutes must be approved by the competent ecclesiastical Authority.

Article 4. ***The University Community***

§ 1. The responsibility for maintaining and strengthening the Catholic identity of the University rests primarily with the University itself. While this responsibility is entrusted principally to university authorities (including, when the positions exist, the Chancellor and/or a Board of Trustees or equivalent body), it is shared in varying degrees by all members of the university community, and therefore calls for the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to promote that identity. The identity of a Catholic University is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent Authority to watch over these two fundamental needs in accordance with what is indicated in Canon Law(49).

§ 2. All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the Institution and its implications, and about their responsibility to promote, or at least to respect, that identity.

§ 3. In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfil a mandate received from the Church, are to be faithful to the Magisterium of the Church as the authentic interpreter of Sacred Scripture and Sacred Tradition(50).

§ 4. Those university teachers and administrators who belong to other Churches, ecclesial communities, or religions, as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the University. In order not to endanger the Catholic identity of the University or Institute of Higher Studies, the number of non-Catholic teachers should not be allowed to constitute a majority within the Institution, which is and must remain Catholic.

§ 5. The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the Church; the programme of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students(51).

Article 5. ***The Catholic University within the Church***

§ 1. Every Catholic University is to maintain communion with the universal Church and the Holy See; it is to be in close communion with the local Church and in particular with the diocesan Bishops of the region or nation in which it is located. In ways consistent with its nature as a University, a Catholic University will contribute to the Church's work of evangelization.

§ 2. Each Bishop has a responsibility to promote the welfare of the Catholic Universities in his diocese and has the right and duty to watch over the preservation and strengthening of their Catholic character. If problems should arise concerning this Catholic character, the local Bishop is to take the initiatives necessary to resolve the matter, working with the competent university authorities in accordance with established procedures(52) and, if necessary, with the help of the Holy See.

§ 3. Periodically, each Catholic University, to which Article 3, 1 and 2 refers, is to communicate relevant information about the University and its activities to the competent ecclesiastical Authority. Other Catholic Universities are to communicate this information to

the Bishop of the diocese in which the principal seat of the Institution is located.

Article 6. ***Pastoral Ministry***

§ 1. A Catholic University is to promote the pastoral care of all members of the university community, and to be especially attentive to the spiritual development of those who are Catholics. Priority is to be given to those means which will facilitate the integration of human and professional education with religious values in the light of Catholic doctrine, in order to unite intellectual learning with the religious dimension of life.

§ 2. A sufficient number of qualified people-priests, religious, and lay persons-are to be appointed to provide pastoral ministry for the university community, carried on in harmony and cooperation with the pastoral activities of the local Church under the guidance or with the approval of the diocesan Bishop. All members of the university community are to be invited to assist the work of pastoral ministry, and to collaborate in its activities.

Article 7. ***Cooperation***

§ 1. In order better to confront the complex problems facing modern society, and in order to strengthen the Catholic identity of the Institutions, regional, national and international cooperation is to be promoted in research, teaching, and other university activities among all Catholic Universities, induding Ecclesiastical Universities and Faculties(53). Such cooperation is also to be promoted between Catholic Universities and other Universities, and with other research and educational Institutions, both private and governmental.

§ 2. Catholic Universities will, when possible and in accord with Catholic principles and doctrine, cooperate with government programmes and the programmes of other national and international Organizations on behalf of justice, development and progress.

TRANSITIONAL NORMS

Art. 8. The present Constitution will come into effect on the first day to the academic year 1991.

Art. 9. The application of the Constitution is committed to the Congregation for Catholic Education, which has the duty to promulgate the necessary directives that will serve towards that end.

Art. 10. It will be the competence of the Congregation for Catholic Education, when with the passage of time circumstances require it, to propose changes to be made in the present Constitution in order that it may be adapted continuously to the needs of Catholic Universities.

Art. 11. Any particular laws or customs presently in effect that are contrary to this Constitution are abolished. Also, any privileges granted up to this day by the Holy See whether to physical or moral persons that are contrary to this present Constitution are abolished.

CONCLUSION

The mission that the Church, with great hope, entrusts to Catholic Universities holds a cultural and religious meaning of vital importance because it concerns the very future of humanity. The

renewal requested of Catholic Universities will make them better able to respond to the task of bringing the message of Christ to man, to society, to the various cultures: "Every human reality, both individual and social has been liberated by Christ: persons, as well as the activities of men and women, of which culture is the highest and incarnate expression. The salvific action of the Church on cultures is achieved, first of all, by means of persons, families and educators... Jesus Christ, our Saviour, offers his light and his hope to all those who promote the sciences, the arts, letters and the numerous fields developed by modem culture. Therefore, all the sons and daughters of the Church should become aware of their mission and discover how the strength of the Gospel can penetrate and regenerate the mentalities and dominant values that inspire individual cultures, as well as the opinions and mental attitudes that are derived from it"(54).

It is with fervent hope that I address this Document to all the men and women engaged in various ways in the significant mission of Catholic higher education.

Beloved Brothers and Sisters, my encouragement and my trust go with you in your weighty daily task that becomes ever more important, more urgent and necessary on behalf of Evangelization for the future of culture and of all cultures. The Church and the world have great need of your witness and of your capable, free, and responsible contribution.

Given in Rome, at Saint Peter's, on 15 August, the Solemnity of the Assumption of the Blessed Virgin Mary into Heaven, in the year 1990, the twelfth of the Pontificate.

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1 Cf. The letter of Pope Alexander IV to the University of Paris, 14 April 1255, Introduction: *Bullarium Diplomatum...*, vol. III, Turin 1858, p. 602.

2 SAINT AUGUSTINE, *Confes.* X, xxiii, 33: "In fact, the blessed life consists in *the joy that comes from the truth,* since this joy comes from You who are Truth, God my light, salvation of my face, my God". PL 32, 793-794. Cf. SAINT THOMAS AQUINAS, *De Malo,* IX, 1: "It is actually natural to man to strive for knowledge of the truth".

3 JOHN PAUL II, Discourse to the "Institut Catholique de Paris", 1 June 1980: *Insegnamenti di Giovanni Paolo II,* Vol. III/1 (1980), p. 1581.

4 JOHN PAUL II, Discourse to the Cardinals, 10 November 1979: *Insegnamenti di Giovanni Paolo II,* Vol. II/2 (1979), p. 1096; cf. Discourse to UNESCO, Paris, 2 June 1980: AAS 72 (1980), pp. 735-752.

5 Cf. JOHN PAUL II, Discourse to the University of Coimbra, 15 May 1982: *Insegnamenti di Giovanni Paolo II,* Vol. V/2 (1982), p. 1692.

6 PAUL VI, Allocution to Representatives of States, 4 October 1965: *Insegnamenti di Paolo VI,* Vol. III (1965), p. 508.

7 JOHN HENRY CARDINAL NEWMAN, *The Idea of a University,* London, Longmans, Green and Company, 1931, p. XI.

8 *Jn* 14:6.

9 Cf. SAINT AUGUSTINE, Serm. 43, 9: PL 38, 258. Cf. also SAINT ANSELM, *Proslogion,* chap. I: PL 158, 227.

10 Cf. JOHN PAUL II, Allocution to the International Congress on Catholic Universities, 25 April 1989, n. 3: AAS 18 (1989), p. 1218.

11 JOHN PAUL II, Apostolic Constitution Sapientia Christiana concerning the Ecclesiastical Universities and Faculties, 15 April 1979: AAS 71 (1979), pp. 469-521.

12 VATICAN COUNCIL II, Declaration on Catholic Education *Gravissimum Educationis,* n. 10: AAS 58 (1966), p. 737.

13 *Mt* 13:52.

14 Cf. *The Magna Carta of the European Universities,* Bologna, Italy, 18 September 1988, "Fundamental Principles".

15 Cf. VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 59: AAS 58 (1966), p. 1080; Declaration on Catholic Education *Gravissimum Educationis,* n. 10: AAS 58 (1966), p. 737. "Institutional autonomy" means that the governance of an academic institution is and remains internal to the institution; "academic freedom" is the guarantee given to those involved in teaching and research that, within their specific specialized branch of knowledge, and according to the methods proper to that specific area, they may search for the truth wherever analysis and evidence leads them, and may teach and publish the results of this search, keeping in mind the cited criteria, that is, safeguarding the rights of the individual and of society within the confines of the truth and the common good.

16 There is a two-fold notion of *culture* used in this document: the *humanistic* and the *socio-historical.* "The word 'culture' in its general sense indicates all those factors by which man refines and unfolds his manifold spiritual and bodily qualities. It means his effort to bring the world itself under his control by his knowledge and his labor. It includes the fact that by improving customs and institutions he renders social life more human both within the family and in the civic community. Finally, it is a feature of culture that throughout the course of time man expresses, communicates, and conserves in his works great spiritual experiences and desires, so that these may be of advantage to the progress of many, even of the whole human family. Hence it follows that human culture necessarily has a historical and social aspect and that the word 'culture' often takes on a sociological and ethnological sense". VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 53: AAS 58 (1966), p. 1075.

17 *L'Université Catholique dans le monde moderne. Document final du* 2ème *Congrès des Délégués des Universités Catholiques,* Rome, 20-29 November 1972, § 1.

18 *Ibid.*

19 JOHN PAUL II, Allocution to the International Congress on Catholic Universities, 25 April 1989, n. 4: *AAS* 81 (1989), p. 1219. Cf. also VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World*Gaudium et Spes,* n. 61: AAS 58 (1966), pp. 1081-1082. Cardinal Newman observes that a University "professes to assign to each study which it

receives, its proper place and its just boundaries; to define the rights, to establish the mutual relations and to effect the intercommunion of one and all". (Op. cit., p. 457).

20 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 36: AAS 58 (1966), p. 1054. To a group of scientists I pointed out that "while reason and faith surely represent two distinct orders of knowledge, each autonomous with regard to its own methods, the two must finally converge in the discovery of a single whole reality which has its origin in God". (JOHN PAUL II, *Address at the Meeting on Galileo, 9* May 1983, n. 3: AAS 75 [1983], p. 690).

21 JOHN PAUL II, Address at UNESCO, 2 June 1980, n. 22: AAS 72 (1980), p. 750. The last part of the quotation uses words directed to the Pontifical Academy of Sciences, 10 November 1979: *Insegnamenti di Giovanni Paolo II,* Vol. II/2 (1979), p. 1109.

22 Cf. VATICAN COUNCIL II, Declaration on Catholic Education *Gravissimum Educationis,* n. 10: *AAS* 58 (1966), p. 737.

23 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 59: AAS 58 (1966), p. 1080. Cardinal Newman describes the ideal to be sought in this way: "A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation and wisdom". *(Op. cit.,* pp. 101-102).

24 JOHN PAUL II, Post-Synodal Apostolic Exhortation *Christifideles Laici,* 30 December 1988, n. 44: AAS 81 (1989), p. 479.

25 VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium,* n. 31: *AAS* 57 (1965), pp. 37-38. Cf. Decree on the Apostolate of the Laity *Apostolicam Actuositatem,* passim: AAS 58 (1966), pp. 837ff. Cf. also *Gaudium et Spes,* n. 43: *AAS* 58 (1966), pp. 1061-1064.

26 Cf. VATICAN COUNCIL II, Declaration on Religious Liberty *Dignitatis Humanae,* n. 2: AAS 58 (1966), pp. 930-931.

27 JOHN PAUL II, Address to Leaders of Catholic Higher Education, Xavier University of Louisiana, U.S.A., 12 September 1987, n. 4: AAS 80 (1988), p. 764.

28 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 59: *AAS* 58 (1966), p. 1080.

29 Cf. VATICAN COUNCIL II, Dogmatic Constitution on Divine Revelation *Dei Verbum,* nn. 8-10: *AAS* 58 (1966), pp. 820-822.

30 Cf. VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium,* n. 25: *AAS* 57 (1965), pp. 29-31.

31 Cf. "Instruction on the Ecclesial Vocation of the Theologian" of the Congregation for the Doctrine of the Faith of 24 May 1990.

32 Cf. JOHN PAUL II, Encyclical Letter Sollicitudo Rei Socialis,

nn. 27-34: *AAS* 80 (1988), pp. 547-560.

33 PAUL VI, Encyclical Letter *Populorum Progressio,* n. 1: AAS 59

(1967), p. 257.

34 "Therefore, in that there has been a pleasing multiplication of centres of higher learning, it has become apparent that it would be opportune for the faculty and the alumni to unite in common association which, working in reciprocal understanding and close collaboration, and based upon the authority of the Supreme Pontiff, as father and universal doctor, they might more efficaciously spread and extend the light of Christ". (Plus XII, Apostolic Letter *Catholicas Studiorum Universitates,* with which The International Federation of Catholic Universities was established: AAS 42 [1950], p. 386).

35 The Code of Canon Law indicates the general responsibility of the Bishop toward university students: "The diocesan bishop is to have serious pastoral concern for students by erecting a parish for them or by assigning priests for this purpose on a stable basis; he is also to provide for Catholic university centers at universities, even non-Catholic ones, to give assistance, especially spiritual to young people". *(CIC,* can. 813).

36 "Living in various circumstances during the course of time, the Church, too, has used in her preaching the discoveries of different cultures to spread and explain the message of Christ to all nations, to probe it and more deeply understand it, and to give it better expression in liturgical celebrations and in the life of the diversified community of the faithful". (VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 58: *AAS* 58 [1966], p. 1079).

37 PAUL VI, Apostolic Exhortation *Evangelii Nuntiandi,* n. 20: *AAS* 68 (1976), p. 18. Cf. VATICAN COUNCIL II, Pastotal Constitution on the Church in the Modern World *Gaudium et Spes,* n. 58: *AAS* 58 (1966), p. 1079.

38 JOHN PAUL II, Address to Intellectuals, to Students and to University Personnel at Medellín, Colombia, 5 July 1986, n. 3: AAS 79 (1987), p. 99. Cf. also VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* n. 58: *AAS* 58 (1966), p. 1079.

39 PAUL VI, to the Delegates of The International Federation of Catholic Universities, 27 November 1972: *AAS* 64 (1972), p. 770.

40 PAUL VI, Apostolic Exhortation *Evangelii Nuntiandi,* nn. 18ff.: *AAS* 68 (1976), pp. 17-18.

41 PAUL VI, Address to Presidents and Rectors of the Universities of the Society of Jesus, 6 August 1975, n. 2: AAS 67 (1975), p. 533. Speaking to the participants of the International Congress on Catholic Universities, 25 April 1989, I added (n. 5): "Within a Catholic University the evangelical mission of the Church and the mission of research and teaching become *interrelated* and *coordinated":* Cf. *AAS* 81 (1989), p. 1220.

42 Cf. in particular the Chapter of the Code: "Catholic Universities and other Institutes of Higher Studies" *(CIC,* cann. 807-814).

43 Episcopal Conferences were established in the Latin Rite. Other Rites have other Assemblies of Catholic Hierarchy.

44 Cf. *CIC,* Can. 455, § 2.

45 Cf. *Sapientia Christiana: AAS* 71 (1979), pp. 469-521. Ecclesiastical Universities and Faculties are those that have the right to confer academic degress by the authority of the Holy See.

46 Cf. VATICAN COUNCIL II, Declaration on Religious Liberty *Dignitatis Humanae,* n. 2: *AAS* 58 (1966), pp. 930-931.

47 Cf. VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes,* nn. 57 and 59: *AAS* 58 (1966), pp. 1077-1080; *Gravissimum Educationis,* n. 10: *AAS* 58 (1966), p. 737.

48 Both the establishment of such a university and the conditions by which it may refer to itself as a Catholic University are to be in accordance with the prescriptions issued by the Holy See, Episcopal Conference or other Assembly of Catholic Hierarchy.

49 Canon 810 of CIC, specifies the responsibility of the competent Authorities in this area: § 1 "It is the responsibility of the authority who is competent in accord with the statutes to provide for the appointment of teachers to Catholic universities who, besides their scientific and pedagogical suitability, are also outstanding in their integrity of doctrine and probity of life; when those requisite qualities are lacking they are to be removed from their positions in accord with the procedure set forth in the statutes. § 2 The conference of bishops and the diocesan bishops concerned have the duty and right of being vigilant that in these universities the principles of Catholic doctrine are faithfully observed". Cf. also Article 5, 2 ahead in these "Norms".

50 VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium,* n. 25: *AAS* 57 (1965), p. 29; *Dei Verbum,* nn. 8-10: *AAS* 58 (1966), pp. 820-822; Cf. *CIC,* can. 812: "It is necessary that those who teach theological disciplines in any institute of higher studies have a mandate from the competent ecclesiastical authority".

51 Cf. *CIC,* can 811 § 2.

52 For Universities to which Article 3 §§ 1 and 2 refer, these procedures are to be established in the university statutes approved by the competent ecclesiastical Authority; for other Catholic Universities, they are to be determined by Episcopal Conferences or other Assemblies of Catholic Hierarchy.

53 Cf. *CIC,* can. 820. Cf. also *Sapientia Christiana,* Norms of Application, Article 49: *AAS* 71 (1979), p. 512.

54 JOHN PAUL II, to the Pontifical Council for Culture, 13 January 1989, n. 2: *AAS* 81 (1989), pp. 857-858.

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AMENDED AND RESTATED ARTICLES OF INCORPORATION
OF
DUQUESNE UNIVERSITY OF THE HOLY SPIRIT

A Pennsylvania Nonprofit Corporation

ARTICLE I

The name of this corporation shall be "**Duquesne University of the Holy Spirit**" (hereinafter the "University").

ARTICLE II

The University is incorporated under the provisions of the Act of April 29, 1874, of the Commonwealth of Pennsylvania and is governed under the Pennsylvania Nonprofit Corporation Law of 1988, as it may be amended from time to time (the "PNCL"). The University is organized on a non-stock basis. The University is organized, and shall be operated, exclusively for religious, charitable, scientific, literary and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or the corresponding provision of any future United States Internal Revenue Law (the "IRS Code").The University does not contemplate pecuniary gain or profit, incidental or otherwise. The period of duration of the University is perpetual.

ARTICLE III

The registered office and principal place of business of the University shall be 600 Forbes Avenue, in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, 15282.

ARTICLE IV

The purpose of the University is to support and maintain educational programs in all branches of a thorough, moral and secular education, including languages, the liberal arts and sciences, and also for the preparation and education of individuals destined for the Catholic Priesthood. The courses of study to be pursued are as stated in the most current course catalog. The requirements for admission to undergraduate programs shall be such as are necessary to meet the minimum requirements of any governmental or accrediting body having jurisdiction over the University.

ARTICLE V

The University has the authority, through its Board of Directors, to confer the usual scholastic degrees, to establish, maintain and conduct a course of instruction and to confer degrees in the science of law, medicine, dentistry, pharmacy, and to confer such other degrees as may be approved and authorized from time to time by the Pennsylvania Department of Education and by the duly constituted authorities under the Acts of Assembly of the Commonwealth of Pennsylvania.

EXHIBIT
4

ARTICLE VI

The University shall maintain a full time teaching faculty of at least eight (8) members who shall devote all of their time to instruction or such number as the minimum required by any governmental or accrediting body having jurisdiction over the University.

ARTICLE VII

The University shall have members (the "Members"). The Members of the University shall be the Provincial Superior, the Provincial Councillors, and such other vowed members of the Congregation of the Holy Spirit Province of the United States as are appointed by the Provincial Superior with the consent of the Provincial Council so that at all times there are six (6) Members and not more than ten (10) Members.

ARTICLE VIII

The business and affairs of the University shall be managed by a Board of Directors of not less than fifteen (15) Directors and not more than (35) Directors, who shall be elected annually by the Members of the University on a day and in a manner to be set forth in the Bylaws. The Board shall have, subject only to the reserved powers vested in the Members, as set forth in Article IX, full power and authority to manage the University, its officers and its employees. All Directors shall serve without compensation.

ARTICLE IX

The University shall have all the powers permitted a corporation that is both a nonprofit corporation under Pennsylvania law and an exempt organization described in Section 501(c)(3) of the IRS Code. Subject to the provisions of the PNCL and the requirements of an organization that is tax-exempt pursuant to Section 501(c)(3) of the IRS Code, and in conformity with these Articles, the Members shall have the following full and exclusive reserved powers: (i) to determine or change the mission, the philosophy, objectives or purpose of the University; (ii) to elect and to remove, with or without cause, any individual to or from the Board of Directors; (iii) to amend, alter, modify, or repeal the Articles of Incorporation or the Bylaws; (iv) to approve the sale, purchase or encumbrance of real property as set forth in the Bylaws; (v) to approve any merger, consolidation or acquisition or creation of a subsidiary organization with respect to the University; (vi) to liquidate and dissolve the University and to determine the distribution of its assets upon dissolution; (vii) to approve any new indebtedness incurred by the Corporation as set forth in the Bylaws; (viii) to issue to the Board, from time to time, a statement of policy concerning the philosophy and mission of the University; (ix) to request information from and receive an annual financial report from the Board; (x) to confirm the Board's election and appointment of the Officers of the University and Officers of the Board, and to approve any written employment contract between any of the aforesaid Officers and the University; and (xi) to approve legal actions taken in the name of or on behalf of the University other than routine legal actions such as the collection of outstanding accounts receivable and actions taken in defense of claims brought against the University.

ARTICLE X

Bylaws of the University, consistent with these Articles of Incorporation, shall be adopted and amended in the manner provided in the Bylaws. The Bylaws of the University shall be

deemed and taken to be its law subordinate to the Constitution and laws of the Commonwealth of Pennsylvania and the Constitution and laws of the United States.

ARTICLE XI

In the event of any conflict between the terms and provisions of these Articles of Incorporation (as amended at any time), the Bylaws of the University (as amended from time to time), or other governing documents of the University, the Articles of Incorporation shall control resolution of such conflict.

ARTICLE XII

The University, through its Board of Directors, shall maintain a protective endowment of at least $500,000, beyond all indebtedness and assets invested in buildings and apparatus, for the exclusive purpose of promoting instruction, provided that financial support or contributed services by its Member organization, the Congregation of the Holy Spirit Province of the United States, may be substituted for such endowment to the extent permitted by the laws of the Commonwealth of Pennsylvania.

ARTICLE XIII

No part of the net earnings of the University shall inure to the benefit of, or be distributable to, its Members, Directors, Officers or other private persons, except that the University shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in this Article. No substantial part of the activities of the University shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the University shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office. Any other provision of these Articles to the contrary notwithstanding, the University shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from the Federal income tax under section 501(c)(3) of the Code, (b) by a corporation contributions to which are deductible under section 170(c)(2) of Code, and (c) by a corporation organized under the Law as now existing or hereafter amended. No Member of the University shall acquire any individual or personal interest or estate in the property real, personal or mixed owned or hereafter acquired by the University.

ARTICLE XIV

These Articles of Incorporation may be amended by the Members in the manner provided by law and in the Bylaws of the University.

ARTICLE XV

Upon the dissolution of the University, after paying or making provision for the payment of all of the liabilities of the University and returning, transferring or conveying any assets requiring return, transfer or conveyance upon dissolution, any remaining assets (received and held subject to limitations permitting their use only for charitable, religious, or similar purposes, but not held upon a condition requiring return, transfer or conveyance upon dissolution) shall be distributed to Congregation of the Holy Spirit Province of the United States ("Congregation"). In the event the Congregation shall not exist or does not qualify as an exempt organization

described in Code Section 501(c)(3) at such time of dissolution or liquidation, the net assets of the University shall be transferred to such organization or organizations which are organized and operated exclusively for charitable, educational, religious or scientific purposes and qualify under Code section 501(c)(3) (or the corresponding provision of any future United States Internal Revenue Law). Any assets not so disposed of shall be disposed of by the court of the city or county in which the principal office of the University is then located to such organization or organizations as said court shall determine and as are then qualified as exempt under Code section 501(c)(3) (or the corresponding provision of any future United States Internal Revenue Law) taking into consideration the dissolution or liquidation provisions as set forth in the University Bylaws.

Duquesne University Administration

Executive Resolutions of the Board*

Executive Resolutions of the Board
* Formerly called "Statutes"

PREAMBLE

The role of Duquesne University is to serve the Pittsburgh community, the Commonwealth of Pennsylvania, the nation and the international community, without discrimination for reasons of age, sex, race, creed or national origin, by providing students of good moral character with opportunities for the pursuit of higher education and the attainment of a high sense of moral and social responsibility. These Statutes will be construed and administered with a view to the best realization of these ideals.

INTRODUCTION

The Board of Directors adopts certain resolutions, as it deems necessary or appropriate for the proper conduct of the business and affairs of the University, and designates them as "Executive Resolutions of the Board. *Bylaws*, Article X.

EXECUTIVE RESOLUTION I

Officers of the University and University Chaplain

Part I. Officers of the University

A. THE PRESIDENT.

1. The president is the chief executive officer of the University and has the powers and duties set forth in Bylaws, Part Two, Article III, Section 2. It is the President's responsibility to implement all orders and resolutions of the Board of Directors.

The President is the official medium of communication between all components of the University and the Board of Directors. It is incumbent on the President to insure that faculty and student views, including dissenting views, are presented to the Board in those areas and on those issues where responsibilities are shared, and that similarly the faculty and students are informed of the views of the Board and the administration on like issues.

2. The President shall recommend to the Board of Directors candidates for the positions of Vice Presidents and shall make appointments to the academic and non-academic positions in the University after receiving the recommendation of the appropriate Vice President.

The role of President is the most visible one in the University and personifies the spirit which the University has maintained since its inception. In the selection of a President, such ideals are met by preferential consideration of qualified successors of the founders of the University.

Candidates for appointment to the office of President of the University shall be recommended to the Board of Directors by a Search Committee composed of: a Member of the Corporation; members of the Board of Directors appointed by the Chairperson of the Board; one member appointed by the Chairperson of the Board from among the Vice Presidents; one member selected by the Academic Council; one representative selected by the Board of Governors of the Duquesne University Alumni Association; one elected representative of the Faculty Senate; and one representative elected by the Student Government Association.

3. Except where election is prescribed by an Executive Resolution of the Board, the President shall have the power to appoint members of any other University-wide committees and to regulate the membership and functions of such committees.

B. VICE PRESIDENT FOR ACADEMIC AFFAIRS.

1. The Vice President for Academic Affairs shall be responsible, under the President, for the educational operations of the University and shall have powers and duties set forth in the Bylaws.

2. The Vice President for Academic Affairs obtains the opinions of the Academic Deans in formulating policies and practices relating to their particular College and Schools, and as each relates to the College or other Schools and to other academic areas in the University.

3. It is the responsibility of the Vice President for Academic Affairs to see that the Academic Deans and academic support-staff discharge the duties of their offices.

4. The Vice President for Academic Affairs shall be responsible under the President for academic planning and for the preparation and administration of the budget for all academic activities.

5. The Vice President for Academic Affairs shall be elected by the Board of Directors on the recommendation of the President. A Review Committee shall be appointed by the President to assist in identifying persons qualified for election to the position. The Committee shall function under the supervision and instruction of the President.

6. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Academic Affairs may be designated the Provost of the University.

C. VICE PRESIDENT FOR MANAGEMENT AND BUSINESS.

1. The Vice President for Management and Business shall be responsible, under the President, for the administration of the business and financial operations of the University, and for auditing and for reporting on the business financial condition of the University. The Vice President shall have the powers and duties set forth in the Bylaws.

2. The Vice President for Management and Business shall be responsible, under the President, for the administration of all real estate and other property, plant operation and maintenance, contracts administration, human resource management, computer and management information systems, office services, public safety, special and auxiliary services and the appointment and supervision of personnel responsible for the operation of the business and financial affairs of the University, and for the preparation and administration of the budgets for these areas.

Contacting the University

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Duquesne Union Information Desk
412.396.6632
Hours of Operation »

Schools and Colleges
Contacts »

Organizational Chart

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EXHIBIT 5

3. The Vice President for Management and Business shall be responsible, under the President, for financial planning, accounting and fiscal management of the University and monitoring student organization funds as well as University loan funds, capital campaign funds, grants funds and all other incoming funds resulting from the Development Department and other University effort. The Vice President for Management and Business assists the President in the preparation of the University budget before it has been submitted to the Board of Directors, and in the supervision of expenditures made pursuant to the University budget under the direction of the President after it has been adopted.

4. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Management and Business may be designated the Executive Vice President for Management and Business.

D. VICE PRESIDENT FOR STUDENT LIFE.

The Vice President for Student Life shall have administrative oversight, under the President, of the campus residential life and the social and co-curricular activities of students, including athletics and athletic organizations and shall be responsible for the preparation and administration of the budget for these areas. In association with the Vice President for Academic Affairs, the Vice President for Student Life will have a special concern for the encouragement of sound and fruitful relationships between the intellectual and social life of students and for those aspects of college life outside the classroom which can contribute to the student's growth and development as a mature and responsible human being. The Vice President for Student Life shall also be responsible, under the President, for matters relating to the campus conduct of students and for their discipline. Upon request of the President, and with the approval of the Board of Directors, the Vice President for Student Life may be designated the Executive Vice President for Student Life.

E. VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT

The Vice President for University Advancement shall be responsible, under the President, for the creation and execution of communication and development programs designed to interpret and communicate Duquesne's value to the community as an institution of higher learning worthy of increased support.

The Vice President shall be responsible, under the President for the supervision of alumni relations, communications, public relations, fund raising and special events and for the appointment and supervision of all personnel in this area, and for the preparation and administration of the budget for these areas.

F. GENERAL COUNSEL.

The General Counsel shall be the chief legal officer of the University and shall be responsible, under the President, for all legal affairs of the University. The General Counsel shall ensure compliance of all parts of the University with applicable laws, statutes and regulations of government bodies. The General Counsel shall issue opinions of the General Counsel and legal memoranda as to the legality of University actions. The General Counsel shall approve all contracts of the University as to legal form. The General Counsel shall oversee all litigation or administrative hearings involving the University. The General Counsel shall as necessary investigate and report to the President on the legality of the conduct of the Officers or employees of the University. The General Counsel shall as necessary employ and oversee the use of outside counsel for the University's legal affairs. The General Counsel may, at the request of the President, and with the approval of the Board of Directors, be designated the Vice President for Legal Affairs and General Counsel or Executive Vice President for Legal Affairs and General Counsel.

G. SECRETARY OF THE UNIVERSITY.

The Secretary of the University shall have the power and duties set forth in the Bylaws and shall perform such other functions as the President or Chairman of the Board may from time to time direct.

H. NOTICE OF RESIGNATION.

The President, Executive and other Vice Presidents of the University, General Counsel, Secretary and other Officers of the University shall be required to agree in their letter of acceptance of appointment to give the notice required by Executive Resolution VI, B. 3a, of an intention to resign or retire before the end of the specific term of office. Variances from this agreement must have the formal approval of the Board of Directors.

I. EVALUATION.

The Chairman of the Board of Directors shall review the performance of the President and shall report to the Board at each annual meeting an assessment of the President's performance. The President shall evaluate the performance of the other officers of the University on an ongoing basis and shall report to the Board each year at its annual meeting of assessment of each officer's performance during the previous year.

Part II. University Chaplain.

The President of the University shall appoint the University Chaplain and associate Chaplains. The University Chaplain shall be responsible, under the President, for the planning, preparation and administration of the budget for all the areas of the Campus Ministry and shall report to the President on all campus and off-campus religious services and programs. The University Chaplain shall administer the support for the access to the liturgies and facilities required for all members of the University community on campus. Liturgical services shall be performed in accordance with external ecclesiastical jurisdictions of which the participants are members.

EXECUTIVE RESOLUTION II

Academic Structure of the University

A. SCHOOLS AND COLLEGE

A School or College is a major academic unit of the University consisting of a Dean, who is the chief administrative officer, a Faculty and a body of students who engage in the study of a curriculum or several related curricula usually leading to one or more recognized degrees. The Schools and College within the University are the College and Graduate School of Liberal Arts, the School of Law, the Schools of Business and Administration, the School of Pharmacy, the School of Music, the School of Education, the School of Nursing, the School of Health Sciences, and the School of Natural and Environmental Sciences.

B. INSTITUTES

An Institute is an academic unit of the University consisting of a Director who is the chief administrative officer, a Faculty and a body of students engaged in the administration, research, teaching and study of a specialized program or several related programs usually leading to one or more of the recognized degrees to be awarded by the appropriate School or College on the recommendation of the Faculty of the Institute.

C. DIVISIONS AND DEPARTMENTS.

A Division or Department is an administrative subdivision of a School or College directed by a Chairperson. It is concerned with the method and content of courses offered within the Division or Department, the type of examinations, choice of tests and such other matters as are related to the instructional, research and service functions of that unit, subject to the limitations imposed by the aims and objectives of the appropriate College or School.

D. ACADEMIC SUPPORT SERVICES.

1. The University Library shall be administered by the University Librarian and provides appropriate services to the student body and the various divisions of the University. The University Librarian shall be responsible to the Provost/Vice President for Academic Affairs.

2. The Registrar's Office shall be administered by the University Registrar who shall supervise registration procedures, academic records, catalogs, schedules and academic regulations, room assignments, and graduation regulations for the Schools and College of the University. The University Registrar shall be responsible to the Assistant to the Vice President for Academic Affairs.

3. The Admissions Office shall be administered by the Director of Admissions who, unless otherwise directed by the Vice President for Academic Affairs, shall be responsible to the Assistant to the Vice President for Academic Affairs for the promotion of access to the University by all qualified applicants to the undergraduate schools for the calendar year or summer sessions, on a full- or part-time basis.

4. The Vice President for Academic Affairs shall appoint Search Committees to recommend candidates for the positions of University Librarian, Registrar and Director of Admissions, and the directors of other Academic Support Departments and shall recommend to the President candidates for appointment. If the candidates presented are unacceptable, the President shall request the Search Committee to present an additional name or names for consideration.

5. The operation of Academic Support Services shall not infringe upon the teaching and administrative authority of the Schools, College, Institutes, Divisions or Departments of the University.

EXECUTIVE RESOLUTION III

Administrative Officers of Academic Divisions

A. DEANS.

1. Duties. The Deans are the executive officers and representatives of the College and Schools and shall act under the supervision of the Provost/Vice President for Academic Affairs. They shall consult with their Faculties on matters of educational policy and communicate such views to the proper administrative persons of the University. They shall have administrative oversight of the departments of instruction and of all such educational and supervisory matters as pertain to the effectiveness and well-being of the Faculty and the academic life of students. Each Dean is responsible for all academic planning within his/her School or College. They shall have immediate supervisory responsibility over the activities of Departmental Chairpersons and shall serve as the medium of communication for all official business of the academic unit within the University. Except where required by election, the Dean shall have the power to appoint faculty members to serve on committees and assign faculty members to special posts as the Dean may deem advisable.

2. Appointment and Reappointment. Deans of the College and professional Schools shall be appointed by the President of the University. The search committee shall consist of seven voting members and at least one non-voting student member. At least four of the seven members shall be full-time tenured faculty. At least three of the four shall be elected by the faculty of the School having the decanal vacancy. The remaining faculty member shall be appointed by the President. The President shall also appoint three additional members to the committee which may include a Dean of another School within the University, representative of the alumni of the School, and the community served by the School. The non-voting student member shall be selected by the voting members of the committee. The President shall appoint the Chairperson of the Committee.

The President shall charge the search committee with the standards required for the particular deanship and other requirements of the search. The committee shall invite several candidates for interviews in which all faculty will have an opportunity to participate. Individual faculty members shall have an opportunity to indicate in writing to the committee whether or not each of the candidates is judged to be acceptable. The three names shall be submitted to the President unranked and in alphabetical order. If the candidates presented by the search committee are unacceptable to the President, the President shall direct the search committee to present the names of three additional candidates, unranked and in alphabetical order. If there is no acceptable candidate in the second list, the President shall have the authority to appoint any qualified person to the position.

Deans' normal initial term of office shall be for a period of five years. Subsequent terms of office shall be for periods of three years. Length of term, notwithstanding, all deans serve at the discretion of the President and may be removed or reappointed at any time.

Before reappointing a dean for a term beyond the initial term, the President shall require the Provost/Vice President for Academic Affairs to solicit the opinions of the full-time Faculty of the School or College, and from other administrators and students regarding the performance of the Dean. This information together with the recommendation of the Provost/Vice President for Academic Affairs shall be considered by the President in making the decision whether to reappoint the Dean.

3. Tenure. Deans who prior to their appointment as such, have been granted tenure, shall continue to enjoy tenure. Appointment as Dean does not of itself constitute grant of tenure nor does service as Dean qualify in calculating tenure.

B. DIRECTORS OF INSTITUTES.

1. Duties. The Directors are the executive officers and have the responsibility for budgetary affairs, academic offerings and activities of their Institutes. They shall act under the supervision of the Provost/Vice President for Academic Affairs and the Deans of the Schools or College in course offerings and requirements for the awarding of recognized degrees. They shall consult with their Faculties on matters of educational policy and communicate this information to the appropriate administrative persons of the University.

2. Appointment and Reappointment. Directors shall be appointed by the President upon the recommendation of the full-time Faculty and students affiliated with the Institute and in consultation with the Provost/Vice President for Academic Affairs. Directors shall be appointed for three years, during which they serve at the discretion of the President and may be removed or reappointed at any time.

Directors are eligible for reappointment. At the end of each three successive years in office, the President, through the office of the Provost/Vice President for Academic Affairs, shall take cognizance of the opinions of the appropriate Deans and of the full-time Faculty and students of the Institute, in deciding whether to reappoint a Director.

3. Tenure. Directors of Institutes, who prior to their appointment as such, have been granted tenure, shall continue to enjoy tenure. Appointment as a Director of an Institute does not of itself constitute grant of tenure nor does service as a Director qualify in calculating tenure.

C. CHAIRPERSONS OR HEADS OF DIVISIONS OR DEPARTMENTS.

1. Duties. A Division or Department is administered by a Chairperson or Department Head. Through that person the Division or Department advises the Dean regarding recruitment, advancement and dismissal of staff members, curricular modifications and other academic matters, interdepartmental regulations, scheduling of courses, the management of physical facilities and purchase of equipment, library acquisitions, qualifications of students, academic advisement, and development of academically-related societies. The Division Head or Department Chairperson is responsible for the budget insofar as special allocation breakdowns are made.

Chairpersons or Heads of Divisions preside at meetings of the Division or Department. They are responsible for advising and informing the Faculty on matters of University, Division or Department interest and actively obtaining the consensus of members of the Division or Department in formulating policies and practices relating to the particular Division or Department. They present the consensus of the Division or Department in official communications and shall serve as a medium of communication with the administrative staff and students.

Chairpersons or Heads of Divisions or Departments shall be responsible for the quality of the instructional program. They shall have general oversight of the work of students in their Divisions and Departments.

2. Appointment and Reappointment. Chairpersons or Heads of Divisions or Departments are appointed by the President upon the recommendation of the full-time faculty of that Division or Department, following an established procedure written and published by that faculty, together with the approval of the respective Dean and the Vice President for Academic Affairs. The term of appointment shall not exceed three years, subject to removal by the President during that period in case of failure to perform the responsibilities of the office. The incumbent Chairperson or Head of a Division or Department may be a candidate for reappointment following an established procedure chosen by that faculty, together with the approval of the respective Dean and Vice President for Academic Affairs.

3. Tenure. Chairpersons or Heads of Divisions or Departments who prior to their appointment have been granted tenure shall continue to enjoy tenure. Appointment as a Chairperson or Head of a Division or Department does not of itself constitute grant of tenure nor does such service as Chairperson or Head qualify in calculating tenure.

EXECUTIVE RESOLUTION IV

Faculty

A. MEMBERS.

The Faculty shall consist of Distinguished University Professors, Distinguished Service Professors, Professors, Associate Professors, Assistant Professors, Instructors and Research Professors in the College, Schools and Institutes and the Librarians of the University. The Faculty shall also consist of Professors, Associate Professors, Assistant Professors and Instructors for Clinical Practice. Faculty Members, including those members of the Congregation of the Holy Spirit who have been appointed to the Faculty, but excepting Librarians who serve under the direction of the University Librarian, may be granted tenure and advancement in rank.

Professors, Associate Professors, Assistant Professors and Instructors in the Division of Military Sciences shall be considered Faculty only for the purposes of instruction while assigned to duty at the University. Individuals in this category are not eligible for tenure and advancement in academic rank.

B. DUTIES AND COMPENSATION

Individual members of the Faculty, by contracting for employment with the University in annual letters of agreement, shall be deemed to agree to pursue and uphold the purpose of the University as stated in the Second Article of the Charter and to comply with the University's Bylaws and Statutes. The faculty shall engage in instruction, research and University service, for which appropriate compensation and other employment benefits shall be granted in accordance with University policies and procedures approved by the Board of Directors, published in the current Faculty Handbook and incorporated into annual letters of agreement entered into between the University and the faculty member. In the event there is a conflict between the terms of a faculty member's letter of agreement and the Faculty Handbook, the letter of agreement shall control. The Statutes shall control in any conflict between and among any rules of policy or procedures.

C. APPOINTMENT.

Members of the Faculty shall be appointed by the President of the University upon recommendation of the Vice President for Academic Affairs and the Dean of the College or School, or Director of the Institute, and Chairperson and members of the Department or Division for which such member is evidenced in each case by a letter of agreement to that effect. No person is a member of the Faculty without appointment to one of the classifications of faculty under Section D, immediately below.

D. CLASSIFICATION OF FACULTY.

Members of the Faculty, whether Regular or Clinical Faculty, are designated as follows:

Instructor. An Instructor is a full-time member of the Faculty ordinarily possessing an advanced degree or its equivalent.

Assistant Professor. An Assistant Professor is a full-time member of the Faculty ordinarily possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained.

Associate Professor. An associate Professor is a full-time member of the Faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained. An Associate Professor will normally have not less than three years experience as a full-time Assistant Professor (or its professional equivalent) at a university or at an equivalent institution.

Professor. A Professor is a full-time member of the Faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained. A Professor will normally have not less than four years of experience as a full-time Associate Professor (or its professional equivalent) at a university or at an equivalent institution.

Distinguished University Professor. A Distinguished University Professorship is awarded to a full professor who has distinguished himself/herself and the University through scholarship, teaching and community service. Individuals receiving this title must have national recognition as a leading scholar in a particular discipline, distinction as demonstrated by awards and other testimony as an outstanding teacher, and must have provided significant service contributions to the University or the community. A Distinguished University Professor must have demonstrated influence in teaching and scholarly work which crosses discipline lines and which creates links among the professions and the arts and sciences.

Research Professors. A Research Assistant Professor, Research Associate Professor and Research Professor are full-time members of the Faculty whose activities are predominantly in the area of research. The specific rank shall be determined by the standards set forth in this statute for members of the teaching Faculty. Time spent in the rank of Research Assistant Professor, Research Associate Professor, and Research Professor shall be considered in computing experience for promotion and tenure.

Librarians. Full-time professional members of the University Library Staff possessing at least the M.L.S. degree are members of the Faculty.

E. AUXILIARY INSTRUCTIONAL AND RESEARCH STAFF.

Members of the auxiliary instructional and research staff are designated as follows:

Assisting the Faculty in teaching duties are adjunct professors, teaching associates, lecturers, cooperating teachers, clinical supervisors, special lecturers and visiting scholars.

Post Doctoral Fellows or Research Associates are individuals who possess the Ph.D. degree and are pursuing research in association with a full-time member of the Faculty.

Auxiliary Instructional and Research staff are not members of the Faculty and are not entitled to Faculty benefits except to the extent these are granted in the letter of appointment. Granting of benefits in such cases does not grant Faculty membership and persons in this category are not eligible for privileges of tenure, or advancement in rank. Appointment is for the period fixed by the letter of appointment, of one year or less, at which time the employee is terminated without further notice. Appointment may be granted for additional periods not exceeding three years each.

F. TERM OF APPOINTMENT.

The initial term of appointment for any untenured faculty member shall be one year.

On the recommendation of the Vice President for Academic Affairs, a faculty member with previous full-time service in an instructional or research capacity, at the rank of Instructor or higher on the faculty of another college or university, may be given one to three years credit toward promotion to the Associate Professor level and tenure; provided, however, the University reserves the right to deny credit for previous experience and accordingly, to require as many as five years service on the University's faculty before being considered for promotion to tenure. Such requirements shall be stated in the initial letter of appointment.

All untenured faculty members shall be evaluated for reappointment by the University Promotion and Tenure Committee during their third year as full-time members of the Duquesne faculty in accordance with procedures published by the Vice President for Academic Affairs. At the conclusion of its review the Committee may recommend that the President offer the faculty member either a one year terminal appointment or reappointment. The President's acceptance of a recommendation to reappoint does not in any way indicate whether the untenured faculty member ultimately will be awarded tenure. Before the end of the untenured faculty member's sixth year at the University, after a second review by the appropriate department and the Promotion and Tenure Committee a decision will be made regarding both tenure and promotion to Associate Professor.

The appropriate Chairperson, Dean and Vice President for Academic Affairs and the President shall review from time to time the performance of each member of the teaching staff.

Librarians of the University shall be appointed for a term of one year. They may be reappointed by the President on the recommendation of the University Librarian and of the Vice President for Academic Affairs. The University Librarian shall establish procedures under which the performance of the Librarians shall be reviewed regularly. In addition, faculty members of the School of Law are appointed by the President and evaluated for reappointment under standards and procedures developed and published by the School of Law.

