

THE CONSTITUTION

OF

DAVIDSON COLLEGE

Effective July 1, 1976

(Revised as of October 9, 2020)

# DAVIDSON COLLEGE CONSTITUTION

July 1976, Revised as of October 9, 2020

## Table of Contents

	<u>PAGE</u>
ARTICLE I. ADMINISTRATION.....	2
1.    Composition.....	2
2.    Appointments and Terms.....	3
3.    Faculty Consultation and Advice.....	3
4.    General Powers and Duties.....	3
ARTICLE II. THE FACULTY.....	4
1.    Composition.....	4
2.    Organization.....	4
3.    Meetings and Proceedings; Bylaws.....	4
4.    Powers.....	5
5.    Committees.....	5
6.    Communication with the Trustees.....	5
ARTICLE III. EDUCATIONAL PROGRAM AND POLICY.....	6
1.    Definition of Scope.....	6
2.    Basic Responsibility.....	6
3.    Formulation and Implementation.....	7
4.    Trustee Review.....	7
ARTICLE IV. FISCAL, PERSONNEL AND DEVELOPMENT AFFAIRS.....	7
1.    Basic Responsibility.....	7
2.    Advisory Council for Finance, Personnel and Development.....	7
ARTICLE V. ADMISSION AND FINANCIAL AID.....	8
1.    Definition.....	8
2.    Basic Responsibility.....	8
3.    Advisory Council for Admission and Financial Aid.....	9
ARTICLE VI. THE LIBRARY.....	9
ARTICLE VII. INTERCOLLEGIATE ATHLETICS.....	9
1.    Basic Responsibility.....	9
2.    Advisory Council on Intercollegiate Athletics.....	10

ARTICLE VIII. STUDENT CONDUCT .....	10
1. Definition .....	10
2. Responsibility .....	11
3. Standards of Conduct.....	11
4. Procedures and Sanctions to Promote Compliance .....	11
5. Student Conduct Council .....	12
ARTICLE IX. CAMPUS AND RELIGIOUS LIFE.....	12
1. Definition .....	12
2. Responsibility .....	13
3. Advisory Council on Campus and Religious Life .....	13
ARTICLE X. ACADEMIC FREEDOM AND TENURE, FACULTY EMPLOYMENT AND EVALUATION .....	14
1. Statement of Principles .....	14
2. General Authority and Responsibility .....	14
3. Statement of Terms of Appointment.....	14
4. Special Appointments for Fixed Terms .....	15
5. Probationary Appointments .....	15
6. Termination of Appointment by the Faculty Member.....	16
7. Termination of Appointment by the College .....	16
8. Dismissal and Suspension Procedures .....	17
9. [Intentionally Omitted] .....	22
10. [Intentionally Omitted] .....	22
11. Appeal of Decision Regarding Probationary Reappointment or Tenure .....	22
12. Procedures for Evaluation of Faculty Members .....	26
ARTICLE XI. STUDENT GOVERNMENT .....	26
1. General Powers of Organization; Bylaws.....	26
2. Substantive Powers .....	27
3. Review by Trustees of Organization and Function.....	27
4. Communication with the Trustees .....	27
5. Student Media Board .....	28
ARTICLE XII. STUDENT RIGHTS AND RESPONSIBILITIES.....	28
1. Preamble .....	28
2. The Academic Process.....	29
3. Student Records .....	29
4. Association.....	30
5. Expression and Assembly.....	30
6. Student Media .....	30
7. Student Participation in Institutional Government .....	31
8. Standards of Disciplinary Procedure .....	31
ARTICLE XIII. ALUMNI ASSOCIATION .....	31
1. Composition .....	31
2. General Powers of Organization; Bylaws .....	31

3.	Review by Trustees .....	32
4.	Communications with Trustees .....	32
ARTICLE XIV. BOARD OF VISITORS .....		32
1.	Composition .....	32
2.	General Purpose; Bylaws .....	32
3.	Review by Trustees .....	32
4.	Communications with Trustees .....	33
ARTICLE XV. AMENDMENT .....		33

## DAVIDSON COLLEGE CONSTITUTION

This Constitution is promulgated by the Trustees of Davidson College in accordance with its charter power to provide for the government of the College. All powers not expressly delegated herein are reserved to the Trustees. This Constitution becomes effective July 1, 1976, and thereupon supersedes all other instruments of government then in existence, except 1) the College's Charter as a North Carolina nonprofit corporation, 2) the Bylaws of the Trustees, the Faculty and the Student Body, 3) the Code of Disciplinary Procedure of 1971, as amended, and 4) the Code of Responsibility of 1968, as amended, all of which documents, as well as all other constitutional documents of organizations within the College, are subject to review by and the prior and continuing approval of the Trustees.