G. OUTSIDE ACTIVITIES.

Faculty members are expected to devote their full time and energies to their teaching responsibilities, scholarly and professional pursuits, and service to the University. During the term of appointment, a member of the Faculty shall not engage in any activity which encroaches upon any of these obligations to the University. In the case of full-time faculty members, the annual written consent of the appropriate Dean, Director or Chairperson is required for accepting outside employment of any kind or for engaging in consulting activities that could occupy more than an average of one day per week. This consent shall be given only after careful

consideration of the consulting activities or proposed employment to the faculty member's teaching and scholarship, and with appropriate regard to the amount of time required, its effect upon teaching duties, and the possibility of conflict with the dignity expected of a person of professional standing.

H. CESSATION OF APPOINTMENT.

At the end of the term of appointment as defined in the letter of agreement, the appointment of any non-tenured member of the Faculty of the University ceases unless the faculty member is reappointed. Unless promotion to Associate Professor and tenure have been granted, a letter of agreement for a seventh year shall state that it is the last such letter to be entered into by the University with such faculty member.

Notice of intention not to reappoint shall be given in writing:

1. not later than March 1 of the first year of service;

2. not later than December 15 of the second year of service;

3. at least twelve months before the expiration of a contract of an appointment which has continued for more than two years.

All full-time faculty members who do not desire to be re-employed at the expiration of the agreements are expected to notify their chief administrative officer in writing not later than December 15 of the academic year in which they wish to terminate their employment. The University reserves the right to insist upon a decision not later than February 1 of the academic year. It may not exercise this right, unless it has first offered in writing to the faculty member affected, 30 days previously, a letter of agreement for the following academic year.

I. ADVANCEMENT IN RANK.

Advancement in rank may be conferred only by the President, after consideration as appropriate, of the recommendations of the Vice President for Academic Affairs, the University Promotion and Tenure Committee, and the appropriate Dean and Department Chairperson or Director following consultation with their faculty having higher rank than the faculty member under consideration. Advancement in rank shall not be automatically conferred following completion of the stated minimum time at each rank. Teaching performance, attainment of advanced degrees, professional experience, participation in appropriate learned societies, evidence of scholarly research, University service, professional and community activities, and publications shall be relevant criteria for determining advancement in rank.

Advancement in rank prior to the time limits established for each category may be conferred in exceptional cases on the recommendation of the Vice President for Academic Affairs, the University Promotion and Tenure Committee and the appropriate Dean, Director or Chairperson following consultation with faculty members in the appropriate School or department who hold rank higher than the faculty member under consideration.

J. TENURE.

Full-time members of the Faculty who have demonstrated excellence in teaching, scholarly and professional activities, and service to the University and who show promise of continued professional growth may be promoted to tenure. At least the following factors shall be considered in making the decision whether to award tenure: teaching performance; attainment of advanced degrees; professional experience; participation in appropriate learned societies; evidence of significant scholarly research; University service; professional and community activities; and publication of articles or books held in high regard by other individuals in the faculty member's discipline, and contributions to the quality of campus life. The educational needs and priorities of the University and its financial circumstances shall also be important considerations in each tenure decision. Enrollment and prospective enrollment in the faculty member's field, the academic plans and goals of the faculty member's Department, Division and School, the present composition of the faculty in terms of tenure and area of specialization all are relevant factors in assessing the University's educational needs.

Tenure may be awarded only by the President and only in writing. Normally, tenure is not awarded to individuals below the rank of Associate Professor. In deciding whether to award tenure, the President shall consider, as appropriate, the recommendations of the faculty member's department or School, University Promotion and Tenure Committee and the Vice President for Academic Affairs.

Notice will be given before the end of the sixth year of employment if the faculty member is not to be awarded tenure. Tenure entitles the faculty member to renewal of employment until voluntary retirement or termiation of tenure for reasons as set forth in Statute IV, K.

K. TERMINATION OF TENURE.

1. Forfeiture for misconduct or for incompetence.

A faculty member's tenure may be forfeited by serious misconduct or for professional incompetence. In the event of proposed termination for reasons of serious misconduct or for professional incompetency, tenured faculty shall be entitled to a hearing by a committee of the University Grievance Committee for Faculty (see Statute VII, B.1.d.ii). The member shall be informed before the hearing in writing by the President of facts upon which such proposed termination is based and shall have the opportunity to present a defense. The member and the University may be represented at the hearing by counsel. There shall be a record made of the proceedings by electronic or other appropriate recording process and the same shall be made available to the parties. At the hearing, the testimony may include that of Faculty and other scholars, either from the University or from other institutions, and any other relevant testimony. The committee shall advise the faculty member and the University of its decision in writing within 30 days from the date of the termination of the hearing. If the committee's recommendation is that the faculty member should not be terminated and the President concurs, the case shall be closed. If the committee's recommendation is that the faculty member be terminated and the President disagrees with that recommendation, the case shall be closed. If the President terminates the affected faculty member either by approval of the committee's recommendation or by his own decision, following a committee recommendation of retention, the affected faculty member may have the final decision of the President reviewed by the Board of Directors.

2. Termination of a tenured appointment for reasons of financial exigency.

The employment of a tenured faculty member may be terminated for reasons of financial exigency. Such terminations may occur only under extraordinary circumstances because of a

demonstrably *bona fide* financial exigency which cannot be alleviated by less drastic means. On the recommendation of the President, the Board of Directors shall establish a joint committee of the Board and of the Faculty Senate to investigate the financial condition of the University. The committee shall report its findings and recommendations to the Board and the Board shall determine whether or not a condition of financial exigency exists. The Academic Council of the University shall be responsible for determining the extent and areas in which reductions are to be made.

Faculty members so affected are entitled to a reasoned explanation for the decision and shall have the right of access to appeal procedures outlined in K.1 of this Statute. The results of the findings shall be made available to the Faculty.

The University shall make every reasonable effort to place the faculty member in another position within the University for which the faculty member is qualified. When such a position is available, a new letter of agreement shall be offered. If such a possibility does not exist, then at least one year's notice must be given. The position cannot be filled for a three-year period unless the released faculty member has been offered reinstatement and a reasonable period to accept.

3. Termination of a tenured appointment for reasons of discontinuance of a Division, Department or Program.

The employment of a tenured faculty member may be terminated as a result of the discontinuance of a Division, Department or Program. Such termination shall be based essentially upon educational and financial considerations. Such determination shall include consideration of the recommendations of the involved faculty. The provisions of Statute IV, K.2 shall apply with regard to the faculty member's rights, the University's obligations and the procedures for hearing and review in the event of such terminations.

4. Termination for Medical Reasons.

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the appointment, for medical reasons, will be based upon clear convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member has been informed on the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the Faculty member so requests, the evidence will be reviewed by the University Grievance Committee for Faculty before a final decision is made by the President.

EXECUTIVE RESOLUTION V

Academic Freedom

A. FREEDOM AND RESPONSIBILITY AS A CITIZEN.

The University faculty member, as a citizen, holds a position in the community that imposes special obligations. When speaking in public, the faculty member should at all times be accurate, exercise appropriate restraint, show respect for the opinion of others and should make every effort to indicate that his/her public utterances are personal and not those of a spokesperson for the University.

B. FREEDOM AND RESPONSIBILITY IN TEACHING AND RESEARCH.

Academic freedom is essential to teaching. The teacher is entitled to full freedom in the classroom, subject to the principles and values expressed in the Duquesne University Mission Statement. The teacher should not interject matter which has no relation to the subject and should not attempt to impose personal views of the subject upon the students. The teacher should respect the religious and ecumenical orientation of the University.

Freedom in research is fundamental to the advancement of truth. The teacher is entitled to full freedom in research and the publication of the results, subject to adequate performance of the teacher's other academic duties. Research, publication and consulting, including that done for pecuniary return, shall be subject to stated policies of the University and based upon prior written understanding with University authorities (see also Statute IV, G).

EXECUTIVE RESOLUTION VI

Classification

A. EXEMPT PERSONNEL.

Individuals regularly employed on a full-time basis by the University and designated as "exempt" (for purposes of minimum-wage and overtime-pay laws), shall be classified for the purpose of conferring fringe benefits as follows:

1. Officers of the University. The President, the Vice Presidents, General Counsel and the Secretary of the University. Individuals in this category do not have the privileges of academic rank or tenure by virtue of these positions.

2. Administrative.

a. The Academic Deans.

b. Directors of Institutes and Departmental Chairpersons.

c. General Administration: All other administrative personnel who report directly to a Vice President, including non-academic Deans.

d. All other administrative personnel, including but not limited to Directors, Managers, Supervisors, and Acting and Associate positions on all levels.

3. Faculty.

The Faculty are those persons described in Executive Resolution IV, Section D.

4. Auxiliary, Instructional and Research Staff.

Those persons described in Executive Resolution IV, Section E.

5. Professional

This group consists of those individuals in the various administrative units of the University who are assigned by the Vice President in the respective area to positions which require special professional competence and do not necessarily require performance of administrative, management or supervisory duties. Individuals in this category do not have the privileges of academic rank or tenure by virtue of these positions.

B. TERMS AND CONDITIONS OF EMPLOYMENT FOR EXEMPT PERSON- NEL OTHER THAN FACULTY.

Candidates for exempt positions may be required to provide a pre-employment health evaluation.

In the event a candidate is to be appointed to a position, letters of agreement shall be prepared and executed which clearly spell out, or include by reference to other documents, the terms and conditions of employment applicable to such position, including compensation, the duties and responsibilities of the position and the length of the appointment.

Following are the standards applied to voluntary and involuntary terminations of exempt employees:

1. Termination by the University.

Termination of exempt personnel may be for cause, which shall include: misconduct or inadequate performance, breach of University Bylaws, Statutes, or of the employment agreement, or for budgetary reasons. Each condition for termination by the University shall be defined in such a manner that it is consistent with University policy and then current laws and regulations.

2. Termination by the appointee for reasons of ill health.

The University may require the individual to submit to a medical evaluation by University-designated physicians.

3. Termination by the appointee for personal reasons.

An individual who wishes to resign for personal reasons shall be required to give to the University advance notice which is consistent with the level of the position. Minimum notice requirements shall be as follows:

a. Officers. Three months' advance notice (Statute I, H).

b. Administrative.

- **Academic Deans:** two months in advance of the beginning of the semester in which the resignation will become effective.

ii. Other administrative and professional personnel: one month's advance notice.

The University may, in appropriate cases, waive part or all of its notice requirements.

C. NON-EXEMPT PERSONNEL

This group includes all employees who by occupation and/or wage level are subject to the provisions of minimum-wage and overtime-pay laws. Staff members in this category shall be eligible for fringe benefits, compensation, and conditions of employment and procedures for evaluation as provided for in the current Personnel Manual and/or under the terms of established classification plans and/or collective bargaining agreements. These staff members generally provide support services in office (secretarial and clerical), physical plant, public safety, data processing, stores and material handling functions.

D. IMMUNITY FROM LIABILITY.

1. Concerning Employment Applications.

By applying for employment with the University, for any non-exempt position, each applicant thereby signifies his willingness to appear for interviews in regard to his application, authorizes the University to consult with personnel at other universities with which the applicant has been associated and with others who may have information bearing on his competence, character and ethical qualifications, consents to the University's inspection of all records and documents that may be material to an evaluation of his personal qualifications and competence to carry out the responsibilities of the position for which he is applying, releases from any liability all representatives of the University and its faculty for their acts performed in good faith and without malice in connection with evaluating the applicant and his credentials, and releases from any liability all individuals, entities and organizations who provide information to the University in good faith and without malice concerning the applicant's competence, ethics, character and other qualifications for the position for which the applicant is applying, including otherwise privileged or confidential information.

2. In other situations.

By applying for employment with the University and by permitting himself to be considered for continued employment, tenure or advancement in academic rank, each person agrees that there shall, to the fullest extent permitted by law, be absolute immunity from civil liability arising from any act, communication, report, recommendation or disclosure with respect to such person, performed or made in good faith and without malice with respect to or in connection with the evaluation of such person for such employment, continuation in employment, tenure or advancement in academic rank, even where the act or information involved would otherwise be deemed privileged. Such immunity from civil liability shall apply to all acts, communications, reports, recommendations, and disclosures as may relate to the person's professional qualifications, competency, character, mental or emotional stability, physical condition, ethics, or any other matter that might directly or indirectly be relevant to the person's employment, continuation in employment, tenure or advancement in academic rank. Each such person shall upon request of the University execute releases in accordance with the tenor and import of this Statute in favor of the University, its Board of Directors, executive officers, staff, other employees, and third parties who supply information to any of the foregoing authorized to receive, release or act upon the same, subject only to such requirements, including those of good faith, absence of malice and the exercise of a reasonable effort to ascertain truthfulness, as may be essential under the law of this state to the validity and enforceability of such releases.

EXECUTIVE RESOLUTION VII

Councils and Committees

A. COUNCILS

University Councils advise the President and members of the University Administration regarding academic and other University policy issues.

1. The University Advisory Council.

The membership of the Council shall include eight members of the faculty, the President of the Faculty Senate, four undergraduate students, two graduate/Law students, and two members of the staff.

The faculty members of the Council shall be elected one each by the faculties of the respective Schools and College. They shall originally serve for staggered terms of two years as initially determined by the President in order to insure continuity of membership.

The student members of the Council shall be elected annually by the Student Government Association and shall include the president of the Student Government Association and one member each from the undergraduate classes of the University not represented by the Student Government Association president. The graduate/Law students shall be elected by the Student Government Association.

The staff members of the Council shall be appointed by the President on an annual basis.

The President shall meet with the University Advisory Council at least once each semester. The members of the Advisory Council may submit matters for the agenda of the meeting. The President, however, shall have the responsibility for determining the agenda.

The President may invite other officers of the University and members of the University community to participate in meetings of the Council.

2. Academic Council.

a. The members of this Council are the Deans of all the Schools and the College, the University Librarian, the representative of the Student Government Association and the Vice President for Academic Affairs, who serves as Chairperson. The representative of the Faculty Senate shall have observer status on this Council.

b. The Academic Council is the principal collegial administrative unit that re-presents the academic interests of the faculty to the President and Vice President for Academic Affairs and also serves to represent the President and Vice President for Academic Affairs to the faculty and to implement University policies.

c. The Academic Council shall be responsible for overall academic planning

in the University, subject to the direction and approval of the President. Any committees dealing with academic planning shall be structured as committees of the Academic Council, reporting through the Vice President for Academic Affairs to the President.

d. The Academic Council shall advise the President and the Vice President for Academic Affairs in all areas of an academic nature, including but not limited to: Admissions, Academic Student Advisement, Academic Standing, Core Courses, Bulletins, Calendar, Degrees, Programs, Class Offering and Schedules, Credits, Curricula, Class Admissions, Course Auditing, Withdrawal, Faculty Handbooks and Orientation, Grading, Policies, Placement Policies, Registration, Research Policies and.

B. COMMITTEES.

1. Standing Committees. Committees whose functions are considered to be continuing in nature are assumed to be permanent and hence are designated as *standing* committees.

a. The University Library Committee. The members of this committee are the University Librarian and representatives appointed by the Deans of all the Schools and College.

b. The University Committee on Scholarship and Financial Assistance. The members of this committee are the director of Financial Aid and representatives appointed by the Deans of all the Schools and College.

c. The University Budget Committee. This committee shall advise the President on the University budget and assists in determining priorities for the allocation of funds to the various areas of the University.

The Budget Committee shall consist of: the Vice President for Management and Business, who shall chair the Committee; the Vice President for Academic Affairs; the Vice President for University Relations; the Vice President for Student Life; the University Budget Officer; one Dean elected by the Academic Council; the University Librarian; the President of the Faculty Senate; two members of the faculty; two undergraduate and one graduate/Law student; and one person from the staff. The President may choose to participate in the meetings of the Committee from time to time.

The Vice President for Management and Business may designate an executive secretary who shall serve the Committee without vote.

The Faculty member shall be elected by the Faculty for a two year term. The Faculty Senate shall form a Nominating Committee. The Faculty of each School will be asked if it wishes to submit a name. These names plus two others supplied by the Nominating Committee will comprise the ballot. The two Faculty receiving the highest number of votes shall serve with the following exceptions: No two members from the same School can serve at the same time, and no two members can serve at the same time from the College and the Graduate School. If the ballot is extensive, the Faculty Senate may choose to hold run off elections.

The Student members shall be elected by the Student Government Association in the spring semester to serve for one year.

The staff member shall be appointed by the President.

The Committee shall function under the direction and guidance of the Vice President for Management and Business.

d. The University Promotion and Tenure Committee. This committee shall consist of full-time tenured members of the faculty. Each school, excluding the School of Leadership and Professional Advancement, shall elect one senior tenured faculty member each, except that the College shall have two senior tenured faculty members who are elected from a slate of

candidates proposed by the College Council. The Committee shall be chaired by the Vice President for Academic Affairs or a properly delegated person. The Committee shall be instructed and directed by the Vice President for Academic Affairs. Members shall be appointed for staggered terms of three years to be originally decided by the Vice President for Academic Affairs in order to ensure continuity of membership.

The Vice President for Academic Affairs, prior to any committee review of candidates for advancement in rank or promotion to tenure, shall submit to the Committee a clear and precise statement of University needs to serve as an important criterion for granting advancement in rank or promotion to tenure.

The Committee's responsibilities shall include reviewing all candidates for advancement in rank or promotion to tenure who have been positively recommended to the Committee by the appropriate Deans and Directors after consultation with their department chairs, division heads and tenured members of their faculty. The Committee shall recommend to the President those candidates whose advancement or promotion to tenure would serve the needs of the University and whose professional achievements and potential for further growth clearly demonstrate that the candidate meets the University's overall expectations.

The Committee shall also review the reappointment of all untenured faculty during their third year as full-time members of the University faculty. If in the Committee's judgment such a member of the faculty does not have the potential to be promoted to tenure, the Committee shall recommend to the President that the faculty member be granted a terminal one year contract for his/her fourth year at the University. The Committee may recommend to the President that an untenured member of the faculty who clearly demonstrates the potential to meet the criteria for promotion to tenure be reappointed. The President's acceptance of the Committee's recommendation of reappointment is not to be construed that the untenured faculty member ultimately will be promoted to tenure.

The Committee will consider in confidence all relevant information submitted for its review including any written material the candidate wishes to submit.

The Committee is advisory to the President, who possess discretionary authority in making final decisions.

The President, after consultation with the Vice President for Academic Affairs, shall consider requests for transfer of existing tenured faculty between and among any components of the University.

Notwithstanding the above, requests for tenure and advancement in rank involving faculty and Librarians in the School of Law shall be decided by the President on the recommendation of the Dean and the Vice President for Academic Affairs.

e. University Grievance Committees. Decisions of grievance committees hereinafter mentioned shall be binding on the University and on the other party if approved by the President.

i. For Administrators (those persons described in Executive Resolution VI, A.2) and academic staff not otherwise protected. Due process procedures shall originate in the office of the President, be codified, approved by the Board of Directors, promulgated in writing and communicated to administrators and academic support staff not otherwise protected prior to their appointment.

ii. For Faculty (those persons described in Executive Resolution VI, Section D). Due process procedures shall originate in the office of the Vice President for Academic Affairs, be codified in a *Faculty Handbook* approved by the Board of Directors, and communicated to all persons in this category prior to their appointment. The Committee shall be elected by the Faculty.

iii. For Graduate Student Academic Staff. Due process procedures related to teaching status and functions shall originate in the office of the Vice President for Academic Affairs, shall be codified, approved by the Board of Directors, promulgated in writing and communicated to graduate and teaching assistants prior to their appointment. The Vice President for Academic Affairs shall appoint at least three persons from areas other than that of the petitioners as a grievance committee.

iv. For Professional Personnel (those persons described in Executive Resolution VI, A.5). Due process procedures shall originate in the office of the President, be codified, approved by the Board of Directors and promulgated in writing and communicated to professional persons prior to their appointment. The President shall appoint at least three professional persons from areas other than that of the petitioner as a grievance committee.

v. For Non-exempt Personnel (those persons described in Executive Resolution VI, C). Due process procedures shall originate in the office of the Vice President for Management and Business, be codified, approved by the Board of Directors and promulgated in writing and communicated to non-exempt personnel prior to their appointment. The Director of Human Resource Management shall appoint at least three non-exempt personnel from areas other than that of the petitioner as a grievance committee. Non-exempt employees covered by a collective bargaining agreement shall be limited by the rights provided in said agreement.

2. College or School Councils and Committees. The Deans shall preside at meetings of the faculty council of the academic unit. Membership on College or School Councils and Committees is appointive by the Deans of the respective College or School after consultation with their faculties and appropriate student representatives. The purposes, duties and procedures of each council or committee are codified in a manual or handbook compiled by each College or School.

EXECUTIVE RESOLUTION VIII

Participation Organizations

A. PURPOSE

Certain organizations function in support of their particular interests and participate in the operation of the University according to their own constitutions and bylaws provided they are consistent with the University Charter, Bylaws and Executive Resolutions of the Board.

The constitution and bylaws of all such organizations, as well as any amendments that may hereinafter be proposed, shall require approval by the Board of Directors of the University.

B. DUQUESNE UNIVERSITY ALUMNI ASSOCIATION.

his ssociation exists for the following concerns and purposes: to promote the mutual goals and aspirations of the niversit and its graduates to generate involvement and financial support of alumni and friends to assist the niversit in its recruitment of new students to direct pu he attention to the niversit and its contri utions to the common good through the achievements of its alumni to foster a closer relationship among the alumni of the niversit sponsoring events and pro ects which will develop their common interest and to e a resource for students at the niversit

he ice President for niversit dvancement or his designee will consult with the Board of overnors of the lumni ssociation with regard to the appointment and reappointing of the irector of lumni Relations. he Board of overnors will e informed of and involved in recommending to the niversit the appropriate udget in support of lumni ssociation activities.

he irector of lumni Relations reporting to the ice President for niversit dvancement or his designee informs the Board of overnors of the lumni ssociation through the ssociation President on the activities of his office he President of the lumni ssociation shall e the official representative to the niversit . he niversit shall consult with the ssociation President when ma ing alumni appointments to the niversit committees.

Membership. he following shall e considered mem ers of the ssociation: all graduates of uquesne niversit all graduates of uquesne niversit Preparator chool former students who have attended uquesne niversit for at least one semester ut who do not hold a degree former students who have attended uquesne niversit Preparator chool for at least one semester ut who do not hold a diploma holders of honorar degrees conferred uquesne niversit

he ssociation recogni es within its organi ation the existence of speciali ed alumni groups at individual chools and ollege and had provided for representation from each of the chools and ollege on the ssociation s Board of overnors.

he following shall e eligi le for mem ership past and present administrative officers of uquesne niversit past and present administrative officers of uquesne niversit Preparator chool mem ers of the facult of uquesne niversit mem ers of the facult of uquesne niversit Preparator chool honorar mem ers who ecause of proven services and friendship to the niversit are elected such the Board of overnors.

C. THE FACULTY SENATE.

he purpose of the acult enate shall e to provide greater opportunit for mutual understanding and effective communication etween the acult and other interdependent components within the niversit

he acult enate shall consist of all full-time facult holding the ran of Professor ssociate Professor ssistant Professor or nstructor in the chools ollege and nstitutes of the niversit and in the ivision of Ciliar and erospace ience all cademic eans and irectors of nstitutes virtue of their facult status and the professional mem ers of the niversit i rar staff.

D. THE STUDENT GOVERNMENT ASSOCIATION.

he student as a mem er of the academic communit is entitled to see and accept the responsi ilit for self-government in a cooperative effort with the facult and administration of the niversit

he tudent overnment ssociation is organi ed to provide an effective and representative forum for all students in the niversit to provide a means for the expression of student views and interest to foster and maintain academic freedom and students rights and to develop an interest in all phases of niversit governance.

he President of the tudent overnment ssociation is the official spo esperson of the ssociation and the student od and is the student representative to the Board of irectors and the niversit dvisor ouncil.

ll undergraduate graduate and law students current l enrolled at uquesne niversit shall e mem ers of the tudent overnment ssociation of uquesne niversit

EXECUTIVE RESOLUTION IX

Academic Year

he cademic ear is divided into two semesters fall and spring . a ovening and aturda classes are offered in oth semesters he length of a semester is usuall fifteen wee s inclusive of examination periods. Regular courses are also offered in summer sessions and special short courses for credit ma also e offered etween or during the semester or summer session periods.

EXECUTIVE RESOLUTION X

Degrees

A. IN COURSE

fter the candidates have fulfilled all the prescri ed requirements the niversit virtue of the power conferred the ommonwealth of Penns lvania harter econd rticle awards the appropriate degrees earned with all the rights honors and privileges thereunto attached. he hairperson of the Board of irectors the President or the can shall estow the authori ed degrees at such time and place as ma e appointed.

B. HONORARY

onorar degrees ma e conferred the Board of irectors upon recommendation of the President. he candidates shall e nominated an onorar egrees ommittee which shall e appointed the President. uch degrees shall e conferred in recognition of eminent scholarship nota le creative wor outstanding pu lic service or distinguished service to the niversit . he Bestowal of onorar egrees shall e made the President or in his a sence the hairperson of the Board at such times and places as ma e appointed and the candidates shall e required to e present.

EXECUTIVE RESOLUTION XI

Amendments to the Statutes

he Board wor ing through its dul appointed B laws and tatutes ommittee shall have full authorit to amend the tatutes. hese tatutes ma e amended the Board of irectors at its annual meeting or at an regular or special meeting of the Board a vote of a ma orit of the mem ers present.

he Cem ers of the orporation irectors and President deal directl with the Board s B laws and tatutes ommittee in proposing amendments. ritten notice shall e given to each mem er of the Board of irectors on record entitled to vote thereon not less than ten 10 da s efore the meeting of the Board of irectors at which the proposed amendment is to e considered. uch notice shall set forth the fact that amendments to the tatutes will e proposed at the meeting and there shall e included in or enclosed with such a cop of the proposed amendments.

mendments to the tatutes proposed an other individual or group within the niversit communit shall e su mitted first to the President. t least thirt 0 da s prior to sending such a proposal to the Board for consideration the President shall pu lish it in the *ATimes* or other appropriate niversit pu lication and elicit the opinions of the ice President the cademic ouncil and the entire niversit communit and conve these opinions to the Board of irectors. he Board shall review and decide proposals su mitted from within the niversit communit according to its own procedures as set forth a ove.

DUQUESNE UNIVERSITY

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CONSTITUTION OF THE FACULTY SENATE

OF
DUQUESNE UNIVERSITY

(Approved by the Faculty Vote December 14, 2009;
Amended Version Approved by Duquesne University Board of Directors May 14, 2010
Required Revisions Regarding Ballots made by Senate Constitution Committee Jan. 29, 2011

I. Name

This organization shall be the Faculty Senate of Duquesne University (hereafter referred to as the Faculty Senate or the Senate).

II. Membership

The Faculty Senate shall consist of all full-time faculty holding the rank of Professor, Associate Professor, Assistant Professor, or Instructor in the Schools and Institutes of the University, all Academic Deans and Directors of Institutes and Divisions by virtue of their faculty status, and the professional members of the University Library Staff. Full-time faculty of any new unit, recognized as such by the University Board of Directors, and holding any rank listed above, shall automatically be members of the Faculty Senate. Collectively, it shall be referred to as the Faculty Senate of Duquesne University.

III. Mission, Responsibilities and Concerns

A. MISSION
The Faculty Senate subscribes to the statement of missions and goals of the University and elaborations thereof as promulgated by the Board of Directors.

The mission of the Faculty Senate shall be to provide a forum for mutual understanding and effective communication between the faculty and other interdependent components within the University. The Faculty Senate shall be the voice of a collective faculty view in matters of concern to them and establish an effective means by which the faculty can contribute to the governance of the University.

B. RESPONSIBILITIES AND CONCERNS
The Faculty Senate shall be the vehicle for enunciating the faculty position on all matters of faculty concern and particularly with respect to those matters for which the faculty has the primary responsibility of influencing decisions, among which are admissions, curriculum, academic standards, instruction, research, academic freedom, tenure, promotion, dismissal, calendars, and all other aspects of process. In carrying out these responsibilities, the Faculty Senate shall not infringe upon the rights of individual faculties affected to also make their views apparent. The Faculty Senate shall also provide an avenue of appeal for any decisions made by Schools and Departments whenever such decisions ignore the voice of the faculty.

The faculty shall join with other components of the University in the framing and execution of long range plans for development. This participation shall be exercised through the direct action of its governing bodies, through representation of the Faculty Senate on those councils and committees of the University as articulated in the Statutes of the University and through the participation of individual faculty members as representatives on University Committees.

Participation on behalf of the Senate on such University Committees shall be by appointment of the President of the Senate with the advice of and ratification by the Executive Committee of the Senate. All Committee appointments will be announced to the Assembly and the faculty through the Assembly minutes. Persons appointed to such Committees shall report on their activities both to the Executive Committee and to the Assembly.

The joint endeavor of the Faculty Senate with other components of the University shall include, but not be limited to, questions of change in the size and composition of the student body, the relative emphasis to be given to various educational and research programs, and the allocation of resources within the University.

The Faculty Senate shall participate, along with other appropriate parties, in the search for principal administrative officers of the University as specified in the University Statutes. The Faculty Senate shall also be concerned that procedures be instituted to insure the appropriate faculty a voice in the selection and retention of Deans and Department Chairpersons, and in the promotion, tenure and dismissal of faculty.

IV. Officers of the Senate

A. The Officers of the Senate shall be the President, Vice President, Secretary, and Treasurer. No member shall be eligible for these offices until that member has been a full-time faculty member in the University for a period of not less than three consecutive years in the case of the President and Vice President and two consecutive years in the case of the Secretary and Treasurer.

B. The term of each officer shall be for two years. The term of officers shall commence on July 1st of the year in which they are elected. Senate officers will not be eligible for a third consecutive term in the same office.

Notwithstanding anything contained above, on a petition of not less than ten members of the Assembly duly confirmed by a referendum conducted by electronic secret ballot of all Assembly members, and with not less than 2/3 of those voting, the Assembly shall declare any office vacant.

C. The President is the chief executive officer of the Faculty Senate.

The President shall preside over all meetings of the Assembly and Executive Committee. The President shall report to and confer with the Assembly and Executive Committee. The President shall prepare with the Executive Committee an agenda for each Assembly meeting. When the President deems it appropriate, the President may appoint a member to serve as Parliamentarian.

Contact

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The President or the President's designated representative is, ex officio, the Senate representative on all University Committees as provided by the Statutes. The President shall appoint a Faculty Senate representative to all University committees with the advice of and ratification by the Executive Committee except where representatives are to be elected.

The President shall appoint members to the Faculty Senate committees with the advice of and ratification by the Executive Committee of the Senate. All committee appointments will be announced to the Assembly and the faculty through the Assembly minutes. The President may sit as ex officio member of any Senate Committee.

The President shall prepare the annual calendar of the Senate. The President shall make periodic reports to the Assembly as to the progress in promoting the general interests of the Senate. The President shall be a voting member of the Academic Council. The President shall be an official observer on the Board of Directors.

D. The Vice President shall carry out the duties of the President in the President's absence. The Vice President shall sit on Academic Council as an observer.

E. The Secretary shall supervise the recording of the minutes of meetings of the Assembly and Executive Committee. The Secretary shall supervise the delivery of the minutes of all official meetings of the Assembly to the members of the Senate. To the degree feasible, the Secretary shall notify all Senate members of the agenda for Executive Committee meetings and shall, without exception, provide Senate members with a summary of such meetings. The Secretary shall notify the membership, within the times required by this Constitution, of Assembly meetings, proposed Constitutional amendments, and other documents and communications required by the Senate.

F. The Treasurer shall prepare an annual budget for submission to the administration through the Senate Executive Committee. The Treasurer shall examine and approve requisitions drawn against an approved budget and prepare and submit to the Executive Committee and Assembly an annual report of the Senate's finances.

The Treasurer shall conserve, manage, and expend, with the consent of the Executive Committee, any other assets which may come to the Senate.

G. The Faculty Senate Executive Committee will request through the Office of the President the necessary budgetary allocations for office space, equipment, and staff required for Faculty Senate operations.

H. The officers of the Senate shall faithfully perform their stated responsibilities and any other duties which may be assigned to them by the Executive Committee or the Assembly.

V. The Assembly

A. The Assembly shall be a representative body and is the governing body of the Faculty Senate.

The members of the Assembly shall be elected from each of the following: School of Business, School of Education, School of Health Sciences, School of Law, School of Leadership and Professional Advancement, School of Liberal Arts, School of Music, School of Natural & Environmental Sciences, School of Nursing, School of Pharmacy, and University Library (the units).

Membership in the Assembly shall be apportioned among the several units according to their respective numbers. The number of representatives from each unit shall be one for each fifteen (15) electors and fraction thereof (e.g., a unit of sixteen (16) shall be entitled to two (2) representatives).

One representative from each unit with fifteen or more faculty members shall be elected in a unit-wide election and shall also be that unit's representative to the Executive Committee. The elected Assembly representative from each unit with ten to fourteen full-time faculty members shall also be that unit's non-voting representative to the Executive Committee. The remaining representative(s) from that unit shall be elected thereafter in a separate election according to procedures to be established in each unit. It is recommended that procedures be adopted that attempt to maximize communication between these representatives and the electors. One possibility is to elect on a departmental or combination of departments basis.

The terms of office shall be two years or until a successor is elected. When a member of the Assembly is unable to complete his or her term, the members of the Faculty Senate from the affected area will elect one of their number to the unexpired term.

B. The officers of the Faculty Senate also shall be members of the Assembly.

C. The Assembly shall hear and debate, approve, reject, or revise all statements of the Executive Committee and Committees which are presented as the opinion of the Faculty Senate on any matters when the Officers, Executive Committee, or Committees have not already been empowered to speak for the Faculty Senate.

D. Any member of the Faculty Senate may attend and therein raise any issue of faculty concern for consideration at any regular meeting of the Assembly or Executive Committee.

VI. The Executive Committee

A. The Executive Committee shall consist of the following:

1. the officers of the Senate;

2. one representative from each of the following schools having 15 or more full-time faculty members: School of Business, School of Education, School of Health Sciences, School of Law, School of Leadership and Advancement, School of Liberal Arts, School of Music, School of Natural & Environmental Sciences, School of Nursing, School of Pharmacy. One non-voting representative from schools listed above with ten to fourteen full-time faculty members;

3. one representative from the University Library;

4. the immediate past President of the Senate.

Each representative shall be elected as set forth in Article V.

B. The term of office shall be for two years or until their successors are duly elected. Their term shall commence on July 1 in the year elected.

Should the representative be unable to attend an Executive Committee meeting, he or she shall

designate an alternate for his or her unit.

When a representative is unable to complete his or her term, the members of the Faculty Senate from the affected area will elect one of their number to the unexpired term.

C. The Officers of the Faculty Senate shall serve as Officers of the Executive Committee.

D. The Executive Committee shall study the issues and inform the Assembly on matters of primary concern to the faculty, decisions in such matters being reserved to the Assembly. The Executive Committee shall carry on the business of the Faculty Senate when the Assembly is not in session. Representatives shall endeavor to communicate with their constituencies to insure faculty representation on all matters before the Executive Committee.

The Executive Committee shall advise the President of the Senate and ratify all appointments to the University Committees, Standing Committees of the Senate, and Special Committees which may be created by the Executive Committee.

The Executive Committee shall, subject to the confirmation of the Assembly, make appointments to fill the unexpired terms of all Faculty Senate Officers who are unable to complete their terms of office, except that if the President of the Senate is unable to fulfill his or her term of office he or she will be replaced by the Vice President unless the Executive Committee or Assembly decides that a special election should be held to fill that vacancy.

The Executive Committee shall advise the President and ratify all appointments to fill the unexpired terms of Committee members who are unable to complete the term of office.

The Executive Committee shall, at the request of the Assembly or any member of the Senate, give an advisory opinion as to the meaning of any part of this Constitution.

VII. Meetings

A. Regular meetings of the Senate Assembly shall be held at least three times during the regular academic year, with at least one each semester. The Executive Committee of the Senate will determine the dates for these meetings.

Notice of each meeting and its agenda shall be provided to each member of the Senate at least one week before the date of the meeting. Notice may be via electronic, campus or US mail.

Special meetings of the Assembly may be called by the Officers of the Senate. They must be called when requested in a written petition signed by at least ten members of the Senate. Such a petition must state the reasons for the request. Written notice of a special meeting and its agenda must be sent to each member of the Senate one week before the date of the meeting. Only matters named in the notice can be considered at such a special meeting.

Fifty percent or more of the members of the Assembly shall constitute a quorum.

B. The Executive Committee shall meet at least monthly during the regular academic year. The President of the Senate may call additional meetings. Meetings may be held during the summer.

Meetings of the Executive Committee may also be called on a written request signed by four members of the Executive Committee. The request will contain the matters to be considered at this meeting.

Eight members shall constitute a quorum for the Executive Committee.

C. Official minutes shall be kept by the Secretary for the meetings of the Assembly and the Executive Committee. Such minutes shall be open to the inspection of each member of the Senate.

D. All meetings under the authority of the Senate shall be conducted according to Robert's Rules of Order, except in those circumstances where the Senate Bylaws prescribe the rules of order.

VIII. Elections

A. The election of the Officers of the Senate shall take place no later than the end of the seventh week of the Spring Semester in the year in which elections are to be held.

1. A nominating committee of five members of the Faculty Senate shall be elected by the Assembly at a regular meeting of the Fall semester; nominations for the committee shall be made from the floor; any nominations of a member not present must be accompanied by a signed consent form from the nominee; the five nominees receiving the highest number of votes shall be elected.

2. The Nominating Committee will prepare a slate of qualified candidates accompanied by a signed consent form from each candidate.

The Nominating Committee shall report its slate to the Secretary of the Senate no later than the end of the third week of the Spring Semester in which elections are to be held. Within one week of the receipt of this slate, the Secretary of the Senate shall notify the members of the Senate of these names.

3. During a one-week period following the notification of the slate, additional nominations may be made by a petition signed by at least ten members of the Senate accompanied by a consent form signed by the nominee. Such petition must be presented to the Secretary of the Senate no later than two weeks prior to the date of the election. At this time, the Secretary of the Senate shall notify the members of any additional nominations.

4. Voting will be via electronic ballot. Voting shall take place over the course of one week. Election will be by secret ballot. The ballots shall be counted by the Nominating Committee excluding those Committee members on the ballot.

5. Should the Executive Committee determine that the nomination procedure has failed to function, it shall assume the duties of the Nominating Committee and proceed with the election in as timely a fashion as it deems appropriate. This procedure will not prejudice any nominations by petition.

6. The candidate for each office with a majority of the votes cast shall be elected. If no candidate receives a majority, a run-off election between the candidates receiving the two highest numbers of votes on the initial vote shall be held via electronic ballot. In cases of a tie between two candidates the Executive Committee will elect the officer.

B. The Election of members of the Assembly and Executive Committee shall take place in the

following manner:

1. Elections for members of the Assembly and Executive Committee should take place within thirty days after the election of officers of the Senate or as close to this as reasonably practical.

2. Election of members of the Assembly and Executive Committee is to be by secret ballot.

3. The Secretary of the Senate shall notify in writing each Dean and the University Librarian of the need to elect the Assembly Representatives and Executive Committee.

Should the Executive Committee determine that the election process has failed to function in any of the units, the Executive Committee shall proceed to conduct the Election in as timely a fashion as it deems appropriate.

IX. Committees

A. The Senate shall have standing committees as deemed appropriate. Creation of new standing committees must be approved by a majority vote of the Assembly. Standing committees shall exist for 5 years and then require renewal by a majority vote of the Assembly.

B. Chairpersons and members of all standing committees and all Faculty Senate representatives to University committees shall be appointed by the President of the Senate with the advice of and ratification by the Executive Committee of the Senate. All committee appointments will be announced to the Assembly

C. Members of the committees shall serve for two years or for a lesser term as specified by the Executive Committee.

D. Each standing committee shall have one or more members of the Senate Executive Committee sitting as full members.

E. Special committees may be created by the President of the Senate with the advice of and ratification by the Executive Committee of the Senate. The character of special committees will be determined by the Executive Committee. The President of the Senate will notify the Assembly of such appointments at the next Assembly meeting.

F. Chairpersons of committees will deliver an oral written report to the Executive Committee and to the Assembly whenever the Executive Committee deems it appropriate.

G. University Budget Committee: Election of the Faculty representatives shall proceed according to Article VIII. The next two highest eligible vote recipients shall be the designated alternates who shall serve, should one or both of the original members be unable to continue.

X. Amendments

A. Proposals to amend this Constitution may be considered at any meeting of the Executive Committee provided that the members are given written notice of the proposed amendment at least one week before such a meeting. The proposed amendment then will be submitted with the recommendations of the Executive Committee at the next regular meeting of the Assembly or at a special meeting of the Assembly called within a semester's time.

B. In the presence of a quorum of the Assembly, if two-thirds (2/3) of the Assembly present at the meeting approve the amendment it then will be presented to the membership at large for a final vote, by secret electronic ballot, conducted under the auspices of the Executive Committee.

C. Amendments receiving the approval of two-thirds (2/3) of the voting members then will be submitted to the Board of Directors of the University for comment and approval. Such submission shall be through the Office of the President of the University. In the absence of any disapproval communicated to the Executive Committee by the Board of Directors within three months of their receipt of their amendment it shall become effective.

XI. Review

The Executive Committee of the Faculty Senate may at any time appoint a committee to review the Constitution. Recommendations from this Committee will be reported to the Executive Committee and will be considered by the steps outlined in Article X of this Constitution.

XII. University Statutes

The University Statutes shall have precedence over the provisions contained in this constitution.

DUQUESNE UNIVERSITY

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Revised 5-24-2011
Effective Fall 2011

DUQUESNE UNIVERSITY

FACULTY HANDBOOK

EXHIBIT

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FOREWORD

Few documents in a University are as critical to the faculty as the Faculty Handbook. In conjunction with the Executive Resolutions of the Board (Executive Resolutions), the Administrative Policies (TAP's), and Personnel Memoranda (PM's), this Handbook sets forth the policies of the University and delineates the rights and responsibilities of its faculty. It is incorporated by reference in the contracts of all full- and part-time faculty and as such has legal contractual status. The attached edition becomes effective as of July 1, 2005, and supersedes any prior handbook and/or University Promotion and Tenure guidelines. To the extent that this document conflicts in any way with the Executive Resolutions, TAP's or PM's, those policies shall have precedence. Any exception to the policies stated in this document must be approved in writing by the President or by the specific University bodies empowered to set University policy. Questions of interpretation should be discussed immediately with the University Provost/Vice President for Academic Affairs.

The revised Faculty Handbook results from the careful thought and work of many Duquesne University colleagues. I want to thank in particular the following members of the Handbook Committee who committed countless hours to its review and revision: Dr. Ronald Arnett, Dr. Richard Clemente, Dean Edward Kocher, Dr. Matthew Marlin, and Ms. Maureen Shenkel. I am also grateful to University Counsel, Ms. Linda Drago, and the committee she chaired for updating many of the policies that are included in the appendices of this document.

It is critical that faculty participate in the revisions of an important policy manual such as this, and so I thank all of the faculty members who attended the open faculty forums for the questions and suggestions that made this a Handbook for a twenty-first century university. Finally, I am grateful to the members of the Faculty Senate and, in particular its chair, Dr. Thomas McCue, for being partners in this important undertaking. The Faculty Senate not only arranged the public forums at which proposed revisions were considered but also worked with the writing committee between forums on crafting the changes that were subsequently brought to the faculty.

As I wrote in my note to faculty members informing them that the University's Board of Directors had approved the revised Faculty Handbook, this is a living document, and so its policies and procedures are never immutable. I am quite certain that in a few months or years there shall be considerable revisions in it. But for the moment, let's enjoy this accomplishment.

Ralph L. Pearson
Provost and Vice President for Academic Affairs

I. INTRODUCTION

Duquesne University is a Catholic University in the charism of the Congregation of the Holy Spirit. As a Catholic University, Duquesne manifests a commitment to ecumenism. We welcome; we do not exclude. At the same time, we take great pride in our Catholic character and ambience, and we subscribe to the teachings of the Roman Catholic Church. As a University, we are compelled to search for truth. Our Catholic character demands an unfettered search for truth as the first loyalty of the mind in accordance with the teaching of St. Augustine, *Whatever is true, is ours*. Our teaching of the moral and ethical foundations of thought and action reflect our Catholic heritage and should pervade the University.

A. DUQUESNE UNIVERSITY FACULTY HANDBOOK

1. Purpose

This **Faculty Handbook** specifies the status, rights, and responsibilities of the faculty of Duquesne University. Separate sections of the Handbook are devoted to Academic Freedom and Responsibility; Appointment and Reappointment; Tenure and Due Process; Governance; Faculty Benefits; Professional Facilities and Resources; and relevant Miscellaneous Policies. Appendices include information on such matters as Promotion, Tenure, and Third-Year Review; Equal Opportunity/ Affirmative Action; Sexual Harassment; Faculty Grievance Due Process Procedures; the Evaluation of Deans; Due Process for Students; Expectations of Academic Integrity; and other matters of importance to the faculty.

2. Relationship of Faculty Handbook to Other Documents/Policies

According to the *Charter, Bylaws and Executive Resolutions of the Board of Duquesne University*, the oversight and management of the University shall be vested in the Board of Directors, which shall adopt such resolutions as it deems necessary or appropriate for the conduct of the business and affairs of the University. Resolutions designated by the Board as Executive Resolutions of the Board (Executive Resolutions) govern the organization and administration of the University (Bylaws, Article II, Section 2.).

Relevant Executive Resolutions are frequently summarized or excerpted below, but the complete document should be consulted in *Charter, Bylaws, and Executive Resolutions of the Board* for specific information about the organization of the University, including the Corporation, the Board of Directors, and other administrative bodies; policies of governance; the duties and functions of the officers of the University; and the status, rights, and responsibilities of the faculty. **The Executive Resolutions and relevant sections of the Faculty Handbook are a part of a faculty member's contractual agreement with the University.**

A number of important documents that should be consulted in specific situations are included in *The Administrative Policy (TAP)*, a compilation of documents that explain operational procedures of the University. This compilation, and selected individual TAPs, are available in major administrative offices throughout the University, from the Office of Human Resources, and on the Office of Human Resources website. Pertinent sections of relevant TAPs are occasionally reprinted below.

Information of importance to faculty may also be found in other University documents, including *Criteria and Guidelines for Promotion, Tenure, and Third Year Review* (Appendix A), the *Student Handbook and Code of Student Rights, Responsibilities, and Conduct*, and the Bulletins, Catalogues, and other documents of the college and schools. Pertinent material from these documents is occasionally reprinted below. **The Executive Resolutions, the Administrative Policies, the Personnel Memoranda, and the University Promotion and Tenure guidelines have precedence over the Faculty Handbook.**

B. MISSION AND GOALS STATEMENT OF DUQUESNE UNIVERSITY

Mission
Spiritus est qui vivificat

Duquesne University of the Holy Spirit is a Catholic University founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students — through commitment to excellence in liberal and professional education, profound concern for moral and spiritual values, maintenance of an ecumenical atmosphere open to diversity, and service to the Church, the community, the nation, and the world.

Goals

As a consequence of its mission, Duquesne University sets for itself the following specific objectives and general goals.

Academic Excellence

Duquesne emphasizes excellence in both undergraduate and graduate education and recognizes the interdependence of the two. It is committed to providing undergraduate students with a curriculum based on goodness, beauty, and wisdom, on the dignity of the person, and on the order of nature. It is equally committed to providing education of the highest quality in liberal and professional disciplines to prepare both undergraduate and graduate students for the responsibilities of leadership as experts and specialists.

As a consequence, Duquesne encourages, supports, and rewards a faculty distinguished by excellent teaching, by significant scholarship and research, by artistic creativity, by University service, and by professional and community activities. It strives to maintain a free and mutually supportive community characterized by respect and concern for students as individuals, by acknowledgment of the value of a faculty, administration, and student body of diverse background, interest and accomplishment, and by orientation toward the betterment of each other and of the larger communities which the University serves.

Therefore, a basic goal of Duquesne University is to support a community dedicated to the discovery, enhancement, and communication of knowledge and to the free and diligent pursuit of truth, in order to provide society with men and women able and willing to act as wise, creative, and responsible leaders.

Moral and Spiritual Values

It is Duquesne University's special trust to seek truth and to disseminate knowledge within a moral and spiritual framework.

As a Catholic University, Duquesne is dedicated to fostering an environment that invites, but does not conscript, participation in its spiritual life.

As a private University, Duquesne manifests its liberty to foster in all its disciplines the wise and diligent exploration of values, and to challenge its students to examine the moral and ethical foundations of their thought and action, and to develop their personal values and ethical commitment.

As a University of Spiritan heritage, Duquesne is dedicated to inspiring in its students, alumni, faculty and administration the willingness to transcend all frontiers in order to promote the liberation of humanity from everything that offends human dignity and freedom.

Therefore, a basic goal of Duquesne University is a commitment to the preparation of leaders distinguished not only by their academic and professional expertise, but also by their ethics, and guided by consciences sensitive to the needs of society.

An Ecumenical Atmosphere

Openness is the hallmark of Duquesne's intellectual tradition.

The University will continue to seek truth through various means, to receive insights from diverse schools of thought, and to provide an ecumenical community for the dialogue of students and teachers of all beliefs.

Therefore, a basic goal of Duquesne University is to provide an environment open to ecumenism in its most profound and meaningful form.

The Spirit of Service

Service has been one of the purposes of the University since its beginning. Besides seeking to instill the spirit of service in its students, Duquesne, within its means, reaffirms its desire to provide educational opportunities for students with special financial, educational, and physical needs.

Therefore, a basic goal of Duquesne University is to extend educational opportunity to students with special needs.

World Concerns

Duquesne strives to cultivate in its students the understanding that their destiny is related to that of their community, their nation, and their world, and works to build an attitude of service. As a consequence, Duquesne supports academic programs concerned both with the preservation of cultural traditions and with the contemporary realities of global needs and international responsibilities for peace, justice, and freedom.

Therefore, a basic goal of Duquesne University is to promote world community through the development of an international and intercultural academic vision.

C. ORGANIZATION AND ADMINISTRATION OF THE UNIVERSITY

The organization and administration of Duquesne University are specified in the *Charter and Bylaws* of the University.

In 1878, the Fathers of the Congregation of the Holy Ghost and of the Immaculate Heart of Mary established a College of Arts and Letters, which was incorporated in 1882. In 1911, the College and University Council of the Commonwealth of Pennsylvania, in approving an amendment in favor of the corporate name Duquesne University of the Holy Ghost, extended the charter to University status. In 2002, the corporate name was changed to Duquesne University of the Holy Spirit.

The business and affairs of the University shall be managed by a Board of not less than fifteen (15) Directors who shall be elected annually by the Members of the Corporation. (Bylaws, Article VI.)

The Officers of the University shall be a President, Provost/Vice President for Academic Affairs, Vice President for Management and Business, Vice President for Student Life, Vice President for University Advancement, Vice President for Mission and Identity, General Counsel, Secretary of the University, and such vice presidents as the Board shall determine from time to time with the approval of the Members.

The officers of the University shall be elected by the Board, with the approval of the Members of the Corporation, at the last meeting of the fiscal year. The President shall continue in office during the pleasure of the Board, and the other officers shall be elected by the Board on the recommendation of the President, report to the President, and continue in office during the pleasure of the President.

The officers of the University shall perform the duties assigned specifically to them under these Bylaws and shall perform such additional duties as may be assigned to them by the Board or by the President (Bylaws, Article VIII).

1. Corporation

Duquesne University is chartered in the Commonwealth of Pennsylvania as a Non-profit Corporation the purpose of which is to support and maintain a College for the instruction of youth in all branches of a thorough, moral and secular education (Charter, Article II). The members of the Corporation are the Provincial Superior and the Provincial Councilors of the Congregation of the Holy Spirit Province of the United States of America and such other members of said Province as are appointed by the Provincial Superior with the consent of the Provincial Council (Bylaws, Article III).

2. Board of Directors

The business and affairs of the University are managed by the Board of Directors subject only to the Reserved Powers of the Members of the Corporation.

3. The President and Provost/Vice President for Academic Affairs

The President is the Chief Executive Officer of the University. Responsible for implementing Board orders and resolutions, he or she is the official medium of communication between all components of the University and the Board of Directors.

The Provost/Vice President for Academic Affairs shall be responsible under the President for the educational operations of the University and shall have the powers and duties set forth in the Bylaws, Article VIII.

4. Academic Structure of The University

A college or school is a major academic unit of the University consisting of a Dean, who is the chief administrative officer, a faculty, and a body of students, who engage in the study of a curriculum or

several related curricula usually leading to one or more recognized degrees. The major academic units within the University are the McAnulty College and Graduate School of Liberal Arts, the A.J. Palumbo School of Business Administration/ John F. Donahue Graduate School of Business, the Mylan School of Pharmacy, the Mary Pappert School of Music, the School of Education, the School of Nursing, the School of Law, the Rangos School of Health Sciences, the Bayer School of Natural and Environmental Sciences, and the School of Leadership and Professional Advancement.

The chief administrative officers of these major academic units are the Deans, whose duties are specified in Executive Resolution III and summarized below. Divisions and departments within these units are responsible for the method and content of courses offered within the division or department and other matters related to the instructional, research, and service functions of that unit, subject to the aims and objectives of the appropriate college or school.

5. University Councils and Committees

a. Councils. University Councils advise the President and members of the University administration regarding academic and other University policy issues.

1) The University Advisory Council. The membership of the Council shall include nine members of the faculty, the President of the Faculty Senate, four undergraduate students, two graduate/Law students, and two members of the staff.

The faculty of each college/school shall elect one faculty member to the Council.

The student members of the Council shall be elected annually by the Student Government Association. They shall include the president of the Student Government Association and one member each from the undergraduate classes of the University not represented by the Student Government Association president. The graduate/Law students shall be elected by the Student Government Association.

The staff members of the Council shall be appointed by the President on an annual basis.

The President shall meet with the University Advisory Council at least once each semester. The members of the Advisory Council may submit matters for the agenda of the meeting. The President, however, shall have the responsibility for determining the agenda.

The President may invite other officers of the University and members of the University community to participate in the meetings of the Council.

2) Academic Council

a) The voting members of this Council are specified by the Executive Resolutions of the Board of Directors. They are the Deans of the college and all the schools, the University Librarian, the President of Faculty Senate, and the Provost/Vice President for Academic Affairs, who serves as chairperson. Additionally, non-voting support personnel may be invited to attend as guests. These include, but are not limited to, the Executive Director of Admissions, the Executive Director of CTS, the representative of Faculty Senate, the representative of the

Student Government Association, and other support personnel invited by the Provost/Vice President for Academic Affairs.

b) The Academic Council is the principal collegial administrative unit that represents the academic interests of the faculty to the President and Provost/Vice President for Academic Affairs. It also represents the President and Provost/Vice President for Academic Affairs to the faculty. It is responsible for implementing University academic policies.

c) The Academic Council shall be responsible for overall academic planning in the University, subject to the direction and approval of the President. Any committee dealing with academic planning shall be structured as committees of the Academic Council, reporting through the Provost/Vice President for Academic Affairs to the President.

d) The Academic Council shall advise the President and the Provost/Vice President for Academic Affairs with regard to the general policies of the University in all areas of an academic nature, including but not limited to: Admissions, Academic Student Advisement, Academic Standing, Core Courses, Bulletins, Calendar, Degrees, Programs, Class Offering and Schedules, Credits, Curricula, Class Admissions, Course Auditing, Withdrawal, Faculty Handbooks and Orientation, Grading, Library Policies, Placement Policies, Registration, Research Policies and Scholarship.

b. Committees

1) Standing Committees . Committees whose functions are considered to be continuing in nature are assumed to be permanent and hence are designated as standing committees.

a) **The University Library Committee.** The members of this committee are the University Librarian and representatives appointed by the Deans of all the schools and college.

b) **The University Committee on Scholarship and Financial Assistance.** The members of this committee are the director of Financial Aid and representatives appointed by the Deans of the college and all schools.

c) **The University Budget Committee.** This committee shall advise the President on the University budget and assists in determining priorities for the allocation of funds to the various areas of the University.

The Budget Committee shall consist of: The Vice President for Management and Business, who shall chair the committee; the Provost/Vice President for Academic Affairs; the Vice President for University Relations; the Vice President for Student Life; the University Budget Officer; two Deans, with alternating two-year terms of appointment, elected by the Academic Council; the University Librarian; the President of the Faculty Senate; two members of the faculty; two undergraduate and one graduate/Law student; and one

person from the staff. The President may choose to participate in the meetings of the committee from time to time.

The Vice President for Management and Business may designate an executive secretary who shall serve the committee without vote.

The faculty members shall be elected by the faculty for a two year term. The Faculty Senate shall form a Nominating Committee. The faculty of each college/school will be asked if it wishes to submit a name. These names plus others supplied by the Nominating Committee will comprise the ballot. The two faculty receiving the highest number of votes shall serve with the following exceptions: No two members from the same school can serve at the same time, and no two members can serve at the same time from the College and the Graduate School. If the ballot is extensive, the Faculty Senate may choose to hold run off elections.

The student members shall be elected by the Student Government Association in the spring semester to serve for one year.

The staff members shall be appointed by the President.

The committee shall function under the direction and guidance of the Vice President for Management and Business.

d) **The University Promotion and Tenure Committee.** This committee shall consist of eleven full-time tenured members of the faculty elected for staggered terms of three years. Each school shall elect one senior tenured faculty member each, except that the college shall have three senior tenured faculty members who are elected from a slate of candidates proposed by the College Council. The committee shall be chaired by the Provost/Vice President for Academic Affairs or a properly delegated person. The committee shall be instructed and directed by the Provost/Vice President for Academic Affairs.

The University Promotion and Tenure Committee's responsibility is to review and evaluate the application portfolios of all the University's candidates for third-year review, promotion and/or tenure, including the recommendations of the Dean, College or School Committee, department chair and the department committee. The purpose of the review is to recommend to the Provost those candidates whose retention, promotion, or tenure would serve the needs of the University, and whose professional achievements and potential for further growth clearly demonstrate that the candidate meets the University's overall expectations.

The committee shall also review the reappointment of all tenure track faculty during their third year as full-time members of the University faculty. If in the committee's judgment such a member of the faculty does not have the potential to be recommended for tenure, the committee shall recommend to the Provost/Vice President for Academic Affairs that the faculty member be granted a terminal one year contract for his/her fourth year at the University. The committee

may recommend to the Provost/Vice President for Academic Affairs that an untenured member of the faculty who clearly demonstrates the potential to meet the criteria for tenure be reappointed. The President's acceptance of recommendations of reappointment is not to be construed as a guarantee that the untenured faculty member ultimately will be promoted and tenured.

Each member of the committee shall evaluate each candidate and judge whether he or she is ineffective, effective, or excellent in the areas of teaching, scholarship and service, as described in the Executive Resolutions and Faculty Handbook. Based on the evaluation, the committee members shall then vote on the candidate's retention, promotion and/or tenure.

The committee is advisory to the Provost/Vice President for Academic Affairs who makes recommendations to the President. The President possesses discretionary authority in making final decisions.

e) **University Grievance Committees.** Recommendations of grievance committees shall be binding on the University and on the other party if accepted and approved by the President. See Appendix D: University Grievance Committee for Faculty (Due Process Procedures).

f) **Graduate Council.** The Graduate Council considers matters related to graduate education at the University. It recommends policy and procedural initiatives and changes to Academic Council. Each school with graduate programs has a representative (appointed by the dean) on the committee. Faculty Senate also appoints a faculty representative to Graduate Council. The committee is chaired by the Associate Provost/Associate Academic Vice President.

2) **College or School Councils and Committees .** The Deans shall preside at meetings of the faculty council of the academic unit. Members on College or School Councils and Committees are appointed by the Deans of the respective college or school after consultation with their faculties and appropriate student representatives. The purpose, duties and procedures of each council or committee are codified in a manual or handbook compiled by each college or school.

3) **Academic Support Services .** Academic Support Services are provided by the University Library, the Registrar's Office, the Admissions Office, the Financial Aid Office, Computing & Technology Services and other administrative departments, whose operation shall not infringe upon the teaching and administrative authority of the college, schools, institutes, divisions or departments of the University (Executive Resolution II).

D. THE FACULTY AND ITS ROLE IN THE UNIVERSITY

The Role of the Faculty

The essential role of the faculty in the educational mission of Duquesne is implicit in the stated goals and mission of the University. Without the faculty, the University would be unable to prepare its students intellectually, professionally, aesthetically, spiritually, or ethically for the ordinary responsibilities of life and for leadership in a free, complex, and changing society. Nor could the University seek to attain such goals as offering students a well-rounded and broad education which will inspire a permanent interest in learning; which will enable them to think, write and speak effectively; which will acquaint them with their cultural heritage and with the means of locating further information on it; and which will equip them with a depth of knowledge in a chosen area or discipline.

In order to exercise its essential role in the educational mission of the University, the faculty as a group and as individuals enjoys certain freedoms, both as citizens and as members of an academic community who are engaged in teaching and research. These freedoms are discussed in detail below.

Faculty on Tenure Track, Tenured Appointments and Librarians

The tenure track and tenured faculty consists of Distinguished University Professors, Professors, Associate Professors, Assistant Professors, and Instructors in the college, schools and institutes. With the exception of librarians who serve under the direction of the University Librarian, faculty members with tenure-track appointments, including those members of the Congregation of the Holy Spirit who have been appointed to the faculty, may be granted tenure and advancement in rank according to the provisions outlined in Appendix A of this Handbook.

Members of the faculty are designated as follows:

Instructor

Ordinarily, an Instructor is a full-time member of the faculty who does not possess a doctoral degree or the highest terminal degree recognized by the profession for which one has been trained. Instructors on full-time contracts will be promoted to the rank of Assistant Professor upon attainment of that degree.

Assistant Professor

An Assistant Professor is a full-time member of the faculty ordinarily possessing a doctoral degree or the highest terminal degree recognized by the profession in the field.

Associate Professor

An Associate Professor is a full-time member of the faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been educated. An Associate Professor will normally have not less than three years experience as a full-time Assistant Professor (or its professional equivalent) at a University or at an equivalent institution.

Professor

A Professor is a full-time member of the faculty possessing a doctoral degree or the highest terminal degree recognized by the profession for which one has been educated. A Professor will normally have not less than five years experience as a full-time Associate Professor (or its professional equivalent) at a University or an equivalent institution. One achieves the rank of Professor by establishing a sustained and enduring record of excellence as a teacher and a scholar during his or her tenure as an Associate Professor.

Distinguished University Professor

A Distinguished University Professorship is awarded to a Professor who has distinguished him or herself and the University through scholarship, teaching, and community service. Individuals receiving this title must have

national recognition as a leading scholar in a particular discipline, distinction as demonstrated by awards and other testimony as an outstanding teacher, and must have provided significant service contributions to the University or the Community. A Distinguished University Professor must have demonstrated influence in teaching and scholarly work which crosses discipline lines and which creates links among the professions and the arts and sciences. (See Appendix K for criteria for and selection of Distinguished University Professor and benefits that come with the appointment.)

Librarians

An individual possessing a masters or doctoral degree in Library Science from an American Library Association accredited institution (or a recognized and vetted foreign equivalent) employed full time by the Gumberg Library or the Center for Legal Information in a position designated as Librarian.

Non-Tenure Track Faculty

Individuals who are not on a tenure track or tenured, but who are employed to teach on a full-time basis constitute the non-tenure track faculty and may hold the rank of instructor or assistant professor and are members of the Duquesne faculty. Only those faculty with a terminal degree or degree accepted as terminal by the relevant accrediting body may hold the rank of assistant professor. With the exception of issues involving promotion and tenure for faculty on the tenure-track, the non-tenure track faculty has full voting rights on all faculty issues.

Responsibilities. Non-tenure track faculty teach, provide clinical expertise, and provide service to their departments, college/schools and/or the University in a manner determined by the individual departments.

Teaching Load. The expected teaching load for the non-tenure track faculty is 12 credit/contact hours per semester. With the approval of the Dean and Provost/Vice President for Academic Affairs, departments may reassign the non-tenure track faculty from classroom responsibilities.

Performance Evaluation. The Student Evaluation Survey will be administered in all classes, with at least one faculty peer review per academic year. The appropriate chairperson, Dean and Provost/Vice President for Academic Affairs and the President shall review annually the performance of each member of the non-tenure track faculty. Non-tenure track faculty members are eligible for all normal salary increments and faculty merit awards.

Executive Faculty

Members of the community who have reached the pinnacle of their professions in a non-academic setting, and are willing to provide their valued expertise to Duquesne University, may be appointed as Executive Faculty by the President upon the recommendation of the faculty and Dean of the College/School where they will reside. Executive Faculty provide services to their schools in a manner befitting their stature, unique expertise, and professional capabilities.

Emeritus Status

Emeritus Status may be granted to retiring members of the faculty by the President on the recommendation of the Dean and Provost/Vice President for Academic Affairs. Ordinarily, recommendations for Emeritus status emanate from the faculty member's school or department.

As a continuing member of the University community, the Professor Emeritus is entitled to attend appropriate University functions, to receive publications concerning the University, to receive library privileges, and to participate in the University parking program. The Office of the Provost/Vice President for Academic Affairs will maintain a list of emeriti faculty members, with information which could be utilized in facilitating academic and university service to the program, research projects, or activities involving liaison with the students, alumni, and the faculty. (See Appendix J.)

Auxiliary Faculty

Visiting Assistant Professor, Visiting Associate Professor, and Visiting Professor. Visiting faculty are individuals who hold the same academic rank at another academic institution and are teaching or conducting research at Duquesne. The normal term of appointment for a visiting faculty member is one year. Visiting faculty members do not have voting privileges and their specific responsibilities are determined by their chairs.

Adjunct Faculty. The adjunct faculty is comprised of individuals who teach up to 6 credit/contact hours per term at the University. Exceptions to this limit may be made by the Dean of the College/School. As a rule, adjuncts are responsible only for teaching. The TEQ will be administered in all classes taught by adjunct faculty. Adjunct faculty members do not have voting privileges and their specific responsibilities are determined by their chairs.

Adjunct Librarians. Adjunct librarians are employed part-time at the Gumberg Library.

Research Appointments. Research appointments consists of Research Faculty, Research Technicians, Research Associates and Postdoctoral Associates hired to work on scientific research projects in a laboratory setting. The appointment of Research Staff is for one year or less and is fixed by the letter of appointment. Pending available funding, appointments may be renewed.

II. ACADEMIC FREEDOM AND RESPONSIBILITY

A. ACADEMIC FREEDOM AND TENURE

In order to exercise its essential role in the educational mission of the University, the faculty requires certain freedoms, both as citizens and as members of an academic community engaged in teaching and research.

1. Freedom and Responsibility as a Citizen

The University faculty member, as a citizen, holds a position in the community that imposes special obligations. When speaking in public, the faculty member should at all times be accurate, exercise appropriate restraint, show respect for the opinion of others and make every effort to indicate that the public utterances are personal, not those of a spokesperson for the University.

2. Freedom and Responsibility in Teaching and Research

Academic freedom is essential to teaching. The teacher is entitled to freedom in the classroom. The teacher should not, however, interject opinions which have no relation to the subject and should not impose personal views of the subject upon the students. The teacher should respect the religious and ecumenical orientation of the University.

Freedom in research is fundamental to the advancement of truth. The faculty member is entitled to freedom in research and the publication of the results. Research, publication and consulting, including that done for pecuniary return, shall be subject to stated policies of the University and based upon prior written understanding with University authorities.

Significant procedural safeguards developed by the American Association of University Professors are included in University policies and procedures (e.g., in the procedures followed by the Faculty Grievance Committee, discussed below). While they are not binding on the University, faculty should nevertheless be aware of the following AAUP documents on Academic Freedom, Tenure, and Due Process (reprinted in *AAUP Policy Documents and Reports*):

Statement on Procedural Standards in Faculty Dismissal Proceedings (1958)

Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments (1989)
Recommended Institutional Regulations on Academic Freedom and Tenure (1999)
The "Limitations" Clause in the 1940 Statement of Principles on Academic Freedom and Tenure: Some Operating Guidelines (1999)

See AAUP, Policy Documents and Reports, for additional Association positions on faculty matters.

B. RESPONSIBILITIES OF THE FACULTY

1. General Professional Responsibilities

It is assumed that faculty members will act in accordance with the accepted ethical norms appropriate to their profession (e.g., in the complete and accurate reporting of data or documentation of sources, in the fair treatment of students, colleagues, and other members of the University community). Furthermore, faculty are expected to meet Teaching, Scholarship, and Service responsibilities as described in the Promotion and Tenure section of the Handbook.

2. Specific University Responsibilities

Individual members of the faculty, by contracting for employment with the University in annual letters of agreement, shall be deemed to agree to pursue and uphold the purpose of the University as stated in the Second Article of the Charter and to comply with the University's Bylaws and Executive Resolutions. The faculty shall engage in instruction, research and University service, for which appropriate compensation and other employment benefits shall be granted in accordance with University policies and procedures approved by the Board of Directors, published in the current Faculty Handbook and incorporated in annual letters of agreement entered into between the University and the faculty member. In the event there is a conflict between the terms of a faculty member's letter of agreement and the Faculty Handbook, the letter of agreement shall control so long as it has been reviewed and approved by the Provost/Vice President for Academic Affairs. The Executive Resolutions shall control in any conflict between and among any rules of policy or procedures. (Executive Resolution IV.)

Faculty members are assigned to teach such classes as delegated to them by their departmental chairperson and/or Dean or director, according to the terms of their agreement. The normal instructional load consists of 12 hours per week or 24 credit hours or equivalent per academic year with no more than three different course preparations per semester.

Faculty members include in their services, in addition to their responsibility for preparing and teaching classes, the advisement and guidance of students, the preparation of examinations and correction of examination papers, the submission of grades, proctoring, and the preparation and review of course syllabi. Wherever applicable, faculty members supervise laboratories, read term and research papers, and direct theses and dissertations. They are called upon for service on academic committees and to participate in or direct University and/or student activities.

Full-time faculty members are obliged to attend faculty meetings of their departments and college/schools, Commencement Exercises, and academic convocations.

Faculty members in the roles of academic advisors are expected to be available for counseling advisees and students in their classes during posted office hours, which are scheduled so as to reasonably meet the needs of students.

Subject to the general policies and requirements of the University as approved by the Academic Council and President, each college or school is granted autonomy to:

a. establish the standards of admission;

b. establish the requirements for the granting of its degrees;

c. certify its graduates for the conferring of degrees by the University;

d. define, add, delete, and evaluate courses within its area;

e. determine the composition, qualifications, and professional responsibilities, including academic advising, of its own faculty;

f. establish, evaluate, and change the methods of teaching within its area and establish the conditions for laboratory and class conduct and size;

g. designate the library acquisitions necessary to implement academic programs and studies within its area;

h. discipline its students in conformity with the general University policy and communicate with the Vice President for Student Affairs when appropriate;

i. designate the content of its Bulletin;

j. determine its own bylaws for operation of its faculty in establishing an orderly procedure for implementing the above;

k. organize its college/school in such a way as to promote its objectives.

3. Faculty Responsibilities with Regard to Student Rights

According to the Code of Student Rights, Responsibilities, and Conduct, all students have a right to expect certain rights, including the right to be evaluated fairly in all academic endeavors and to challenge an academic evaluation in accordance with Academic Due Process. (Appendix F, Faculty Responsibilities, II.)

Among the Due Process rights accorded students are the following:

a. Faculty members must distribute at the first meeting of each class a course syllabus which includes at least the following information: course requirements, course assignments and expectations, types of examinations (when possible), evaluation process for grading (including +/- grading), and policy regarding class attendance. If major changes in the above categories of the syllabus are necessary, they must be given to the students in writing.

b. Students final examinations and all other relevant grading information must be kept on file by the faculty member or the department for review by the student for a period of twelve (12) months following their administration.

c. It is the faculty member's responsibility to see that examinations are properly monitored to insure academic honesty.

d. The faculty member is responsible for assigning grades in a fair manner, consistent with policies stated in the syllabus, or subsequently modified in a written adjustment of the syllabus.

e. No one may change a grade, except for the faculty member or the Provost/Vice President for Academic Affairs. The Provost/Vice President for Academic Affairs may change the grade only after the Academic Due Process Committee has recommended said change, except in the case of a disputed grade assigned by a faculty member no longer employed by the University; in such circumstances, a grade may be changed by the Provost/Vice President for Academic Affairs upon the recommendation of the appropriate Deans and the chairperson.

4. Outside Employment

Faculty members are expected to devote their full time and energies to their teaching responsibilities, scholarship, and service to the University. During the term of appointment, a member of the faculty shall not engage in any activity which encroaches upon any of these obligations to the University. In the case of full-time faculty members, the annual written consent of the appropriate Dean, director, or chair is required for accepting outside employment of any kind or for engaging in consulting activities that could occupy more than an average of one day per week. This consent shall be given only after careful consideration of the contribution of the consulting activities or proposed employment to the faculty member's teaching and scholarship, and with appropriate regard to the amount of time required, its effect upon teaching duties, and the possibility of conflict with the dignity expected of a person of professional standing. Consent will not be denied without due cause.

5. Miscellaneous

a. **Participation in Conventions and Meetings of Learned Societies.** Faculty members are encouraged to take part in activities and meetings of learned societies and organizations provided that class obligations are met with the chair or Dean's approval. Travel funds supporting the attendance of a faculty member at conventions and meetings may be approved by the chair or Dean within budgetary limitations. Upon returning from the meeting, an itemized accounting of expenses is to be submitted to the chair or Dean.

b. **Calendar and Class Schedule.** The University Calendar is listed in the Schedule of Classes for the University. Approved holidays are listed in the University Calendar.

The Schedule is the official roster of course offerings for a semester or summer session. The Schedule is approved by the Dean and communicated to the Registrar. University classes are offered at various times during the day and evening. Faculty members are obligated to meet on the days assigned by the Registrar and to begin and end classes at the appropriate time. If faculty members cannot meet their classes, they must notify their chair/Dean, so that adequate class arrangements may be provided.

It is left to the faculty of the college and the schools to determine whether class attendance is mandatory for their students, but faculty members should inform students on the first day of class of the requirements concerning attendance.

c. **Presidential Awards and Grants for Faculty.** The University has initiated awards acknowledging faculty excellence in teaching, scholarship, community service and University service. When financial resources are available, those faculty members chosen for recognition will receive cash awards. Annual selections are made by a

committee composed of previous awardees and representatives appointed by the President. The University also seeks to promote faculty development, research, and scholarship by providing competitive grants when financial resources are available. Procedures and guidelines relating to faculty awards and grants are disseminated annually under the direction of the Provost/Vice President for Academic Affairs.

III. APPOINTMENT AND REAPPOINTMENT

A. APPOINTMENT

1. Appointment of Tenure Track Full-time Faculty

Individuals appointed to tenure track full-time faculty positions in the University may be granted tenure and advancement in rank. Faculty members are appointed by the President upon recommendation of the Provost/Vice President for Academic Affairs and the appropriate Dean or director and the chairperson and members of the appropriate department or division. Ordinarily, tenure track full-time faculty positions are filled through a good faith national search process. Exceptions must be approved by the Provost/Vice President for Academic Affairs. On the recommendation of the Provost/Vice President for Academic Affairs, a faculty member with previous full-time service in an instructional or research capacity, at the rank of Instructor or higher on the faculty of another college or university, may be given one to three years credit toward promotion to the Associate Professor level and tenure; provided, however, the University reserves the right to deny credit for previous experience and, accordingly, to require as many as five years service on the University's faculty before being considered for tenure. Such requirements shall be stated in the initial letter of appointment. Individuals appointed to tenure track positions may not be transferred to non-tenure track positions.

2. Appointment of Non-Tenure Track Full-time Faculty, Librarians, Administrators

Non-tenure track faculty members are appointed to one-year renewable contracts, and only one-year renewable contracts. Exceptions must be approved by the Provost/Vice President for Academic Affairs. The initial term of appointment for any non-tenure track faculty member shall be one year. Non-tenure track full time faculty members are appointed by the President upon recommendation of the Provost/Vice President for Academic Affairs and the appropriate Dean or director and the chairperson and members of the appropriate department or division. Ordinarily, full time non-tenure track positions are filled through at minimum a good faith regional search process. Exceptions must be approved by the Provost/Vice President for Academic Affairs.

Individuals appointed to non-tenure track positions may not be transferred, either at their own request or at the request of the Dean to a tenure track appointment. When a tenure track position becomes available within a school, individuals appointed to non-tenure track faculty positions may request to be considered for such a position in the context of a national search. Should a non-tenure track faculty member subsequently be appointed to a tenure track position, no time accumulated in service as a non-tenure track faculty member shall apply toward tenure or promotion without the approval of the Provost/Vice President for Academic Affairs.

Librarians of the University shall be appointed for a term of one year. They may be reappointed by the President on the recommendation of the University Librarian and the Provost/Vice President for Academic Affairs. The University Librarian shall establish procedures under which the performance of the librarians shall be reviewed regularly.

3. Appointment of Auxiliary Faculty

The appointment of auxiliary faculty is for the period fixed by the letter of appointment, of one year or less. Such appointments may be renewed annually. Contracts exceeding one year in duration must be approved by the Provost/Vice President for Academic Affairs upon written application by the Dean of the college or school desiring to make such an appointment. It is expected that the Dean will consult with the tenured faculty of the college/school or department prior to making such an application.

4. Appointment of Administrators

Appointments of administrators of academic divisions are covered in Executive Resolution III. All such officers are selected according to established written procedures appropriate to the position. Deans and directors serve at the discretion of the President and may be removed or reappointed at any time.

Chairpersons or directors of divisions or departments are appointed by, and serve at the discretion of, the President. Such appointment usually carries the recommendation of the Dean of the college or school and of the full-time faculty of that division or department, following an established procedure written and published by that faculty, together with the approval of the Provost/Vice President for Academic Affairs. The term of appointment shall not exceed three years, subject to removal by the President during the period in case of failure to perform the responsibilities of the office. The incumbent chairperson or director of a division or department may be a candidate for reappointment following an established procedure chosen by that faculty, together with the approval of the respective Dean and the Provost/Vice President for Academic Affairs.

Chairpersons or directors of divisions or departments who, prior to their appointment, have been granted tenure, shall continue to enjoy tenure. Appointment as a chairperson or director of a division or department does not, of itself, constitute grant of tenure nor does such service as chairperson or director qualify as a factor in meeting the performance expectations for tenure.

5. Notice of Nonreappointment

At the end of the term of appointment as defined in the letter of agreement, the appointment of any tenure track member of the faculty by the University ceases unless the faculty member is reappointed.

Notice of intention not to reappoint shall be given in writing:

a. not later than March 1 of the first year of service;

b. not later than December 15 of the second year of service;

c. at least twelve months before the expiration of a contract of an appointment which has continued for more than two years.

6. Evaluation

The appropriate chairperson, Dean and Provost/Vice President for Academic Affairs and the President shall review annually the performance of each member of the teaching and administrative staff. Part of the annual review of faculty will include at least one Student Evaluation Survey per semester. The University Librarian shall establish procedures under which the performance of the librarians shall be reviewed annually.

B. TENURE

The University Promotion, Tenure, or Third Year Review guidelines are appended in their entirety as Appendix A of the Faculty Handbook. All faculty should become familiar with this document.

Tenure may be awarded only by the President and only in writing. Normally, tenure is not awarded to individuals below the rank of Associate Professor. In deciding whether to award tenure, the President shall consider, as appropriate, the recommendations of the faculty member's department or college/school, University Promotion and Tenure Committee and the Provost/Vice President for Academic Affairs.

Notice will be given before the end of the sixth year of employment if the faculty member is not to be awarded tenure. Tenure entitles the faculty member to renewal of the annual faculty agreement until termination pursuant to Executive Resolution IV or retirement.

The award of tenure is covered in Executive Resolution IV, J, quoted here in full:

> Full-time members of the faculty who have demonstrated excellence in teaching, scholarly and professional activities, and service to the University and who show promise of continued professional growth may be promoted to tenure. At least the following factors shall be considered in making the decision whether to award tenure: teaching performance; attainment of advanced degree; professional experience; participation in appropriate learned societies; evidence of significant scholarly research; University service; professional and community activities; and publication of articles or books held in high regard by other individuals in the faculty member's discipline, and contributions to the quality of campus life. The educational needs and priorities of the University and its financial circumstances shall also be important considerations in each tenure decision. Enrollment and prospective enrollment in the faculty member's field, the academic plans and goals of the faculty member's department, division and college/school, the present composition of the faculty in terms of tenure and area of specialization are all relevant factors in assessing the University's educational needs.

C. CESSATION OF APPOINTMENT

All full-time faculty members who do not desire to be re-employed at the expiration of the agreements [of employment] are expected to notify their chief administrative officer in writing not later than December 15 of the academic year in which they wish to terminate their employment.

D. PROCEDURES FOR EVALUATION

On specific procedures to be followed in evaluations of candidates for promotion, tenure, and/or third-year review, it is imperative that faculty consult the section on *Criteria and Guidelines for Promotion, Tenure, and Third Year Review*, Appendix A of the Faculty Handbook. The Office of the Provost/Vice President for Academic Affairs shall maintain a file that contains all promotion and tenure policies and procedures of each school and the departments of the college.

E. MISCELLANEOUS

1. Date Tenure Takes Effect

Following a successful application for tenure, the University will offer a tenured contract beginning with the next academic year.

2. Immunity from Liability

Executive Resolution VI specifies that applicants for academic employment, including continued employment, tenure, or advancement in academic rank, agree that the University and its employees will be immune from civil liability arising from any act, communication, report, recommendation or disclosure with respect to such person.

IV. TENURE AND DUE PROCESS

This section discusses the tenure and due process protections operating at Duquesne University and the procedures to be followed in cases where a faculty member's competence is called into question.

A. TENURE

As the *1940 Statement of Principles on Academic Freedom and Tenure* indicates, "After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of voluntary retirement ..., or under extraordinary circumstances because of financial exigencies." In cases where the fitness of a faculty member with tenure (or of a non-tenured faculty member before the expiration of his or her term of appointment) is questioned, academic due process is crucial at all stages of dismissal proceedings.[1]

The termination of tenure at Duquesne University is covered in Executive Resolution IV, K quoted here in full:

Termination of Tenure .

1. Forfeiture for Misconduct or for Incompetence

A faculty member's tenure may be forfeited by serious misconduct or for professional incompetence.[2] In the event of proposed termination for reasons of serious misconduct or for professional incompetency, tenured faculty shall be entitled to a hearing by a committee of the University Grievance

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[1] It should be emphasized that tenure is designed to insure academic freedom, which is the right of all faculty; "During the probationary period a teacher should have the academic freedom that all other members of the faculty have" (p. 4). As the AAUP "Statement on Procedural Standards in Faculty Dismissal Proceedings" indicates, the protections of due process in dismissal proceedings are crucial for faculty with unexpired term appointments as well as those with tenure.

[2] "Serious Misconduct" includes but is not limited to failure to observe the principles of the Mission Statement of Duquesne University or elaborations thereof approved by the Board of Directors, conduct involving moral turpitude, failure to observe specific University policies with regard to discrimination or sexual harassment, failure to treat faculty colleagues, students, staff or administrators with respect, failure to adhere to the standards of conduct found in Executive Resolutions, policies, Personnel Memoranda, or the provisions of this Faculty Handbook.

"Professional Incompetence" includes but is not limited to failure to meet highly effective standards of teaching, research, published scholarship and University service, failure to meet classes on time, unapproved cancellation of classes, and failure to meet deadlines.

Committee for Faculty (see Executive Resolution VII). The member shall be informed before the hearing in writing by the President of facts upon which such proposed termination is based and shall have the opportunity to present a defense. The member and the University may be represented at the hearing by counsel. There shall be a record made of the proceedings by electronic or other appropriate recording process and the same shall be made available to the parties. At the hearing, testimony may include that of faculty and other scholars, either from the University or from other institutions, and any other relevant testimony. The committee shall advise the faculty member and the University President of its decision in writing within 30 days from the date of the termination of the hearing. If the committee's recommendation is that the faculty member should not be terminated and the President concurs, the case shall be closed. If the committee's recommendation is that the faculty member be terminated and the President disagrees with that recommendation, the case shall be closed. If the President terminates the affected faculty member either by approval of the committee's recommendation or by his/her own decision, following a committee recommendation of retention, the affected faculty member may have the final decision of the President reviewed by the Board of Directors.

2. Termination of a Tenured Appointment for Reasons of Financial Exigency

The employment of a tenured faculty member may be terminated for reasons of financial exigency. Such terminations may occur only under extraordinary circumstances because of a demonstrably *bona fide* financial exigency which cannot be alleviated by less drastic means. On the recommendation of the President, the Board of Directors shall establish a joint committee of the Board and of the Faculty Senate to investigate the financial condition of the University. The committee shall report its findings and recommendations to the Board and the Board shall determine whether or not a condition of financial exigency exists. The Academic Council of the University shall be responsible for determining the extent and areas in which reductions are to be made.

Faculty members so affected are entitled to a reasoned explanation for the decision and shall have the right of access to appeal procedures outlined in K.1. of Executive Resolution IV.

The University shall make every reasonable effort to place the faculty member in another position within the University for which the faculty member is qualified. When such a position is available, a new letter of agreement shall be offered. If such a possibility does not exist, then at least one year's notice must be given. The position vacated cannot be filled for a three-year period unless the released faculty member has been offered reinstatement and a reasonable period to accept.

3. Termination of a Tenured Appointment for Reasons of Discontinuance of a Division, Department or Program

The employment of a tenured faculty member may be terminated as a result of the discontinuance of a division, department or program. Such termination shall be based essentially upon educational and financial considerations. Such determination shall include consideration of the recommendations of the involved faculty. The provisions of Executive Resolution IV shall apply with regard to the faculty member's rights, the University's obligations, and the procedures for hearing and review in the event of such terminations.

4. Termination for Medical Reasons

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon documented medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to

respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the University Grievance Committee for faculty before a final decision is made.

B. DUE PROCESS : UNIVERSITY GRIEVANCE COMMITTEE FOR FACULTY

Executive Resolution VII provides for a standing University Grievance Committee for Faculty, elected by the faculty, which is responsible for receiving and investigating grievances according to due process procedures originating in the office of the Provost/Vice President for Academic Affairs. Its recommendations, if approved by the President, are binding (Executive Resolution VII). See Appendix D for the full text of the due process procedures.

V. GOVERNANCE

A. THE APPOINTMENT AND EVALUATION OF ADMINISTRATIVE OFFICERS

Faculty involvement in the appointment and evaluation of academic officers is acknowledged in the Executive Resolutions. Faculty representatives serve on search committees appointed to recommend candidates for appointment to the office of President (Executive Resolution I).

Faculty are centrally involved in the appointment and reappointment of Deans: according to Executive Resolution III.

Appointment and Reappointment of Deans

Deans of the college and professional schools shall be appointed by the President of the University. The Search Committee shall consist of seven voting members and at least one non-voting student member. At least four of the seven members shall be full-time tenured faculty. At least three of the four shall be elected by the faculty of the school having the decanal vacancy. The remaining faculty member shall be appointed by the President. The President shall also appoint three additional members to the committee which may include a Dean of another college/school within the University, representatives of the alumni of the college/school, and the community served by the college/school. The non-voting student member shall be selected by the voting members of the committee. The President shall appoint the chair of the committee.

The President shall charge the Search Committee with the standards required for the particular deanship and other requirements of the search. The committee shall invite several candidates for interviews in which all faculty will have an opportunity to indicate in writing to the committee the acceptability of each of the candidates. The names of three candidates shall be submitted to the President unranked and in alphabetical order. If the candidates presented by the Search Committee are unacceptable to the President, the President shall direct the Search Committee to present the names of three additional candidates, unranked and in alphabetical order. If there is no acceptable candidate in the second list, the President shall have the authority to appoint any qualified person to the position.

Deans' normal initial term of office shall be for a period of five years. Subsequent terms of office shall be for periods of three years. Length of term notwithstanding, all Deans serve at the discretion of the President and may be removed or reappointed at any time.

Before reappointing a Dean for a term beyond the initial term, the President shall require the Provost/Vice President for Academic Affairs to solicit the opinions of the full-time faculty of the school or college, and from other administrators and students regarding the performance of the Dean. This information together with the

recommendation of the Provost/Vice President for Academic Affairs shall be considered by the President in making the decision whether to reappoint the Dean (Executive Resolution III).

Directors of institutes shall be appointed by the President upon the recommendation of the full-time faculty and students affiliated with the institute and in consultation with the appropriate Dean or Deans and with the Provost/Vice President for Academic Affairs. In determining whether to reappoint a director, the President, through the office of the Provost/Vice President for Academic Affairs, shall consider the opinions of the appropriate Deans and of the full-time faculty and students of the institute (Executive Resolution III).

Appointment and Reappointment of Chairs

Chairpersons or directors of divisions or departments, similarly, are appointed by the President upon the recommendation of the full-time faculty of that division or department, following an established procedure written and published by that faculty, together with the approval of the respective Dean and the Provost/Vice President for Academic Affairs. The incumbent chairperson or director of a division or department may be a candidate for reappointment following an established procedure chosen by that faculty, together with the approval of the respective Dean and Provost/Vice President for Academic Affairs (Executive Resolution III).

B. FACULTY SENATE

Faculty Senate, along with the Alumni Association and Student Government Association, are organizations that participate in the operation of the University. The Faculty Senate functions as the deliberative body, the voice, and the primary agent of faculty involvement in University governance of the faculty of Duquesne University. The Senate consists of representatives of full-time faculty, including administrators who have faculty status, and professional librarians of the Gumberg Library and librarians of the School of Law Center for Legal Information. Its purpose, according to Executive Resolution, is to provide greater opportunity for mutual understanding and effective communication between the faculty and other interdependent components within the University (Executive Resolution VIII).

APPENDIX A:

CRITERIA AND GUIDELINES FOR PROMOTION, TENURE AND THIRD YEAR REVIEW

The following guidelines represent the official position on University Promotion and Tenure for Duquesne University -- August 1, 2005.

No party, other than the President of the University, is permitted to allow deviations from the criteria stated in this document. Any such deviations granted by the President will be provided to the appropriate faculty member and his or her Dean in writing. Advice contrary to the criteria stated in this document is invalid and is to be ignored. Questions of interpretation should be discussed with the University Provost/Vice President for Academic Affairs at the time of their occurrence.

Parts I and II of Appendix A have been designed to provide examples and illustrations of indicators which may be used by departmental, college/school, and/or university review committees. It should be considered as merely descriptive of the type of characteristics often exhibited by faculty members at each professional level. It is not expected that faculty members will possess all of the traits noted within. In addition, the descriptions contained in Parts I and II are meant to be illustrative. Faculty may possess other important attributes which contribute to their development as teachers and scholars.