### PREAMBLE

#### Statement of Purpose of the College

Davidson College is an institution of higher learning established in 1837 by Presbyterians of North Carolina. Since its founding, the ties that bind the College to its Presbyterian heritage, including the historic understanding of Christian faith called The Reformed Tradition, have remained close and strong. The College is committed to continuing this vital relationship.

The primary purpose of Davidson College is to assist students in developing humane instincts and disciplined and creative minds for lives of leadership and service. In fulfilling its purpose, Davidson has chosen to be a liberal arts college, to maintain itself as a residential community of scholars, to emphasize the teaching responsibility of all professors, and to ensure the opportunity for personal relationships between students and teachers. Further, Davidson believes it is vital that all students in every class know and study under mature and scholarly teachers who are able and eager to provide for each of them stimulation, instruction and guidance.

The Christian tradition to which Davidson remains committed recognizes God as the source of all truth, and believes that Jesus Christ is the revelation of that God, a God bound by no church or creed. The loyalty of the College thus extends beyond the Christian community to the whole of humanity and necessarily includes openness to and respect for the world's various religious traditions. Davidson dedicates itself to the quest for truth and encourages teachers and students to explore the whole of reality, whether physical or spiritual, with unlimited employment of their intellectual powers. At Davidson, faith and reason work together in mutual respect and benefit toward growth in learning, understanding, and wisdom.

As a College that welcomes students, faculty and staff from a variety of nationalities, ethnic groups and traditions, Davidson values diversity, recognizing the dignity and worth of every person. Therefore, Davidson provides a range of opportunities for worship, civil debate, and teaching that enrich mind and spirit. Further, Davidson challenges students to engage in service to prepare themselves for lives of growth and giving.

Davidson seeks students of good character and high academic ability, irrespective of economic circumstances, who share its values and show promise for usefulness to society. In the selection of faculty, the College seeks men and women who respect the purpose of the College, who are outstanding intellectually, who have the best training available in their fields of study, and whose interest in students and teaching is unfeigned and profound. The Trustees commit to being faithful stewards of the traditions of the College. They are charged with governing under the Constitution and By-laws and with providing the financial resources necessary for adequate student aid and appropriate facilities and programs, including furnishing the faculty with the time and opportunity for creative scholarship fundamental to the best teaching.

As a liberal arts college, Davidson emphasizes those studies, disciplines and activities that are mentally, spiritually and physically liberating. Thus, the College concentrates upon the study of history, literature and languages, philosophy and religion, music, drama and the visual arts, the natural and social sciences, and mathematics. The College encourages student engagement with other cultures through domestic and international studies. The College also requires physical education, provides for competitive athletics, and encourages a variety of social, cultural and service activities. While Davidson prepares many of its students for graduate and professional study, it intends to teach all students to think clearly, to make relevant and valid judgments, to discriminate among values, and to communicate freely with others in the realm of ideas.

Davidson holds a priceless heritage bequeathed by those who have dedicated their lives and their possessions for its welfare. To it much has been entrusted, and of it much is required.

[Revised: See Trustee Minutes April 22, 1994 and February 5, 2005]

## ARTICLE I. ADMINISTRATION

### 1. Composition.

The Administration of the College is vested in the offices of President, Vice President for Academic Affairs, Vice President for College Relations, Vice President for Finance and Administration and such subordinate offices as may from time to time be proposed by the President and approved by the Trustees. (Provided that all offices in existence at the effective date of this Constitution are confirmed as they exist until altered or abolished in accordance with this Constitution.)

[Revised: See Trustee Minutes February 21, 1986, May 2, 1986, February 12, 1999, and April 7, 2010]

## 2. Appointments and Terms

The President is appointed by the Trustees to serve for such term and on such conditions as they consider appropriate. The Trustees shall establish procedures to assure that Trustee Presidential Search Committees have consultations with Faculty, Students and the Administrative Staff in carrying out their Committee function. Other administrative officers are appointed by the Trustees upon nomination of the President. They serve for such terms and upon such conditions as may be proposed by the President and approved by the Trustees.

## 3. Faculty Consultation and Advice

The addition, abolition or significant change of function of the office of Vice President for Academic Affairs, Vice President for College Relations, Vice President for Finance and Administration, Vice President for Student Life and Dean of Students, Registrar, or Director of the Library, and the nomination by the President of persons to be any of the foregoing administrative officers of the College may be done only after consultation by the President with the Executive Committee of the Faculty. The written advice of the Faculty Executive Committee shall accompany every such proposal or nomination by the President which the President gives to the Trustees. (Provided, that all administrative offices and their occupants as of the effective date of this Constitution are confirmed without requirement of such advice.)