Ralph L. Pearson
Provost/Vice President for Academic Affairs

Definitions

Research tenure track faculty meet the university criteria for initial appointment related to teaching, research, and service. Their primary focus will be on teaching and the conduct of research and other scholarly activities related to the development of knowledge within their discipline.

Clinical tenure track faculty meet the university criteria for appointment related to teaching, scholarship that supports the translation of knowledge into practice, and service. Their primary focus will be on teaching and practice in the direct delivery of service in a practice setting.

Policies

1. Schools and/or departments seeking faculty for full-time tenure track appointments must designate the appropriate track (clinical or research) at the time the contract is issued to the new faculty member.

2. Initial academic rank is determined by the established university criteria for appointment and promotion.

3. Transfers between the research and clinical tracks are prohibited.

4. Applications for promotion and/or tenure for faculty in either the research or clinical tracks must be reviewed by the regular committees established for that purpose.

5. Expected documentation for promotion and/or tenure will be the same for both tracks.

6. The suggested time frame for time in rank for faculty in the clinical track parallels the time frame for faculty in the research track.

7. The maximum period of tenure-track service may be extended by one year at the request of the tenure-track faculty member on the occasion of the birth or adoption of that faculty member's child, or on the occasion of an extended illness of the faculty member or an immediate family member (e.g. parent, spouse, child) requiring significant care from the faculty member. A faculty member may use this provision no more than two times during the tenure-track period. The request for extension must be made in writing to the Provost/Vice President for Academic Affairs within three months of the birth, adoption, or illness and no less than six months before the faculty member's portfolio is due for departmental review.

PART I. RESEARCH FACULTY:

General Criteria For Promotion, Tenure, and/or Third-Year Review

Promotion, tenure, and/or third-year review of faculty is traditionally based upon an evaluation of the individual's development and proficiency in the areas of teaching, scholarship, and service. Successful candidates for third-year review will be judged to show the potential for excellence in either teaching or scholarship and at least effective in the remaining two areas of evaluation. Successful candidates for promotion and tenure will be judged to be excellent in either teaching or scholarship and at least effective in the remaining two areas of evaluation. Consideration for professorship requires excellence in both teaching and scholarship and a service record judged to be at least effective. It is the responsibility of the candidate to present all evidence in the evaluation of the case for promotion and/or tenure. With the exception of updates relating to works under review, no changes may be made to the application portfolio once it has been submitted to the Dean/chair.

Teaching. Faculty members ordinarily have responsibilities which include classroom and other assigned teaching activities. Teaching presupposes a basic responsibility to communicate information and knowledge to students, to

assist them in the development of learning skills and critical thinking, to foster an understanding of the process of problem solving, and to instill in them a sense of moral and ethical responsibility for their actions.

Faculty members advise, counsel and mentor students. The faculty advisor may also supervise or monitor the student's research activities and progress.

Scholarship. It is the responsibility of the university faculty to contribute actively to the growth and development of knowledge and to communicate that knowledge. Consequently, all faculty are expected to demonstrate evidence of scholarly activity which may take the form of basic and applied research, clinical research, professional practice-oriented research (including pedagogy) in scholarly publications, or other scholarly or creative professional pursuits. Publication of research results is an ordinary and expected outgrowth of scholarly activity. Substantiation of research or scholarly activity is also provided by invitations tendered by professional or scientific groups, contributed presentations at professional meetings, grants or contracts.

Service. Service includes participation in department, school or university committees involving academic or administrative matters. Faculty also render service to the university by serving as advisors to student organizations or as officers in faculty organizations. Participation in learned and professional societies is expected. Participation in community activities, particularly in ways relevant to the faculty member's professional expertise, is also recommended. These activities contribute to the professional growth of faculty members and are beneficial to the school and the university.

Illustrations of Expected Levels of Competency

In evaluating faculty performance in each of the foregoing categories, it is recognized that both specific evaluative criteria and the level of advancement to which one is aspiring must be considered. The following examples, while not binding or inclusive, are provided to illustrate the levels of competency to be expected.

Professor

Promotion to the rank of professor requires evidence of excellent and sustained performance as a teacher and scholar. It is the combination of these two principal academic functions, at a level of superiority, that is required for a professor. Successful candidates for the rank of professor will have provided an extensive range of services to their schools, the University, the profession and the community on a level judged to be at least effective.

The candidate is generally expected to have achieved broad recognition for scholarly accomplishment in his or her field. Such recognition is normally demonstrated by publication of monographs or books by academic publishers, by publication of articles in major journals in the field, by holding office in a national academic/professional organization, winning competitive refereed grants, and/or visible participation in national scholarly affairs.

A candidate will demonstrate educational influence well beyond his/her own classroom. Such individuals may demonstrate their ability as master teachers by winning university or other teaching awards, lending their expertise to college/school or university curriculum development, or publishing textbooks and/or articles on teaching.

Critical factors in evaluation for promotion to professor include: quality of teaching and of research productivity, quality of theses and dissertations prepared under the candidate's active supervision, participation in departmental, college, and university educational activities, participation in relevant professional and scientific organizations, and, where appropriate, performing and production.

Associate Professor

Promotion to the rank of associate professor requires excellence in either teaching or scholarship and at least effectiveness in the remaining two categories of evaluation. Associate professors demonstrate skill in

teaching, a substantive research program and publications that reflect original contributions to the body of knowledge in their field, and involvement in service activities for their department, school, the university and/or their community.

Assistant Professor

Assistant professors usually possess the recognized terminal degree in their field. They are normally at the beginning stages of their career.

Instructor

Ordinarily, individuals without a terminal degree will be employed at the instructor level. Instructors on full-time contracts will be promoted to the rank of assistant professor upon completion of the requirements for a terminal degree unless that requirement has been waived in the original letter of appointment because of the professional field.

Tenure

Generally, the granting of tenure and promotion to the rank of associate professor occurs simultaneously. Thus, the criteria above apply to tenure decisions as well. Under normal circumstances, faculty are reviewed during the sixth year of their full-time appointment at the university. A candidate will be reviewed for tenure only one time.

Third-Year Review

Successful candidates for retention are expected to possess a terminal degree in their field. Retention beyond the third year is acknowledgment of an individual's potential for achievement of the requirements for promotion and tenure. Qualifications for retention include high expectations of future teaching and scholarship.

Satisfactory student and peer teaching evaluations, publication (or acceptance for publication) of articles in scholarly journals, and presentation of papers at local and regional conferences are generally expected of third year candidates. Service for candidates undergoing third-year review will normally be confined to departmental and/or school-level committees. A successful third year review decision does not in any way guarantee that the untenured faculty member will ultimately be awarded tenure.

Completion of a dissertation is not considered to be evidence of a full time faculty member's scholarly achievement. Completion of the doctorate or other terminal degree in one's field is considered to be the minimum achievement expected prior to consideration for retention.

Illustrations of Evaluation Criteria

Criteria employed to determine excellence or effectiveness may include, but are not limited to, the following:

Teaching

Indicators of Excellence:

- Selection for a university, college, or professional society's Outstanding Teaching Award
- Evidence of courses taught at a rigorous and challenging level
- Publication of widely-adopted or acclaimed instructional materials, e.g., textbooks
- Outstanding teaching performance evaluation
- Development of innovative pedagogical methods and materials
- Chair of graduate student thesis and/or dissertation committees
- Evidence of outstanding academic advising/mentoring
- Publications on curriculum development and teaching methodology in scholarly/peer-reviewed journals

- Evidence of significant student learning as a result of one's teaching
- Authorship of a funded external teaching-oriented grant proposal
- Service Learning

Indicators of Effectiveness:

- Development of new courses or major revision of existing courses
- Member of student advisory committees
- Evidence of diligent class preparation
- Coordination of multi-section course
- Service as undergraduate or graduate advisor/mentor
- Significant self-development activities leading to enhanced teaching effectiveness
- Member of graduate student thesis and/or dissertation committees
- Use of instructional technology where appropriate
- Evidence of satisfactory teaching performance evaluations

Scholarship

Indicators of Excellence:

- Award by a university, college, or professional society for outstanding scholarship
- Publications in major/peer-reviewed journals in the field
- Receiving major fellowship or research awards
- Frequent citation of publications
- Publication of scholarly book(s)
- Publication of a chapter in a scholarly/peer-reviewed book
- Editor of a major journal or monograph series
- Receiving patents
- Member of review panel for national research organization
- Authorship of funded external research-oriented grant proposal

Indicators of Effectiveness:

- Publications in scholarly/peer-reviewed journals
- Presentation of scholarly papers at international, national or regional meetings of one's discipline
- Participation in research or practice workshops, seminars, or other scholarly meetings
- Publications in refereed proceedings of conferences and professional meetings
- Significant self-development activities, such as internal faculty development grants, that lead to increased research and publication effectiveness
- Member of editorial board of a major journal or monograph series
- Publication of an analytical book review for a major journal in the field
- Referee/reviewer for major funding agencies

Service

Indicators of Excellence:

- Officer in the Faculty Senate
- Officer in a national professional organization
- Service on a national governmental commission, task force or advisory board
- Program chair or similar chair at a national meeting
- Chair of a major standing or ad hoc Duquesne University committee
- Organization of research symposia
- Service as a reviewer for major refereed journals

Indicators of Effectiveness:

- Service on university, college, school, and department committees and task forces
- Committee chair of national professional organization
- Officer in regional or state professional organization
- Committee chair for regional or state professional organization meeting
- Service as a consultant to business or governmental agencies
- Advisor to student organizations
- Significant community service such as membership on an institutional board related to one's profession, membership on a city or municipal planning commission, membership on a school board, or holding office in a regional artistic or social welfare organization.

Part II. CLINICAL FACULTY:

Clinical faculty serve as models for their students and conduct research/scholarship that translates new knowledge in their discipline into clinical practice and clinical practice into new knowledge.

Appointment of faculty to either the research or clinical tracks permits advancement upon parallel lines of promotion and tenure.

General Criteria For Promotion, Tenure, and/or Third-Year Review

Promotion, tenure, and/or third-year review of faculty is traditionally based upon an evaluation of the individual's development and proficiency in the areas of teaching, scholarship, and service. Successful candidates for third-year review will be judged to show the potential for excellence in either teaching or scholarship and at least effective in the remaining two areas of evaluation. Successful candidates for promotion and tenure will be judged to be excellent in either teaching or scholarship and at least effective in the remaining two areas of evaluation. Consideration for professorship requires excellence in both teaching and scholarship and a service record judged to be at least effective. It is the responsibility of the candidate to present all evidence he or she wishes to have considered in the evaluation of the case for promotion and/or tenure. With the exception of updates relating to works under review, no changes may be made to the application portfolio once it has been submitted to the Dean/chair.

Teaching. Clinical faculty members ordinarily have responsibilities for didactic and clinical instruction and/or supervision. These responsibilities presuppose a basic responsibility to communicate information and knowledge to students, to assist them in the development of learning skills and critical thinking, and to instill in them a sense of moral and ethical responsibility for their actions. Specific responsibilities may include the development of clinical settings, training and supervision of students, and the identification and evaluation of student competencies. Clinical faculty members may be called upon to attest to the capability of their students to enter practice within the profession.

Clinical faculty members advise, counsel and mentor students. The faculty advisor may also supervise or monitor the student's research activities and progress.

Scholarship. Clinical practice is essential to the school. The time required to develop and maintain an active clinical practice may occupy a substantial amount of the clinical faculty member's time. Therefore, research and scholarly achievement will be evaluated in a manner which gives consideration to this fact.

It is the responsibility of the university faculty to contribute actively to the growth and development of knowledge and to communicate that knowledge. Consequently, all faculty are expected to demonstrate evidence of scholarly activity which may take the form of basic and applied research, clinical research, professional practice oriented research (including pedagogy) in scholarly publications, or other scholarly or creative professional pursuits. Publication of research results is an ordinary and expected outgrowth of scholarly activity. Substantiation of

research or scholarly activity is also provided by invitations tendered by professional or scientific groups, contributed presentations at professional meetings, grants or contracts.

Service. Service includes participation in department, school or university committees involving academic or administrative matters. Faculty also render service to the university by serving as advisors to student organizations or as officers in faculty organizations. Participation in learned and professional societies is expected. Participation in community activities, particularly in ways relevant to the faculty member's professional expertise, is also recommended. These activities contribute to the professional growth of the faculty member and are beneficial to the school and the university.

Illustrations of Expected Levels of Competency

In evaluating faculty performance in each of the foregoing categories, it is recognized that both specific evaluative criteria and the level of advancement to which one is aspiring must be considered. The following examples, while not binding or inclusive, are provided to illustrate the levels of competency to be expected.

Clinical Professor

Promotion to the rank of clinical professor requires evidence of excellent and sustained performance as a teacher, practice oriented scholar, and mentor of clinically-successful students. It is the combination of these academic functions, at a level of superiority, that is required for a professor. Successful candidates for the rank of Professor will have provided an extensive range of services within their respective schools. Service to the University and/or community is also recommended.

The clinical professor will have demonstrated educational and professional influence well beyond his/her own clinical setting. Such individuals will regularly participate in evaluative and therapeutic programs in an institutional setting, will be active on boards and decision-making bodies of the institutions in which they practice, and will be considered by peers within the institutions to possess valuable expertise. Evidence of such activity may include, but is not limited to, presentations before professional organizations or publications in professional journals explicating the results of one's research or clinical practice activities. The clinical professor will show evidence of recognition of expertise by peers within and external to Duquesne.

The clinical professor will show evidence of recognition of expertise as a clinical instructor through the receipt of teaching or other awards. He or she will frequently be called upon to supervise and/or assist other clinical instructors in developing clinical sites or in providing teaching expertise.

Clinical Associate Professor

Promotion to the rank of clinical associate professor requires excellence in either teaching or scholarship and at least effectiveness in the remaining two categories of evaluation. Clinical associate professors demonstrate successful teaching in a clinical setting, a substantive research program and publications that reflect original contributions to the body of knowledge in their field, and involvement in service activities for their department, school, the university and/or their community.

Clinical Assistant Professor

Clinical assistant professors usually possess the recognized terminal degree in their field. They are normally at the beginning stages of their career.

Clinical Instructor

Ordinarily, individuals without a terminal degree will be employed at the instructor level. Clinical instructors on full-time contracts will be promoted to the rank of clinical assistant professor upon completion of the requirements for the terminal degree unless that requirement has been waived in the original letter of appointment because of the professional field.

Tenure

Generally, the granting of tenure and promotion to the rank of clinical associate professor occurs simultaneously. Thus, the criteria above apply to tenure decisions as well. Under normal circumstances, faculty are reviewed during the sixth year of their full-time appointment at the university. Exceptions to this policy are made in the original letter of appointment. A candidate will be reviewed for tenure only one time.

Third-Year Review

Successful candidates for retention are expected to possess a terminal degree in one's field. Retention beyond the third year is acknowledgment of an individual's potential for achievement of the requirements for promotion and tenure. Qualifications for retention include high expectations of future teaching and scholarship.

Satisfactory student and peer teaching evaluations, publication (or acceptance for publication) of articles in scholarly journals, and presentation of papers at local and regional conferences are generally expected of third year candidates. Clinical application manuals may be cited as evidence in achievement in teaching or scholarship. Service for candidates undergoing third-year review will normally be confined to departmental and/or school-level committees. A successful third year review decision does not in any way guarantee that the untenured faculty member will ultimately be awarded tenure.

Completion of a dissertation is not considered to be evidence of a full time faculty member's scholarly achievement. Completion of the recognized terminal degree in one's field is considered to be the minimum achievement expected prior to consideration for retention.

Illustrations of Evaluation Criteria

Criteria employed to determine excellence or effectiveness may include, but are not limited to, the following:

Teaching

Indicators of Excellence:

- Being recognized regionally or nationally as a clinical teaching expert
- Selection for a university, college, or professional society's Outstanding Teaching Award
- Evidence of courses taught at a rigorous and challenging level
- Development of innovative pedagogical methods and materials
- Outstanding teaching performance evaluation
- Evidence of outstanding academic advising
- Publications on curriculum development and teaching methodology in scholarly/peer-reviewed journals
- Publication of clinical practice manuals (textbooks) for practicing health care providers, educational institutions or other appropriate agencies related to one's discipline
- Evidence of significant student learning in clinical practice as a result of one's teaching
- Being a role model for students and peers that exemplifies the interactive relationship among theory, research, and practice
- Authorship of a funded external teaching-oriented grant proposal
- Achieving national certification for advanced clinical specialty practice
- The development of successful educational programs, advanced degree and certification programs
- Service Learning

Indicators of Effectiveness:

- Assuming a leadership role in curriculum development at undergraduate and/or graduate levels in clinical specialty practice areas
- Demonstration of the ability to translate clinical theory into practice

- Application of current research in clinical practice
- Assumption of a leadership role for course management in clinical settings
- Demonstration of the ability to establish and develop clinical teaching sites
- Development of a positive and collaborative learning climate for students
- Service as undergraduate or graduate advisor/mentor
- Evidence of diligent class preparation
- Coordination of multi-section course
- Publication of a chapter on clinical practice activities
- Use of instructional technology where appropriate
- Evidence of satisfactory teaching performance evaluations

Scholarship

Indicators of Excellence:

- Award by a university, college, or professional society for outstanding scholarship
- Publication of results of research, clinical practice activities, and other scholarly activities (including the scholarship of pedagogy) in major/peer-reviewed journals in the field
- Receiving major fellowship or research awards
- Frequent citation of publications
- Publication of scholarly book(s)
- Publication of a chapter in a scholarly/peer-reviewed book
- Editor of a major journal or monograph series
- Receiving patents
- Member of review panel for national research organization
- Authorship of funded external research-oriented grant proposal
- Service on national certification, organizational and/or accrediting agencies
- Publication in scholarly peer reviewed journals of curriculum development and teaching methodology
- The development of nationally recognized clinical service, practice standards, and research programs

Indicators of Effectiveness:

- Presentation of clinically-oriented scholarly papers to local and/or state groups
- Publications in refereed proceedings of conferences and professional meetings
- Publications in scholarly/peer-reviewed journals including the scholarship of pedagogy
- Presentation of scholarly papers at international, national or regional meetings of one's discipline
- Participation in research or practice workshops, seminars, or other scholarly meetings
- Significant self-development activities, such as internal faculty development grants, that lead to increased research and/or teaching effectiveness
- Adoption of clinical practice manuals by practicing health care providers, educational institutions or other appropriate agencies related to one's discipline
- Appointments to editorial or professional boards
- Referee/reviewer for major funding agencies
- Member of editorial board of a major journal or monograph series
- Publication of an analytical book review for a major journal in the field

Service

Indicators of Excellence:

- Officer in the Faculty Senate
- Officer in a national professional organization
- Service on a national or regional commission, task force, or advisory board
- Program chair or similar chair at a national meeting

- Chair of a major standing or ad hoc Duquesne University committee
- Service as a reviewer for refereed journals, professional agencies, and/or institutional boards
- Service to agencies or organizations in area of expertise
- Consultant to educational organizations and government agencies on educational initiatives
- Invited/appointed member or consultant of a national/regional commission, task force, advisory board accreditation/licensure agency for the development of practice/research standard
- Significant community service such as membership on an institutional board related to one's profession, membership on a city or municipal planning commission, membership on a school board, or holding office in a regional artistic or social welfare organization

Indicators of Effectiveness:

- Service on university, college, school, and department committees and task forces
- Active participation in professional organizations appropriate to one's professional background and responsibilities
- Evidence of active participation in and contributions to programs such as continuing education and faculty development workshops
- Service in the clinical setting
- Committee chair of national professional organization
- Officer in regional or state professional organization
- Committee chair for regional or state professional organization meeting
- Service as a consultant to business or governmental agencies
- Advisor to student organizations
- Frequently invited by the public press to provide opinions regarding social issues
- Recognition for one's advisory efforts to student organizations
- Appointment to local community boards
- Frequent presentation to community groups

PART III. INSTRUCTIONS TO CANDIDATES

Using the information provided above as guide, it is the responsibility of the candidate to provide all pertinent evidence in support of his/her claim of effectiveness and/or excellence in teaching, scholarship and service as it pertains to retention, tenure and promotion. The application portfolio should provide a sense of the ongoing development of the candidate's academic career.

Application Portfolio

Candidates are responsible for assembling and submitting to their Dean/chair an application portfolio consisting of two parts: the Main Packet and the Supplementary Packet. Other than information updating the status of grants and publications, no changes to the portfolio are permitted after it has been submitted.

The **Main Packet** of the portfolio consists of a loose-leaf binder containing the following tabbed sections:

1. Candidate Evaluation Forms
   The candidate will obtain copies of this form from his or her Dean/chair, fill in the top portion of the form, and submit this to the Dean/chair by April 1 of the calendar year in which the application is to be submitted. Deans, department chairs, and committee chairs will complete the form and insert copies into the Packet as evaluations are completed.

2. Current Curriculum Vitae
   See Attachment A for recommended vitae format.

3. Statement of Self-Evaluation and Future Goals
   The Statement should provide a clear and concise description of the candidate's accomplishments in teaching, scholarship and service as they relate to the criteria for retention, tenure, and promotion and to the mission of the university. The presentation should be done in a clear, concise and logical manner that is understandable to a diverse audience.

4. Evaluations of Teaching
   a) Non-tenured faculty should submit the one-page summary sheet (entitled "Student Rating Form – Results by Class") of the Student Evaluation Survey for all courses taught and at least one peer review per academic year.
   b) Tenured faculty who are anticipating applying for promotion to professor should have at least five peer evaluations after promotion to associate professor and the one-page summary sheet (entitled "Student Rating Form – Results by Class") of the Student Evaluation Surveys for at least two courses for at least the five years prior to the application for promotion.

5. External Evaluations of Scholarship (not required for third-year review)
   [Inserted by Dean/chair.] The candidate will be invited to submit the names of up to six external reviewers to the Dean/chair. Of those names, the Dean/chair selects two to four of them. The Dean or department chair will obtain four outside reviewers for their evaluation of the candidate's scholarship. One's thesis professor, a co-author of a work, a relative, or a personal friend should not be asked to serve as an outside reviewer. All requests for outside evaluations will be initiated by the department chair or Dean. (Sample letter attached as Attachment B below.) A copy of the candidate's Curriculum Vitae should be included with the letter.

   The candidate should provide a representative portfolio of his or her scholarly work to be submitted to the external reviewers. The Dean/chair must advise the candidate if any of the submitted materials are not forwarded to the external reviewers.

The **Supplementary Packet** of the portfolio includes all books and manuals plus a loose-leaf binder (or binders) containing the following tabbed sections:

1. Copies of all scholarly publications.
2. Manuscripts and letters of acceptance for articles accepted for publication but not yet in print.
3. Copies of book chapters and the title page of the book in which the chapter appears.
4. Letters acknowledging the award of a grant or other outside funding.
5. Cover (or citation) page indicating presentations of papers at conferences.
6. Disks containing published software, instructional materials, and/or recorded performances.
7. Copies of course syllabi (optional).
8. Unpublished manuscripts or other works in progress.

Materials to be excluded from the application portfolio:

1. Course materials such as class handouts, assignments, examinations, etc.
2. Solicited or unsolicited letters from students, colleagues, or other interested parties.
3. Documentation of participation at college/school, University or community events.
4. Written student comments (including written comments from the Student Evaluation Survey) are not to be included in the packet.

Timetable for Application

April 1	Submission of Candidate Evaluation Form to the Dean/chair
April 1-June 1	Deans identify potential external reviewers of scholarship
June 1	Provide copies of publications for external review to the Dean/chair (not required for third-year review)
October 1	Candidate submission of Application Portfolio to the Dean/chair
November 15	Dean submission of Application Portfolios to the Provost/Vice President for Academic Affairs and the University Promotion and Tenure Committee
February 3	Recommendations are submitted by the Provost/Vice President for Academic Affairs to the President
March 1	Candidates are notified of evaluation results

PART IV. INSTRUCTIONS TO REVIEW COMMITTEES

Composition of Committees

The Department Committee. The department committee is composed of all tenured members of the candidate's department or division, excluding the chair of the department and the Dean of the school or college. Each school has the option of whether or not to establish departmental promotion and tenure committees. Should a school elect not to establish such committees, then the evaluation process shall begin with the chair's review of candidates.

The School or College Committee. The school or college committee shall be composed of a minimum of five tenured faculty elected by the tenure track faculty of the school or college. At the discretion of the Dean, he or she shall preside as the non-voting chair or appoint a faculty chair of the committee. Members of the school or college committee must recuse themselves from voting when a candidate from their department is considered if they have already voted at the department level. Members of the University Promotion and Tenure Committee are permitted to serve on the school or college committee, but only in a non-voting capacity.

The University Promotion and Tenure Committee. This committee shall consist of eleven (11) full-time tenured members of the faculty. Each school, except the School of Leadership and Professional Advancement, shall elect one senior tenured faculty member, except that the College shall have three senior tenured faculty members who are elected from a slate of candidates proposed by the College Council. Administrators such as department chairs or program directors are not eligible for membership on the University Promotion and Tenure Committee. The committee shall be chaired, instructed, and directed by the Provost/Vice President for Academic Affairs (hereinafter the Provost) or a member of the committee designated by the Provost or the President.

The Review Process

For Promotion to Full Professor. Advancement in rank may be conferred only by the President, after consideration as appropriate, of the recommendations of the Vice President for Academic Affairs, the University Promotion and Tenure Committee, and the appropriate Dean and Department Chairperson or Director following consultation with the faculty having higher rank than the faculty member under consideration. When candidates for full professor are being reviewed, the requirement that consultation will occur with "faculty having higher rank than the faculty member under consideration" is applicable only to the department review. Associate and full professors will participate in school and university committee reviews of candidates for full professor.

Department Committee. The department committee's responsibility is to review and evaluate the application portfolios of all the department's candidates for third-year review, promotion, and/or tenure. Each member of the committee shall evaluate each candidate and judge whether he or she is ineffective, effective, or excellent in the areas of teaching, scholarship and service, as described in the Faculty Handbook. Based on the evaluation, the committee member shall then vote on the candidate's retention, promotion and/or tenure.

The committee chair shall complete a Candidate Evaluation Form summarizing the committee members' individual evaluations (including vote counts). The form should be signed by all committee members and then forwarded to the chair or, in schools with no department chairs, to the Dean. The Dean shall ensure that twelve (12) copies of the Form are inserted in the main packet binder of the application portfolio.

Members of the committee who either agree or disagree with the recommendation of the majority may submit an individual Candidate Evaluation Form expressing their opinion.

Department Chair. The department chair shall review each candidate's application portfolio and the recommendation of the department committee. The chair then completes his or her own Candidate Evaluation Form and submits it to the Office of the Dean. The Dean shall ensure that twelve (12) copies of the Form are inserted in the main packet binder of the application portfolio. If the department chair's evaluation differs substantially from that of the department committee, the reasons should be explained in detail. For tenure applications, the chair shall include a statement detailing department needs and priorities.

College or School Committee. The college or school committee's responsibility is to review and evaluate the application portfolios of all the college or school's candidates for third-year review, promotion, and/or tenure, including the recommendations of the department committee and the department chair.

Each member of the committee shall evaluate each candidate and judge whether he or she is ineffective, effective, or excellent in the areas of teaching, scholarship and service, as described in the Faculty Handbook. Based on the evaluation, the committee member shall then vote on the candidate's retention, promotion and/or tenure.

The committee shall elect a member of the committee other than the Dean who shall complete a Candidate Evaluation Form summarizing the committee members' individual evaluations (including vote counts). The form should be signed by all committee members and then forwarded to the Dean. The Dean shall ensure that twelve (12) copies of the Form are inserted in the main packet binder of the application portfolio.

Members of the committee who either agree or disagree with the recommendation of the majority may submit an individual Candidate Evaluation Form expressing their opinion.

Dean. The Dean shall review each candidate's application portfolio and the recommendations of the department committee, the department chair, and the college or school committee. The Dean then completes his or her own Candidate Evaluation Form, makes twelve copies, and inserts them in the main application packet. The Dean assures that the application portfolio is complete and submits it to the Provost.

As part of the review for retention, tenure and/or promotion, the Dean will evaluate the candidate's success in meeting University performance standards in teaching, research and service and the potential for continued professional achievements as a teacher/scholar. The Dean should consider, as well, the role the candidate will play in achieving the instructional and scholarly goals of the college or school and University.

If the Dean's evaluation differs substantially from those of other reviewers, the reasons should be explained in detail. For tenure applications, the Dean shall include a statement detailing the school or college's needs, priorities, and financial circumstances as they relate to the application.

University Promotion and Tenure Committee. The University Promotion and Tenure Committee's responsibility is to review and evaluate the application portfolios of all the University's candidates for third-year review, promotion and/or tenure, including the recommendations of the Dean, college or school committee, department chair and the department committee. The purpose of the review is to recommend to the Provost those candidates whose retention, promotion, or tenure would serve the needs of the University, and whose professional achievements and potential for further growth clearly demonstrate that the candidate meets the University's overall expectations.

The committee shall also review the reappointment of all tenure track faculty during their third year as full-time members of the University faculty. If in the committee's judgment such a member of the faculty does not have the potential to be recommended for tenure, the committee shall recommend to the Provost that the faculty member be granted a terminal one year contract for his/her fourth year at the University. The committee may recommend to the Provost that an untenured member of the faculty who clearly demonstrates the potential to meet the criteria for tenure be reappointed. The President's acceptance of recommendations for reappointment is not to be construed as a guarantee that the untenured faculty member ultimately will be promoted and tenured.

Each member of the committee shall evaluate each candidate and judge whether he or she is ineffective, effective, or excellent in the areas of teaching, scholarship and service, as described in the Faculty Handbook. Based on the evaluation, the committee members shall then vote on the candidate's retention, promotion and/or tenure.

The committee is advisory to the Provost who makes recommendations to the President. The President possesses discretionary authority in making final decisions.

Provost. Upon reviewing the department chair's and Dean's recommendations, the Provost will provide the University Promotion and Tenure Committee an analysis of the university's need for the position prior to the committee's review of candidates for tenure and/or promotion. Need is to be considered in evaluating candidates for tenure in particular.

The Provost prepares a written summary of the committee's discussion of each candidate. The committee reviews the summary, and it is submitted to the President with the Provost's independent evaluation and recommendation.

President. The Provost submits to the President the recommendations of the University Committee on Promotion and Tenure and his/her independent evaluations and recommendations. After considering the recommendations and reviewing the candidate's portfolio, the President makes the final decision on tenure, promotion, and/or third-year review. The President informs the candidate in writing of his/her decision. Tenure and promotion may be awarded only by the President and only in writing. Application materials are kept permanently in the Provost's office, except for publications and other materials which the candidate has specifically requested be returned.

Confidentiality

All deliberations, at every level of the review process, are to be held in the utmost confidence. Access to the candidate's application portfolio is to be limited to those performing the review at the time of their review. Any breach of this confidentiality is a violation of the ethical code of behavior to which all employees are held.

Attachment A

Recommended Form for Curriculum Vitae

The *curriculum vitae* (CV) provides the candidates a forum through which they present a summary of their collective work. The CV should present the breadth and depth of one's work. It should be logically organized, easy to follow, easy to read, informative, and accurate. With these criteria in mind, the following form is recommended as a guideline for the creation of the candidate's CV.

I. Professional Preparation and Experience

A. Education: Degrees completed starting with the highest degree, include dates degrees were conferred

B. Work History

1. Academic appointments, starting with the most recent and including rank and dates of employment
2. Pertinent non-academic work, starting with the most recent, including dates of employment

C. Pertinent professional certifications

D. Memberships in professional organizations

II. Teaching

A. Graduate courses taught

B. Undergraduate courses taught

(Indicate the number of times you taught each course. Do not list courses more than once.)

C. Academic Advisement or Supervision

1. Dissertation committees chaired
2. Dissertation committees as a member
3. Thesis committees chaired
4. Thesis committees as a member
5. Number of thesis, dissertation advisees
6. Approximate number of graduate, undergraduate advisees

D. Publications pertaining to teaching activities (where distinguishable from scholarship, e.g. textbooks, lab manuals, teaching manuals)

E. Grants/funding received for teaching activities (e.g., procurement of equipment, support for educational programs, outreach programs). Provide the name of the funding agency and dates.

F. Presentations pertaining to teaching (where distinguishable from scholarship) starting with the most recent. Provide the dates and locations of presentations. Do not list the same presentation more than once.

G. Other activities relevant to teaching

H. Honors and Awards received for one's teaching activities, including title of the award, granting agency, and the date of award

III. Scholarship

A. Scholarly publications

1. Articles presenting original work published or accepted for publication in scholarly journals
2. Invited articles published or accepted for publication in scholarly journals
3. Review articles published or accepted for publication in scholarly journals
4. Conference proceedings published or accepted for publication in scholarly journals
5. Abstracts published or accepted for publication in scholarly journals

B. Publications by major academic publishing companies.

1. Books of original work published or accepted for publication by major scholarly publishers
2. Book chapters published or accepted for publication in works by major scholarly publishers
3. Professional manuals published by major academic publishers
4. Software published by major academic publishers
5. Recorded performances published by major academic/professional publishers

(Note: For publications listed above please use a generally accepted format, i.e., APA, MLA, Chicago, etc. Indicate author(s), title of work, publisher or name of journal, date of publication, and number of pages. If a work is co-authored, indicate your role in the production of the work.)

C. Grants awarded. Indicate agency to which the proposal was submitted, title of project, date, and the amount of funding that was awarded. If a grant has co-investigators or you are not the primary investigator, indicate your role in the writing of the grant and the research, and the actual amount of funds you receive.

D. Scholarly presentations. List scholarly presentations starting with the most recent. Indicate whether the presentation was done in an international, national, or regional forum. Provide the title of the presentation, sponsoring agency, location and date. Indicate whether the presentation was invited, or approved by competitive review. If you delivered a presentation more than once list the title once and provide the dates of other performances.

E. Honors and Awards received for one's scholarly work, including the title of the award, granting agency, and the date of award

F. Works in Progress

IV. Service

A. **University, School, or Department Service:** Identify committee or activity by name. Provide dates of service. Identify your role (member, chairperson, author of a resulting document, recommendations etc.). Exclude all non-service activities such as attendance at memorial masses, commencement, presidential gatherings, seminars, meetings with individuals.

B. **Other Publications not included under Scholarship.**

C. **Community Service:** Identify organizations for which you provide a significant service.

D. **Professional**

1. Membership on various scholarly or professional committees, indicating the name of the committee, years of membership, offices held and special services performed (e.g. reviewer, advisor, consultant etc.)
2. Other professional services related to your discipline (e.g. board member, editor etc.)

Attachment B

Sample Letters to Outside Reviewers

Letter for Promotion to Professor

Date

Dear

I am writing to ask you to provide a confidential evaluation of the scholarship of Dr./Mr./Ms. XXX for promotion to the rank of professor at Duquesne University. Dr./Mr./Ms. XXX is currently an associate professor with tenure. Dr./Mr./Ms. XXX's curriculum vitae and representative examples of scholarly work are enclosed.

Your evaluation should address the quality of Dr./Mr./Ms. XXX's scholarly work, as compared to peers in similar academic settings who have earned the academic rank of professor. We do not ask you to comment on his/her teaching or service.

Founded in 1878 by the priests and brothers of the Congregation of the Holy Ghost, Duquesne University has built a proud history of academic excellence in the Catholic tradition. Today, Duquesne offers more than 150 programs on the baccalaureate, master's, doctoral, and professional levels. Nearly 10,000 students are enrolled in the University's ten schools of study. The Carnegie Classification of Institutions of Higher Education includes Duquesne University among the research university – high research activity institutions. The School/Department of XXX currently offers XXX (baccalaureate, master's doctoral, and professional levels) degree programs. Dr./Mr./Ms. XXX typically teaches XX credit hours per semester.

Please call me at 412-396-XXXX if you are unable to participate in this process or if you would like further information. We will be grateful to receive your evaluation by September 1. Thank you for helping with this important faculty process.

Sincerely,

Letter for Promotion to Associate Professor

Date

Dear

I am writing to ask you to provide a confidential evaluation of the scholarship of Dr./Mr./Ms. XXX for promotion to the rank of associate professor with tenure at Duquesne University. Dr./Mr./Ms. XXX is currently an untenured assistant professor. Dr./Mr./Ms. XXX's curriculum vitae and representative examples of scholarly work are enclosed.

Your evaluation should address the quality of Dr./Mr./Ms. XXX's scholarly work, as compared to peers in similar academic settings who have earned the academic rank of associate professor. We do not ask you to comment on his/her teaching or service.

Founded in 1878 by the priests and brothers of the Congregation of the Holy Ghost, Duquesne University has built a proud history of academic excellence in the Catholic tradition. Today, Duquesne offers more than 150 programs on the baccalaureate, master's, doctoral, and professional levels. Nearly 10,000 students are enrolled in the University's ten schools of study. The Carnegie Classification of Institutions of Higher Education includes Duquesne University among the research university – high research activity institutions. The School/Department of XXX currently offers XXX (baccalaureate, master's, doctoral, and professional levels) degree programs. Dr./Mr./Ms. XXX typically teaches XXX credit hours per semester.

Please call me at 412-396-XXXX if you are unable to participate in this process or if you would like further information. We will be grateful to receive your evaluation by September 1. Thank you for helping with this important faculty process.

Sincerely,

APPENDIX B. PEER EVALUATION OF TEACHING EFFECTIVENESS (Effective Fall 2007)

The Duquesne University tenure and promotion guidelines stress effectiveness in teaching as a criterion for retention and advancement. In the absence of solid evidence of an instructor's teaching effectiveness, publication too often becomes the only criterion for promotion. To document the effectiveness of an individual instructor's teaching, the University uses two forms of evaluation: student evaluation — Student Evaluation Survey (previously known as TEQs) — and formal peer evaluation.

Frequency of Peer Evaluation

1. Tenure track faculty are required to receive at least one peer review (two visits per evaluation) every academic year with a minimum of five evaluations prior to the tenure review. [Tenure track faculty applying early for tenure as a result of prior teaching experience are required to have a minimum of four evaluations prior to the tenure review.]

2. Non-tenure track faculty are required to receive at least one peer review (two visits per evaluation) each academic year.

3. Tenured faculty who are anticipating applying for promotion to professor should have at least five peer evaluations after promotion to associate professor.

4. Tenured faculty who are not anticipating applying for promotion are encouraged to receive one peer review every other academic year.

5. Faculty members may request additional peer evaluations during the academic year.

6. A formal remedial process may be initiated for instructors experiencing serious problems in teaching and posing significant problems for students. The process might be initiated by any variety of evidence, student or peer based. Upon recommendation of a Dean, the Provost will appoint not more than three members of the discipline to conduct peer evaluations for formative purposes. The evaluators will include at least one member of the instructor's school or department and two other faculty members. The members of the committee will not only visit classes, but also speak with the faculty member about problems encountered in teaching. The Provost will pursue avenues of remediation with administrators from the instructor's division.

Procedure for Initiating Peer Reviews

1. By September 1, the dean/chair notifies tenure track faculty members that formal peer evaluation of one course is required during the academic year. The dean/chair notifies non-tenure track faculty members that formal peer evaluation of one course is required during the academic year. The dean/chair gives the faculty members a list of the tenured or eligible non-tenure track full-time faculty members in the college/school who are available for peer review. Full-time non-tenure track faculty who have completed five consecutive years of full-time appointment, are eligible to serve as peer reviewers for other non-tenure track faculty.

2. By October 1 (for Fall term), by February 1 (for Spring term), or by May 15 (for Summer term), the faculty member identifies the particular course or courses to be evaluated. From the list provided by the dean/chair, the faculty member gives the dean/chair the names of at least three faculty members to serve as peer reviewers.

3. For third year review, the faculty member should have at least two different peer reviewers.

4. For tenure review, the faculty member should have at least four different peer reviewers.

5. The candidate and dean/chair have the prerogative to expand the pool of potential reviewers to suitable full-time tenured or eligible non-tenure track faculty members from a different department or college/school to serve as a peer reviewer.

Procedure for Administering Peer Reviews

1. The faculty member being reviewed meets with the peer reviewer prior to the evaluation. During the meeting, the faculty member submits relevant course materials that should include the syllabus. Prior to the first visit, the reviewer and faculty member meet to discuss the course as a whole, and how representative sessions fit with the whole. In addition, the person being reviewed can use this opportunity to explain any unusual dimensions of the course (e.g., a syllabus to which the faculty member had no input). During the meeting, the peer reviewer and the faculty member agree on the date and time of the first visit.

2. A second visit to the same class will be unannounced. To insure that the unannounced visit is productive, the faculty member should alert the peer reviewer of inappropriate dates.

3. Each class visit should be at least 50 minutes to allow a thorough understanding of teaching activities and the learning environment.

4. The peer reviewer will refer to the evaluation letter guidelines (as specified under "Guidelines for Peer Reviewers and Structure of Review Letters" below) as categories for attention during visits.

5. The peer reviewer should not participate in the class.

6. As soon as possible, preferably within 24 hours after each visit, the peer reviewer and the candidate should meet informally to discuss the visit.

7. Within 30 days after the second visit, the peer reviewer prepares and delivers a written letter to the Chair/Dean. This report should be based on examination of course material as well as the class visits and should culminate in the structure shown in the guidelines below.

8. After reviewing peer reviews, faculty have the opportunity to write a letter in response, and that letter will be included in the faculty member's portfolio.

9. A faculty member's formal peer evaluation report is submitted with the one-page summary sheet (entitled "Student Rating Form – Results by Class") of the Student Evaluation Survey (previously known as TEQ) results to substantiate effectiveness in teaching for third-year review, tenure and promotion; peer evaluation reports and student survey results may be submitted also for decisions on advancement in rank or merit pay.

Guidelines for Peer Reviewers and Structure of Review Letters

In evaluation letters, reviewers should include two separate sections, one (I) on class visits specifically and the other (II) on the structure of the course as a whole. In cases where instructors do not contribute to course design in any way, part II should be eliminated. In cases where instructors minimally contribute to course design, part II should be weighted accordingly. The weighting should be determined in discussion between reviewer and the faculty member prior to class visits. Once weighting is determined, evaluation of course design should be judged from personal discussions with instructors, review of syllabi, and review of other pertinent documents. For both I and II, specific evidence should support conclusions. Two areas (I.9 and I.10) especially involve the intersection between

class sessions and course structure, but the letter should be integrated so that, while typically divided into two parts, the letter addresses inter-relations between the two.

For both parts, reviewers should focus on areas pertinent to specific courses. Areas in I and II are provided for guidance, not absolute requirements. In fact, reviewers are encouraged to discuss creative dimensions of teaching not listed below. Suggested areas from which reviewers can choose are shown below.

I. Evaluation of Class Visits

1. Preparation for the class session
2. Organization of the class session
3. Instructor's enthusiasm for the subject matter
4. Clarity of classroom communication, both oral and written
5. Facilitation of student participation appropriate to the class
6. Ability to make difficult concepts understandable
7. Facilitation of higher-order thinking
8. Mastery of the subject matter
9. Integration of the individual class with course organization as a whole
10. Selection and implementation of instructional strategies appropriate to learning goals

II. Evaluation of Course as a Whole

1. Thorough and clearly organized syllabus
2. Congruence between course goals, objectives, content, and activities
3. Appropriate assessment of student learning in relation to course goals and outcomes
4. Appropriate assignments for students given the course objectives and course level
5. Appropriate methods and criteria for grading
6. Appropriate use of supportive resources throughout the semester, such as handouts, web sites, or Blackboard.

PEER REVIEW OF CLINICAL/PRACTICUM TEACHING *(Effective Fall 2007)*

Instructions

Every Duquesne employee is entitled to feedback pertaining to his or her job performance in order to improve his or her effectiveness in his or her role at the University. Most employees' jobs are comprised of several facets and it is important that an evaluation appropriately fit the unique and specific parameters of each major facet of employment.

Clinical/practicum teaching is a significant component of many faculty members' role at Duquesne University. Such teaching provides an important opportunity to address the mission of Duquesne University, as we engage in teaching students through serving the needs of the community. Clinical teaching requires a faculty member to be an experienced practitioner and an effective educator. As a consequence of the unique characteristics of clinical/practicum teaching, a specific evaluation tool is warranted. The Clinical/Practicum Teaching Effectiveness Assessment (C/PTEA) was developed to address this need.

The C/PTEA is used to evaluate a Duquesne faculty member teaching a University course in which the primary means of instruction consists of mentoring, supervising, or guiding a student in applying the knowledge and skills pertinent to his or her discipline in the dynamic interaction which is inherent in the delivery of a professional service to a patient, client, or student. Such activity typically occurs in the context of a clinical setting, educational practicum, or any situation in which skills are practiced.

While the precise nature of clinical/practicum teaching differs among Schools at Duquesne, the C/PTEA was constructed to include the core elements of clinical/practicum teaching and serves as a basis for all Schools to evaluate this facet of teaching.

Procedure

Guidelines for Peer Evaluations of Clinical/Practicum Teaching Effectiveness

1. By September 1, the Dean/Chair provides the names of faculty who can serve as reviewers to the faculty members being reviewed. Potential reviewers should be full time faculty members of the School or Department with relevant clinical/practicum teaching experience within the past five years.

2. By October 1 (Fall), February 1 (Spring), or June 1 (Summer), the faculty member being reviewed identifies the course to be evaluated and chooses a potential reviewer from the list provided by the Dean/Chair.

   a) For third year review the faculty member should have been evaluated by at least two different peer reviewers (1/year).
   b) For tenure review the faculty member should have been evaluated by at least four different peer reviewers (1/year).
   c) Non-tenure track and adjunct faculty should be evaluated yearly.

3. The Dean/Chair chooses one reviewer to evaluate a course. The reviewer visits twice. Both visits are to be announced.

4. Prior to the first visit, the reviewer and faculty member are to meet to discuss the course as a whole. During the conference, the description of the clinical/practicum site, the course as a whole, and how the representative session fit with the Gestalt, should be discussed. The faculty member being reviewed should supply the reviewer pertinent documents including the syllabus and any other chosen educational material by the faculty member (e.g. desired learning objectives for the student, appropriateness for achieving the objectives set, syllabus and student evaluation tools, and any other significant instructional materials that would help the reviewer understand the content for observation). In addition, the person being reviewed can use the opportunity to explain any unusual dimension of the course.

   During the meeting the faculty member and the reviewer agree on the dates and times of the visits.

   Observations (visits) should be of sufficient length to obtain a reliable sampling of the clinical/practicum process. The peer reviewer should not participate in the clinical/practicum teaching.

5. After both clinical/practicum site visits the reviewer and faculty member being reviewed should meet for an informal discussion of the reviewer's reactions. Every attempt should be made to meet within 24 hours of each visit.

6. After both clinical/practicum site visits the reviewer and faculty member being reviewed should meet for an Within 30 days after the second visit, the reviewer delivers the Peer Review Letter to the faculty member being reviewed and the Dean/Chair. The letter should include two separate sections, one on the clinical/practicum site visit and the other on the structure of the course as a whole. The letter should be a comprehensive narrative focusing on the course as a whole, based on the pre-evaluation conference with examination of clinical/practicum teaching materials as well as the on-site visit.

7. It is imperative that the contract between Duquesne University and the clinical/practicum site include a provision/approval to conduct such reviews at the clinical/practicum site prior to the review being conducted. If not currently included, the Dean/Chair should contact the appropriate individual at the clinical/practicum site

for such approval and then implement the revision of such contracts to include appropriate provision/approval for such reviews.

CRITERIA FOR EVALUATION

The C/PTEA is designed for the reviewer to use in evaluating the effectiveness of the clinical faculty member as both *practitioner* in his or her field, and as *educator* of student practitioners. These two identities function symbiotically within the individual faculty member's teaching performance.

In preparing the Peer Review Letter, then, the reviewer considers and addresses, whenever applicable, the following factors relevant to the instructor's effectiveness in the evaluated clinical/practicum experience. The criteria below are offered as guidance for the letter, not as absolute requirements. Reviewers are encouraged to discuss creative dimensions of teaching not listed below.

I. Evaluation of Clinical/Practicum Teaching during Visits

Practitioner Criteria:

1. Evidences breadth and depth of clinical/practicum competence and skills.
2. Participates in life-long learning and self-reflection to demonstrate continued clinical/practicum competency.
3. Effectively guides the development of clinical/practicum problem solving.
4. Serves as a role model to students, demonstrating enthusiasm for the profession through involvement in professional organizations, advocacy, and continuing education.
5. Participates in scholarly activities such as dissemination of professional expertise through publishing, presenting, and/or development of teaching/learning tools.
6. Effectively communicates with both students and clinical/practicum site staff, and serves as an effective liaison between the university and the clinical/practicum setting.

Educator Criteria:

7. Effectively communicates clinical/practicum experience objectives to students.
8. Effectively prepares for clinical/practicum teaching sessions.
9. Implements teaching strategies based on educational theory and evidence-based teaching practices.
10. Effectively responds to individual students' learning needs and styles.
11. Evidences congruence among clinical/practicum objectives, activities, and evaluation strategies.
12. Effectively uses appropriate evaluation strategies to determine students' progress and achievement in the clinical/practicum setting.
13. Provides constructive and thoughtful feedback to students in a timely manner.
14. Utilizes feedback from self, student, peer, and supervisor evaluations to improve teaching effectiveness.

15. Participates in life-long learning and self-reflection to improve teaching and facilitate learning.

16. Serves as a role model to students, demonstrates enthusiasm for teaching, learning, and professional development through involvement in professional organizations, advocacy, and continuing education.

II. Evaluation of the Course as a Whole

In considering the following criteria, the reviewer should give attention to how these cohere with the Educator Criteria in Section I.

1. Thorough and clearly organized syllabus.

2. Congruence between course goals, objectives, content, and activities.

3. Appropriate assessment of student learning in relation to course goals and outcomes.

4. Appropriate assignments for students given the course objectives and course level.

5. Appropriate methods and criteria for grading.

6. Appropriate use of supportive resources through the semester, such as handouts, web sites, or Blackboard.

7. In team taught courses consideration should be given to only the specific responsibility of the faculty member in the course.

The faculty member being reviewed should be provided with the written opportunity to address any and all components of the Peer Review Letter. This response should be forwarded to the reviewer and the Dean/Chair.

Procedures and Content for Peer Review of an Online Course at Duquesne University *(Effective Fall 2006)*

The recommended procedure for conducting a peer review of an online course offered at Duquesne University is:

1. By September 1 (Fall), January 15 (Spring), or May 15 (Summer), the dean/chair provides the names of faculty who can serve as reviewers to the member being reviewed. Potential reviewers may be members of the person's academic unit, but if circumstances dictate, they may also be outside the unit at the discretion of the dean/chair.

2. By October 1 (Fall), February 1 (Spring), or June 1 (Summer) the instructor being reviewed identifies the course or courses to be evaluated and chooses at least three potential reviewers from the list provided by the dean/chair.

3. The dean/chair chooses one reviewer to evaluate each course. Priority in the selection of a faculty reviewer should be given to faculty members with online teaching experience and familiarity with the course content. If both expertises are unavailable, then online teaching experience is viewed as more important. If a potential reviewer is not from the faculty member's academic unit, the experienced online educator could be paired with a "content expert" from the faculty member's academic unit for the review.

4. Initially, the reviewer and faculty member should meet to discuss the course as a whole, and how representative sessions fit with the Gestalt. The person being reviewed should supply the reviewer pertinent documents, including the syllabus and any others chosen by the faculty member. If appropriate, reviewer access to private e-mail exchanges between the faculty member and students also may be provided by the instructor for a more accurate and complete review. In addition, the person being reviewed can use this opportunity to explain any unusual dimensions of the course (e.g., a syllabus that was not of their making) and/or to discuss the visibility of course content (e.g., if content is posted but being released to students until needed).

5. For the online review, "a class visit" means complete access to the Blackboard course website for the reviewer with as little disruption to the class learning environment as possible. Typically, having the reviewer added to the online course as a "student" would afford the reviewer access to the class material visible to the students without disrupting the course.

6. Online "class sessions" typically occur over several calendar days and can involve asynchronous and synchronous activities by both instructor and students. A "visit" to an online class should not be defined as a specific calendar day but should reflect the instructor's definition of a class session and consider the interaction that occurs between the instructor and the class of students and the instructor and individual students during the online class session. Additionally, the Blackboard learning system and its Building Blocks provide the instructor with various features and tools for use in conducting the online session and course. Reviewers should be aware that these tools typically are added over time and may not be available to all instructors.

7. It is recommended that the reviewer "visit the course" twice during a term, similar to the two class visitations expected of a reviewer of a traditional, face-to-face course.

8. After the class visits, the reviewer and instructor being reviewed should meet for an informal discussion of the reviewer's reactions. Every attempt should be made to meet within 24 hours of the class visit, when specifics are still clearly remembered.

9. Within 30 days after the second visit, the reviewer delivers a letter to the faculty member and to the dean/chair. The letter should be a comprehensive narrative focusing on the course as a whole, the class visits, and the integration of the two. The narrative should consider the evaluation criteria described below. It should NOT be written in the form of a checklist.

10. In the evaluation letter, the reviewer should include two separate sections, one regarding visits to the online course specifically and the other on the structure of the online course as a whole. The latter should be judged from personal discussions with the instructor and a review of a syllabi along with other documents. For both sections of the review letter, specific evidence should support conclusions. Two items especially (I.9 and I.10 below) involve the intersection between the online sessions and the course, but the entire letter should be a Gestalt that cites interrelations between course design and individual class visits.

11. Reviewers should address as many areas as are pertinent to a specific online course. In addition, reviewers are encouraged to discuss creative dimensions of teaching online not listed below.

12. Finally, the following list presents to the reviewer evaluation criteria to be considered when evaluating the instructor and preparing the review letter:

I. Evaluation of Visits for Online Class Sessions

1. **Preparation for online class session** – *evident in the materials for the course session being reviewed, and in facets of presence, such as a "starter" message in the discussion forum, an announcement with reminders of the session's topic and/or assignment, an announcement of a chat agenda, the text underneath the session's folder, etc.*

2. **Organization of the online class session** – *evident in the use of the online materials, assignments, readings, offline materials, discussion, chat; the class session is easy to navigate; components and structure understandable; course syllabus identifies and clearly delineates the role the online environment will play in the session.*

3. **Instructor's enthusiasm for the subject matter** – *evident in teaching presence, preparation, facilitation of online discussion and chat, and in responses from students during online session.*

4. **Clarity of classroom communication in the online environment, both oral and written** – *evidenced in announcements, e-mail, discussion postings, lecture modules, folder/document identification, and/or other technologies used in the course site (i.e., chat room archives, viewlets, etc.).*

5. **Facilitation of student participation appropriate to the class session's online activities** – *evident in the instructor's presence in the online session; promotion of 3-way interaction (student-content, student-teacher, student-student); and instructor's response to perspectives that differed from his or her perspectives.*

6. **Ability to make difficult concepts understandable** – *evident in written materials, explanations in discussions, chats, and announcements and based upon the students posted questions and responses to instructor's feedback.*

7. **Facilitation of higher order thinking** – *evident in instructor's formulating productive questions for discussions/chat and group work; feedback provided to students on assignments and projects; presentation of course syllabus, lecture modules, class assignments, and student activities; and individual interactions with students.*

8. **Mastery of the subject matter** – *evident in instructor's ability to effectively communicate knowledge of subject matter, to organize student learning, and to facilitate student learning and assessment in the online environment through the tools and features available.*

9. **Integration of the individual class with course organization as a whole** – *evident in statements indicating how this class session relates to other sessions and to the course as a whole in instructor feedback, in postings to discussions or chats, in course syllabus, and in the use of course links, announcements, and other available technologies.*

10. **Selection and implementation of instructional strategies appropriate to learning goals** – *evident in instructor's application of effective instructional strategies for communicating course content through available online technologies and tools; in the learning experiences of the students; and in the relationship of the instructor's stated goals and objectives in the syllabus to the learning activities and assignments of students and presentation of course content by the instructor in the online environment.*

II. Evaluation of Online Course as a Whole

1. **Overall Design and Organization of course** – *evident in the online course site through instructor's presentation of the syllabus and use of organizing tools (menu structure, folders, course links, etc.) and class session progression; ease of navigation; structure of course for student access to primary materials and activities.*

2. **Congruence between course goals, objectives, content, and activities** – *evident in instructor creating an online course structure and progression that demonstrated clear linkage between course objectives, course content and student activities.*

3. **Appropriate assessment of student learning in relation to course goals and outcomes** – *evident in facilitation of assignments and assessment activities in the course site and through online course tools.*

4. **Appropriate assignments for students given the course objectives and course level** – *evident in effective use of course tools to facilitate assignments and student learning activities in the online environment.*

5. **Appropriate methods and criteria for grading** – *evident in course syllabus and learning activities and the facilitation of these student learning activities and instructor feedback.*

6. **Appropriate application of online learning system technologies (Blackboard and its Building Blocks) as well as other supportive resources throughout the semester** – *evident in appropriate use of Blackboard tools and features, available educational technologies (multimedia, tutorials, publisher materials, etc.) and discipline specific Internet/software resources; effective instructional design and delivery of content, communication, and student and instructor activities to align with goals and objectives.*

Other considerations for evaluating the instructor in the online environment overall:

- **Presence of instructor** as indicated by active teaching elements, course design and organization, facilitation of discourse and level of direct instruction.

- **Quality and quantity of instructional posts and feedback.**

- **Creation of a community of learners in online environment** – *evident in instructor's ability to build and sustain the online learning community throughout the semester through introductions, biographical sketches, pictures, discussions, presentations, student activities, feedback, and student socializing in chats, discussion forums, etc.*

- **Suggest ways the instructor can make this course more effective.**

APPENDIX C. BENEFITS

A. BENEFITS

The Office of Human Resource Management offers information regarding benefits, employment opportunities, forms, wellness initiatives, and policies and procedures at the website listed below.

www.hr.duq.edu

Be sure to visit "What's New in Human Resources" to stay informed!

B. SABBATICAL LEAVE (See also "Leaves of Absence.")

Sabbatical leaves may be granted to a tenured faculty member. Such leave will be granted only after seven consecutive years of service with the University. After the initial sabbatical, faculty are eligible for a sabbatical every seventh year. Faculty who receive a sabbatical are expected to continue service at the University for at least one academic year after the sabbatical.

Sabbatical leaves are opportunities for Duquesne faculty to develop their teaching and scholarship in support of their disciplines and of the University's educational mission. As such, it is expected that their research plans will include the sabbatical for which they are eligible as a time when they will make significant progress, or even complete, scholarly agendas.

The faculty member applies for sabbatical leave by submitting a detailed report of his/her plans through the departmental chairperson and the Dean with recommendations to the Provost/Vice President for Academic Affairs who makes the final decision. Faculty members will receive the equivalent of one semester's full compensation during the sabbatical leave, which is limited to a period of one calendar year. Upon return to his/her regular duties with the University, the faculty member must submit within sixty days of return a detailed report to the appropriate Dean and to the Provost/Vice President for Academic Affairs.

All fringe benefits continue while the faculty member is on sabbatical leave. Grant funds which are received for salary may be used to relieve the University of the necessity for meeting salary expenses.

1. Guidelines for Sabbatical Leaves

   All sabbatical projects submitted as part of the application of faculty members for sabbatical leaves must be accompanied by evaluations and critiques from the appropriate department chair and Dean. The Dean and/or the Provost/Vice President for Academic Affairs may request evaluations from internal or external sources for the purpose of providing additional information to assist in making the final decisions.

2. Role of the Provost/Vice President for Academic Affairs

   While the Provost/Vice President for Academic Affairs relies heavily on the recommendations of the chair and Dean, it is the responsibility of the Provost/Vice President for Academic Affairs to verify the validity of the request as to the procedure, worth and financial impact on the department and to approve or deny the sabbatical request.

   The Provost/Vice President for Academic Affairs is to receive a report on the results of the project completed during the sabbatical within sixty days after the return of the faculty member.

3. Calendar of Events

October 15	Requests for sabbatical leave must be submitted by faculty to appropriate departmental chair and Deans. Financial support is to be considered in preparing the next fiscal year budget.
November 15	Requests for sabbatical leaves with data and recommendations must be submitted by the Deans to the Provost/Vice President for Academic Affairs.
December 15	The Provost/Vice President for Academic Affairs announces the approved sabbatical leaves and the faculty member is notified.

4. Holy Spirit Order Faculty Sabbaticals

a. Policy:

The full-time faculty members of the Holy Spirit order are considered eligible for leaves of absence and sabbatical leaves in accordance with regulations adopted for all full-time faculty members. At the time a leave is authorized by the President, an allocation of funds may be made for the faculty member's use while away from campus.

b. Procedures

i. The same criteria as with other faculty will be followed for the award of the leave.

ii. When awarded or when the award is anticipated, the following considerations must be made:

a) Allocation

Faculty members will receive the equivalent of one semester's full compensation during the sabbatical leave, which is limited to a period of one calendar year.

b) Budget

The budget head shall remove this faculty member from the contributed services budget line.

c) Transportation

The transportation needs of members of the Holy Spirit Order residing at Trinity Hall are to be considered. Trinity Hall residents may have use of a shared vehicle. Leaving the campus on a sabbatical leave may cause a loss of transportation and this should be considered in awarding the allocation.

C. LEAVES OF ABSENCE

Full-time faculty may be granted leaves of absence for professional advancement or for personal reasons. The faculty member applies for leave through the departmental chair, Dean, Provost/Vice President for Academic Affairs and the President.

1. Leave for Professional Advancement

Leaves may be granted for purposes of professional advancement for a period of one year and, under exceptional circumstances, may be extended for one additional year. Applications should be made in writing and submitted at least seven months prior to the end of classes of the academic year in which the applicant is then teaching. A final written decision shall be made within 60 days of the date of receipt of the application.

The request may contain the following information:

a. the precise professional purpose of the leave;

b. the exact period being requested with the beginning and ending dates.

Leave time will be counted toward time in rank for promotion purposes and tenure consideration when a faculty member is on professional leave. (It will not count toward a sabbatical leave, but time on professional leave does not disrupt the time requirement of seven consecutive years for sabbatical leave -- approved by the Administrative Council, January 23, 1980.) See also "Sabbatical Leave".

All publications and research during professional leave shall indicate the faculty member's continuing association with Duquesne University.

2. Leave for Personal Reasons

Leave granted for personal reasons may not exceed one year. Conditions of application are the same as for leave for professional advancement except in emergency situations. The written application should include the precise personal reason for the leave. By mutual agreement, however, the applicant may be permitted to confine expressions of his/her reason to verbal confidence with the immediate academic superior.

Leave time will not be counted toward time in rank for promotion purposes or tenure consideration when a faculty member is on personal leave.[1]

3. Sick Leave

Faculty will be paid their regular academic salary during the period of illness.

The University may require medical evidence of continued disability in cases of protracted illness. The maximum payment for disabling illness is six months of regular academic year salary at the rate payable when the illness begins.

For the purpose of this benefit six months salary shall be during a period of permanent disability 6/9ths (2/3rds) of the academic year salary.

Sick leave payments are only available consistent with the faculty member's normal work year. This means that within the intent of this policy, which is to prevent loss of earnings due to illness, the faculty member will receive sick pay only for periods in which he or she would be paid if teaching or working the agreed-upon schedule.

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[1] *In regard to sabbaticals, personal leaves are treated in the same way as professional leaves. (Administrative Council, July 30, 1980)

Faculty teaching in summer school may be paid for absence due to illness which does not require the hiring of a substitute.

Faculty who are disabled for periods in excess of six calendar months will be advised of the procedure to apply for long-term disability payments under the University's insurance program.

Under no circumstances will University-paid sick leave for the same illness or condition exceed six months in any consecutive twelve month period.

4. General Conditions

No salary may be paid under conditions of professional or personal leave.

Fringe benefits will be paid by the University where no other provisions are made by terms of the professional or personal leave, but this privilege will be granted only when the faculty member agrees to contract for a period of service following leave equal to the period of leave. Individuals who take personal leaves are responsible for the cost of health benefits through COBRA. Variances to this policy may be granted only by the Provost/Vice President for Academic Affairs and the President.

D. PROCEDURE FOR PROFESSIONAL AND PERSONAL LEAVES

1. The faculty member must submit the request in writing to his/her departmental chair/Dean requesting leave as outlined in this policy.

2. The Dean will submit this letter with his/her recommendation to the Provost/Vice President for Academic Affairs.

3. The Provost/Vice President for Academic Affairs will submit the request with his/her recommendation to the President.

4. The departmental chair/Dean will notify the faculty member in writing of the decision, repeating all conditions as finally determined and with the stipulated time.

APPENDIX D.

UNIVERSITY GRIEVANCE COMMITTEE FOR FACULTY (DUE PROCESS PROCEDURES)[1]

The standing University Grievance Committee for Faculty, elected by the faculty, is responsible for receiving and investigating grievances according to due process procedures originating in the office of the Provost/Vice President for Academic Affairs. If approved by the President, its decisions are binding. (Executive Resolution VII.)

1. Purposes

The University Grievance Committee for Faculty (UGCF) exists to review specific complaints and other grievances. Its decisions are binding on the University when such decisions have been reviewed and approved by the President of the University.

In each case presented to it, the UGCF's charge is to assure the proper applications of the rules and criteria which the schools and/or the University have adopted or, in the absence of specified regulations, have historically applied. The UGCF does not determine the policies and procedures of the several schools nor does it establish the criteria to be used in considering promotion and tenure. It is within the purview of the UGCF, however, to determine in a case before it if local criteria are consistent with University policy and to make certain that the criteria which are used in reaching decisions are those which the school has established, that they are applied uniformly and consistently, and that in applying them adequate consideration is given to all the available relevant information.

2. Composition and Election

The University Grievance Committee for Faculty is elected by full-time faculty members. In accordance with procedures established by its Dean, each college/school, and the University Library will select one representative to serve on the UGCF. The election of a member and an alternate will take place at the first meeting of the faculty in the academic year. New members will begin service in September. The term of service will be for three years. Annually in September, the UGCF will elect a chair who may succeed himself/herself. Procedures for electing members to the UGCF will be implemented as the term of service of each initial appointee is about to expire.

The election of members and alternates will be staggered throughout a three-year period to insure continuity on the UGCF. They will be elected according to the following schedule:

2009, 2012, 2015	Law, Education, Nursing, Natural and Environmental Sciences
2010, 2013, 2016	Pharmacy, College, Business Administration, Health Sciences
2011, 2014, 2017	Music, College, Library

The cycle will then continue to repeat itself. If a member resigns before his/her term is over, the alternate will serve out the remaining term. This will serve to keep the election schedule intact.

The UGCF should meet at least once a semester. Five members constitute a quorum.

3. Procedures for Receiving and Investigating Grievances

a. A faculty member may submit a request for review of a complaint regarding matters of tenure, promotion, academic freedom or other grievances to the UGCF only after all regular channels of

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[1] The principles and procedures enunciated in the 1990 edition of AAUP Policy Documents and Reports will govern the activities of the committee except where they are in conflict with procedures of the University.

appeal in his/her school and in the University have been exhausted. However, a grievant may petition the UGCF to intervene or take jurisdiction of a case in which the grievant feels the normal channels have not been made available or that the regular procedures are being unreasonably delayed.

b. A request for review shall be initiated by contacting the chair of the UGCF and by filing the grievance in a form specified by the UGCF's internal procedural guidelines. The faculty member may choose to present the request to the UGCF in person.

c. Upon submission, a grievance shall be reviewed by the UGCF, which will decide whether the facts as presented merit further review or whether the grievance should be dismissed. Submission of a grievance will not automatically entail investigation, detailed consideration, or a formal hearing.

The UCGF shall have discretion to conduct an investigation either informally or as a formal hearing under Section 4. In the following instances, however, the faculty member may demand certain procedure as matter of right, as follows:

i. In the case of a grievance concerning a dismissal, the faculty member may demand an investigation as his/her right;

ii. In the case of the dismissal of a tenured faculty member, the grievant may demand as his/her right that the UGCF conduct a formal hearing; and

iii. In the case of the dismissal of a faculty member in violation of the provisions of Executive Resolution IV, the grievant may demand that his/her right that the UGCF conduct a formal hearing.

d. The UGCF shall define the scope of the investigation.

e. At any time during the proceedings, the UGCF may seek to bring about a settlement of the issue satisfactory to both parties.

f. The UGCF will have access to all University records it deems pertinent, the right to meet and talk with the President and the Provost/Vice President for Academic Affairs, and the right to hear evidence from any persons in any matter pertaining to the dispute. Confidential records shall be held in confidence by the UGCF and records and contents thereof shall not be disclosed to any other party.

g. The member of the UGCF who represents the constituency from which the grievance emanates may participate in the UGCF's deliberations, but will be excluded from voting on its final recommendations. The UGCF's decision must be approved by a majority of those eligible to vote.

h. Following a final determination, the findings and recommendations of the UGCF will be transmitted in writing to both parties to the dispute, to the Provost/Vice President for Academic Affairs, and to the President of the University. Explicit findings should be made with respect to all questions at issue and a reasoned decision should be written.

i. Before a final decision is made by the President, he may meet with the UGCF to discuss the merits of the UGCF's findings and recommendations. No decision is to be made by the President at this meeting.

j. The President will make his final decision and communicate it to the parties, the UGCF, and the Provost/Vice President for Academic Affairs.

4. Procedures for Conducting a Formal Hearing

a. In a case where the grievant demands a formal hearing, the grievant shall submit his or her grievance to the UGCF by filing it with the UGCF's chairperson in a form specified in the UGCF's internal procedural guidelines. The grievance shall include any statement received by the grievant from the University concerning the grounds for the dismissal, and a written responses by the grievant to that statement. The grievant may petition the UGCF to make the hearing public. The UGCF will exercise its judgment as to whether a hearing should be public or private.

b. At least 20 days prior to the hearing, the UGCF shall make service of written notice of the time and place of the hearing and of specific issues to be considered at the hearing. A hearing may commence at an earlier date provided all parties agree in writing. The faculty member may waive a hearing or may respond in writing at any time before the hearing. If the faculty member waives a hearing but does not withdraw the grievance, the UGCF will evaluate all available evidence and rest its recommendation upon the evidence in the record.

c. The UGCF may, with the consent of all parties concerned, hold joint pre-hearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulation of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

d. During a formal hearing, the faculty member and the University will be permitted to have advisors or other counsel of their choosing. Participants in the internal grievance procedures are to function as colleagues, and the advisor or other counsel shall function as private counsel to the parties and not as active participants in the hearing.

e. The proceedings may be audiotaped for the exclusive use of the UGCF if the UGCF determines that a tape is necessary to facilitate its deliberations. There will be no other recording of the proceedings unless the parties and the UGCF agree.

f. The burden of proof that the University has followed the established procedures for the dismissal of a faculty member and that adequate cause exists for the dismissal of a tenured faculty member rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

g. The UGCF will grant continuances or adjournments to enable either party to investigate matters in regard to which a valid claim of surprise is made.

h. All parties to the dispute will be afforded an opportunity to obtain witnesses and documentary and other evidence. The administration will cooperate with the UGCF in securing witnesses and making available documentary or other evidence. Every possible effort will be made to obtain the most reliable evidence available.

i. All parties to the dispute and the UGCF will have the right to question the witnesses. Where the witnesses cannot or will not appear, but the UGCF determines that the interest of justice require admission of their statements, the UGCF will identify the witnesses. The parties and the UGCF may submit interrogatories. The responses or other statements of the witnesses will be disclosed to the parties.

j. In a hearing of charges of incompetence the testimony shall include that of qualified faculty members from this or other institutions of higher learning.

k. The hearing will be conducted according to rules established by the UGCF. The UGCF will not be bound by strict rules of legal evidence and may admit any evidence that will assist it in determining the merits of the issues.

l. The findings of fact and the decision will be based solely on the evidence produced at the hearing. The decision of the UGCF shall be in writing and shall include findings of fact, a statement of the basis in the record for its findings of fact, and an explanation of the reasons for the decision.

m. The UGCF will issue its report as provided in Section 3(h) to the University and no public statements will be made about the particulars of the case by the UGCF or any of its members, except for such announcements as may be required covering the time of a hearing and similar matters. Public statements and publicity about the case will be avoided so far as possible by all parties to the dispute until the proceedings have been completed.

APPENDIX E. DEANS' EVALUATION: PROCEDURES

An Evaluation Committee will be formed within the college/school of the Dean. Such a committee shall consist of:

1. Two (2) tenured or tenure track faculty members named by the Dean;
2. Four (4) tenured or tenure track faculty members elected by the college/school tenured, tenure track and non-tenure track faculty;
3. One (1) tenured or tenure track faculty member appointed by the Provost/Vice President for Academic Affairs;
4. One (1) student selected by the faculty members of the Evaluation Committee;
5. One (1) active alumnus/alumna familiar with the activities of the college/school selected by the faculty members of the Evaluation Committee; and,
6. A committee chair to be elected by the committee from the faculty representatives.

The committee, in consultation with the Dean and the Provost/Vice President for Academic Affairs, will draft a set of questions and/or topics appropriate for the particular college/school. The goals of the Dean and his/her effectiveness in implementing them should form an integral part of this instrument. The committee may draft a questionnaire to solicit responses from the faculty and students if the members so desire.

The committee will interview individual full-time faculty members and selected groups of students to determine responses to the above evaluation questions. Any faculty member not selected for an interview may schedule such an interview at the convenience of the Evaluation Committee. Faculty, students, staff and other professionals may also send signed letters to the committee chair or the Provost/Vice President for Academic Affairs.

The committee will draft a confidential report to the Provost/Vice President for Academic Affairs. The report should indicate the consensus of the faculty on the items for analysis, suggest areas for improvement, and indicate points for commendation. The report should also provide a final recommendation regarding reappointment. A minority report may also be sent if it is deemed necessary. The Provost/Vice President for Academic Affairs will meet with the Dean to provide a summary of the report and a final evaluation. The Provost/Vice President for Academic Affairs will also provide a written or oral report to the Evaluation Committee. The recommendation of the Provost/Vice President for Academic Affairs to the President will follow this summary interview. This review should commence no later than the first week of the second semester of the year preceding the final year of the Dean's contract. Notices to terminate or reappoint shall be issued by May 1 of the year of the review.

All data accumulated during the review process will be submitted to the Office of the Provost/Vice President for Academic Affairs. Such data, along with all reports and recommendations, will be retained for a period of three years.

APPENDIX F. ACADEMIC DUE PROCESS FOR STUDENTS

I. Student Responsibilities

A. Responsibility for all required assignments and course material rests with the student.

B. It is the responsibility of the student to maintain academic integrity with regard to class assignments, examinations, course requirements, such as term papers, and the like.

C. Regular class attendance is essential for maximum educational advantage and is strongly encouraged. In the absence of a uniform University policy with regard to class attendance, it is the responsibility of the students to be aware and abide by each individual faculty member's policy with regard to class attendance. The student is responsible for information, assignments, or materials given during all meetings of the class.

D. Violations of academic integrity are subject to disciplinary action, including (but not limited to) lowering grades, or suspension or dismissal from the class or the University. Such violations may include, but are not limited to, the following:

1. Cheating[1], plagiarism[2], or other acts of academic dishonesty.
2. Furnishing false information to any university instructor, official, or office with the intent to deceive.
3. Forgery, alteration, or misuse of any university document, record, or instrument of identification (written or computerized)
4. Knowingly assisting another student in any of the above.

II. Faculty Responsibilities

A. Faculty members must distribute at the first meeting of each class a course syllabus which includes at least the following information: course requirements, course assignments and expectations, types of examinations (when possible), evaluation process for grading (including +/- grading), and policy regarding class attendance. If major changes in the above categories on the syllabus are necessary, they must be given to the students in writing.

B. Students' final examinations and all other relevant grading information must be kept on file by the faculty member or the department for review by the student for a period of one year following their administration.

C. It is the faculty member's responsibility to see that examinations are properly monitored.

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[1] Cheating includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond that authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out any other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.

[2] Plagiarism includes, but is not limited to: the use, whether by summary, paraphrase, or direct quotation of the published or unpublished work or specific ideas of another person without full and clear acknowledgment. It also includes the use of materials prepared by another person or agency engaged in selling of term papers or other academic materials.

D. The faculty member is responsible for assigning grades in a fair manner, consistent with policies stated in the syllabus, or subsequently modified in a written adjustment of the syllabus.

E. No one may change a grade, except for the faculty member or the Provost/Vice President for Academic Affairs. The Provost/Vice President for Academic Affairs may change the grade only after the Academic Due Process Committee has recommended said change, except in the case of a disputed grade assigned by a faculty member no longer employed by the University; in such circumstances, a grade may be changed by the Vice President upon the recommendation of the appropriate Dean(s) and the chair(s).

III. Initiation of a Grievance

A. If a student believes that the actions of a faculty member have resulted in serious academic injury, it is the student's responsibility to attempt to resolve the matter informally by meeting first with the faculty member, and then, if the student is not satisfied, with the chair (if there is one), then the Dean.

B. If the matter is not resolved to the satisfaction of the student, the student may file a written *Academic Due Process Grievance* with the Academic Vice President of the Student Government Association. The grievance shall state with particularity the allegation that the student is making and the basis on which the allegation is being made. It shall include statements from any witness or written matter which may be helpful. This grievance must be filed within sixty (60) days after the beginning of the semester subsequent to that in which the grievance allegedly occurred.

C. The completed form is sent immediately to the University Provost/Vice President for Academic Affairs.

D. The Provost/Vice President for Academic Affairs then notifies the appropriate Dean(s), chair(s), and faculty member(s).

E. The Provost/Vice President for Academic Affairs reviews the *Academic Due Process Grievance* to determine whether there is reasonable cause to continue the process. If the Provost/Vice President for Academic Affairs finds that no other action is appropriate, he/she will so inform the student, the faculty member(s), the chair(s), and the Dean(s) within thirty (30) days of receipt of the grievance.

F. If the Provost/Vice President for Academic Affairs finds that the process should be continued, he/she will call for a Hearing (as indicated in Part III, Section G, and the following steps outlined in Part V of this document.)

G. Call for a Hearing:

1. The Provost/Vice President for Academic Affairs will call the Hearing at such a time and place as he/she may elect. He/she shall advise, in writing, the members of the Academic Due Process committee, the student, the instructor, the chair(s), and the Dean(s) of the school or college involved. A copy of the student's grievance shall be provided to all parties in the dispute at this time.

2. The Hearing will be scheduled not less than five (5) days nor more than thirty (30) days after the *Academic Due Process Grievance* form has been submitted.

3. The Provost/Vice President for Academic Affairs may reschedule a Hearing, at his/her discretion, for the convenience of any of the parties or members of the committee.

IV. Jurisdiction of the Academic Due Process Committee

A. The committee shall have appellate jurisdiction on all cases involving students, full- and part-time, undergraduate and graduate, who are officially registered at the University.

B. It shall be the purpose of the Academic Due Process Committee to deal with serious academic issues, such as the following:

1. Cases in which students claim to be victims of prejudiced and/or capricious or arbitrary academic evaluation.

2. Cases in which students claim their grade was determined in a manner not consistent with grading policies stated in the syllabus or in any written revision of the syllabus distributed to the class.

3. Cases involving alleged violations of the rules of academic integrity in which the student wishes to appeal the decision of a faculty member or academic administrator.

V. Composition of the Academic Due Process Committee

A. The Provost/Vice President for Academic Affairs will establish each year a representative pool of both full-time faculty members and students (who would be willing to serve on Academic Due Process Committees), selected from names recommended, respectively, by the President of the Faculty Senate and the Academic Vice President of the Student Government Association.

B. The Provost/Vice President for Academic Affairs, in the presence of the concerned student and faculty member, will draw by lot from this pool, to establish specific Academic Due Process Committees, each consisting of three (3) faculty members and three (3) students.

C. Each committee will normally deal with one grievance. In exceptional cases, the Provost/Vice President for Academic Affairs may assign more than one related grievance to a committee. After the Provost/Vice President for Academic Affairs has acted upon a committee's recommendation(s), he/she will disband the committee, and the names of the faculty members and students who have served on the committee will be returned to the general pool.

D. In any proceeding, faculty and student representatives from the same academic department, division, or program as either the instructor or students whose acts are in question, shall be excluded from the committee.

E. In addition, either the student or the faculty member may seek any person's removal from the committee which is hearing the case. If the Provost/Vice President for Academic Affairs agrees that there are sufficient grounds for this request, he/she will remove that person from the committee and draw by lot a replacement for that person, in accordance with the stipulations set forth in Part V, Sections A through D.

F. The Provost/Vice President for Academic Affairs will appoint one of the members of the committee to serve as its chair. The chair:

1. will have full voting rights;
2. will rule on the admissibility of all evidence, in consultation with the other members of the committee;
3. will rule on such other questions as may arise.

VI. Conduct of the Hearing

A. The Hearing will be conducted in an orderly, impartial manner.

B. The Provost/Vice President for Academic Affairs will provide appropriate secretarial support, if requested by the committee chairperson.

C. Each party will have the right of direct cross examination.

D. Each of the parties will have the right to be accompanied by one advisor of his/her choice (this may be a faculty member, an administrator, a student, etc.). The advisor may not normally participate in the proceedings. However, the chair may allow the advisor to speak for purposes of clarification. Legal counsel may not be present unless the Provost/Vice President for Academic Affairs, for cause shown, determines that legal representation is appropriate. In the event that an attorney is retained by any party in the dispute, all other parties will be given due notice and reasonable time to retain an attorney of their own.

E. The hearing will be closed to all except the following: the student filing the grievance, the individual(s) against whom the grievance has been filed, the advisors of these parties, the committee, the committee secretary, and witnesses called by the committee during their testimony and cross examination.

F. The student will be permitted to present his/her case first, including testimony of witnesses. Following this presentation, the person(s) named in the grievance will be permitted to present his/her case. Members of the committee, the grievant, and the person(s) named in the grievance will be permitted to cross-examine all witnesses.

G. Evidence will be admitted, without regard to formal rules of evidence, if it is deemed relevant by the committee for a determination of the issues. The following evidence may be considered as relevant to the committee's decision:

1. Testimony of the parties regarding the events in question.

2. Documented evidence of academic dishonesty, such as an instructor's confiscation of materials, sources, or devices not authorized by the instructor during the exam.

3. Materials such as syllabi, examinations, lab reports, papers, and class attendance sheets, in order to determine if fairness was exercised in the academic evaluation.

4. Witnesses to the incident.

5. Testimony concerning the relationship of the faculty member and the student with regard to their "in class" relationship.

6. Records of Academic Due Process hearings involving either the student or faculty member concerned.

7. The academic record of the student, with his/her consent.

8. Character witnesses.

9. In cases of alleged plagiarism: materials from which the ideas or language of another person were taken; or in a professional evaluation of the work in question, in light of comparable work done by the student.

10. Testimony regarding the extent and type of plagiarism, and the intent of the student.

11. Any other items which the committee deems significant.

H. In no case will the committee consider any written statement regarding a party from a person who does not appear before the committee unless the party has been advised of its content and the name of the person who made such statement, and unless he/she has been given the opportunity to respond to the statement.

I. All records pertaining to the Hearing shall be taken, retained, and kept in confidence by the Provost/Vice President for Academic Affairs for a period of two (2) years following the student's graduation, or six (6) years after the conclusion of the Hearing, whichever occurs first.

VII. Recommendations of the Committee

A. After considering all of the evidence presented, the committee will make its recommendations to the Provost/Vice President for Academic Affairs. These recommendations may include (but are not limited to):

1. denying the grievance;

2. upholding the grievance in part, but modifying any penalties previously imposed or other decisions taken;

3. upholding the grievance.

In no case, however, will the committee impose a more severe penalty upon the student.

B. Voting shall take place by secret ballot, and the recommendations of the committee will be determined by a majority vote. A tie vote will be considered a losing vote, and the grievance will not be upheld. Votes will be tallied by the chair and retained as part of the confidential record of the committee.

C. The findings of the committee and its written description will be prepared in two parts. One of these, which will be signed by the chair of the committee, shall identify the parties. The second part, which will not refer to the parties by name, will summarize the issues and set forth the findings and reasons thereof. The names of the committee members will be listed in the confidential records of the committee.

D. Both copies will be sent to the Provost/Vice President for Academic Affairs.

E. Upon receiving both copies of recommendations, the Provost/Vice President for Academic Affairs will maintain a file of the second set of documents (those without names listed) which Due Process Committees may use for future reference.

F. The student filing the grievance and the person against whom the grievance has been filed will be given, upon request, a written copy of the committee's recommendation (identifying the parties), within five (5) days after completion of the report.

G. The Faculty Senate President, Academic Vice President of the Student Government Association, and the appropriate Dean(s) may review the copy of the committee's recommendation (identifying the parties), under the stipulation that it will remain in confidence.

VIII. Response to the Committee's Recommendations

A. The Provost/Vice President for Academic Affairs has the duty of either implementing or not implementing any or all of the committee's recommendations. If he/she chooses not to implement the committee's recommendations, he/she must explain the decision in writing to the student, the person against whom the grievance was filed, the committee, and the appropriate Dean(s). A copy of this explanation will be attached to the committee's formal recommendations and kept on file.

B. To the extent that the Provost/Vice President for Academic Affairs agrees with the recommendations of the committee, it is his/her responsibility to see that they are carried out.

C. When the committee decides in favor of the student, the Provost/Vice President for Academic Affairs may effect the recommended grade change, or allow the student to:

1. continue the course;
2. transfer to another section of the course if that is feasible, and if the instructor of the course into which the student wishes to transfer is amicable to the suggestion;
3. withdraw from the course with a total refund;
4. petition for a waiver or substitution for the course.

IX. Appeal of the Committee's Decision

A. An appeal of the committee's decision may be taken to the Provost/Vice President for Academic Affairs. This appeal, however, may be based only upon the allegation that the procedures, as set down in this document, have not been followed properly. An appeal to the Provost/ Vice President for Academic Affairs may not be based upon the alleged merits of the student's grievance.

B. In reviewing the matter, the Provost/Vice President for Academic Affairs shall determine either that the procedures were followed (and deny the appeal) or that the procedures were not followed (and grant the appeal). If the procedures were not followed, the Provost/Vice President for Academic Affairs shall return the grievance to the proper point in the procedure so that the proper procedures may be followed. In either event, the faculty member and student will be notified in writing of the Provost/Vice President for Academic Affairs' determination.

C. Formal appeals to this procedure end at this point.

X. Modification of Procedures

Any party within the University may suggest written changes to the Academic Due Process procedure by submitting a written suggestion to either the Dean of his/her school, or the Provost/Vice President for Academic Affairs. The amended procedures will be effective upon the approval of the Academic Council. A period of sixty (60) days must be given to allow the Faculty Senate and the Student Government Association to respond to proposed changes.

APPENDIX G. ACADEMIC INTEGRITY -- STUDENT PROCEDURES

The University experience has traditionally aimed at the generation and transmission of knowledge as one of its primary objectives. Thus, one of the educational objectives of a Duquesne education is the *fostering of a spirit of inquiry and scholarship necessary for continuing intellectual and professional growth.*

The knowledge and understanding which is the ideal result of this objective has an intangible nature, and this fact leads to two important conclusions. It is infinite, therefore the acquisition of knowledge by one student does not limit in any competitive way the opportunity of any other student to acquire the same degree of knowledge. It has an insubstantial nature, therefore progress in knowledge and understanding must always be demonstrated, measured, and documented in many of the day-to-day assignments and activities of academic life. This fact imposes an important ethical responsibility upon a student. For these measurements to represent honestly the progress of a given student, it is necessary that the student adhere to the following expectations of academic integrity.

In simplest terms, it is expected that each student's grade should reflect only that student's achievement. It is obvious that the pursuit of knowledge and understanding, along with the quest for truth, cannot be conducted in a dishonest manner. To attempt to do so is contradictory to the objectives and the values of the University.

Therefore, it is the responsibility of the student to maintain academic integrity with regard to class assignments, examinations, and any other course requirements, such as term papers and the like. Thus cheating, plagiarism, knowingly assisting some other to violate academic integrity are each and all violations of academic integrity.

Duquesne University enumerates specific responsibilities for students in its *Code of Student Rights, Responsibilities, and Conduct*, Conduct – Rules and Regulations (Article IV., C) and in the document Academic Due Process found elsewhere in this Faculty Handbook (Appendix F). Several of the most important expectations are listed below.

Violations

Violations of academic integrity are subject to disciplinary action, including (but not limited to) lowering of grades or suspension or dismissal from the class or from the University. Such violations of academic integrity include, but are not limited to, the following:

1. Cheating, plagiarism, or other acts of academic dishonesty.
2. Furnishing false information to any University instructor, official, or office with intent to deceive.
3. Forgery alteration, or misuse of any University document, record, or instrument of identification (written or computerized).
4. Knowingly assisting another student in any of the above.

Sanctions

Sanctions for plagiarism and other violations of academic integrity may be imposed through the following process:

Penalties for violations of academic integrity may be imposed by academic officers (faculty members, department chairs, Deans, committees on student standing, or the like or designees of any of the preceding), in accordance with written procedures in each school. Undergraduate students may appeal these sanctions through the Academic Due Process procedure, graduate students through school procedures or applicable University procedures.

Procedures for Sanctions

1. The schools are expected to develop guidelines for appropriate penalties for plagiarism and other violations of academic integrity to be applied by faculty, chairs, student standing committees, Deans and other authorized individuals or bodies. These guidelines should be general enough to allow sanctions. However, for cheating on an examination, or for plagiarism on a written assignment, the recommended minimum penalty, University-wide, is failure on the examination or assignment.

2. The student shall have been informed of the specific charges and have been given sufficient opportunity to respond to the charges before the imposition of a penalty for violations of academic integrity.

3. Written notice of all findings of violations of academic integrity made through the academic process, the sanctions imposed therefor, and the records of any appeals shall normally be sent immediately to the Dean of the student's school. Consistent with University procedures and in accordance with the Family Educational Rights and Privacy Act, these written notices may be consulted by the academic officers indicated above in consideration of the later charges of violations of academic integrity against the same student, and by the Judicial Officer in cases involving that student.

APPENDIX H. THE GRADING POLICY

Undergraduate Grading System

Following is the University's officially recognized method of grading course work and rating academic performance of undergraduate students.

Grade Description

A	Superior
A-	Excellent
B+	Very Good
B	Good
B-	Above Average
C+	Satisfactory
C	Average (is minimum general average for graduation.)
D	Lowest passing scale grade
F	Failure (Course must be repeated for credit.)
I	Incomplete (is a temporary grade given by an instructor when neither a passing nor failing grade can be determined because of incomplete course work. Unless a cogent explanation of extenuating circumstances, acceptable to the instructor, is presented and the missed examination or required assignment is made up by the date specified in the Academic Calendar, the I becomes a permanent F grade.)
IP	May be assigned to enrolled graduate students who are working on dissertations.
N	Not Passing (is used to indicate failure in Pass/Fail-elected courses and is independent of the Quality Point System. The course must be repeated for credit.)
P	Pass (is used in some courses where scaled grading is inappropriate. P indicates satisfactory completion of course work with credits earned. It is independent of the Quality Point System.) Undergraduate students who elect to take graded courses on a Pass/Fail basis must earn the minimum of a "C" to achieve a passing grade.
W	Official Withdrawal (is placed on a student's permanent record to indicate termination of attendance in courses under conditions of official withdrawal.)
H	Honors (Used in some courses where scaled grading is inappropriate. Indicates completion of course work with credits earned and with honors but without quality point and is independent of the Quality Points System.)
LG	Late Grade (Used to indicate that grade was not reported by faculty in time for the semester grade report to be sent to the student.)
X	Used to indicate that although student continued to appear on rosters, student never attended classes.