[Revised: See Trustee Minutes February 22, 1980, February 21, 1986, May 2, 1986, February 5, 1993, February 12, 1999, and April 7, 2010]

## 4. General Powers and Duties

The President is the chief executive officer of the College and Chair of the Faculty. The President is responsible to the Trustees for achievement of the stated purposes of the College and for its on-going operations, and to this end the President shall have the foregoing general powers, the specific powers given the President in other Articles of this Constitution, and all powers commonly associated with and required for the discharge of the duties of a chief executive officer of a college. The President represents the College in its relationships with related associations, other institutions, the news media, government agencies, alumni, and the general public. The President organizes and directs administrative officers in the performance of their assigned duties. The President is a member of the Faculty and is entitled to preside at its formal meetings. The President reports periodically to the Trustees on the condition of the College, and proposes programs and courses of action requiring Trustee approval.

Administrative officers have the powers and duties delegated to them by the President.

[Revised: See Trustee Minutes February 20, 1980]

[Revised: See Trustee Minutes February 21, 1986 and April 7, 2010]

## ARTICLE II. THE FACULTY

### 1. Composition

The voting Faculty consists of the President of the College; the Vice President for Academic Affairs and Dean of Faculty; the Vice President for Student Life and Dean of Students; the Director of the Library; the Registrar; all persons holding the ranks of Professor, Associate Professor, Assistant Professor, Instructor, or Lecturer; and “visiting” academicians whose appointments cover a minimum of a regular academic year and entail full-time teaching. In addition, faculty emeriti active on short-term reappointment and half-time teaching appointees after three years of continuous service shall have voting privileges. Upon recommendation of the President and with the approval of the Trustees, the Faculty may authorize membership on the Faculty for persons other than those specified above. Subject to approval of the Board of Trustees, the Faculty may determine that any person above specified other than the President shall not hold membership on the Faculty on the basis that the nature and extent of such person’s primary duties are substantially incompatible with the responsibilities and authority of the Faculty. (Provided that all persons who are members of the Faculty upon the effective date of this Constitution shall continue to retain Faculty status.)

[Revised: See Trustee Minutes October 2, 1987, February 5, 1993 and April 12, 2002]

### 2. Organization

The President of the College presides over Faculty meetings, and in the absence of the President the Vice President for Academic Affairs presides unless the president otherwise designates. The Faculty elects from its teaching Faculty membership a Vice Chair of the Faculty pro tem, who presides in the absence of the President and the Vice President for Academic Affairs or at such other times as the President so designates. The Vice Chair of the Faculty pro tem serves as a representative of the Faculty with the Administration and performs such other functions as are specified in this Constitution. The Vice Chair pro tem is selected from the tenured Faculty for a three-year term, and may not serve two consecutive terms. The Faculty elects a Secretary, for a two-year term who performs the duties commonly associated with that office. Formal action of the Faculty is taken by majority vote of those present and entitled to vote. Upon motion of any teaching Faculty member passed by 2/3 vote of all members of the Faculty present, the Faculty convenes in executive session for consideration of any matter specified in the motion.

### 3. Meetings and Proceedings; Bylaws

The Faculty ordinarily meets monthly and in such special sessions as may be called. The times and places of regular meetings, the provisions for call of special meetings, and the procedures to be followed in its meeting are as provided in its Bylaws. The Faculty is authorized to adopt Bylaws, subject to Trustee approval, for its organization and proceedings not



inconsistent with this Constitution. Administrative officers may be designated by the Faculty to attend Faculty meetings with the privileges of the floor but without the privilege of voting. Guests may attend Faculty meetings at the discretion of the presiding officer. The President of the Student Body shall be invited to attend all Faculty meetings with the privileges of the floor but without the privilege of voting

#### 4. Powers

The Faculty has general responsibility for the planning and guidance of the Educational Program and Policy of the College as defined in Article III.

#### 5. Committees

Committees of the Faculty shall include an Executive Committee and such other committees as the Faculty may deem appropriate. Subject to the ex-officio memberships and other conditions stated in this Section 5, the Faculty may by its Bylaws or by resolution provide for committees of such sizes, with such qualifications of membership, such terms of membership, and such modes of selecting members as it deems appropriate. The Faculty may, from time to time, elect special Commissions to undertake tasks which do not easily fall under the jurisdiction of regular committees, provided that the charge, scope, and tenure of such Commissions are specifically stated. The President, the Vice President for Academic Affairs, the Vice President for Student Life and Dean of Students are members of the Executive Committee, with the President serving as Chair and the Vice Chair of the Faculty pro tem serving as Coordinator. The President and Vice President for Academic Affairs are ex-officio members of all legislative committees having powers in respect of Educational Program and Policy as defined in Article III. Students chosen in accordance with Student Government Association Bylaws shall be represented on all Faculty Committees dealing with educational matters outlined in Article III, Section 1, with the exception of items c, e, and j.