Plus/Minus Grading Option

The Plus/Minus Grading System is the official grading system of the University.

Faculty are to announce at the first class meeting whether or not plus and minus grade values will be used in grading course work and rating academic performance of the students in their class. A class inaugurated in plus/minus grading may not revert to non plus/minus grading, and vice versa.

Computation of the Quality Point Average

The Quality Point Average is the ratio expressed to the decimal thousands of the sum of course credits for which the grades of A, A-, B+, B, B-, C+, C, D, and F were received divided by the sum of quality points earned. The Quality Point value of these grades are:

Grade	Quality Points per Credit
A	4.0
A-	3.7
B+	3.3
B	3.0
B-	2.7
C+	2.3
C	2.0
D	1.0
F	0.0

The grades P, N, I, and W are independent of the Quality Point System. Courses graded F, N, I, and W do not earn credit, and if required for graduation, must be repeated and passed.

Graduate Grading System

Each graduate school of the University employs its own grading system. The graduate grading system used by a particular school is published in that school's graduate program catalog. In all graduate programs, the grades C-, D, and S are not valid for grading graduate work.

APPENDIX I: RESEARCH AND PATENT POLICY – See The Administrative Policy No. 40

APPENDIX J: THE GRANTING OF EMERITUS STATUS

I. ELIGIBILITY REQUIREMENTS:

Emeritus/Emerita Status for Faculty

A. The faculty member has achieved the rank of Professor in the College or Schools of Duquesne University, and

B. Has a minimum of ten years continuous service to Duquesne University, and,

C. Is within the last year before retirement or retired.

II. PRIVILEGES OF EMERITUS/EMERITA STATUS:

A. The University grants the following privileges to Professors Emeriti/Emeritae:

1. Participation in University-wide events – Honors Day/Commencement, etc.;
2. Faculty dining privileges;
3. Listing in all University publications on the same basis as active faculty;
4. Receipt of University publications;
5. University I.D. card;
6. Participation in University parking program;
7. Library privileges;
8. Email privileges.

III. PROCEDURES:

A. Nominations for appointment as Professor Emeritus/Emerita are initiated by departmental colleagues and chairpersons, the Dean and the Provost/Vice President for Academic Affairs. They are reviewed for a recommendation by the Dean, Provost/Vice President for Academic Affairs, and the University Committee on Promotion and Tenure before presentation to the President for final approval and conferring of the title of **Professor Emeritus/Emerita**.

1. Recommendations will include a curriculum vitae of the candidate and a list of major achievements accomplished during the term of service to Duquesne University.
2. Recommendations will demonstrate outstanding service to the University in areas of: teaching and advisement, including summaries of evaluations; scholarly activities, including a continuous record of research and publication; University and community service.

B. A review of the credentials for excellence in the major areas of teaching, scholarly activity and service will be conducted. Candidates maintaining outstanding achievements in these areas will be recommended to the President for the award of emeritus/emerita status.

C. In reviewing the record and recommendation, the President will confirm that the candidate has:

1. Authoritative knowledge and the recognition of peers in an established field of learning, and

2. Superior stature in his or her field through teaching, scholarly activity and service to the University and the community.

IV. ANNOUNCEMENT:

The public announcement of the award(s) will occur annually with recognition at an appropriate gathering such as commencement, and will be accompanied by a certificate or symbol of appreciation from the University.

V. LISTING OF EMERITI/EMERITAE FACULTY:

The list of Professors Emeriti/Emeritae will be kept in the office of the Provost/Vice President for Academic Affairs, together with a description of their professional competencies, interests and involvement in research.

APPENDIX K: DISTINGUISHED UNIVERSITY PROFESSOR

Duquesne University is authorized to award the title of Distinguished University Professor to a small number of individuals who have distinguished themselves and the University through scholarship, teaching, and community service. Such an award will enable Duquesne University to recognize those who bring special honor and recognition to their profession and to the University. Individuals receiving this award should be recognized as educational and intellectual leaders throughout the University community.

Criteria for Selection as Distinguished University Professor:

1. National recognition as a leading scholar in one's particular discipline, distinction as demonstrated by awards and other testimony as an outstanding teacher, and significant service contributions to the University or the community.

2. Demonstrated influence in teaching and scholarly work which crosses discipline lines and creates links among the professions or among the professions and the arts and sciences.

3. Previously attained rank of professor.

Method of Selection:

A Distinguished University Professor is appointed by the President upon recommendation of three-fourths vote of the Academic Council. Candidates for appointment to the position of Distinguished University Professor must be recommended to Academic Council by the Dean of the College/School in which the individual resides. It is expected that full supporting documentation will be submitted at such times as the individual is nominated by the Dean. The College/School may determine its own internal procedures for identifying candidates for consideration.

Benefits:

In addition to the honor bestowed by the title of Distinguished University Professor, it is expected that financial remuneration, a reduced teaching assignment, research assistance, and/or secretarial assistance may be provided.

APPENDIX L: UNIVERSITY POLICY STATEMENT ON AFFIRMATIVE ACTION – See The Administrative Policy No. 30

APPENDIX M: UNIVERSITY POLICY ON SEXUAL HARASSMENT – See The Administrative Policy No. 31

APPENDIX N: UNIVERSITY DRUG AND ALCOHOL POLICIES– See The Administrative Policy No. 32

APPENDIX P: FACULTY RESEARCH PROPOSALS TO GOVERNMENTAL, CORPORATE, FOUNDATION AND PRIVATE SOURCES – See The Administrative Policy No. 44

APPENDIX Q: CONFLICT OF FINANCIAL INTEREST IN GRANTS AND SPONSORED RESEARCH PROJECTS – See The Administrative Policy No. 45

APPENDIX T: STUDENT EVALUATION SURVEY

A new Student Evaluation Survey was implemented in fall 2007. It addresses five domains. In the instrument received by students, items are randomized. Students rate teachers on a 6 point scale with a 7th option, "Does not apply."

Domain: Instructional Design

1. The instructor made it clear how students would be assessed.
2. The instructor provided constructive feedback on course assignments and exams.
3. The assignments were challenging at an appropriate level for the course.
4. The assignments were helpful in acquiring a better understanding of course objectives

Domain: Instructional Delivery

5. The instructor's use of examples helped to get points across in class.
6. The instructor was enthusiastic about teaching.
7. The instructor used methods that help students learn.
8. The objectives of the course were well explained
9. The instructor helped me to understand the relevance of this course
10. The instructor's explanations were clear.
11. The instructor was well prepared for class.

Domain: Attitudes toward Student Learning

12. The instructor was concerned with whether or not the students learned the material.
13. The instructor treated students with respect.
14. The instructor returned graded materials within an appropriate time frame.
15. The instructor created a learning environment in which students felt comfortable asking questions.
16. The instructor stimulated my thinking.
17. The course material was presented at an appropriate level of understanding.

Domain: Out of Class Availability

18. Communication with the instructor outside of class was helpful.
19. Assistance from the instructor outside of class was readily available if I sought help.
20. The instructor encouraged students to seek help outside of class if needed.
21. The instructor responded to my communications in a timely manner.

Domain: Student Outcomes

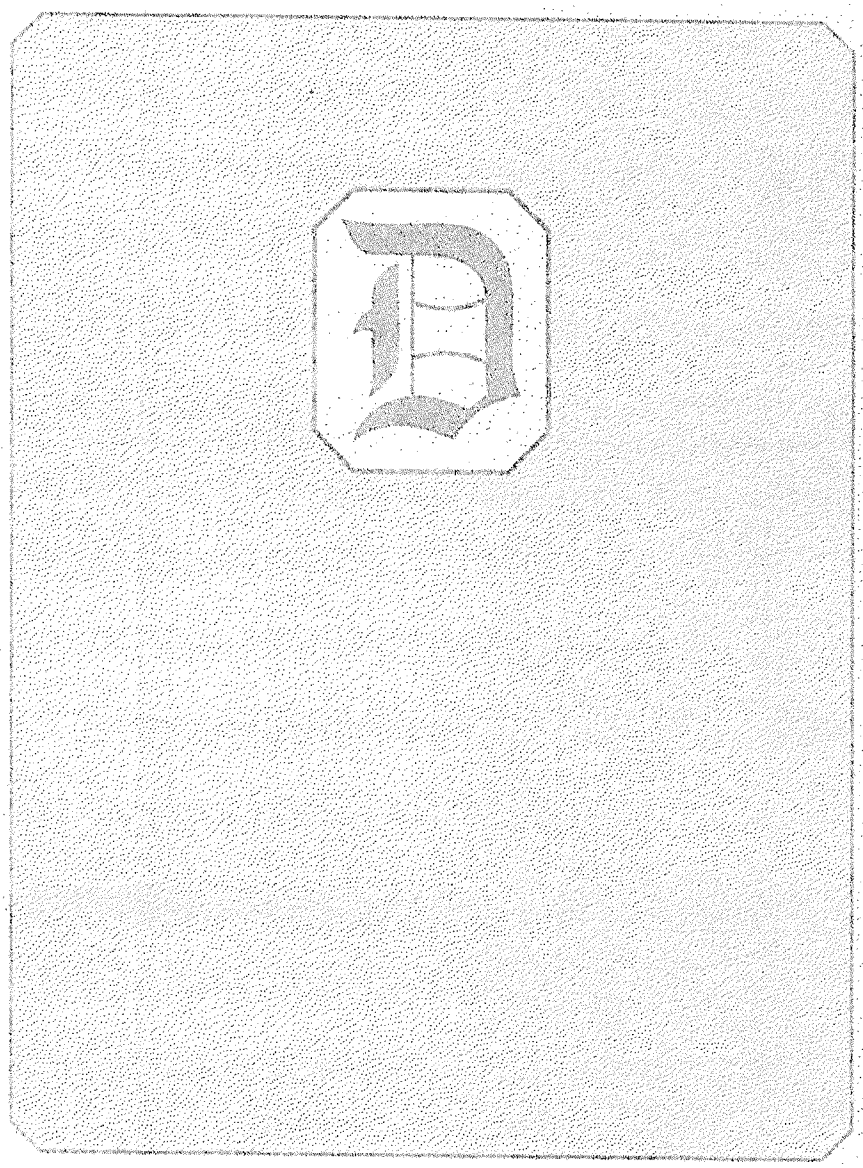
22. The instructor helped me to understand the material in this course.
23. The instructor helped me consider alternative perspectives on the topics presented.
24. The instructor was helpful in advancing my knowledge or skills.
25. The instructor challenged me intellectually.

Written Comments

1. What aspects of the instructor's teaching were most effective?
2. How could this instructor improve his/her teaching effectiveness?

Additional Items

Consistent with current policy, teachers or academic divisions are welcome to add items to the student survey, though these will not have undergone standardization.



DUQUESNE UNIVERSITY

STUDENT EVALUATION SURVEY

Instructor: _____

Course Title: _____

STUDENT EVALUATOR: Please supply the following information about yourself.

- Fall
- Spring
- Summer

- Freshman
- Sophomore
- Junior
- Senior
- Graduate
- Other

- 1 Credit
- 2 Credits
- 3 Credits
- 4 Credits
- 5 Credits
- 6 Credits
- 7 Credits
- Other

- Required
- Elective
- Other

- Requirement for Major
- Requirement for Degree
- Elective in Major
- Free Elective

- None (New Student)
- Less than 2.0
- 2.0 - 2.49
- 2.5 - 2.99
- 3.0 - 3.49
- 3.5 - 4.0

- 0
- 1 - 2
- 3 - 4
- 5 - 7
- 8 - 10
- 11 +

- 0
- 1 - 2
- 3 - 4
- 5 - 7
- 8 - 10
- 11 +

- A
- A-
- B+
- B
- B-
- C+
- C
- D
- F
- P

- Less difficult
- More difficult
- About the same

- Minimal
- Some effort
- A little more than usual
- A great deal of effort

- A
- A-
- B+
- B
- B-
- C+
- C
- D
- F
- Incomplete
- Don't know
- Pass
- Fail

For each statement below, please fill in only one rectangle to the right which best reflects your level of agreement. Fill in the rectangle under the N/A column if the item does not apply to your course.

	N/A	Strongly Disagree	Disagree	Mildly Disagree	Mildly Agree	Agree	Strongly Agree
1. The instructor helped me to understand the material in this course.							
2. The instructor was enthusiastic about teaching.							
3. The assignments were helpful in acquiring a better understanding of course objectives.							
4. The instructor treated students with respect.							
5. The instructor encouraged students to seek help outside of class if needed.							

PLEASE CONTINUE WITH QUESTIONS ON THE BACK!

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Page 1

	N/A	Strongly Disagree	Disagree	Mildly Disagree	Mildly Agree	Agree	Strongly Agree
6. The instructor used methods that help students learn.	0	1	2	3	4	5	6
7. The instructor created a learning environment in which students felt comfortable asking questions.	0	1	2	3	4	5	6
8. The instructor made it clear how students would be assessed.	0	1	2	3	4	5	6
9. The instructor returned graded materials within an appropriate time frame.	0	1	2	3	4	5	6
10. The instructor helped me to understand the relevance of this course.	0	1	2	3	4	5	6
11. The instructor challenged me intellectually.	0	1	2	3	4	5	6
12. Assistance from the instructor outside of class was readily available if I sought help.	0	1	2	3	4	5	6
13. The instructor provided constructive feedback on course assignments and exams.	0	1	2	3	4	5	6
14. The course material was presented at an appropriate level of understanding.	0	1	2	3	4	5	6
15. The instructor responded to my communications in a timely manner.	0	1	2	3	4	5	6
16. The instructor's use of examples helped to get points across in class.	0	1	2	3	4	5	6
17. The instructor was well prepared for class.	0	1	2	3	4	5	6
18. The instructor stimulated my thinking.	0	1	2	3	4	5	6
19. The instructor was helpful in advancing my knowledge or skills.	0	1	2	3	4	5	6
20. The assignments were challenging at an appropriate level for the course.	0	1	2	3	4	5	6
21. The instructor helped me consider alternative perspectives on the topics presented.	0	1	2	3	4	5	6
22. The instructor's explanations were clear.	0	1	2	3	4	5	6
23. Communication with the instructor outside of class was helpful.	0	1	2	3	4	5	6
24. The instructor was concerned with whether or not the students learned the material.	0	1	2	3	4	5	6
25. The objectives of the course were well explained.	0	1	2	3	4	5	6

COMPLETE THIS SECTION ONLY IF INSTRUCTED TO DO SO.

	N/A	Strongly Disagree	Disagree	Mildly Disagree	Mildly Agree	Agree	Strongly Agree
1.	0	1	2	3	4	5	6
2.	0	1	2	3	4	5	6
3.	0	1	2	3	4	5	6
4.	0	1	2	3	4	5	6
5.	0	1	2	3	4	5	6

STUDENT EVALUATION SURVEY

Comment Sheet

INSTRUCTOR'S NAME: _____

COURSE TITLE: _____

CLASS TIME: _____

SEMESTER: _____ YEAR: _____

Please include comments and specific aspects regarding your instructor's performance in this course. This sheet will be returned to your instructor after your final grade has been submitted. The Dean or Department Chair will also review these comments. Please detach this sheet from the survey and turn it in separately.

1. What aspects of the instructor's teaching were most effective?

2. How could this instructor improve his/her teaching effectiveness?

STUDENT EVALUATION SURVEY – Online Course Version

An online course version of the Student Evaluation Survey was adopted in March, 2010. It addresses the same five domains, but some of the items were revised slightly to accommodate this method of instruction.

Domain: Instructional Design

3. The assignments were helpful in acquiring a better understanding of course objectives.
8. The instructor made it clear how students would be assessed.
13. The instructor provided constructive feedback on course assignments and exams.
20. The assignments were challenging at an appropriate level for the course.

Domain: Instructional Delivery

2. The instructor was enthusiastic about teaching.
6. The instructor used methods that help students learn.
10. The instructor helped me to understand the relevance of this course.
16. The instructor's use of examples helped to get points across during the course.
17. The instructor was well prepared for the course.
22. The instructor's explanations were clear.
25. The objectives of the course were well explained.

Domain: Attitudes Toward Student Learning

4. The instructor treated students with respect.
7. The instructor created a learning environment in which students felt comfortable asking questions.
9. The instructor returned graded materials within an appropriate time frame.
14. The course material was presented at an appropriate level of understanding.
18. The instructor stimulated my thinking.
24. The instructor was concerned with whether or not the students learned the material.

Domain: Faculty Availability

5. The instructor encouraged students to seek help if needed.
12. Assistance from the instructor was readily available if I sought help.
15. The instructor responded to my communications in a timely manner.
23. Communication with the instructor was helpful.

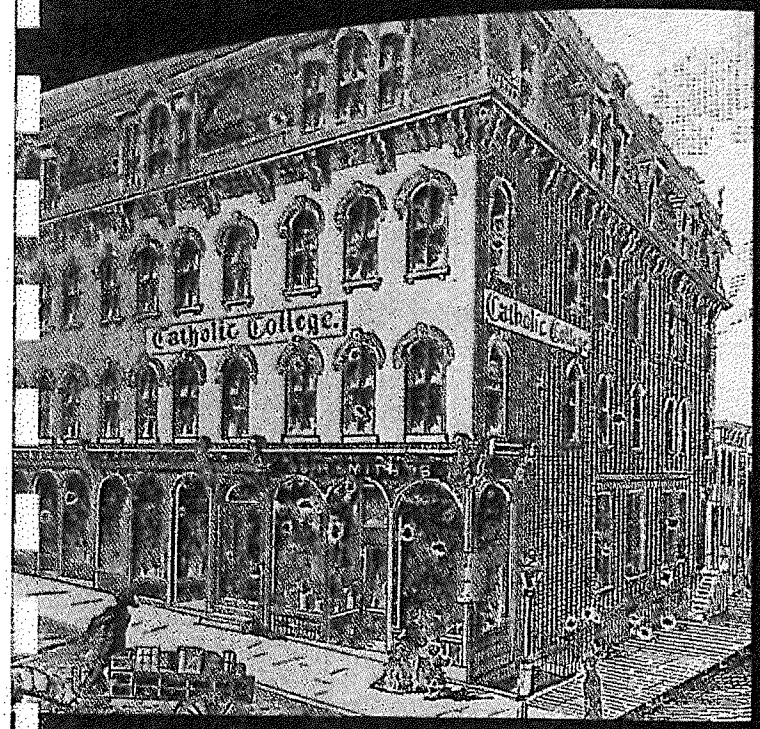
Domain: Student Outcomes

1. The instructor helped me to understand the material in this course.
11. The instructor challenged me intellectually.
19. The instructor was helpful in advancing my knowledge or skills.
21. The instructor helped me consider alternative perspectives on topics presented.

DUQUESNE UNIVERSITY

Code of Student Rights, Responsibilities and Conduct

2011-2012



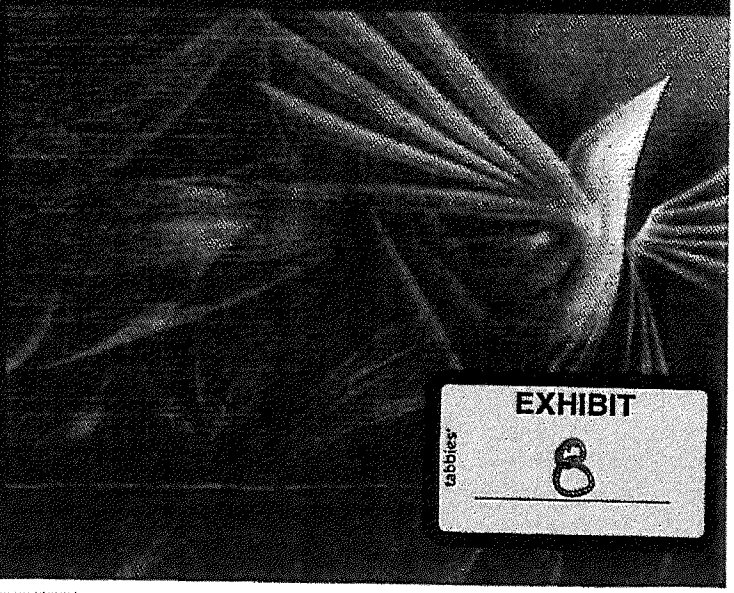


EXHIBIT
8

MISSION *STATEMENT*

Duquesne University of the Holy Spirit is a Catholic University, founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students through commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation and the world.

EXPECTATIONS

1. Read, understand and accept the values contained in the Mission Statement.
2. Build upon the values you have received from your parents or guardians and strive to meet their expectations.
3. Be diligent and sincere in the pursuit of education, open to learning and change, and strive to achieve academic excellence.
4. Be honest and have integrity in all that you do.
5. Recognize the importance of service to others and the community in which we live.
6. Grow spiritually, preparing for life, not just a career.
7. Appreciate diversity; be open-minded.
8. Respect your body and avoid substances that have a negative effect.
9. Develop a sense of self while defining your ethical and spiritual values.
10. Develop friendships by appreciating yourself and respecting others.
11. Be proud of Duquesne; show school spirit.
12. Be at peace with God and with yourself.

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For a complete copy of the Student Handbook, go to: **www.duq.edu/student-handbook**

Information contained in this publication may be changed at any time and will be subsequently published in the next printing.

PRESIDENT'S *MESSAGE*

Welcome to Duquesne Students,

You are embarking on an adventure that will affect your future relationships, career, and well-being as a person. Duquesne University is proud that you have chosen our university to begin this journey. During the next four or more years, you will invest much time, effort, and more importantly, yourself in pursuit of your dreams.

We have assembled for you some of the best faculty in the world - teacher-scholars who care about teaching as they contribute to the advancement of their disciplines. Get to know them. You will find them welcoming and concerned for your development.

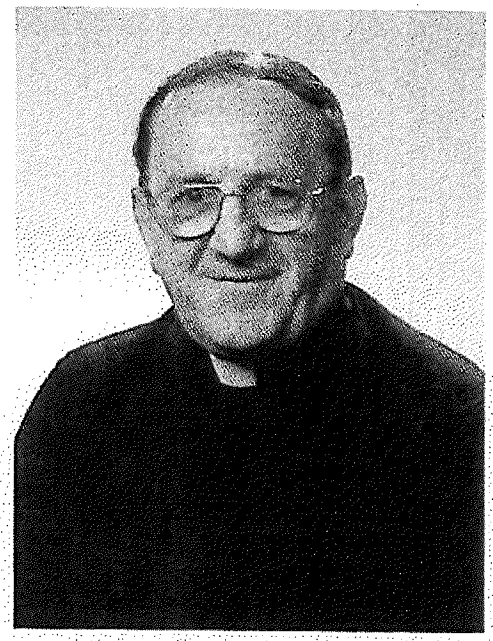
Explore the campus when you arrive. There are many amenities available to you that will enrich your living and learning experiences. Participate in a wide range of activities; education occurs outside the classroom too. Attend religious services and programs. Serve God by serving others. Our community needs you.

Duquesne faculty, staff, and administrators believe that the education you receive here is not only for your mind, but for your heart and spirit. We committed to this as the very foundation of Duquesne University. The University was established and is sponsored by the Congregation of the Holy Spirit who have a deep tradition of service to others. The whole Duquesne family is concerned with your academic, moral, and spiritual growth. Your success as a person is important to us.

My best wishes for a wonderful experience as a student at Duquesne. For six generations, Duquesne University of the Holy Spirit has been changing lives on our Bluff. You are now a part of that inspiring and inspired tradition.

Charles J. Dougherty, Ph.D.
President

EXECUTIVE VICE PRESIDENT
FOR STUDENT LIFE'S MESSAGE



Dear Student,

One hundred and thirty-three years ago, the members of the Congregation of the Holy Spirit Fathers and Brothers, a Catholic religious community, founded a school so that women and men of every race, creed, and class would have the opportunity to fulfill their aspirations, to enrich their society, and to serve God through professional leadership inseparably linked to high personal values. Time has blessed their enterprise and ratified their principles. Duquesne invites you, regardless of your faith, race, or status, to create for yourself a life of fulfillment, enrichment and service through growth in both academic knowledge and personal values. Take a few moments to read and understand the Mission of the University and Expectations, where those founding principles are explained. You will find that academic excellence is just one of the ideals Duquesne supports. You will see that service to others, tolerance, personal integrity and values, and an open and affectionate view of the world and its people are equally important.

By all means seek academic excellence, but also

- Learn to appreciate the value and goodness of those around you—and your own innate goodness and dignity.
- Strive to be kind to and at peace with yourself, with others and even with this planet by avoiding substances and behaviors which cause harm.
- Understand your own moral, ethical and spiritual values and principles as well as those around you.
- Be Duquesne-able, demonstrate pride through pursuit of excellence, respect, integrity, diversity and ethical decision-making.
- Develop your social skills and take advantage of the activities of the campus and the city.

The opportunities for learning are abundantly visible here, but just as abundant are the opportunities for personal and spiritual development. The women and men of the Student Life Division and Spiritan Campus Ministry pledge to give you personal, private counseling assistance in all of the minor and major decisions about your life that you contemplate while you are here, and to help you achieve your ideal of personal and spiritual growth.

God bless you,

Sean Hogan C.S.Sp.

Rev. Sean Hogan, C.S.Sp.
Executive Vice President for Student Life

DUQUESNE UNIVERSITY

CODE OF STUDENT RIGHTS, RESPONSIBILITIES AND CONDUCT

In recognition of the necessity for an environment conducive to free inquiry and free expression in an academic institution and for fair and just relationships with students, Duquesne University has developed this Code of Student Rights, Responsibilities and Conduct. Students are members of the University community and, as such, are encouraged to seek and to accept the responsibility for self-government in a cooperative effort with the faculty and administration of the University.

The Code of Student Rights, Responsibilities and Conduct is a logical and legitimate extension of past efforts to establish standards and procedures for participatory governance which will guarantee to students their rights as members of the academic community and provide adequate safeguards to protect them from unfair disciplinary action. At the same time, it is intended to reserve to the University the right to establish such goals, objectives and standards as may be appropriate to a private Catholic institution of higher education and to provide the necessary institutional authority to ensure progress towards the attainment of those goals and objectives.

The purpose of this Code of Student Rights, Responsibilities and Conduct is to enumerate the standards, policies and procedures essential to safeguard student rights and freedom to learn; to provide a clear and concise statement of University expectations concerning student conduct and achievement; and to provide a means of student self-government within the University wherever appropriate.

ARTICLE I

RIGHTS AND RESPONSIBILITIES OF STUDENTS

A. SHORT TITLE

This Code of Student Rights, Responsibilities and Conduct shall be known as the "Student Code."

B. DEFINITIONS

1. The term "University" means Duquesne University of the Holy Spirit.
2. The term "student" includes all persons taking courses at the University, or in any University sponsored program regardless of location, both full and part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary education other than Duquesne University. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular semester but have a continuing relationship with the University, are considered students, as are persons who are residing in University Living Learning Centers although not enrolled in the University.
3. The term "faculty member" means any person hired by the University to conduct instructional activities.
4. The term "University official" includes any person employed by the University in an administrative or professional capacity who is performing assigned administrative or professional responsibilities.
5. The term "University employee" includes any person employed by the University who is neither a faculty member nor a University official as defined above.
6. The term "member of the University community" includes any person who is a student, faculty member, University official or University employee. A person's status in a particular situation shall be determined by the Executive Vice President for Student Life.
7. The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including integral streets and sidewalks).
8. The term "organization" means a number of persons who have complied with the formal requirements for University recognition as provided in Article II.
9. The term "group" means a number of persons acting as an organization who have not complied with the formal requirements for becoming an organization.
10. The term "student publication" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of an organization.
11. The term "Hearing Body" means any person or persons authorized by the Executive Vice President for Student Life to determine whether a student has committed a violation of the Student Code and to recommend imposition of sanctions.
12. The term "student conduct proceeding" means any action conducted by a Hearing Body.
13. The term "Director of Student Conduct" means a University official authorized by the Executive Vice President for Student Life who is responsible for the establishment and activities of all hearing bodies and for the imposition of sanctions upon students determined to have violated the Student Code. The Executive Vice President for Student Life may authorize the Director of Student Conduct to serve simultaneously as Director of Student Conduct and the sole member or one of the members of a Hearing Body.
14. The term "Student Conduct Officer" means a University official authorized on a case-by-case basis by the Executive Vice President for Student Life to impose sanctions upon student(s) who were found to have violated the Student Code.
15. The term "Appellate Board" means any person or persons authorized by the Executive Vice President for Student Life or by the Director of Student Conduct to consider an appeal from a Hearing Body's determination that a student has committed a violation of the Student Code or an appeal from sanctions imposed.
16. The term "shall" is used in the imperative sense.

17. The term "may" is used in the permissive sense.

18. The Executive Vice President for Student Life is that person designated by the University President to be responsible for the administration of the Division of Student Life.

19. The term "policy" means the written regulations of the University as found in, but not limited to, the Student Code, Residence Life Handbook, the graduate and undergraduate catalogs, and the University Web site.

20. The term "cheating" includes but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

21. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation of the published or unpublished work of another person without full or clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

22. The term "complainant" means any person who submits a charge alleging that a student violated the Student Code.

C. BASIC RIGHTS

All students, as members of the University community, shall have the following rights. This should not be construed to deny any other rights which students enjoy in their capacity as members of the student body or as citizens of the community at large:

1. Freedom of expression and assembly subject to the limitations of the Student Code and other University regulations and policies.

2. Freedom to pursue educational goals.

3. The right to notification by the instructor, during the first week of class and in the form of a written syllabus, of all course requirements. Such notification should include, but not be limited to, course subject matter for each class meeting, all assignments and due dates, types of examinations and examination dates, instructor's office hours, required texts and procedures for determination of final grades (including the use of plus/minus grades). All students have the right to adequate notice of substantive changes in course content.

4. Freedom from unreasonable search and seizure by University officials subject to Article I, Sections H and I of the Student Code and other University regulations and policies.

5. The right to student conduct procedures as defined in Article V.

6. The right to privacy and confidentiality of student records according to the Family Educational Rights and Privacy Act (FERPA).

7. The right to be evaluated fairly in all academic endeavors and to challenge an academic evaluation in accordance with Academic Due Process. (See Student Handbook, www.duq.edu/studentlife-code.)

D. BASIC RESPONSIBILITIES

Students, as members of the University community, shall have the following responsibilities. This should not be construed to exclude other responsibilities which students inherit as members of the student body or as citizens of the community at large:

1. The responsibility for maintaining academic integrity and other standards of academic performance as established by University policies and regulations.

2. The responsibility for acting in such a manner as to insure that other students may enjoy the rights declared under the Student Code.

3. The responsibility for respecting and complying with the Mission Statement of the University, as well as University rules, regulations, and procedures.

4. The responsibility for respecting and complying with provisions of local, state and federal laws.

5. The responsibility for acting in a manner which promotes an atmosphere of learning, free expression and respect for the rights, dignity and worth of every individual in the University community.

E. CLASSROOM EXPRESSION

1. Discussion and expression of all views relevant to the subject matter are permitted in the classroom and subject to the responsibility of the faculty member to maintain order and to adhere to class time limitations.
   a. Students are responsible for learning the content of any course in which they are enrolled.
   b. Students are responsible for all stated course requirements, as found in the syllabus of that course.
2. Academic evaluation of student performance shall be neither prejudicial nor capricious.
3. Information about student views, beliefs and political associations acquired in confidence by faculty members in the course of their teaching, advising and counseling should remain confidential.

F. CAMPUS EXPRESSION

1. Discussion and expression of all views are permitted within the University subject to requirements for the maintenance of order.
   a. Support of any cause by orderly means that does not disrupt the operation of the University is permitted
   b. Public statements and demonstrations by individual members of the University community or organizations shall be clearly identified as representative only of those individuals or organizations and not of the University.
2. Students, groups and organizations may invite persons on campus subject to the requirements for use of University facilities and permission from the Executive Vice President for Student Life. An honest effort shall be made to provide University facilities for speakers and/or programs invited to the campus by a recognized campus organization. Sponsorship of guest speakers and/or programs does not necessarily imply approval or endorsement of the views expressed either by the sponsoring organization(s) or the University.

G. PUBLICATIONS

1. The University recognizes that student publications can be a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration of the campus. They can be a means of bringing student concerns to the attention of the University community and of formulating student opinion. All student publications shall be published in accordance with guidelines established by the University Publications Board. These guidelines shall adapt generally accepted journalistic standards to the University setting.
2. Student publications shall be free of censorship and advance approval of copy, and their editors and managers shall be free to develop their own editorial policies and news coverage.
   a. Similar freedom and responsibilities shall apply to the University radio and television stations.
   b. This sense of free expression shall recognize the religious character of the University and shall be sensitive to that character.
   c. This editorial freedom entails a corollary obligation to honor those generally accepted journalistic standards as interpreted by the University Publications Board, including but not limited to, the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, techniques of harassment and innuendo, and to follow applicable regulations of the Federal Communications Commission. Editorial policy is to be consistent with the provisions of the Student Code.
3. Editors and managers of student publications shall not be arbitrarily suspended or removed from office because of student, faculty, administrative, alumni or public disapproval of editorial policy or content. Editors and managers shall be subject to sanctions only for proper and stated causes in violation of proscribed conduct in their role as editors or managers, and when the conduct in question pertains to publications as defined in this Code. Such sanctions shall normally be imposed only as a part of established University student conduct procedures for students; provided, however, that nothing herein shall be construed to limit the authority of the University Publications Board in dealing with wrong-doing or breaches of accepted journalistic ethics or standards by any student editor, reporter or publications manager or staff person.
4. All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the University community.
5. A University student or recognized group or organization may distribute printed material on campus without prior approval providing such distribution does not disrupt the operation of the University and conforms to Mission of the University and regulations.
6. Posting or distribution of printed materials in or on University buildings shall be in accordance with the Mission of the University and regulations established for each building.

H. RESIDENCE LIFE

1. The only University officials who are normally allowed to seek access to a student room in the Living Learning Centers are members of the Residence Life staff and/or maintenance staff, according to established procedures. When one of these staff members seeks access to a student room to determine compliance with this Code, applicable laws or regulations, or for improvement or repairs, an attempt will be made to notify the residents in advance.

2. There may be entry without notice in emergency situations by a member of the Residence Life staff, the maintenance staff, or the University police. An emergency situation exists when foreseeable danger to life, safety, health or property is feared. In such cases the attendant on duty at the reception desk in the lobby should be advised of the situation as soon as possible, preferably prior to actual entry. The attendant will immediately notify the Resident Director and/or the Resident Assistant on duty.

   In non-emergency situations a member of the Residence Life staff and/or the University police may conduct a search of a student room in a Living Learning Center without prior notification only when a resident of the room is present and gives his/her consent. Such a search can occur when there is probable cause to believe that a violation of University policy has occurred or is occurring. "Probable cause" exists when a member of the above stated staffs has reasonably trustworthy information which would warrant a person of reasonable caution to believe that an offense has been or is being committed.

   When there has been notification posted eight hours in advance specifying what is being searched for, a resident of the room need not be present and need not consent for a search to be conducted for the items specified.

I. COOPERATION WITH LAW ENFORCEMENT AGENCIES

1. As a matter of policy, the University shall cooperate with the University police or outside law enforcement agencies whenever a legal search warrant is presented. In such situations a member of the Residence Life staff and the student against whom the search warrant is directed shall be present whenever possible.

2. If a legal search warrant is not presented, the University shall cooperate only if there is likelihood that a crime will be committed.

J. COMMUNICATION *(8/2010)*

1. Your Duquesne University personal email account is the official method of communication for Duquesne administrative matters. You are required to periodically check your account for time critical notices such as billing notifications, insurance requirements or other important alerts or administrative notices requiring a timely response. Notice will be considered received one day following the date the notice is posted to your email account. Failure to check your email account does not excuse or exempt you from any actions required of you by the University.

ARTICLE II
CAMPUS ORGANIZATIONS

A. INTEREST GROUPS AND SCHOOL CLASSES

1. Groups seeking only Residence Life recognition are not subject to the provisions delineated under "University Recognition" below. Such groups shall contact the Office of Residence Life for the applicable regulations and procedures.

2. School classes, e.g., pharmacy freshmen, education juniors, etc., only recognized by their respective school, are not subject to the provisions delineated under "University Recognition" below. Such groups shall contact their respective school for the applicable regulations and procedures. The College and Schools will submit a list of the groups granted recognition to the Assistant Vice President for Student Life.

B. UNIVERSITY RECOGNITION

1. Organizations and groups may be established within the University for any legitimate purpose in accord with the stated Mission and Expectations of the University. Affiliation with an external organization shall not, in itself, disqualify the University branch or chapter from University privileges. Recognized organizations must have a minimum Quality Point Average of at least a 2.0 for membership and must have a minimum active membership of at least five students.

a. Interfraternity Council affiliated fraternities, Panhellenic Council affiliated sororities, Professional Greek-Lettered fraternal organizations, Honor and Recognition Greek-Lettered organizations, and Service Greek-Lettered fraternal organizations are administered by the Director of Greek Life.

b. All other organizations are administered by the Assistant Vice President for Student Life.

c. All organizations are required to provide to the relevant administrator: an annual roster of members by September 15 of each year; a list of associates or new members for each semester within one week of bid acceptance; and a revised roster of all members, including newly inducted members, within one week of induction.

2. Groups in formation for a legitimate purpose may be granted temporary use of facilities and services for four (4) months by the Assistant Vice President for Student Life. The Assistant Vice President shall inform the Student Government Association of any such temporary privileges, which include the right to hold meetings and social events on campus, and the opportunity to use University facilities and the counsel and assistance of the faculty, University officials and the Student Government Association.

   a. During the temporary granting of privileges, each new group shall write a constitution in compliance with the established format available in the Center for Student Involvement.

   b. Temporary granting of privileges period may be extended at the discretion of the Assistant Vice President.

   c. Groups which form for a specific short-term purpose, ad hoc, will only be given temporary granting of privileges and will not be required to draft a constitution, as determined by the Assistant Vice President.

3. All groups requesting temporary granting of privileges or permanent recognition must submit a statement of purpose, membership eligibility requirements and present number of members to the Assistant Vice President for Student Life.

4. A group requesting permanent status shall submit its constitution to the Assistant Vice President for Student Life during that group's temporary granting of privileges period. The Assistant Vice President shall either:

   a. Accept the constitution in its entirety and forward it to the Student Government Association Constitution Committee for review;

   b. Approve the constitution in principle and forward it to the Student Government Association Constitution Committee with recommendations; or

   c. Request revisions in the constitution and return it to the group. Once the necessary revisions have been made, the group may resubmit the constitution for approval. If no further revisions are necessary, the Assistant Vice President shall forward it to the Student Government Association Constitution Committee for review.

   d. Reject the constitution if the purpose of the proposed organization is similar to that of an already recognized student organization.

5. Where there is external affiliation, the constitution and bylaws of the external affiliate must be filed with the Assistant Vice President as soon as possible after receiving temporary granting of privileges. Only after all appropriate documents are on file with the Assistant Vice President, shall the constitution of the local chapter be submitted to the Student Government Association.

6. Upon recognition, the Assistant Vice President for Student Life shall be forwarded a copy of the approved constitution by the Student Government Association.

7. Should a group not be granted University recognition, it is encouraged and has the right to seek Student Government Association guidance and support.

8. When an organization is officially recognized it shall have (in addition to the rights given during temporary recognition) the right to schedule events on University calendars and to use the University name in connection with their programs and activities subject to the provisions stated in Section E of this article.

9. For serious cause given, the Executive Vice President for Student Life, the Assistant Vice President for Student Life or the Director of Greek Life may withdraw the recognition of a University recognized organization or group. Upon such withdrawal, all University support for such an organization or group will cease and the organization or group must cease to identify itself as an official organization or group of this University, including any use of the University's name. For serious cause given to, and approved by, the Executive Vice President for Student Life, the Student Government Association shall have similar authority with regard to those student groups or organizations dependent upon the Student Government Association for recognition.

10. Duquesne University believes auxiliary women's groups organized by men's fraternity chapters, commonly known as "little sisters," are inconsistent with the concept and philosophy of separate and equal women's fraternities or sororities and are, therefore, prohibited.

11. Duquesne University requires all national and local general and professional fraternal organizations to obtain general liability insurance, as approved by policy administered through the Office of Greek Life. Failure to possess general liability insurance will result in immediate suspension of University recognition.

C. ANNUAL REGISTRATION

1. To remain officially recognized, each organization shall annually file a new registration form and membership roster with the Assistant Vice President for Student Life by September 15 and within three weeks after the election of new officers.

2. All organizations are required to have a full-time Duquesne faculty or staff member, or official as an advisor. If the advisor resigns, the organization has the responsibility to locate an advisor within thirty (30) calendar days.

3. All changes in officers and advisors, other than by annual elections, must be filed with the Assistant Vice President for Student Life or the Director of Greek Life within one (1) week after they take effect.

4. All changes in and/or amendments to the name, constitution or bylaws of the organization shall be submitted in accordance with the process outlined in Article II, Section B, 4 and 5 of this Code.

5. Failure to comply with any of the above paragraphs will result in probation for the organization. Privileges may be revoked for a period of time equal to the length of time the organization was delinquent in complying with any of these regulations.

D. SOCIAL ACTIVITY REGULATIONS

1. For any event outside of normal classroom activity involving the use of University facilities, applications for space may be obtained from the Center for Student Involvement. Consideration of all applications shall be in accordance with the scheduling policy available in the Center for Student Involvement.

2. To requisition any Living Learning Center or athletic facility, the respective office shall be contacted.

3. University facilities may be scheduled and used by registered organizations for regular business meetings, for social programs and for programs open to the public according to the policies outlined in this section.

   a. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance and order.

   b. Allocation of space shall be based on priority of requests and the demonstrated needs of the organization.

   c. Reasonable charges may be imposed to cover any costs for the use of facilities. Physical abuse of assigned facilities or disregard for specific regulations pertaining to a given facility may result in reasonable limitations on future allocations of space to offending parties as well as restitution for damages.

   d. The organization requesting space must inform the University of the names of outside speakers and the general purpose of any meeting open to persons other than members.

   e. No speaker sponsored by a registered organization shall be denied appearance on campus for arbitrary or capricious reasons. Reasons for denial include, but are not limited to, probability of disruption of campus activities, endangerment of the University's tax exempt status, and/or reasonable expectation of danger to life or property.

4. The sponsoring organization and its officers are responsible for:

   a. Informing the advisor(s) in advance of all functions sponsored by the organization. All organizational activities must receive the prior approval of the advisor.

   b. The behavior of persons attending the function including but not limited to Student Code violations, and any illegal acts either engaged in or knowingly permitted by the organization.

   c. Any damage to utilized facilities.

   d. Activities of the organization and for its compliance with the Mission of the University and regulations.

5. The sponsoring organization(s) and/or group(s) may require presentation of valid I.D. cards for admission to an event held on the University campus. Functions may be closed to other than members of the sponsoring organization(s) and/or group(s) and to their invited or accompanied guests.

6. Functions which are held in University facilities may end no later than the established closing hours of the facility concerned unless prior arrangements are made with the appropriate office.

7. Alcoholic beverage policies are based on the Pennsylvania Liquor Code and other relevant statutes. The drinking age in this state is 21 years of age or over. No person under 21 years of age is permitted to consume, transport, possess, be in the presence of, or be supplied with any alcoholic beverage. It is also illegal in Pennsylvania for any individual to facilitate underage drinking of alcohol or to provide an environment in which underage drinking of alcohol takes place.

8. No alcoholic beverages may be purchased through student organization funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the student organization.

9. Commercial enterprises of any kind (solicitation, sales, distribution, etc.) by students or organizations are permitted on campus or in University buildings only with permission of the Assistant Vice President for Student Life. Commercial enterprises other than solicitation, sales or distribution by students must have the approval of the Vice President for Management and Business. No credit card application solicitation is permitted on campus. No outside solicitation of any kind is permitted in the Living Learning Centers.

10. Sound trucks or outdoor amplifying systems are not allowed on campus for any purpose without the approval of the Student Government Association and the Assistant Vice President for Student Life.

E. USE OF THE UNIVERSITY NAME

1. No organization shall use the University's name without written authorization of the University. University approval or disapproval of any political or social issue shall not be stated or implied by an organization.

2. The official letterhead stationery, logo or seal of the University shall not be used in any publication, correspondence, or other printed material prepared or distributed by the organization or its officers without prior submission of the material to, and written permission from, the Vice President for University Relations.

3. In the event that the name of the University is used in a letterhead on organizational stationery, it shall appear below the name of the organization and in small type or at the bottom of the page.

F. ORGANIZATIONAL FUNDS

All organizations and groups which receive University funding or which use the University name in the solicitation of funds or the generation of revenue must keep such funds on deposit with the University and make use of the normal University disbursement process in the expenditure of these funds.

G. ENFORCEMENT OF REGULATIONS

1. Interpretation and enforcement of this article is within the jurisdiction of the Assistant Vice President for Student Life, the Director of Greek Life, and/or the Director of Student Conduct.