[Revised: See Trustee Minutes February 5, 1993 and April 7, 2010]

#### 6. Communication with the Trustees

By a majority vote of those present at a meeting at which a quorum is present and acting throughout, the Faculty, or any standing committee of the Faculty, may petition the Trustees for direct action in respect of any matter substantially affecting the fundamental interests of the College. Prior to submission to the Trustees, the petition must be presented to the President by the Vice Chair of the Faculty pro tem. It shall be the duty of the President to transmit such report or petition to the Trustees at the next meeting. The Vice Chair of the Faculty pro tem shall be invited to attend all meetings of the Trustees, with the privileges of the floor but without the privilege of voting, and between meetings may communicate freely with the Trustees through their Chair, provided that copies of all such communication be first transmitted to the President of the College. Any standing committee of the Faculty, if the Faculty so directs, may, without

discourtesy to the President but with the President's knowledge, present a report to the Trustees through the Chair of said committee.

[Revised: See Trustee Minutes October 2, 1987]

### ARTICLE III. EDUCATIONAL PROGRAM AND POLICY

#### 1. Definition of Scope

The "Educational Program and Policy of the College" is defined as consisting of the College's

- (a) curricula, curriculum requirements, and academic standards;
- (b) international study programs;
- (c) formal programs for faculty study, research, and development;
- (d) selection and use of library materials;
- (e) awarding of academic degrees and honorary degrees;
- (f) establishing, regulating and changing of academic departments;
- (g) academic and career counseling and guidance programs;
- (h) academic and scholarly lecture programs and cultural programs initiated by academic departments;
- (i) determination of requirements and standards of the physical education program including intramural sports;
- (j) determination of the academic qualifications to be applied in the admission of students.

#### 2. Basic Responsibility

Responsibility for the formulation and implementation of Educational Program and Policy is reposed, subject to provisions herein for Trustee review, in the Faculty acting in conjunction with officers of the administration in accordance with succeeding sections of this Article.

### 3. Formulation and Implementation

The President and Vice President for Academic Affairs share with the Faculty responsibility for proposing Educational Program and Policy. Proposals are made through the appropriate committees of the Faculty, for legislative action. The President, the Vice President for Academic Affairs, and such other administrative officers, Faculty and Staff members as may be designated by them are responsible for the orderly implementation of Educational Program and Policy adopted by the Faculty.

### 4. Trustee Review

Any Education Program or Policy adopted by the Faculty may be submitted by the President to the Trustees for review and approval prior to its implementation. When any Educational Program or Policy adopted by the Faculty is under review by the Trustees, the appropriate committee of the Faculty, as designated by the Vice Chair of the Faculty pro tem, may submit in writing a statement concerning the program or policy. The Trustees may invite oral presentation relating to the program or policy. (Provided, that Educational Program and Policy in effect upon the effective date of this Constitution is confirmed until altered or superseded by action under this Constitution.)

## ARTICLE IV. FISCAL, PERSONNEL AND DEVELOPMENT AFFAIRS

### 1. Basic Responsibility

The President is directly responsible to the Trustees for the fiscal and personnel affairs and the auxiliary enterprises of the College, and for the maintenance and development of its public relations and its financial and physical resources. The President has the power necessary to discharge this responsibility, including the powers: 1) to institute and carry out personnel policies for the employment, compensation, working conditions and discharge of academic employees (subject to provisions of Article X) and non-academic employees; 2) to prepare, submit for Trustee approval and administer annual operating budgets; 3) to recommend and administer the collection and expenditure of student fees and tuition subject to the provisions of Section 2 of Article XI; 4) to solicit, receive and invest funds for operation and endowment of the College; 5) to employ the necessary College personnel; 6) to submit to the Trustees and to implement upon their approval proposals for specific action, general programs and policies within this area of responsibility; and 7) to maintain adequate financial and personnel records. In discharge of this responsibility the President is empowered to delegate to other administrative officers specific powers and duties.

### 2. Advisory Council for Finance, Personnel and Development

(a) Composition. The Advisory Council for Finance, Personnel and Development consists of six teaching members of the Faculty and three students designated in such manner as

their respective Bylaws provide. At the first meeting of each academic year the Council shall elect a chair.