2. Violations of these regulations shall be referred to in Article IV of this Code.

H. LEGAL COMPLIANCE

All organizations and groups shall be in compliance with all applicable federal, state and local laws.

ARTICLE III
INSTITUTIONAL GOVERNANCE

A. STUDENT PARTICIPATION IN UNIVERSITY GOVERNANCE

1. The University recognizes that students are entitled to participate in the formulation of rules, regulations and policies directly affecting Student Life. Participation shall be provided through the Student Government Association and through student participation on University committees and councils.

2. The Student Government Association shall have primary responsibility for recognizing student organizations, enforcing Student Government rules, regulations and legislative actions, and budgeting and administering University funds allocated to it.

B. DEMONSTRATIONS

It is recognized that free speech is essential in a democratic society. Students are permitted to demonstrate in support of or in opposition to University, city, state or national policy consistent with Article II, Section D, and providing that no acts are performed which:

1. Cause damage to personal or University property.

2. Cause physical injury and/or harassment to any individual.

3. Prevent any member of the University community from entering or leaving any University premises, attending classes or attending any special program sponsored or supervised by the University whether or not it takes place on University premises.

4. Prevent administrative officers, faculty, students, employees or invited guests of the University from performing duties they are authorized to perform.

5. Block the normal business of the University.

6. Block the normal flow of pedestrian or vehicular traffic.

   a. The freedom to demonstrate on campus is reserved to the students and staff of Duquesne University. Demonstrators shall be prepared to identify themselves as members of the University community.

   b. Orderly picketing and other forms of peaceful demonstrations are permitted on University premises.

   c. Persons wishing to set up booths or tables for distribution of literature explaining their point of view may do so in areas normally used for such purposes, and with the approval of the appropriate office.

   d. Every student has the right to be interviewed on campus by any legal enterprise desiring to recruit at the University. Any such student group or organization may protest against any such enterprise provided that the protest does not interfere with any other student's right to have such an interview.

   e. Persons who are not members of the University community are expected to comply with the provisions of this Code while on University property and at properly authorized and scheduled events.

   f. Any individual who conducts him/herself in such a way as to obstruct or disrupt the normal operation of the University or deliberately abridge the rights of others may be subject not only to arrest and prosecution by civil authorities, but also to University disciplinary procedures which may lead to suspension or expulsion from the University.

ARTICLE IV
UNIVERSITY STANDARDS

A. JURISDICTION OF THE UNIVERSITY

The University standards shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or pursuits of its objectives and Mission. Each student shall be responsible for his/her conduct from the time of matriculation through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between semesters or actual enrollment. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Director of Student Conduct shall decide whether the Student Code shall be applied to conduct occurring off-campus, on a case-by-case basis.

B. RACISM AND OTHERS FORMS OF DISCRIMINATION

Duquesne University seeks to foster a safe environment conducive to learning and the free exchange of ideas. In accordance with the Mission of the University and all policies residing under the Student Code, any offense motivated by discrimination will not be tolerated. An offense motivated by racism or others forms of discrimination wherein the accused intentionally selects the alleged victim(s) because of race, color, religion, disability, national origin, sexual orientation, political affiliation, gender, age, marital status, or inclusion in any group protected by law is considered an offense motivated by discrimination. Students found responsible for violations of the Student Code based on bias will be subject to stringent sanctions.

C. CONDUCT—RULES AND REGULATIONS

The following acts are violations of the University standards and will result in disciplinary actions as stated in Article V.

1. Academic Dishonesty (see Academic Integrity Policy, p. 21).
   a. Attempted or actual acts of dishonesty.
   b. Cheating on examinations, tests, and assignments.
   c. Plagiarism.
   d. Giving or offering gifts, services or favors for the purpose of affecting grades or academic standing.
   e. Misrepresenting one's credentials.
2. Lying, Stealing, and Identification Misuse
   a. Furnishing false information to any University official, faculty member, or office.
   b. Forgery, alteration, or misuse of any document, record or instrument of identification.
   c. Tampering with the election of any University recognized student organization.
   d. Refusing to present identification upon request by any authorized personnel acting within their authority.
3. Theft of property of the University, property of a member of the University community, or other personal or public property.
4. Attempted or actual damage to property of the University or property of a member of the University or other public property, on or off-campus.
5. Attempted or actual abuse.
   a. Physical abuse.
   b. Verbal abuse.
   c. Sexual violence.
   d. Sexual misconduct.
   e. Stalking.
   f. Harassment.
   g. Coercion or intimidation.
   h. Conduct which threatens or endangers the health or safety of any person.

6. Harassment or discrimination based on race, color, religion, disability, national origin, sexual orientation, political affiliation, gender, age, marital status, or inclusion in any group protected by law.

7. Weapons (see Weapons policy, page 34) *(revised 2/16/2011)*

   a. Possession and/or use of weapons, explosives, fireworks, chemicals, or other objects designed and/or used to inflict injury or damage while on University premises, even if the student possesses a valid concealed weapons permit or other lawful permission to carry a weapon.

   b. Possession of weapons or other dangerous items including but not limited to BB guns, pellet guns, paint guns, bows and arrows, brass knuckles, martial arts equipment, and knives with a blade over 3" in length, and/or switchblade knives of any size.

   c. Possession of a harmless instrument designed to look like a firearm, explosive, or dangerous weapon is also prohibited by this policy.

   d. Failure to report the presence of illegal or unauthorized firearms, explosives, other weapons, or dangerous chemicals or use of any such item to an appropriate University official.

8. Alcohol and Other Controlled Substances

   a. Use, possession of narcotics or other controlled substances except as expressly permitted by law. Odor of a controlled substance will be considered the same as use.

   b. In the presence of narcotics or other controlled substances except as expressly permitted by law.

   c. Distribution of narcotics or other controlled substances except as expressly permitted by law.

   d. Possession of paraphernalia related to a controlled substance (i.e., bongs, hookahs, pipes, funnels).

   e. Use, possession, or distribution of alcoholic beverages except as expressly permitted by Pennsylvania law and University regulations.

   f. In the presence of alcoholic beverages except as expressly permitted by Pennsylvania law and University regulations.

   g. Public intoxication.

   h. Driving under the influence of alcohol and/or drugs.

   i. Alcohol and/or drug possession/use in the classroom.

9. Gambling. Illegal gambling at any time, in any form, is prohibited.

10. Smoking in non-designated areas (see Smoking Policy, page 33).

11. Disorderly conduct.

12 Lewd or indecent behavior.

13. Endangering one's own or another's health or safety.

14. Attempted or actual hazing (see Hazing Policy, pages 27 & 37).

15. Attempted or actual disruption or obstruction of teaching, research, administration, meetings, and/or disciplinary proceedings.

16. Failure to comply with requests or directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself as required.

17. Conduct which is a breach of peace.

   a. Excessive noise or behavior that disturbs others.

   b. Violation of quiet hours in Living Learning Centers (see Office of Residence Life Handbook at www.duq.edu/residence-life).

18. Visitation/Guest Policy

   a. Allowing a guest to violate University policy and/or federal, state or local law.

   b. Violating the visitation/guest policies within the Living Learning Centers (see Office of Residence Life Handbook at www.duq.edu/residence-life).

19. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operation of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt the scheduled and/or normal activities within any campus building or area.

20. Unauthorized sales or solicitation in any University building.

21. Unauthorized possession, duplication, or use of keys to any University premises.

22. Unauthorized entry or use of University premises.

23. Unauthorized posting on University premises.

24. Violation of published University policies, rules, regulations, and/or procedures published in hard copy or available electronically on the University Web site.

25. Violation of federal, state or local laws.

26. Community Safety Violations.

    a. Starting fires and/or causing explosions.

    b. False reporting of a fire, bombs, and/or emergencies.

    c. Tampering with fire safety or security equipment.

    d. Misuse of fire safety equipment (i.e., spraying extinguishers inappropriately).

    e. Dropping, throwing, or propelling objects from windows, roofs, and/or balconies.

    f. Fireworks.

    g. Failure to exit the building during a fire drill or fire alarm.

    h. Possession of prohibited fire safety items within the Living Learning Centers (a complete listing can be found in the Office of Residence Life Handbook: www.duq.edu/residence-life.).

    i. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

    j. Unauthorized animals in a University building. Guide dogs accompanying blind or deaf individuals are exceptions to this rule. Pets brought on University grounds must be leashed.

    k. Violation of sporting activity restrictions. Due to safety and facility concerns, the following is not allowed:

        1. Riding of skateboards and use of in-line skates, roller skates, the use of water guns, water balloons, and water launchers are prohibited in University buildings and on University property, unless as expressly permitted within a recreational facility.

        2. Bicycles, throwing of Frisbees, balls and other objects are prohibited in buildings, unless as expressly permitted within a recreational facility.

27. Computer Misuse. Attempted or actual theft or other abuse of computer time, computing facilities access, and/or electronic mail accounts, to include but not limited to:

    a. Unauthorized entry, transfer, or altering files.

    b. Unauthorized use of another individual's identification and/or password.

    c. Use of computing technology to interfere with work of another student, faculty, or University official as well as the normal operation of the University infrastructure in accordance with the Mission of the University.

    d. Use of computing resources and facilities to send obscene, harassing, or abusive messages.

    e. Use of computing resources and facilities for fraudulent acquisition of goods or services, conducting activity for private profit, or in violation of any published University regulations.

    f. Use of computing facilities and resources in violation of copyright law.

28. Unauthorized use of technology.

29. Irresponsible social conduct that does not reflect the Mission and Expectations of the University whether on or off-campus.

30. Abuse of the Student Conduct System. This includes, but is not limited to, the following:

    a. Failure to obey the summons of a Hearing Body or University official.

    b. Falsification, distortion or misrepresentation of information before a Hearing Body.

    c. Disruption or interference with the orderly conduct of a student conduct proceeding.

    d. Initiation of a student conduct proceeding knowingly without cause.

    e. Attempt to discourage an individual's proper participation in, or use of, the student conduct system.

    f. Attempt to influence the impartiality of a member of a Hearing Body prior to, or during the course of, a student conduct proceeding.

    g. Harassment, verbal or physical, and/or intimidation of a member of a Hearing Body prior to, during, or after the student conduct proceeding.

    h. Failure to comply with the sanction(s) imposed under the Student Code.

    i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

D. VIOLATION OF LAW AND STUDENT CONDUCT PROCEEDINGS

1. In a situation where a student is charged with an off-campus violation of federal, state or local laws, student conduct action may be taken and sanctions imposed for conduct, which demonstrates disregard for the University community, and/or pursuit of its objectives and Mission.

2. University student conduct proceedings may be instituted against a student charged with conduct that potentially violated both the criminal law and Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Director of Student Conduct. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violations of student conduct rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

3. When a student is charged by federal, state, or local authorities with a violation of law, the University, at its sole discretion, may request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may inform off-campus authorities of the existence of the University's standards and how such matters are typically handled within the University community. The University may cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE V

JUDICIAL POLICIES AND PROCEDURES

A. CHARGES AND HEARINGS

1. Any member of the University community may file charges against any student for alleged violations of the Student Code. A charge shall be prepared in writing and sent to the Director of Student Conduct who is responsible for the administration of the Student Conduct system. Any charge should be submitted as soon as possible after the event takes place.

2. The Director of Student Conduct and/or Student Conduct Officer may investigate to determine if the charges have merit. The Director of Student Conduct and/or Student Conduct Officer may also attempt to dispose of the charges by mutual consent of the parties involved on a basis acceptable to the Director of Student Conduct and/or Student Conduct Officer. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed by mutual consent, the Director of Student Conduct may later serve in the same matter as the Hearing Body or member thereof.

3. All charges shall be presented to the accused student(s) in written form. A time shall be set for an initial hearing, not less than three nor more than fifteen calendar days after the student has been notified. Notice will be considered received one day following the date the notice is posted at the United States Postal Service facility, placed in the student's mailbox, or delivered to the Living Learning Center. Failure to collect one's mail from the box or failure to receive or sign for a mailing does not void the fact that the notice was delivered. Maximum time limits for scheduling of hearings may be extended at the discretion of the Director of Student Conduct and/or Student Conduct Officer.

4. At this initial meeting, the accused student(s) shall be presented with a description of hearing types.

   There are three hearing types: Responsible Plea, Administrative Hearing (with Resident Director, Student Conduct Officer or Director of Student Conduct) or University Student Conduct Board. The accused student may request, or the Director of Student Conduct and/ or Resident Director/Student Conduct Officer may require, that the allegation be resolved through an Administrative Hearing or through a University Student Conduct Board. The Director of Student Conduct and/or Resident Director/Student Conduct Officer shall consider the preference of the accused student, the nature of the allegations, and student conduct board members availability.

   a. Responsible Plea: The student accepts responsibility for his/her actions and agrees to the sanction given by the Director of Student Conduct or Resident Director/Student Conduct Officer. There is no appeal with this option.

   b. Administrative Hearing: An Administrative Hearing is held either with the Director of Student Conduct or Resident Director/Student Conduct Officer. Information is provided by a complainant, accused student, and any witnesses. In an Administrative Hearing, the accused student retains all rights contained in 5a through 5j.

   c. University Student Conduct Board: A University Student Conduct Board shall normally be convened no more than fifteen school days from the initial meeting with the Director of Student Conduct. The University Student Conduct Board may be composed of one at-large student and two faculty. The Director of Student Conduct shall act as a convener for such a Hearing Body, but shall have no vote in the Board's determination. A majority vote is necessary to find a student in violation of any charge, and each charge must be voted upon separately.

5. Hearings shall be conducted according to the following guidelines:

   a. Hearings shall be conducted in private.

   b. The complainant, accused student(s), and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). No other individuals are allowed admission due to the confidentiality rights of students.

   c. In hearings involving more than one accused student, the Director of Student Conduct and/or Student Conduct Officer, in his or her discretion, may permit the hearings concerning each student to be conducted either separately or jointly.

   d. The complainant and the accused student have the right to be assisted by an advisor. The advisor must be a current member of the Duquesne University community and may not function as an attorney. The complainant and/or the accused student is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to scheduling conflicts of the advisor.

   e. The complainant, the accused student, and/or Hearing Body shall have the privilege of presenting witnesses subject to the right of questioning by the Hearing Body.

   f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration at the discretion of the Hearing Body.

   g. All procedural questions are subject to final decision by the Student Conduct Officer and/or voting members of the Student Conduct Board, in consultation with the Director of Student Conduct. The Hearing Body may choose to suspend the hearing to consider such questions.

   h. The board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.

   i. Formal legal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in University student conduct hearing.

   j. Nothing in these paragraphs shall be interpreted to include the right to legal counsel. Questioning of witnesses are conducted by the Hearing Body.

6. There shall be a single record of all hearings before a Hearing Body. The record shall be the property of the University. Deliberations shall not be recorded.

7. If an accused student, with notice, does not appear before a University Student Conduct Board, the information in support of the charges shall be presented and considered even if the accused student is not present.

8. The University Student Conduct Board may accommodate concerns for the personal safety, well being, and/or fears of confrontation of the complainant, accused student, and/or witness during the hearing by providing alternative means of testimony, where and as determined in the sole judgment of the Director of Student Conduct to be appropriate.

9. In general cases arising in the Living Learning Centers, a Resident Director serves as the Student Conduct Officer. The Director of Residence Life may, on occasion, transfer cases to the Office of Student Conduct.

10. Proceedings under the Student Code are not criminal proceedings and shall not be construed as such. Duquesne University adopts, for the purpose of this Student Code, the following due process procedures for students: notice of charges, opportunity for a hearing and right to appeal.

B. ORGANIZATIONAL CONDUCT VIOLATIONS

Greek organizations, student organizations, clubs, or similarly organized groups in, or recognized by the University, are subject to the same standards as individuals in the community. The committing of any offense by such groups or the failure of any organized group to exercise preventative measures relative to violations of the Student Code by their members shall constitute an organizational offense. Both an individual and an organization can be held accountable for misconduct originating from one event or activity. A Student Conduct Hearing for an organizational offense will be conducted in a manner similar to the procedures outlined in Article V: Student Conduct Policies, A. Charges and Hearings. The sanctions which may be imposed upon an organization are outlined below.

C. SANCTIONS

1. The following sanctions may be imposed upon any student, organization, or group found in violation of the Student Code:

   a. Warning – a notice in writing which states that violation of policy has occurred.

   b. Probation – a written reprimand for a violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student, group or organization is found in violation of any institutional regulation(s) during the probationary period. Students, organizations or groups on probation may not be allowed to participate in University activities.

   c. Loss of Privileges – denial of specified privileges for a designated period of time.

   d. Fines – an assessment of a proportionate monetary penalty.

   e. Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

   f. Discretionary sanctions – work assignments, essays, service to the University or other related discretionary sanctions.

   g. Living Learning Center suspension – separation of the student from the Living Learning Centers for a definite period of time after which he/she is eligible to return. During the period of suspension all visitation rights are revoked. Conditions for readmission may be specified.

   h. Living Learning Center expulsion – permanent separation of the student from the Living Learning Centers. All visitation rights are permanently revoked.

   i. University suspension – separation from the University for a definite period of time. During the period of suspension all visitation rights are revoked. Conditions for readmission may be specified.

   j. University expulsion – permanent separation of the student from the University and includes no trespassing on any University property.

   k. Revocation of admission and/or degree – admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of University standards in obtaining a degree, or for other serious violations committed by a student prior to graduation.

   l. Withholding degree – the University may withhold awarding a degree otherwise earned until completion of the process set forth in the Student Code, including the completion of sanctions imposed.

   m. More than one of the above types of sanctions may be imposed for any single violation.

2. Other than University expulsion and revocation of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become a part of the student's confidential record. A student's confidential disciplinary record may be expunged of disciplinary actions other than Living Learning Center expulsion, University suspension or University expulsion when the file is no longer active and/or the student is no longer enrolled.

3. After conducting an investigation and hearing, the Director of Greek Life and/or the Assistant Vice President for Student Life, as appropriate, can recommend sanctions against groups or organizations. In all cases, the sanctions will be determined and imposed by the Director of Student Conduct. Such sanctions shall include:

   a. Those sanctions listed in Section C., #1.

   b. Deactivation – loss of all privileges, including University recognition, for a specified period of time.

4. In each case in which a Hearing Body determines that a student and/or group or organization is in violation of the Student Code, the sanction(s) shall be determined and imposed by the Director of Student Conduct. In cases in which persons other than, or in addition to, the Director of Student Conduct have been authorized to serve as the Hearing Body, the recommendation of all members of the Student Conduct Board shall be considered by the Director of Student Conduct in determining and imposing sanctions. In all cases, the determination of which sanction(s) to impose shall be made by the Director of Student Conduct, and the Director of Student Conduct is not limited to sanctions recommended by members of the Student Conduct Board. Following the hearing, the Director of Student Conduct shall advise the accused student(s) in writing of the determination and of the sanction(s) imposed, if any.

D. INTERIM LIVING LEARNING CENTER OR UNIVERSITY SUSPENSION

In extraordinary circumstances, the Executive Vice President for Student Life, or his/her designee, may impose a University or Living Learning Center suspension prior to a hearing through the student conduct process.

1. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; c) if the student poses a definite and/or ongoing threat of disruption or interference to the normal conduct of operations of the University; and/or d) if the student's behavior is in direct conflict with the moral and spiritual values of the University.

2. During the period of interim suspension, the student shall be denied access to the Living Learning Centers and/or denied access to the University (including being barred from classes) and/or all other University activities or privileges for which he/she might otherwise be eligible, as the Executive Vice President for Student Life or his/her designee may determine to be appropriate.

3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a University Student Conduct Board hearing, if required.

E. APPEALS

1. An appeal of a decision reached or sanctions imposed by a Hearing Body may be made by an accused student within seven (7) days of the hearing. For cases involving Sexual Violence or Sexual Harassment, the respondent (if the respondent is the victim of the violation) may also file an appeal within the seven school day timeframe. Such appeals shall be in writing and shall be delivered to the Director of Student Conduct.

2. Responsible plea waivers have no appeal option.

3. An accused student may appeal a decision reached and sanction imposed by the Resident Director to the Director of Student Conduct.

4. An accused student may appeal a decision reached and sanction imposed by the Director of Student Conduct or the University Student Conduct Board to an appellate body.

5. An appeal shall be limited to a review of the record of the initial hearing and supporting documents for one or more of the following purposes, except as required to explain the basis of new evidence.

   a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student (and respondent, if the victim of a violation involving sexual violence and/or sexual harassment) a reasonable opportunity to prepare and to present his/her defense.

c. To determine whether the sanction(s) imposed was appropriate to the violation.

d. To consider new evidence, sufficient to alter a decision, or other relevant facts not available at the original hearing because it was not known to the person appealing at the time of the original hearing. An Appellate Body shall determine the propriety and admissibility of any new evidence.

6. The sole basis of an appeal is the written statement of appeal. The written statement should be as complete as possible in setting forth the basis for appeal as described above.

7. Review by an Appellate Board may not result in more severe sanction(s) for the accused student(s).

8. Following an Appellate Board decision, the Executive Vice President for Student Life may review the case. The review cannot result in more severe sanctions for the accused student(s). The student must request a review from the Executive Vice President for Student Life in writing within forty-eight hours upon receipt of the Appellate Board decision.

F. JUDICIAL AUTHORITY

1. The Director of Student Conduct shall have the responsibility of determining the composition and authority of Student Conduct and Appellate Boards.

2. The Director of Student Conduct is charged with development of policies for the administration of the student conduct program and procedural rules for the conduct of hearings which are not inconsistent with provisions of the Student Code.

3. Decisions made by a Hearing Body and/or Director of Student Conduct shall be final pending the normal appeal process.

4. The Hearing Bodies may give advisory opinions, at their sole discretion, on issues not before any Hearing Body and where no violation of institutional regulations has taken place. Such opinions shall not be binding nor may they automatically be used as precedent.

5. A Hearing Body may be designated as arbiter of disputes within the student community. All parties must agree to arbitration and agree to be bound by the decision with no right of appeal.

ARTICLE VI
AMENDMENTS

Any member of the University community may recommend a change in the Student Code to the Executive Vice President for Student Life. If endorsed by the Executive Vice President for Student Life, the proposal and any appropriate recommendations shall be forwarded to the President for final approval.

Amendments may be adopted at any time and will be effective upon promulgation through a University publication.

ARTICLE VII
INTERPRETATION AND APPROVAL

Any question of interpretation regarding the Student Code shall be referred to the Executive Vice President for Student Life or his/her designee for final determination.

The Student Code shall be adopted upon final approval by the President

The Student Code shall be reviewed for possible revision on an on-going basis under the direction of the Director of Student Conduct.

ARTICLE VIII

ADDITIONAL CODES OF RESPONSIBILITY

A school may propose to the Vice President for Academic Affairs a disciplinary code to apply to academic, professional and interpersonal matters arising solely within the province of that school. If approved, such disciplinary code, in addition to the Student Code, shall apply to all students registered in that school.

In cases where an act charged would be a violation of both the Student Code and a school code, the general rule shall be that academic, professional and interpersonal matters will be deferred to the school code for resolution; matters covered only by one code shall be resolved under that code.

In any event, all of the following types of offenses shall be handled under the Student Code:

- any incident involving fire, and all violations alleged under Article IV.
- any incident concerning Living Learning Centers.
- any incident in which not all persons are registered in the same school.
- any incident not promptly handled under a school code.

All other disputes as to whether a matter shall be handled under the Student Code or under a school code shall be resolved according to the sound discretion of the Executive Vice President for Student Life and the Vice President for Academic Affairs or their designee. Sanctions previously imposed under one code may be considered in subsequent proceedings under another code. In no case, however, shall a sanction imposed under a school code be considered to grant immunity as to any sanction imposed under the Student Code.

STUDENT POLICIES

ACADEMIC INTEGRITY

As an essential element of the Duquesne University mission to educate the mind, heart, and spirit, members of the University dedicate themselves to upholding the highest moral and ethical principles. Since the quest for truth and understanding must be conducted in an honest manner, upholding Academic Integrity is a responsibility and obligation of all members of the University community, including faculty, administration, staff, and students. Students are responsible for maintaining Academic Integrity with class assignments, examinations, and any other requirements related to their courses of study.

Individuals who seek or receive credit for intellectual work that is not their own violate Academic Integrity, as do individuals who falsify or ignore data to reach a predetermined conclusion or who destroy or contaminate another person's data or intellectual property. Violations of Academic Integrity may include, but are not limited to, the following:

- **CHEATING.** Cheating on quizzes, tests, examinations, or projects may include giving, receiving, or using unauthorized assistance or material. (Unauthorized material may include, but is not limited to, notes or other written documents, unauthorized calculators and/or formulas, computer programs, software, data, or text.) In other contexts (e.g., group projects, labs), cheating may include forms of deception intended to affect grades or other outcomes. Cheating may include, but is not limited to, student use of sources beyond those authorized by the instructor in fulfilling assignments such as writing papers, preparing reports, developing course projects, or solving problems. Cheating may also include student acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.

- **PLAGIARISM.** Plagiarism in papers or other written, electronic, or oral work (including essays, research papers, theses, dissertations, presentations, class projects, or work for publication) may include, but is not limited to, student use—whether by summary, paraphrase, copying, direct quotation, or a combination—of the published or unpublished work or specific ideas of another person or source without full and clear acknowledgment (including the use of quotation marks to indicate the source's specific language). Plagiarism may include the submission of material from sources accessed through the Internet or by other means, or from other individuals, without proper attribution. Also, plagiarism may include the submission of a paper prepared in whole or in part by another person or agency engaged in providing or selling term papers or other academic materials.

- **DECEIT IN ACADEMIC MATTERS.** Deceit may include, but is not limited to, furnishing false information regarding academic matters to any University instructor, official, or office with intent to deceive.

- **MISUSE OF DOCUMENTS.** Misuse may include, but is not limited to, forgery, alteration, or improper use of any University document, record, or instrument of identification (written or computerized). It may also include misappropriation, mutilation, or destruction of tangible assets such as books, journals, electronic data, and related resources available in libraries and offices.

- **ASSISTANCE IN THE VIOLATION OF ACADEMIC INTEGRITY.** Assistance may include, but is not limited to, any knowing facilitation of intellectual dishonesty by another person or persons.

Violations of Academic Integrity—whether or not they are the result of a deliberate intent to deceive—are subject to academic sanctions, including (but not limited to) oral and/or written reprimand; lowered grade or failure on an assignment; lowered course grade; failure of a course; suspension or dismissal from a class; suspension or dismissal from the School or the University; and/or revocation of a degree. Information regarding such violations will be maintained in student academic files and may be included in transcripts and other official University documents.

STATEMENT OF RESPONSIBILITY FOR COMMUNICATING, EDUCATING AND LEARNING ABOUT ACADEMIC INTEGRITY

To create and maintain a culture of Academic Integrity at Duquesne University, all members of the community must take an active role. Responsible leadership on the part of the University Standing Committee on Academic Integrity, the Office of the Provost, the Center for Teaching Excellence, the administration of each School, and all faculty and students is needed. Many problems can be prevented through careful and systematic education and communication. A climate of positive scholarship with integrity can be fostered through open dialogue and learning.

Although this listing of roles and responsibilities suggests courses of action that, if followed, will greatly reduce the likelihood of cheating and plagiarism, no one segment of the University community alone can ensure attainment of Academic Integrity. Not only must all work together, but all must maintain vigilance over time, provide continual reinforcement of key messages and expectations, and keep channels of communication open and free-flowing. The allocation of specific responsibility to one or more parties does not relieve others of their individual and collective duties; Academic Integrity is a common asset and needs to be nurtured by all.

The procedures that follow are practical suggestions for promoting a positive academic environment founded on scholarship, inquiry, the pursuit of excellence, and mutual trust. As such, they are neither comprehensive nor exhaustive, but are intended to guide prevention, education, communication, policy review, effective administration and individual action.

STUDENTS

- learn what Academic Integrity means and why it is vital to the Mission of the Duquesne University community
- ask the course instructor whenever unsure of what may constitute plagiarism or cheating, or if uncertain of what resources or tools may be used in completing an assignment or exam
- find out the specific policy and procedures on Academic Integrity for the School in which they are enrolled
- identify resources (Web sites, librarians, Resident Assistants) that may be consulted when faced with questions about when and how to cite works consulted
- carefully document all research and work done in the completion of each assignment for which other resources are consulted
- alert course faculty or School administrators upon learning that another student may have cheated or plagiarized

FACULTY AND LIBRARIANS (including Graduate Teaching Assistants)

- discuss the importance of Academic Integrity, especially early in each course
- include on course syllabi a statement about Academic Integrity, possible sanctions for plagiarism and cheating, and positive impact of Academic Integrity on the University community and the field of study or profession
- explain what constitutes plagiarism and how to avoid it and encourage open discussion and inquiry about University, School and faculty expectations for Academic Integrity
- model desired behaviors by citing sources in lectures and giving complete references for works cited in handouts and assignments
- provide clear guidelines about standards and expectations regarding collaboration, citation, use of notes during exams, etc.
- assign narrow and specific research topics, collect intermediate drafts, and/or require oral presentation of student work

- change exams and problem sets annually
- reduce the temptation to cheat by, for example, having students sit at a distance from each other or producing alternate versions of an exam
- particularize the importance and relevance of integrity and ethics to the specific discipline
- inform students about resources available for dealing with academic difficulty
- support consistent handling of Academic Integrity cases by reporting suspected instances of cheating or plagiarism to the appropriate member of School administration

SCHOOL ADMINISTRATION

- develop and communicate School-specific policies and procedures for reporting violations of Academic Integrity
- communicate University and School policies on Academic Integrity to new students and faculty, incorporating use of the School Web site, orientation programs, bulletin boards, department and faculty meetings, etc.
- incorporate education about Academic Integrity and proper use of resources into the curriculum, such as in writing-intensive courses
- create forums for discussion by faculty of problems encountered that may be discipline-specific, or create peer mentoring opportunities for improving faculty members' teaching practice, to include fostering Academic Integrity
- support faculty who report bona fide cases of cheating and plagiarism by imposing appropriate sanctions on offenders

OFFICE OF THE PROVOST

- monitor communication and education efforts as carried out by individual Schools, and bring to their attention inconsistencies that may cause confusion
- assess effectiveness of the Academic Integrity policy implementation as reported by Schools in annual reports
- serve as liaison to other University personnel whose cooperation and support in maintaining Academic Integrity is critical (e.g., Student Life, Office of Research, Division of Public Affairs)
- oversee the work of the University Standing Committee on Academic Integrity Policy
- approve policies and procedures of the College and the Schools

UNIVERSITY STANDING COMMITTEE ON ACADEMIC INTEGRITY POLICY

- monitor policies and procedures pertaining to Academic Integrity
- share best practices where applicable
- advise the Provost on Academic Integrity issues

CENTER FOR TEACHING EXCELLENCE

- monitor the need for ongoing faculty and teaching assistant development on specific issues related to maintaining Academic Integrity
- periodically evaluate best practices in higher education and advise relevant University leaders about opportunities to enhance the Duquesne University commitment to Academic Integrity
- identify and make available resources (articles, books, videos, Web sites, etc.) that may prove helpful to faculty in preventing plagiarism and cheating
- partner with individual Schools to offer faculty development programs on a regular basis that are tailored to the unique needs of faculty
- organize a mentoring or consulting program for faculty seeking assistance with Academic Integrity issues

UNIVERSITY ACADEMIC INTEGRITY APPEALS COMMITTEE

- hear appeals of School-level rulings and make recommendations to the Provost

ALL

- protect the reputation of all other community members who may at one time have been suspected or accused of violating Academic Integrity
- affirm, recognize and celebrate adherence to the highest standards of Academic Integrity whenever they are observed

PROCEDURES

Four University-wide documents address Academic Integrity: The Student Code, Academic Due Process for Students, Academic Integrity Student Procedures, and the University Academic Integrity Policy. These documents are at once complementary and overlapping.

The Academic Integrity Student Procedures document directs all Schools to develop guidelines and procedures for handling Academic Integrity issues. Schools are obligated to develop procedures consistent with University Academic Integrity Policy, due process, state and federal law. Each academic unit shall establish its own record-keeping procedures. Also, student violations and any sanction shall be communicated in writing to the Director of Student Conduct, who maintains a confidential database that includes academic and other violations of University policy.

I. ROLES AND RESPONSIBILITIES WITHIN THE COLLEGE OR THE SCHOOLS

Course instructors are responsible for upholding the University standards of Academic Integrity in regard to work performed both in and outside of class. They have primary responsibility for evaluating evidence of violations and imposing appropriate sanctions. All cases which result in a sanction greater than failure on the paper or exam on which the violation allegedly occurred, must be discussed with the chairperson of the faculty member's academic department. In cases where the student is not a member of the department offering the course in which the violation occurs, the department chair or Dean of the student's major department (School) should be notified. If the faculty member and the chair determine that the sanction to be applied is greater than failure on the exam or paper, the student should be informed of the sanction in writing by the department chair or the Dean of the School in which the violation occurred, and should also be informed that it is his or her right to appeal the decision to the School (College) Student Standing Committee, or its equivalent, for adjudication. All written appeals to the Student Standing Committee must be filed within thirty days of pronouncement of the initial sanction. The Student Standing Committee of the School in which the alleged violation occurred shall be designated to decide the case and recommend the appropriate sanction.

Any sanction recommended by the Student Standing Committee will be communicated in writing to the Dean of the School (College) in which the violation occurred, and the Dean of the School (College) in which the student is enrolled. In cases where two academic units are involved, the decision making process shall be initiated by the Dean of the School (College) where the violation occurred. The Dean may impose the sanction as recommended or modify it by imposing a lesser sanction. The Dean shall be the final arbiter and the decision may not be appealed to the University Student Conduct Board. The Dean will inform the student in writing of the decision and will inform the Dean of the School (College) in which the student is enrolled.

II. ROLE AND RESPONSIBILITY OF THE UNIVERSITY PROVOST

In cases in which the alleged violation is so serious as to require a recommendation by the Dean of the School or the College to impose a sanction greater than failure of the course, a student may appeal to the University Provost. The University Provost will review the case and make a determination or elect to convene the University Academic Integrity Appeals Committee (not the Academic Due Process Committee) for adjudication. The University Provost will communicate any decision in writing to all parties concerned within a period of thirty days.

III. ROLE AND RESPONSIBILITIES OF THE UNIVERSITY ACADEMIC INTEGRITY APPEALS COMMITTEE

The University Academic Integrity Appeals Committee shall consist of the following: two faculty members chosen by lot by the University Provost from a pool of eleven elected faculty representing all Schools in the University plus the Gumberg Library; two students chosen by lot from a pool of ten elected students representing all Schools in the University; and the Director of Student Conduct. Faculty and students chosen to serve on any Academic Integrity case may not be members of the department in which the alleged infraction occurred. Undergraduate students will sit on the University Committee in cases dealing with undergraduate students. Graduate students will sit on the University Committee in cases dealing with graduate students. The University Academic Integrity Appeals Committee will conduct a hearing following the same procedures established for the University Academic Due Process Committee and issue a final recommendation to the Provost. Again, in cases of alleged violation of Academic Integrity, the procedure described herein shall have precedence over the University Academic Due Process procedure.

The recommendation of the University Academic Integrity Appeals Committee will be presented in writing to the University Provost for procedural review and implementation. The University Provost may ratify, modify, or suspend the recommended sanction. The University Provost will communicate his or her findings in writing to all parties concerned within a period of thirty days.

STUDENT POLICIES

ALCOHOL AND OTHER DRUGS

Duquesne University prohibits the unlawful use, possession, and/or distribution of drugs and alcohol both on campus in University buildings and on University property as well as off campus. As members of the Duquesne community, all students are required to observe relevant federal, state and local laws as well as the Student Code. Neither the name nor funding may be used to assist students to consume alcohol.

The drinking age in this state is 21 years or over. No person under 21 years of age is permitted to consume, transport, possess, or be in the presence of any alcoholic beverage or paraphernalia. Failure to comply will result in disciplinary action.

RESIDENCE LIFE POLICIES FOR ALCOHOL AND OTHER DRUGS

All matters relating to alcohol are governed by the Pennsylvania Liquor Code and related state statutes. As members of the general public of the Commonwealth, students are expected to have a full knowledge of these laws. As members of the resident body, students are required to observe Pennsylvania laws.

It is permissible to have beer or malt beverages in cans, wine, and liquor in individual rooms if the student is 21 years of age or older, all persons in the room are 21 years of age and older, and the alcohol has been properly registered. In no event are kegs, beer balls, bottled beer or malt beverages, boxed wine, bottled wine coolers, premixed alcohol products, or common sources of alcohol permitted in the living areas of the Living Learning Centers.

Alcoholic beverages are not permitted in St. Ann or St. Martin halls at any time. Students under the age of 21 are also prohibited from having full or empty alcohol containers and/or paraphernalia in the Living Learning Centers. This includes, but is not limited to, cans, bottles, shot glasses, and bongs/funnels.

In Assumption Hall, Duquesne Towers, Vickroy Hall and Brottier all alcoholic beverages must be registered at the front desk of the hall prior to entrance and must be in its original container with clearly marked labels. Failure to register alcoholic beverages will result in disciplinary action. Registered alcohol is intended for a student's personal, individual use in their own private rooms. The amount of alcohol a student of legal age may sign in to the Living Learning Centers on a weekly basis is as follows:

- One case of beer or malt beverage (cans only); or
- One (0.75 liters) bottle of distilled spirits, i.e. whiskey, bourbon, vodka, etc.; or
- One bottle of wine (1.5 liter)

Students may not have open containers of any kind in common areas, lounges, hallways, elevators, etc. Residence Life staff members have the right to revoke any drinking privileges at any time at their own discretion. Any alcohol or alcohol-related accessories (taps, kegs, etc.) confiscated by a Residence Life staff member will not be returned. Alcohol-related behavior which is harmful to the person consuming the alcohol or to others or which is disruptive to the community will also be considered a violation of alcohol policy.

All students, regardless of age, are responsible for their actions while drinking alcoholic beverages, including being intoxicated while being in public. Any student may be cited by a University official for public intoxication. It is to the University official's discretion whether or not a student may be considered publicly intoxicated. Public intoxication includes, but is not limited to, endangering the safety of other students or the self.

All alcohol policy violations will result in disciplinary action including educational programming by Duquesne CARES.

The University strictly adheres to the federal and state laws, which prohibit the distribution or use of controlled substances. Students illegally possessing illicit drugs or paraphernalia, distributing or using a controlled substance will be subject to disciplinary action and possible criminal prosecution. In specific cases involving marijuana, the enforcement policy has been clarified to state that the detection of the odor of marijuana can constitute a violation. Failure to comply will result in disciplinary action and/or educational programming by Duquesne CARES.

Students who are found to possess, use or sell illicit drugs may face immediate suspension or expulsion from the University.

PLEASE NOTE: The Higher Education Opportunity Act (HEOA) laws state that a student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving the possession of a controlled substance, the ineligibility period is:

First offense ..... 1 year
Second offense ..... 2 years
Third offense ..... Indefinite

If convicted of an offense involving the sale of a controlled substance, the ineligibility period is:

First offense ..... 2 years

Second offense ..... Indefinite

A student whose eligibility has been suspended may resume eligibility before the end of the stated ineligibility period if: a) the student satisfactorily completes a drug rehabilitation program and passes two unannounced drug tests; or b) the conviction is reversed, set aside, or otherwise rendered nugatory.

Effective July 1, 2010, a student whose eligibility has been suspended due to a drug conviction may resume eligibility if the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program.

Additional information, definitions, and specific requirements are available on the Department of Education's Web site www.ed.gov/policy/highered/leg/hea08/index.html.

STUDENT POLICIES

GIFT CARD POLICY

When student organizations receive gift cards as prize giveaways from local restaurants or bars for free parties, bar specials, or anything which may involve alcohol, the Center for Student Involvement must be informed immediately. Prizes which may be used to consume alcohol are not permitted since they involve considerable liability. The Center for Student Involvement will work with the student organization to determine if a substitution may be obtained from the establishment which donated the prize.

When student organizations give gift cards purchased with University funds as prizes, they must advise the Center for Student Involvement and have the gift card prize recipient complete and submit a Taxable Gift Card Authorization Form which is available from the Center for Student Involvement.

STUDENT POLICIES

GOOD SAMARITAN POLICY

Student health and safety are primary concerns of Duquesne University. A student and/or organizations may be reluctant to seek medical help because of potential disciplinary consequences for themselves or the person in need of assistance. Since these emergencies are potentially life threatening, the Good Samaritan Policy ensures the health and safety of all community members.

Students are expected to contact the Office of Public Safety 412-396-COPS (2677) when they believe that medical assistance is needed for an individual. The Department of Public Safety will assist the individuals by directing fire and ambulance emergency crews to the scene or by taking other protective measures. When off-campus, call 9-1-1.

Students and/or organizations that seek assistance from these sources, the individual assisted, and others involved will not be subject to University disciplinary action with respect to the alcohol or drug policy. This policy does not preclude disciplinary action regarding other violations of University standards, such as causing or threatening physical harm, sexual violence, damage to property, harassment, hazing, etc. Students should also be aware that this University protocol does not prevent action by local and state authorities. In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol/drug education activities, assessment, and/or treatment depending on the level of concern for student health and safety. Serious or repeated incidents will prompt a higher degree of medical concern. Failure to complete recommended follow-up will normally result in disciplinary action. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

STUDENT POLICIES
HAZING

Duquesne University adheres to all state, local and federal laws and guidelines in all matters. Thus, the anti-hazing policy is consistent with the Commonwealth of Pennsylvania's prohibitions on hazing activities.

No organization, group, chapter, colony, student or alumnus shall conduct nor condone hazing activities. Hazing activities are defined as:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization or acceptance by other members of the organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of the Student Code.

STUDENT POLICIES
HEALTH INSURANCE POLICY—MANDATORY

Duquesne University is concerned about the health and well being of our students and understands the importance of acquiring adequate health insurance. Therefore, the University has a Hard Waiver Policy for student health insurance. This means that all international students, all full-time undergraduate and graduate students are required to have medical insurance and provide verifiable proof of coverage.

All full time students who do not provide the required information will automatically be enrolled in the Student Health Insurance plan. One half of the premium will be billed to your Student Account in the fall; and the remaining balance will be billed in the spring. You can provide proof of coverage or register for the University's Student Health Insurance plans quickly and easily:

1. Log onto: www.gallagherkoster.com, click on College and University Students, and select Duquesne University Domestic or Duquesne University International from the drop down menu.

2. Click on 'Student Waive/Enroll Forms'. You will be required to log in to submit a waiver or enrollment form. Your User ID and Password are...

   User ID – Duquesne University Email Address
   Password – Student's Banner number which appears on your Student Account on-line bill (Ex. D00000006)

You can call 1.877.344.9795 for information. You can also email questions to: DuquesneStudent@gallagherkoster.com

STUDENT POLICIES

IMMUNIZATION

Vaccine preventable diseases are a major health concern on college campuses. Since immunization is widely regarded as one of the world's most effective tools for protecting public health, Duquesne University has established a Pre-Entrance Health Immunization Policy for all incoming students (freshmen, transfer students and fellows). Documentation of the following immunizations is required prior to registration for classes:

1. Meningococcal Meningitis vaccine is required for students living on campus as mandated by Pennsylvania law (A waiver is available).

2. Measles, Mumps and Rubella (MMR) (two doses). The Schools of Health Sciences, Nursing and Pharmacy have specific immunization requirements, as a result of their clinical and internship program requirements, and these requirements will not be waived.

Although not required, the following vaccines are strongly recommended:

1. Varicella Vaccine (for those students not protected against chicken pox).

2. Hepatitis B Vaccine (three doses).

3. Tetanus, Diphtheria, Pertussis (DTP) - within 10 years of last injection.

4. Polio Vaccine

A Medical Health History form and a completed Immunization Record must be returned to Health Service prior to registration.

A student may be granted a medical exemption from immunization based upon written certification from a licensed physician, stating that the immunization may be detrimental to the health of the student and is not recommended by the physician. The written certification must contain the physician's signature and medical license number.

A religious exemption from immunization may be granted based upon a student's written and notarized statement setting forth her/his specific objection to the required vaccination based upon religious grounds. The University will evaluate each student's individual request for exemption on a case-by-case basis, and determine at its sole discretion whether or not a waiver should be granted.

If an outbreak of Measles, Mumps or Rubella occurs, any student who has not provided proof of immunization will be prohibited from living on campus or attending classes on campus even though they were granted an exemption, and will be excluded from living on campus or attending classes for fourteen days after the last case. There will be no reimbursement of tuition or fees if this situation should occur.

Students can obtain an Immunization Exemption Request form from Health Service. This form must be completed and returned prior to registration.

STUDENT POLICIES

INVOLUNTARY LEAVE OF ABSENCE

In extraordinary circumstances, the University may place a student on an involuntary leave of absence.

The University maintains a Student Health Service and a University Counseling Center to serve the physical and emotional needs of students. Students whose needs are beyond the resources of these offices will be referred to off-campus facilities and service providers when possible. However, a student who cannot adequately be helped by the available facilities, and/or refuses to accept and follow recommended emotional or medical treatment, and/or the student's behavior renders them unable to effectively function in the residential or University community may be required to leave the University following the procedures below:

1. When, in the opinion of a professional member of the University Counseling Center or Health Service, a student is unable to be adequately helped by either office or by other available facilities, and that the student's condition renders them unable to function in the University community without harming themselves or others and/or disrupting the educational mission of the institution, the staff member shall notify the Executive Vice President for Student Life or designee of the situation as soon as possible.