(b) Function. The Council is advisory to the President and the President's delegated administrative officers in this area of responsibility. At least three times each academic year, in the Fall, Winter and Spring at times set by the President or upon written request by three members of the Council to the President, the Council meets with the President or the President's delegates to receive reports and to advise with respect to on-going operations, programs, problems, and plans under consideration in this area. During preparation of the annual budget the Council is consulted by the President or the President's delegate at stages which permit orderly consideration of the Council's advice prior to final formulation of the budget. Prior to submission by the President to the Trustees of the annual budget and of any other substantial proposal in respect of fiscal, personnel, or development matters (other than matters relating to individual compensation), the budget or other proposal is submitted to the Council for its information. By majority vote of the Council a report opposing any substantial aspect of the budget or other proposal, with a succinct statement of supporting reasons, shall accompany the budget or proposal when submitted to the Trustees. Any such report shall reflect the vote by which it was adopted. The President may decline to submit to the Council any such proposal which in the President's judgement would violate a personal or institutional confidence, or constitute an unwarranted invasion of personal privacy, or jeopardize in a substantial way a fundamental institutional interest. Upon submission of any such proposal to the Trustees, the President shall indicate whether or not it has been earlier submitted to the Council.

## ARTICLE V. ADMISSION AND FINANCIAL AID

### 1. Definition

Admission and Financial Aid are herein defined to include the setting of policies pertaining to enrollment and the standards and special conditions for determining admissions to the College; the implementation of those policies, including the selection process; organized efforts to attract applicants for admission; and the determination of policies in regard to the awarding of financial aid and the implementation of those policies.

### 2. Basic Responsibility

The President is directly responsible to the Trustees for the formulation and implementation of admission policies, subject to the provisions herein for Faculty determination of the academic qualifications to be applied in the admission of students. The President has final responsibility to determine whether to admit any applicant, such responsibility to be exercised in accordance with procedures established by the Trustees. In discharge of this responsibility the President is empowered to delegate to other administrative officers and Faculty members specific powers and duties.

[Revised: See Trustee Minutes February 5, 2005]

### 3. Advisory Council for Admission and Financial Aid

(a) Composition. The Advisory Council for Admission and Financial Aid consists of the Dean of Admission and Financial Aid; six teaching members of the Faculty, three appointed by the President and three chosen by the Faculty, pursuant to its Bylaws; and two students designated in such manner as their Bylaws provide. At its first meeting each academic year the Council shall elect a chair.

[Revised: See Trustee Minutes February 4, 1994]

(b) Function. The Council is advisory to the President and the President's delegated administrative officers in this area of responsibility. At least three times each academic year, in the Fall, Winter and Spring at times set by the President or upon written request of three Council members to the President, the Council meets with the President or the President's delegates to receive reports and to advise with respect to on-going operations, programs, problems, and plans under consideration in this area. Prior to submission by the President to the Trustees of any major proposal in respect of admission matters, the President shall inform the Council of its substance in time to permit its consideration by the Council. By majority vote of the Council a report opposing any substantial aspect of the proposal, with a succinct statement of supporting reasons, shall accompany the proposal when submitted to the Trustees. Any such report shall reflect the vote by which it was adopted. The President may decline to submit to the Council any such proposal which in the President's judgement would violate a personal or institutional confidence, or constitute an unwarranted invasion of personal privacy, or jeopardize in a substantial way a fundamental institutional interest. Upon submission of any such proposal to the Trustees, the President shall indicate whether or not it has been earlier submitted to the Council.

## ARTICLE VI. THE LIBRARY

The President is directly responsible to the Trustees for the formulation of policies for the operation and development of the library and for their implementation, including the allotment of budgeted funds to particular departments and other units, subject to the provisions herein for the general responsibility of the Faculty for the planning and guidance of the selection and use of library materials. In the discharge of this responsibility the President is empowered to delegate to other administrative officers specific powers and duties.

## ARTICLE VII. INTERCOLLEGIATE ATHLETICS

### 1. Basic Responsibility

The President is directly responsible to the Trustees for the orderly conduct of the intercollegiate athletic programs of the College. The President has the powers necessary to discharge this responsibility, including the powers; 1) to represent the College in its relations with national and regional intercollegiate athletic conferences and associations; 2) to employ, subject to Trustee approval, a Director of Athletics, coaches and other personnel necessary to the

conduct of the established program; 3) to supervise the organization and conduct of the intercollegiate athletic programs within the general fiscal policies of the College; 4) to provide means of liaison and consultant between officers and staff members of the intercollegiate athletic program; 5) to supervise administration of the fiscal affairs of the intercollegiate athletic programs within the general fiscal policies of the College; 6) to encourage coordination of the intercollegiate athletics program with the physical education and intramural programs of the College; and 7) to propose policies and programs for Trustee approval and to implement them. In the discharge of this responsibility the President is empowered to delegate to other administrative officers specific powers and duties.

## 2. Advisory Council on Intercollegiate Athletics

(a) Composition. The Advisory Council on Intercollegiate Athletics consists of the Vice President for Academic Affairs, the Vice President for College Relations, the Vice President for Student Life and Dean of Students, the Director of Athletics, and three teaching members of the Faculty and three students designated in such manner as their respective Bylaws provide. At its first meeting each academic year the Council shall elect a chair.

[Revised: See Trustee Minutes February 5, 1993]

(b) Function. The Council is advisory to the President in this area of responsibility. At least three times each academic year, in the Fall, Winter and Spring at times set by the President or upon written request of three Council members to the President, the Council meets with the President or the President's delegated administrative officer to receive reports, and to advise with respect to on-going operations, programs, problems and plans under consideration in this area. Prior to the submission of any major proposal involving intercollegiate athletic policy to the Trustees, the President shall inform the Council. By majority vote of the Council, a report opposing any substantial aspect of the proposal, with a succinct statement of supporting reasons, shall accompany the proposal when submitted to the Trustees. Any such report shall reflect the vote by which it was adopted. The President may decline to submit to the Council any such proposal when in the President's judgement to do so would violate a personal or institutional confidence, or constitute an unwarranted invasion of personal privacy, or jeopardize in a substantial way a fundamental institutional interest, and shall so inform the Council. Upon submission of any such proposal to the Trustees, the President shall indicate whether or not it has been earlier submitted to the Council.

## ARTICLE VIII. STUDENT CONDUCT

### 1. Definition

“Student Conduct” is defined herein to include both:

(a) conduct in the use of physical facilities of the College, and

(b) conduct in the larger dimension of personal behavior.

## 2. Responsibility

Responsibility for the maintenance of acceptable conduct in both areas is reposed primarily in the student's own sense of responsibility and ultimately in the President, the Vice President for Student Life and Dean of Students, and a Student Conduct Council acting in accordance with the powers and procedures provided in succeeding sections of this article and in the Code of Disciplinary Procedure of 1971.

[Revised: See Trustee Minutes February 5, 1993]

## 3. Standards of Conduct

(a) Physical facility use, traffic and parking. The President may promulgate such regulations for the use of College physical facilities and grounds, and for the control of traffic and parking on campus as the President considers necessary to protect College facilities and to promote the general health, convenience and security of the community.

[Revised: See Trustee Minutes April 7, 2010]

(b) In the larger dimensions of personal behavior. The standards of conduct in the larger dimensions of personal behavior are those expressed as general expectations in the Honor Code and the Code of Responsibility of 1968, as amended (Preamble, Articles I, II, IV, and V.)

[Revised: See Trustee Minutes February 22, 1980]

## 4. Procedures and Sanctions to Promote Compliance

(a) Regulations on facilities use. It is the responsibility of the several Residence Hall Managers to encourage compliance with College Regulations pertaining to physical facilities use.

(b) Traffic and parking regulations. The President may promulgate a summary procedure for the disposition of violations of traffic and parking regulations. If the President does not, violations are determined and sanctions imposed under the Code of Disciplinary Procedure of 1971, as amended.

(c) Code of Responsibility. Violations of the Honor Code and the Code of Responsibility are determined and sanctions imposed only in accordance with the provisions of the Code of Disciplinary Procedure of 1971.

[Revised: See Trustee Minutes February 22, 1980]

## 5. Student Conduct Council

(a) Composition. The Student Conduct Council consists of the Vice President for Student Life and Dean of Students; the Director of College Union and Student Activities; eight faculty divisional and at-large members; the Chair of the Honor Council; the President and Vice President of the Student Government Association; the Presidents of the four student classes; and two upperclass students who are not members of the Student Senate, elected at-large by the Student Body. The Vice President for Student life and Dean of Students is Chair of the Council. [Revised: See Trustee Minutes February 22, 1980, February 5, 1993, and October 9, 2020]

(b) Function. The Council is advisory to the President in matters of policy relating to student conduct and disciplinary procedures. By majority vote of the Council it may amend substantive provisions of the Honor Code and the Code of Responsibility; provided, however, that if the President considers any such amendments to be in contravention of Trustee policy, the President may suspend the operation of the amendment pending review by the Trustees. If the President does not act to suspend its operation within ten days following notice to the President of the adoption of an amendment by the Council, it shall become operative immediately upon expiration of the period. If the President does act to suspend its operation, the President shall present the proposed amendment to the Trustees for action within thirty days after receipt by the Secretary of the Trustees of notice of the President's action. If the Trustees do not act within thirty days following receipt of such notice, the amendment shall become operative upon expiration of such period. If the Trustees approve the amendment, it becomes operative immediately.