2. The Executive Vice President for Student Life, or designee, may require a mandatory assessment if they believe, based on the information available, that a student's condition renders him/her unable to function in the University community without harming themselves or others and/or disrupting the educational mission of the institution.

3. When the Executive Vice President for Student Life receives notification under paragraph (1), the Executive Vice President for Student Life or designee will seek professional opinion as appropriate, and confer with the student if possible. The student may be required to submit other medical and/or psychological documentation secured independently for consideration and may be accompanied by a support person (friend, relative, faculty member, etc.) to scheduled appointments with University personnel. Failure to appear for a mandatory assessment may result in an involuntary leave of absence without further process.

4. The Executive Vice President for Student Life will receive and consider the input from the appropriate University personnel. If the Executive Vice President for Student Life concurs with the opinion that the student should leave the University, the Executive Vice President for Student Life or designee may consult with the student's parent(s), guardian, spouse, or other close relative. If the student declines to withdraw from the University, the Executive Vice President for Student Life may authorize an involuntary leave of absence.

5. An involuntary leave of absence will normally be for a minimum of one full semester. Following that period, a student may apply for re-enrollment by completing the application for re-enrollment form which will include submission of a plan that addresses the condition that gave rise to the student's need for leave (i.e., need for ongoing psychological or medical care; ability to assume class participation). If the student intends to live on campus, the plan will also state how they will transition back into the campus community.

6. The student's plan will be reviewed by the University Support Team and a recommendation will be made to the Executive Vice President for Student Life who will decide if the student's request to re-enroll shall be granted or denied. The decision of the Executive Vice President for Student Life is final.

STUDENT POLICIES

POSTING

Posting or distribution of printed materials in or on University buildings shall be in accordance with the Mission of the University and regulations established for each building. For further information, contact the administrative offices for each building

STUDENT POLICIES

SEXUAL VIOLENCE

The Mission Statement of Duquesne University emphasizes a profound concern for moral and spiritual values. This concern is underscored in the Sexual Violence Policy which serves to protect the right of each member of the University community from sexual violence. All students are responsible for their own actions and are expected to maintain high standards of moral and ethical

behavior as well as to comply with local, state, and federal laws. Sexual violence is a violation of the Student Code involving physical contact of a sexual nature which is against one's will or without one's consent. This includes, but is not limited to:

- nonconsensual sexual intercourse or penetration (vaginal, oral, or anal) by any means;
- nonconsensual sexual contact (any touching of intimate body parts with any body part or object without consent);
- sexual contact with a person while knowing or having reason to know that the person is incapacitated by any means including alcohol or other drugs.

Sexual violence can be perpetrated by a stranger or acquaintance. Both men and women can be victims or perpetrators.

Victims may experience feelings of confusion, disbelief, shock, guilt, shame, self-blame, resentment, anger and fear. Persons who experience the violence and trauma of sexual violence are victims, but they are also encouraged to be survivors in the sense of being persons with dignity and power who rise above the assault.

This book provides information and resources to help clarify and address the issues of sexual violence. This policy, which complies with the Higher Education Reauthorization Amendment Act, ensures consistent procedures and provides coordination of University and community resources for victims of sexual violence. The intention of the University is to increase awareness and prevention of sexual violence, and to provide assistance for survivors and their families.

EDUCATIONAL PROGRAMMING

The University sponsors a variety of educational programs that seek to raise awareness of sexual violence issues and maximize the possibility of prevention. Programs are offered by Health Service and the University Counseling Center upon request. Self-defense classes including RAD (Rape Aggressive Defense) are offered by the Department of Public Safety.

PROCEDURES FOR VICTIMS OF SEXUAL VIOLENCE

1. Attempt to get to a safe place as quickly as possible.
2. For assistance victims can contact the University Counseling Center, 412.396.6204; the on-call Residence Life staff member, 412.396.5888; Health Service, 412.396.1650; Spiritan Campus Ministry, 412.396.6020; or Department of Public Safety, 412.396.COPS (2677).
3. It is important to preserve all physical evidence. DO NOT bathe, shower, or douche. If oral sex was involved do not brush your teeth, drink, or smoke. These activities will destroy evidence. The victim should try not to change clothes before seeking medical treatment. If possible bring another set of clothing to the hospital as original clothes will be preserved as possible evidence. If the victim changes clothes prior to going to the hospital, she/he should take the soiled clothes in a paper bag as evidence (plastic bags destroy evidence).
4. Victims of sexual violence are encouraged to seek immediate medical treatment (Mercy Emergency Room, 412.232.8222) to assess for sexually transmitted infection, injury, or pregnancy. Hospital personnel will also collect evidence in case the victim might wish to file criminal charges later. It is important to know that hospitals are required to report any injuries which are the result of a crime. This does not mean that the victim must file charges.
5. Any victim can pursue legal action. However, it is difficult to collect physical evidence more than 72 hours after an assault to support such charges.
6. Victims who wish to take legal action against their assailants may seek assistance through the Office of Student Conduct, 412.396.6642; Department of Public Safety 412.396.COPS (2677); or Pittsburgh Police 412.323.7141.
7. Victims have the right to refuse to take legal action even if they file a police report.
8. Victims of sexual violence are encouraged to obtain counseling through the University Counseling Center 412.396.6204, Pittsburgh Action Against Rape (PAAR) 412.765.2731, or the Center for Victims of Violent Crimes 412.392.8582.
9. Victims are encouraged to contact someone they trust such as a close friend, family member, University Counseling Center or Spiritan Campus Ministry staff member to offer support through the process.

EMOTIONAL SUPPORT FOR VICTIMS OF SEXUAL VIOLENCE

Counseling is available for victims of sexual violence at the University Counseling Center (UCC). The UCC offers both crisis intervention and ongoing counseling. UCC is located in 308 Administration Building, and regular business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. A UCC crisis counselor is available 24 hours a day by calling the University Police at 412.396.COPS (2677) and asking to speak to the counselor on call. Depending upon the specific needs of the victim, referrals for counseling may be made to community mental health centers and to private practitioners. Counseling is also available in the community at the Center for Victims of Violent Crime and Pittsburgh Action Against Rape. These community agencies offer 24-hour hotlines, crisis intervention, support counseling, group counseling, and/or legal advocacy. Contact information for these agencies is listed under Resources at the end of this section. Victims of past sexual abuse, incest, or sexual violence are also eligible for counseling at UCC and in the community at agencies such as Family Resources and Pittsburgh Action Against Rape.

REPORTING INCIDENTS TO LEGAL AUTHORITIES

Victims have the option to report the incident immediately to Duquesne's Department of Public Safety, 412.396.COPS (2677). Reporting an incident is different from choosing to prosecute. Filing a report does not obligate the victim to continue with legal proceedings or University student conduct proceedings. The victim can choose whether or not to participate in proceedings at any point in the process. The purposes for reporting an incident are:

1. to protect yourself and others from future victimization;
2. to apprehend the assailant;
3. to in some way seek justice for the wrong done to the victim.

If a victim chooses to report the incident one or two University police officers will take a statement from her/him regarding what happened. They will ask her/him to describe and/or identify the assailant(s). They may ask questions about what happened before and after the incident, about any witnesses and about the scene of the crime. Victims may have a support person of their choice with them during the interview.

The Department of Public Safety is required to contact the Pittsburgh Police if the victim wishes to press charges. The case will be investigated by the Pittsburgh Police, assisted by the Department of Public Safety. This does not mean that the victim has to file criminal charges. Victims can request that their identity be kept confidential. If the victim decides at this time that she/he does not want to pursue action she/he may want to consider having an anonymous report made. The purpose of an anonymous report is to take some steps to ensure future safety for the victim and others while protecting her/his identity. The University can use such information to keep accurate records about the number of incidents, look for patterns of assaults regarding location, method, or assailant and alert the campus community to potential danger. If a victim wishes to file an anonymous report she/he may call the University Counseling Center at 412.396.6204 or any of the other University departments listed under Resources below.

LIVING LEARNING CENTER ADJUSTMENTS

Options and assistance are available to change academic and living arrangements. If necessary, and/or at the request of the victim, the living arrangements of the individual(s) involved will be changed, especially if the individual(s) involved are currently assigned to the same Living Learning Center. If the victim wishes to be relocated then she/he will be given that option. The Resident Director on duty must be contacted to ensure that this procedure occurs. If necessary, and/or at the request of the victim, changes will be made in the academic environment to ensure the safety and well being of the individual(s) involved. The professional staff member involved will be responsible for initiating these changes.

POSSIBLE UNIVERSITY SANCTIONS

Following an on-campus disciplinary procedure, the sanctions for sexual violence that may result are those applied to all student conduct cases. These sanctions are contained in Article V.C. of the Student Code. They include, without being limited to, University suspension or expulsion, Living Learning Center suspension or expulsion, discretionary sanctions, loss of privileges, probation, and warning. The procedures for on-campus disciplinary action in cases of alleged sexual violence are those employed in all student conduct cases and are contained in Article V. A. of the Student Code.

CONTACT INFORMATION

SEXUAL VIOLENCE RESOURCES

EMERGENCY

Residence Life (RD on duty)	412.396.5888
Department of Public Safety	412.396.COPS (2677)
Pittsburgh Police	911

MEDICAL TREATMENT

STUDENT HEALTH SERVICE

Duquesne Union	412.396.1650
Monday – Thursday, 7:30 a.m. – 7:00 p.m.	
Friday, 7:30 a.m. – 4:30 p.m.	
Mercy Hospital Emergency Room	412.232.8222

POLICE AND LEGAL INFORMATION

Duquesne University Dept. of Public Safety (non emergency)	412.396.6002
Pittsburgh Police	412.323.7141
Neighborhood Legal Services Association	412.255.6700
District Attorney's Office	412.350.4400

EMOTIONAL SUPPORT

University Counseling Center	412.396.6204
Pittsburgh Action Against Rape (PAAR)	1.866.363.7273
Center for Victims of Violent Crimes	412.392.8582
Spiritan Campus Ministry	412.396.6020

STUDENT LIFE OFFICERS

Office of Student Conduct	412.396.6642
Office of Residence Life	412.396.5028

RESIDENT DIRECTORS

Assumption	412.396.5047
Brottier	412.396.1442
St. Ann	412.396.5083
St. Martin	412.396.5095
Towers	412.396.5089
Vickroy	412.396.4211

STUDENT POLICIES

SEXUAL HARASSMENT

No member of the Duquesne University community may sexually harass another. Employees and students will be subject to disciplinary action for violation of this policy.

Unwelcome sexual advances, requests for sexual favors, and verbal or physical contact of a sexual nature constitute sexual harassments when:

1. submission to such conduct is made either explicitly or implicitly a condition of an individual's academic or employment continuation or advancement;
2. submission to or rejection of such conduct by an individual is used as a criteria for academic or employment decisions affecting that individual;
3. such conduct has the purpose or effect of substantially interfering with an individual's academic or employment performance or creates an intimidating, hostile, embarrassing or offensive employment, educational or living environment.

Because of the potential for sexual harassment in certain situations, the University prohibits romantic and/or sexual relationships in the following situations:

1. No faculty member may engage in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled at Duquesne University.
2. No athletic department employee may engage in a romantic and/or sexual relationship or in romantic and/or sexual conduct with a student athlete.
3. No campus police officer or security officer may engage in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled in Duquesne University.
4. No Residence Life staff member may engage in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled in Duquesne University.
5. A supervisor may not engage in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee in the supervisor's department or division.

WHAT TO DO IF YOU ARE SEXUALLY HARASSED

Tell the harasser that you don't like his or her behavior. You can do this in person, by telephone or by letter. It is not easy to confront harassers, but it is important. Remember: sexual harassment is illegal, and you can be protected from reprisals.

Keep a record of events. Write down what the harasser said or did, when and where he or she did it and your response. Get the names of any witnesses.

Talk about it with fellow workers or other students. Talking the situation over can relieve much unnecessary guilt and provide you with support. Other people may be witnesses; they may know of other victims; they may even have been victims themselves.

Ask for help. Any of the individuals listed under University Resources can provide you with information and confidential advice. You are not required to file a formal grievance if you don't want to. It is often better to try to settle the problem informally at first. It will be your decision. Since there are time limits on filing sexual harassment grievances, it is in your best interest to seek advice as soon as possible after you've been harassed.

WHERE TO GO IF YOU ARE SEXUALLY HARASSED

Individuals in the offices listed below are available to help you. They can answer questions, take sexual harassment reports, give you advice on informal and formal complaint and grievance procedures, and assist you in resolving the problem informally. While confidentiality cannot be guaranteed, your privacy will be respected. You may also request information and advice anonymously if you so desire.

UNIVERSITY RESOURCES

Affirmative Action Office:	412.396.6661
Office of Human Resource Management:	412.396.6575
General Counsel:	412.396.5181
University Counseling Center:	412.396.6204

STUDENT POLICIES
SMOKING

Duquesne University has a vital interest in maintaining a healthy and safe environment for students, faculty, staff, and visitors. It is for this reason that Duquesne University prohibits smoking in University buildings. This policy also ensures compliance with Title Six of Chapter 617 of the City of Pittsburgh Code.

Smoking is prohibited in all University buildings, including but not limited to classrooms, administrative offices, private offices and other workplaces, eating facilities, lobbies, restrooms, libraries, auditoriums, and recreational facilities. Smoking is prohibited in Living Learning Centers. Smoking is also prohibited in departmental motor vehicles.

The success of this policy depends upon the thoughtfulness, consideration of smokers and non-smokers. All employees and students share in the responsibility for adhering to this policy. However, any disputes or complaints regarding the implementation of this policy should be referred to the immediate supervisor for resolution. The Office of Human Resource Management is available to provide guidance and clarification of this policy and assist in the resolution of disputes.

STUDENT POLICIES
UNIVERSITY RESIDENCY

Freshmen and sophomores attending Duquesne University of the Holy Spirit are required to live on campus or with their parents or guardians.

National studies demonstrate that campus residence positively affects:

Academic persistence. Resident students are more likely to maintain acceptable grade point performances and more frequently attain a bachelor's degree.

Satisfaction with the faculty. Resident students generally have more frequent contact with faculty and tend to be more satisfied with their interaction with faculty.

Willingness to re-enroll. Resident students are less inclined to withdraw or transfer to other institutions before attaining a degree.

EXEMPTIONS FROM CAMPUS RESIDENCY POLICY

Exceptions to the campus residency policy may be granted only if a student is eligible for at least one of the policy's eight (8) exemptions as defined below:

1. Completion of four full semesters of academic work
   - Enrollment for at least four semesters as a full time student at Duquesne University or another accredited college or university.

   or

   - Completion of 60 or more credit hours of academic work at Duquesne University.

   or

   - Completion of combined total of 60 or more credit hours of academic work at as well as at another accredited college or other university. This total may include Advanced Placement Credits and Dual enrolled High School Credits.
2. Residing with parents or legal guardian
   - Residing with a parent or legal guardian. To be eligible, the parent or legal guardian's residence must be within one of the following counties: Allegheny, Armstrong, Beaver Butler, Mercer, Washington or Westmoreland
   - Residing with a grandparent. To be eligible, the student must have the consent of a parent or legal guardian and their grandparent's residence must be an Allegheny, Armstrong Butler, Beaver, Mercer, Washington or Westmoreland address.
3. Enrolled as a part-time student
   - Enrolled and taking eight or fewer credit hours.
4. Students who are married.
5. Students with one or more dependent children in their custody while attending Duquesne University.

6. Students who are military veterans who completed at least two years of full-time, active military service.

7. Students over the age of 21.

8. Students with physical or psychological circumstances such that the University cannot provide housing and/or board services compatible with their lifestyle needs. This also requires supporting documentation from a licensed, professional caregiver appropriate to the student's circumstance.

NOTE: The University's Campus Residency Policy makes no provision for financial need as a reason for an exemption. Thus, waiver requests based upon this premise will not be approved. Students needing financial assistance are advised to discuss their situation with the Financial Aid Office.

Compliance:

The campus residency requirement is a University policy. As such, compliance is a condition of a student's enrollment to Duquesne University. Students who are included in the Campus Residency Policy must do one of the following:

- Complete a University housing agreement.
- Be accepted to live in a University approved residence.
- Complete and have approved by the Director of Residence Life, a Campus Residency Waiver Request.

For the fall semester: One of these three options must be completed by June 1. Students accepted after June 1 must complete one of these options within two weeks of being accepted to Duquesne University.

STUDENT POLICIES

WEAPONS POLICY

Duquesne University is committed to maintaining a safe learning and working environment for all members of the University community. The University will not tolerate acts of aggression, harassment, or violence on its campus, at off-campus locations administered by the University, or in its programs. This policy of "zero tolerance" includes but is not limited to verbal and/or physical aggression, attacks, threats, harassment, intimidation, bullying, domestic violence, the possession, display or threat of a weapon, or other disruptive behavior which causes or could cause a reasonable person to fear physical harm by an individual(s) or group(s) against any person(s) and/or property. Such behavior is prohibited by Duquesne University.

This policy applies to students, faculty, staff, and visitors to the University.

WEAPONS ON CAMPUS

All members of the campus community are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to individuals having weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.

The only exceptions to this policy are:

A. Firearms in the possession of University police officers;

B. Firearms in the possession of on-duty law enforcement officers;

C. Legal chemical dispensing devices that are sold commercially for personal protection.

D. Visitors to the campus that have a permit to carry a firearm must report to the Department of Public Safety. University police will secure the firearm until the visitor is ready to leave. Firearms will not be stored for more than a 24 hour period.

University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.

For the purposes of this policy, "weapons" include (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tasers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used could ordinarily be used, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

REPORTING PROCEDURE

Responsibility to Report

Anyone witnessing or receiving a report of prohibited behavior, or possession, display or use of any weapon shall immediately notify the appropriate authorities as listed below. Any supervisor who fails to make such a report shall be subject to corrective and/or disciplinary action.

Emergency or Life-Threatening Situations:

In the case of an emergency or life-threatening situation, immediately call the Department of Public Safety 412-396-COPS (2677). As per the University emergency operations plan, be prepared to provide as much information as possible, such as:

- What is happening
- The location of the incident
- Who is involved
- Type of weapon(s) involved, if any
- Your name and current location

The Department of Public Safety is charged with the responsibility for security and law enforcement on campus. Please follow this link to a list of programs and services offered by the Department of Public Safety: www.publicsafety.duq.edu/lawenforcement.html

Non-Emergency Situations:

In the case of a non-emergency situation, all levels of management should be involved. Employees should initially notify their immediate supervisor. If the immediate supervisor is otherwise unavailable, or if the situation involves the immediate supervisor, notify the Dean, Director, Divisional Vice President, Human Resources, University General Counsel and/or Department of Public Safety as appropriate.

Students are urged to report concerns about acts of aggression, harassment, or violence to the Office of Student Conduct, Office of Residence Life, Office of Commuter Affairs, Vice President for Student Life, Department of Public Safety, the Dean of their respective academic program or a member of the Campus Community Risk Team.

Campus Community Risk Team (CCRT)

The focus of the Campus Community Risk Team is to prevent violence on campus, and its span is community wide, including administrators, staff, faculty, and students.

To the degree that local regulations allow, campus entities may report concerns about campus violence to the CCRT even if they are already reporting to other campus entities. The committee is not meant to displace or diminish the roles of existing violence-prevention programs in any way. Its purpose is to add a centralized layer of information.

Link to Campus Community Risk Team members: www.duq.edu/public-safety/crt.cfm.

C. ENFORCEMENT

Individuals who engage or threaten to engage in prohibited behavior shall be held accountable under University policy and under local, state and federal law. Any employee or student who commits or threatens to commit prohibited behavior may be subject to disciplinary action, up to and including, dismissal or expulsion, as well as arrest and prosecution. Any visitor or affiliate who commits or threatens to commit prohibited behavior may be subject to exclusion from campus, arrest, prosecution, termination of his/her business relationship with the University, and/or any other appropriate action.

Reports of aggression, harassment, violence or threats of violence will be promptly investigated, and, if warranted, disciplinary action will be taken in accordance with applicable procedures. The University will notify law enforcement authorities of criminal conduct as appropriate. In addition, the University may refer individuals accused of violations of this policy for an assessment of the likelihood that they will carry out violent acts or are a danger to themselves or others. The Employee Assistance Program and/or University Counseling Center will be available for consultation as appropriate.

The University will not permit retaliation against anyone who, in good faith, brings a complaint of acts of aggression, harassment, or violence or serves as a witness in the investigation of a complaint of campus violence.

Vendors who conduct business on University premises must conform to the requirements of this policy. The University reserves the right to remove from campus vendor employees who engage in acts prohibited by this policy.

RISK MANAGEMENT POLICY
FOR GREEK-LETTERED ORGANIZATIONS

In accordance with the National Interfraternity Conference (NIC), the National Panhellenic Conference (NPC), and the Fraternal Information and Programming Group (FIPG), Duquesne University adopts the following policy for all recognized general, recognition, honor, service, and professional Greek-Lettered student organizations:

ALCOHOL AND DRUGS

1. The possession, sale, use or consumption of ALCOHOLIC BEVERAGES, in the Towers Living Learning Center, during a fraternity event, in any situation sponsored or endorsed by the chapter, or in any event an observer would associate with the fraternity, or in any apartment or house in which several members reside or occupy, must be in compliance with any and all applicable laws of the state, province, county, city, and Duquesne University, and must comply with either Bring Your Own Beverage (BYOB) or Third Party Vendor guidelines.

2. No alcoholic beverage may be purchased through or with chapter funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter. The purchase or use of a bulk quantity or common sources(s) of alcoholic beverages for members or guests by any member of a fraternity, for example kegs or cases, in the name of, or on behalf of, the chapter is also prohibited.

3. OPEN PARTIES meaning those with unrestricted access by non-members of the fraternity or student organization [are prohibited. OPEN PARTIES are defined as events with unrestricted access by non-members of the fraternity or student organization, without specific invitation, where alcohol is present] are prohibited.

4. No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor. Duquesne University defines a minor as any individual under the age of 21 who is prohibited from consuming alcohol legally.

5. The possession, sale or use of any ILLEGAL DRUGS or CONTROLLED SUBSTANCES on any University premises or during a fraternity or student organization event or at any event that an observer would associate with the fraternity or student organization is strictly prohibited. [during any event is strictly forbidden].

6. No chapter may co-sponsor an event with an alcohol distributor, charitable organization, or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol), where alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined above for purposes of fundraising. However, a chapter may rent or use a room or area in a tavern as defined above for a closed event held within the provisions of this policy, including the use of third party vendor and a guest list.

7. No chapter may co-sponsor or co-finance or attend or participate in a function at which alcohol is purchased by any of the host chapters, groups or organizations. [a function where alcohol is purchased by any of the host chapters, groups or organizations.]

8. All rush/recruitment activities associated with any chapter will be non-alcoholic events and/or functions. No recruitment or rush activities associated with any chapter may be held at or in conjunction with a tavern, alcohol distributor as defined in this policy.

9. No member, associate/new member or novice shall permit, tolerate, encourage, or participate in "drinking games." The definition of drinking games includes but is not limited to the consumption of shots of alcohol, liquor or alcoholic beverages, the practice of consuming shots equating to one's age, "beer pong," "century club," "dares" or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol.

10. No alcohol shall be present at any associate member program, activity or ritual of the chapter. This includes but is not limited to activities associated with "bid night", "big brother-little brother" events or activities, "big sister-little sister" events or activities, "family" events or activities, "mid-pledge" events or activities, and initiation.

11. All advertisement(s), notification, and/or publicity associated with any Bring Your Own Beverage (BYOB) or Third Party events must be approved by the campus advisor.

HAZING

No chapter, colony, student or alumnus shall conduct nor condone hazing activities. Permission or approval by a person being hazed is not a defense. Hazing activities are defined as:

"Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with academic achievement, fraternal law, ritual or policy or the regulations and policies of the educational institution, or applicable state law."

Hazing is a violation of Pennsylvania State law.

SEXUAL VIOLENCE AND HARASSMENT

The fraternity will not tolerate or condone any form of sexual harassment or sexual violence on the part of its members, whether physical, mental or emotional. This is to include any actions, activities or events, whether on chapter premises or an off-site location which are demeaning to women or men, ranging from but not limited to verbal harassment to sexual violence by individuals or members acting together. [actions which are demeaning to women or men including but not limited to date rape, gang rape, verbal, or sexual harassment.] The employment or use of strippers, exotic dancers or similar, whether professional or amateur, at a fraternity event as defined in this policy is prohibited.

FIRE, HEALTH AND SAFETY

1. All chapter suites in Towers Living Learning Center should meet all local fire and health codes and standards;
2. All chapters should have posted in common areas emergency numbers for fire, police and ambulance and should have posted evacuation routes on the back of the door of each sleeping room. These items are provided and required by the Office of Residence Life.
3. All chapters should comply with engineering recommendations as reported by the insurance company and/or Duquesne University.
4. The possession and/or use of firearms or explosive or incendiary devices of any kind within the confines and premises of the Towers Living Learning Center are expressly forbidden.

EDUCATION

Each fraternity shall annually instruct its students and alumni/alumnae in their respective Risk Management Policy. Additionally, all student and key volunteers directly involved in current chapter matters shall annually receive a copy of said Risk Management Policy and a copy shall be available on the Greek Life website.

CAMPUS CONTACTS

IMPORTANT TELEPHONE NUMBERS

CENTER FOR STUDENT INVOLVEMENT
305 Duquesne Union
412.396.5853

COMMUTER AFFAIRS
117 Duquesne Union
412.396.6660

DUQUESNE CARES
Ground Floor
Assumption Hall
412.396.5834

DUQUESNE OPERATOR
412.396.6000

FINANCIAL AID
Ground Floor
Administration Building
412.396.6607

HEALTH SERVICE
Duquesne Union, Second Floor
412.396.1650

MULTICULTURAL AFFAIRS
104 Duquesne Union
412.396.1117

PARKING OFFICE
Locust Street Garage
412.396.5267

PUBLIC SAFETY
412.396.6002

REGISTRAR
Ground Floor
Administration Building
412.396.6212

RESIDENCE LIFE
Assumption Hall
412.396.5028

SPIRITAN CAMPUS MINISTRY
102 Administration Building
412.396.6020

STUDENT ACCOUNTS
208 Administration Building
412.396.6585

STUDENT CONDUCT
117 Duquesne Union
412.396.6642

STUDENT GOVERNMENT ASSOCIATION
302 Duquesne Union
412.396.6620

UNIVERSITY COUNSELING CENTER
308 Administration Building
412.396.6204

DUQUESNE UNIVERSITY

OFFICE OF STUDENT CONDUCT

www.duq.edu/student-conduct

The Spirit Who Gives Life

DUQUESNE UNIVERSITY

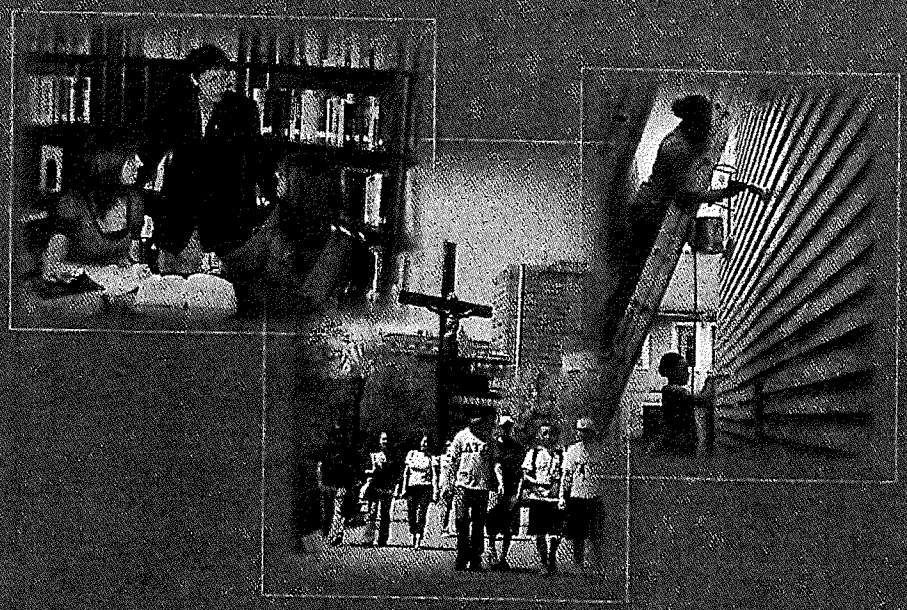
A Catholic University in the Spiritan Tradition

EXHIBIT
9

It is the Spirit who gives life

The words of our motto reflect our faith that Duquesne University is directed in its course and sustained in all its efforts by the Spirit of God. We express this dedication to the Holy Spirit in our statement of mission.

"Duquesne University of the Holy Spirit is a Catholic University, founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students – through commitment to excellence in liberal and professional education, through a profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation, and the world."



Message from the President

Message from the President

Duquesne University educates more than 10,000 students from around the world each year in ten schools of study. Recognized as one of the top 10 Catholic universities in the United States, Duquesne offers distinctive baccalaureate, graduate and doctoral programs, excellent faculty, and an outstanding, engaged student body.

However, we are more than buildings or people. We are more than honors and awards. We are a Catholic university in the Spiritan tradition, dedicated to education for the mind, heart and spirit.

At the heart of this mission is serving God through serving students. This legacy was born in 1878 when Catholic priests and brothers of the Congregation of the Holy Spirit—the Spiritans—emigrated from Germany to teach Pittsburgh's poor and orphaned children. These newcomers were joined by other Spiritans from Ireland who brought with them an established reputation for educational excellence.

Today Spiritans continue to serve the University as faculty and administrators; in a spirit of partnership with their lay collaborators, they help keep Duquesne's legacy alive.

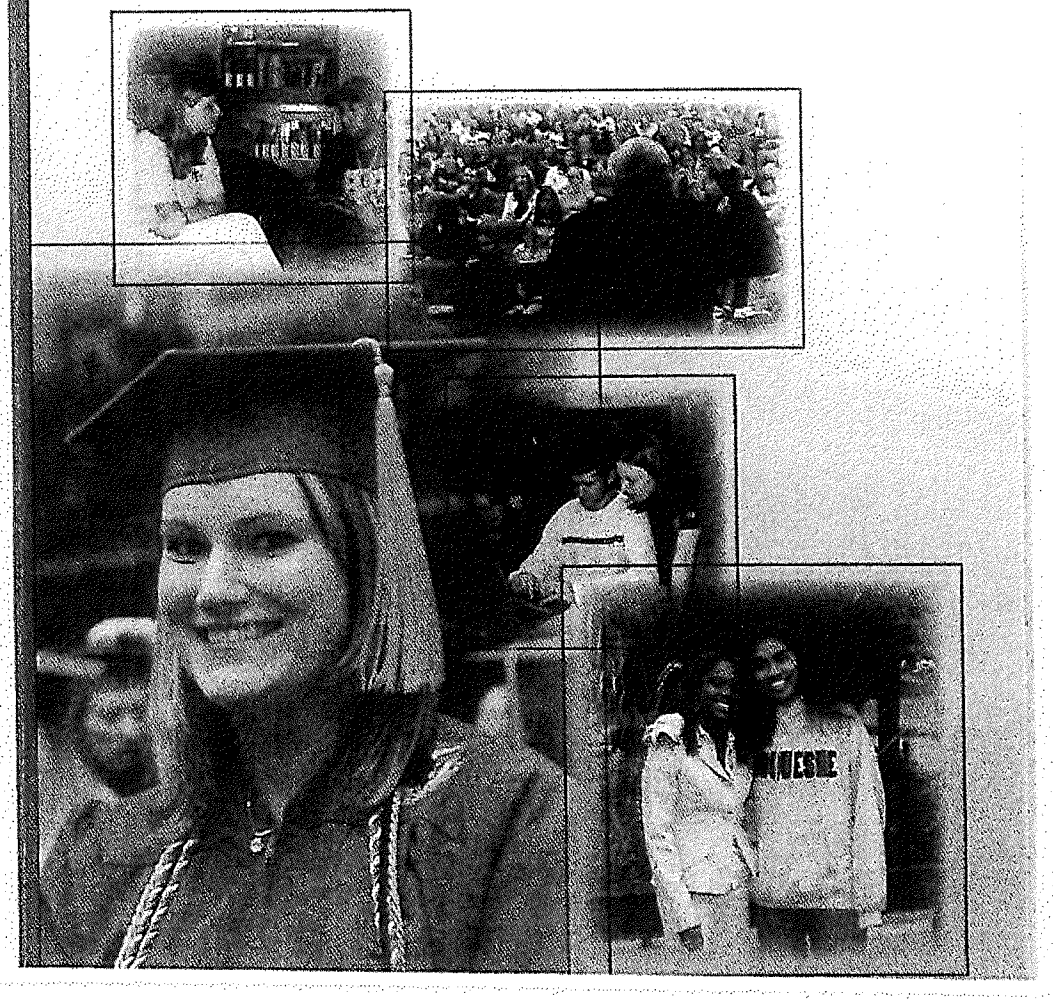
While our student population has changed over the years, we have remained true to Duquesne's history and culture. Our mission now embodies five pillars that flow from our Spiritan tradition: Academic Excellence, Moral and Spiritual Values, Ecumenism and Inclusion, Service, and World Concerns. Through their understanding and support of this mission, our students, faculty, administrators, staff and alumni transform our own campus community and are changing the world.

Charles J. Dougherty, Ph.D.
President

Academic Excellence

At Duquesne University, we view education not only as an end unto itself, but also as the most basic tool for human liberation. Our history reveals that many of our students were empowered through education to rise above difficult socio-economic circumstances. This tradition continues today as the University offers values-based education that attracts talented students from all backgrounds as well as distinguished faculty and staff, and leads them to the next level of excellence.

- A strong liberal arts foundation is part of every professional program.
- Approximately 75 percent of students receive financial aid.
- Nearly 90 percent of all freshmen return for their sophomore year, far surpassing the national freshman retention rate of 73.5 percent.
- Outstanding teacher-scholars and scientists are hired, rewarded and retained to support the mutual enrichment of faith and reason.



Moral and Spiritual Values

Although education is the key to achieving our mission, the dissemination of knowledge is only the beginning. We proclaim our education not only to be one of the mind, but also one of the heart and spirit. Therefore, Duquesne seeks truth and shares knowledge within a moral and spiritual framework.

- The core curriculum—part of every academic program—focuses on values central to liberal education and to the mission of the University. The purpose of the core is threefold: to encourage students to develop intellectual breadth and flexibility; to develop a knowledge base from which further intellectual and professional growth may proceed; and to cultivate the habit of lifelong learning.
- Ethics education is required in our core and incorporated into each program of study. The Beard Center for Leadership and Ethics serves as a resource for present and future professionals.

An Ecumenical Atmosphere

Virtually all major religious traditions and cultures are present in some form on the campus of Duquesne University. As a Spiritan Catholic university, Duquesne is called by the Spirit to welcome and partner with people of other faiths. Their presence in our midst is the fulfillment of our Spiritan identity.

- Duquesne is an international community that is home to citizens of more than 90 countries. Students of all faiths are encouraged to pursue moral, ethical and spiritual growth.
- Our Student Life Division supports numerous clubs and activities, such as the International Student Organization, Black Student Union, United Nations Council, and Knights of Columbus, to meet the unique needs and interests of our diverse student body.
- Spiritan Campus Ministry provides students, faculty and staff with many opportunities for spiritual expression including daily liturgies, unique prayer opportunities, and various faith-sharing groups.
- Duquesne welcomes all employees, regardless of their race, color, gender, sexual orientation, age, religion, national origin, marital status, or disability, who are willing and able to support the Catholic mission of Duquesne University.

The Spirit of Service

Our history shows that concern for the poor and marginalized was the primary inspiration for the foundation of Duquesne University. The spirit of service manifested in the life and actions of Jesus is incorporated into all our academic programs, and also manifests itself in a variety of extracurricular volunteer activities.

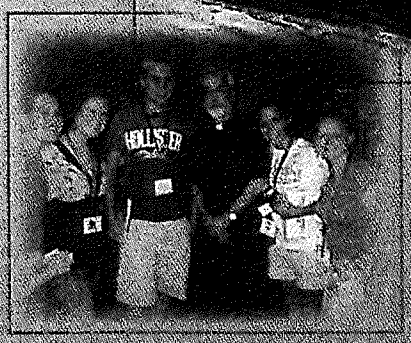
- A service-learning experience is required in our core. Service-learning encourages students to apply classroom theory to real world situations and provides opportunities for faculty to engage in creative teaching and research methodologies.
- Duquesne University Volunteers (DUV) include students, staff and faculty who dedicate tens of thousands of volunteer hours, as well as material and financial support, to hundreds of agencies each year.
- A large percentage of our students are involved in direct service to the poor and disadvantaged.
- Other volunteer opportunities abound in university-wide initiatives, Spiritan Campus Ministry programs, academic internships and practicum experiences, as well as the uncounted service projects of our many student organizations.

World Concerns

Just as the priests, brothers and lay associates of the Spiritan Congregation have responded to the needs of humanity through their service in over 60 countries across five continents, members of our Duquesne community strive to maintain awareness of world concerns. Students depart from Duquesne University with an understanding that their destiny is related to that of their community, their nation and the world.

- Our core requires a course in global diversity.
- Duquesne provides numerous study abroad opportunities to allow students to develop a global perspective, prepare for a competitive job market, and acquire an understanding and appreciation of other cultures.
- Many of our volunteer opportunities also lead to service in missions around the globe.

The Mission Continues...



Contents

The University's commitment to integrate excellent education with moral and spiritual values, openness to diversity and sensitivity for world concerns, translated into action through service, is evident throughout the University and its 10 schools. The lived mission of Duquesne attests to the fact that we are a Catholic University in the Spiritan tradition.

For more information, contact:
The Office of Mission and Identity
412.396.5286
mission@duq.edu
www.mission.duq.edu

A WALLET SIZE CARD GIVEN TO EVERY STUDENT

The Duquesne University Mission Statement

"Duquesne University of the Holy Spirit is a Catholic university, founded by members of the Congregation of the Holy Spirit, the Spiritans, and sustained through a partnership of laity and religious. Duquesne serves God by serving students--through commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation and the world."

DUQUESNE UNIVERSITY

"We go to people...to be with them, live with them, walk beside them, listen to them and share our faith with them. At the heart of our relationship is trust, respect and love..."

(Spiritan General Chapter, 1998)

We must be "...the advocates, the supporters, and the defenders of the weak and the little ones against all who oppress them."

(Fr. Francis Libermann, C.S.Sp.)

"Formal and informal education are an integral part of our mission of evangelization...We will make a point of making young people aware of the problems of poverty and unjust structures in their society and the world at large."

(Spiritan General Chapter, 1998)

Moral & Spiritual Goals

Mission and Identity Duquesne University

- Mission and Identity Home
- About the Office of Mission and Identity
- Events
  - Collegium
- Our Mission
- The Spiritan Tradition
  - Spiritan Community at Duquesne
- Engaging with Africa
- Welcome

Moral and Spiritual Values

Attention to the mission of the University serves as the foundation of the Core Curriculum, specifically the commitment to excellence in education and a concern for moral and spiritual values. The Spiritan values of global justice, the kinship of all peoples, and service to others figure prominently. Literacy in philosophy and theology, the "bedrock" disciplines of a holistic Catholic education, coupled with the theme areas of "faith and reason," global diversity, and social justice in the curriculum reflect the University's Catholic Spiritan commitment. The service-learning requirement links academic theory and community-based practice. The study of ethics is not only a requirement of the Core but has also been incorporated into all programs. And programming in campus ministry focused upon prayer, theological reflection, education and service for justice, and spirituality further solidify this strong commitment.

DUQUESNE UNIVERSITY

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Center for Spiritan Studies

- About the Center
- The Spiritan Collection
- Charism
  - Our Founders
  - Spiritans Around the World
- Publications

The Spiritan Tradition

The rich legacy of the Spiritan tradition lies at the very heart of Duquesne University and forms its guiding principles and practical ethos.

The Center for Spiritan Studies, inaugurated in September 2005, is a new collaboration between the Congregation of the Holy Spirit and Duquesne University that promotes research into Spiritan history, tradition and spirituality.

The purpose of the Center is to foster creative fidelity to the Spiritan charism in the contemporary world, through a partnership between professed Spiritans, Spiritan Lay Associates and their collaborators.

Read our goals and objectives.

On this Day

Events from Spiritan history that occurred today »

Moments in the Spiritan Story [slideshow]

The Spiritans and Duquesne University [video]

Historical Photos [gallery]

Contact Us

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The Director of
Spiritan Studie
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appointed by th
Council in Rom

DUQUESNE UNIVERSITY

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Welcome

Mission and Identity Duquesne University

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Athletics
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Spiritan Community at Duquesne

Engaging with Africa

Welcome

Welcome to the Office of Mission and Identity

As a Catholic and Spiritan University, Duquesne prides itself on being mission-centered and mission-driven. The extent to which mission informs and enlivens every aspect of University life is noteworthy at Duquesne. And it is the privilege of the Office of Mission and Identity to animate and cultivate these efforts throughout the entire university community.

As you search these pages on Mission and Identity, it is my hope that you will begin to experience the spirit of vitality and life that lies at the heart of the university and its purpose. Beneath the formal programs, retreats, lectures, and workshops lies a spirited dedication to the vision and goals of the founders of Duquesne; to build an enterprise of service to God through serving students. At the core of the university is its religious identity, not a static legacy but a vibrant spirit, a living alliance with the Holy Spirit to Whom the University is dedicated.

Through the resources provided by the Office of Mission and Identity, may you find that vibrant Spirit alive at Duquesne today!

Fr. James P. McCloskey, C.S.Sp.

Contact

mission@duq.edu
412.396.5286

James McCloskey, C.S.Sp.
Vice President for Mission & Identity
mccloskey@duq.edu

502 Admin Building
Duquesne University
600 Forbes Ave.
Pittsburgh, PA 15282

University Goals

- Academic Excellence
- Moral and Spiritual Values
- An Ecumenical Atmosphere
- The Spirit of Service
- World Concerns

New and Up

2012 Founder: Presentations
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Mission and Resources

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- Spiritan Cam
- Center for Sp

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- Community E
- Service Learn
- Volunteers
- Diversity
- Employee En (DEEP)

External site:

- The Congreg Spirit
- Ex Corde Ecc
- The Associat Colleges and

DUQUESNE UNIVERSITY

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 6
1000 LIBERTY AVE
RM 904
PITTSBURGH, PA 15222-4111

FAX NO.: (412)395-5986

FAX TRANSMISSION COVER SHEET

DATE: June 18, 2012

TO: CHARLES DOUGHERTY
DUQUESNE UNIVERSITY OF THE HOLY SPIRIT — **Fax:** (412)396-2236

ARNOLD E. PERL
GLANKLER BROWN — **Fax:** (901)525-2389

DANIEL M. KOVALIK, ESQUIRE
JEFF CECH, ORGANIZER
UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC — **Fax:** (412)562-2574 (412)562-2555

FROM: Mark Wirick, Acting RD
Telephone: (412)395-6846

NUMBER OF PAGES INCLUDING THIS PAGE: 3

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RE: **DUQUESNE UNIVERSITY OF THE HOLY SPIRIT**
Case 06-RC-080933

Attached is ORDER DISMISSING MOTION TO WITHDRAW FROM STIPULATED ELECTION AGREEMENT AND REQUEST FOR EXPEDITED REVIEW

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EXHIBIT
3

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX

DUQUESNE UNIVERSITY OF THE HOLY SPIRIT

Employer

and

Case 06-RC-080933

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC

Petitioner

ORDER DENYING MOTION TO WITHDRAW FROM STIPULATED ELECTION AGREEMENT AND REQUEST FOR EXPEDITED REVIEW

On May 14, 2012, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC filed the petition in the above-captioned case. On May 25, 2012, the Regional Director approved a Stipulated Election Agreement executed by the Employer and the Petitioner for the following bargaining unit:

> All part-time adjunct faculty employed by the Employer in the McAnulty College and Graduate School of Liberal Arts located in Pittsburgh, Pennsylvania; excluding all full-time faculty, graduate students, staff and administrators, office clerical employees and guards, other professional employees and supervisors as defined in the Act, and all other employees.

The election is currently scheduled for a mail ballot with voting commencing on June 22, 2012 and ending on July 9, 2012.

On June 14, 2012 the Employer filed a Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review. The Employer's basis for its Motion is its contention that the Employer is a "church operated school" as defined by the Supreme Court in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979) and its progeny.

The Employer acknowledges the well-established rule that "once an election agreement has been approved, a party may withdraw therefrom only upon an affirmative showing of unusual circumstances or by agreement of the parties." The Petitioner opposes the requested withdrawal. The Employer contends its claim that the Board cannot assert jurisdiction over it is itself an unusual circumstance which should permit it to withdraw from the election agreement.

Subsequent to the *Catholic Bishop of Chicago* ruling the Board asserted jurisdiction over this same Employer. *Duquesne University of the Holy Ghost,* 261 NLRB 587 (1982). Since that time the Employer has stipulated to the Board's jurisdiction in three representation cases before the Region, including the instant case. The Motion does not establish there are any relevant changed circumstances.

Having considered the matter:

The Employer's Motion to Withdraw from the Stipulated Election Agreement and Request for Expedited Review in the above-entitled case is hereby denied.

Signed at Pittsburgh, Pennsylvania, this 18th day of June 2012.

/s/Mark Wirick

Mark Wirick, Acting Regional Director
Region Six
NATIONAL LABOR RELATIONS BOARD
William S. Moorhead Federal Building
1000 Liberty Avenue, Room 904
Pittsburgh, Pennsylvania 15222-4111