[Revised: See Trustee Minutes February 22, 1980]

At least twice each academic year, in the Fall and Spring at times set by the President or upon written request of three Council members to the President, the Council meets with the President or the President's delegates to consult and advise with respect to student conduct and the mechanism and procedures for enforcement of rules of conduct. It may recommend to the President changes in the Code of Disciplinary Procedure and in the College Regulations.

## ARTICLE IX. CAMPUS AND RELIGIOUS LIFE

### 1. Definition

"Campus and Religious Life" is defined herein as all those extracurricular policies, programs, worship services, extra campus projects and campus activities which have as their aim the enrichment of the spiritual, social and cultural lives of the College community and its individual members.

### 2. Responsibility



The President is primarily responsible to the Trustees for the development of policies and programs which will enhance the quality of campus life in this total sense. To this end the President is authorized to employ, subject to Trustee approval, administrative officers and staff personnel to conduct religious, social and cultural programs and to make provision within the annual budgets for their financial support. The President maintains and encourages by all available means the fundamental relationship between the College and the Presbyterian Church in the United States as a means of enrichment of the spiritual aspect of campus life. Responsibility for the creation and implementation of social and cultural programs which complement the educational program is vested in the College Union Board, which involves all portions of the Community, is reviewed by the Advisory Council on Campus and Religious Life, and whose Bylaws are subject to Trustee approval. The President reports periodically to the Trustees on the state of campus life and makes recommendations for Trustee action to improve its quality.

### 3. Advisory Council on Campus and Religious Life

(a) Composition. The Advisory Council on Campus and Religious life consists of the Vice President for Student Life and Dean of Students, President and Vice President of the Student Body, the President of the Union Board, the Chair of the Civic Engagement Council, the President of the Patterson Court Council, the Director of Residence Life, seven teaching faculty and eight students designated in such manner as their respective Bylaws provide. The Vice President for Student Life and Dean of Students is the Chair of the Council, and the Director of College Union and Student Activities, the Chaplain, the Assistant Director of Student Activities for Eating Houses, Sororities and Fraternities and the Associate Dean of Students and Director of Civic Engagement and Leadership shall serve as advisory members.

[Revised: See Trustee Minutes February 17, 1978, February 5, 1993, April 22, 1994, and October 9, 2020]

(b) Function. The Council is advisory to the President in all matters affecting the quality of campus life. At least twice each academic year, in the Fall and Spring at times set by the President or upon written request of three Council members to the President, the Council meets with the President or the President's delegates to give advice and recommendations pertaining to campus life. Prior to submission of any major proposal in respect of policy or programs affecting campus life to the Trustees, the President shall inform the Council of its substance in time to permit its consideration by the Council. By majority vote of the Council, a report opposing any substantial aspect of the proposal, with a succinct statement of supporting reasons, shall accompany the proposal when submitted to the Trustees. Any such report shall reflect the vote by which it was adopted. The President may decline to submit to the Council any such proposal when in the President's judgement to do so would violate a personal or institutional confidence, or constitute an unwarranted invasion of personal privacy, or jeopardize in a substantial way a fundamental institutional interest. Upon submission of any such proposal

to the Trustees, the President shall indicate whether or not it has been earlier submitted to the Council.

## ARTICLE X. ACADEMIC FREEDOM AND TENURE, FACULTY EMPLOYMENT AND EVALUATION

### 1. Statement of Principles

Davidson College is fully committed to the principles of academic freedom as formulated in the 1940 Statement of Principles on Academic Freedom and Tenure by the Association of American Colleges and the American Association of University Professors. In order to protect academic freedom and tenure and the requirements of academic due process, the following sections of this Article X shall govern the terms and conditions of the employment of members of the Faculty of the College.

### 2. General Authority and Responsibility

The Trustees of Davidson College retain the power of final approval of all initial appointments, renewals of appointments, promotions in rank, compensation and conferrals of tenure for faculty members. While tenure may be withheld on any grounds other than those specifically stated to be impermissible under section 11 of this Article X, its conferral by the Trustees requires evidence of demonstrated professional competence, service to the academic community, and commitment to the welfare of the College. The President of the College or the President's delegates, acting in accordance with the provisions of this Article are responsible for making recommendations to the Trustees in respect of all such matters.

The faculty participates in the process in the manner provided in succeeding sections of this Article X. To discharge the function therein assigned, the Faculty shall elect from its membership, in such manner as may be provided in its Bylaws, a Committee on Professional Affairs and a Faculty Tenure Committee and a Faculty Hearings Committee (the "FHC"). The FHC shall be composed of five tenured members of the Faculty and shall elect its own chair. No Faculty members may simultaneously serve as a member of more than one of these committees.

[Revised: See Trustee Minutes February 24, 1989]

### 3. Statement of Terms of Appointment

(a) The terms and conditions of every appointment to the Faculty will be stated in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent renewals or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated in writing and a copy will be given to the faculty member.

(b) With the exception of special appointments clearly limited to a brief association with the College, and reappointments of retired faculty members on special conditions, all full time appointments to the rank of instructor or higher are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure.

(c) Except for faculty members who have tenure status, every person with a teaching or research appointment of any kind will be informed each year in writing of the terms of appointment and of all matters relative to such person's eligibility for the acquisition of tenure.

#### 4. Special Appointments for Fixed Terms

All appointments which are not probationary or with continuous tenure shall be special in nature and for fixed terms of limited duration. No obligation exists on the part of the College to evaluate such a special appointee with a view to continued employment past the end of the fixed term, nor to give any notice in respect of such an intention. The appointment terminates automatically upon expiration of the fixed term.

#### 5. Probationary Appointments

(a) Probationary appointments may be for one year, or for other stated periods, subject to renewal. The total period of full time service prior to the acquisition of continuous tenure will not exceed seven years, including all previous full time service with the rank of instructor or higher in other institutions of higher learning except that the probationary period may extend to as much as four years even if the total of all such previous full time service in the profession thereby exceeds seven years by providing for such extension in writing at the time of initial appointment. Scholarly leave of absence for one year or less will count as part of the probationary period as if it were previous full time service with the rank of instructor or higher at another institution, unless the individual and the College agree in writing to an exception to this provision at the time the leave is granted.

(b) The faculty member will be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting renewal and tenure. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material which the faculty member believes will be helpful to an adequate consideration of the faculty member's circumstances.

(c) Regardless of the stated term or other provisions of any probationary appointments, written notice that the appointment is not to be renewed will be given to the faculty member in advance of the expiration of the faculty member's appointment as follows; 1) not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; 2) not later than March 1 of the second academic year of service if the appointment expires at the end of that year; 3) at least twelve months before the

expiration of an appointment after two or more years of service at the College. The College will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than April 15.

[Revised: See Trustee Minutes February 3, 2017]

(d) When a decision not to renew an appointment has been reached, the faculty member involved will be informed of that decision in writing by the President or the President's delegate. The faculty member may request a reconsideration by the President.

#### 6. Termination of Appointment by the Faculty Member

A faculty member may terminate his or her appointment effective at the end of an academic year, provided that the faculty member gives notice in writing at the earliest possible opportunity, but not later than May 15. The faculty member may request a waiver of this requirement of notice in case of hardship or in a situation where the faculty member would otherwise be denied substantial professional advancement or other opportunity.

#### 7. Termination of Appointment by the College

(a) Termination of an appointment with continuous tenure, or of a special or probationary appointment before the specified term, may be effected by the College only for the reasons set forth in this section 7.

(b) Adequate Cause. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in the faculty member's professional capacity as a teacher-scholar or as an administrator, where applicable. Incompetence, neglect of duty, and misconduct involving moral turpitude are examples of adequate cause. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens. If termination takes the form of a dismissal for adequate cause, it will be pursuant to the procedure specified in Section 8 of this Article X.

(c) Bona Fide Financial Exigency, or Discontinuance of a Program or Department of Instruction. Where termination of an appointment with continuous tenure, or of a nontenured appointment before the end of the specified term, is based upon bona fide financial exigency or discontinuance of a program or department of instruction, Section 8 will not apply, but faculty members shall be entitled to have the issues reviewed by the Faculty Hearings Committee, with ultimate review of all controverted issues by the Trustees. In every case of financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice or severance salary not less than as prescribed in Section 8(k) of this Article X. Before terminating an appointment because of the discontinuance of a program or department of instruction, the College will exert its best efforts to place affected faculty members in other suitable positions. If an appointment is terminated before the end of the period of appointment,

because of financial exigency, or because of the discontinuance of a program or department of instruction, the released faculty member's place will not be filled by a replacement within a period of four years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

[Revised: See Trustee Minutes October 9, 2020]

(d) Inability to Perform for Medical Reasons. If the reason for a faculty member's lack of fitness to perform his or her position(s) as a teacher-scholar or as an administrator is for medical reasons, the faculty member may request leave or may apply for disability benefits or disability retirement benefits, as applicable. Further, termination of an appointment with continuous tenure, or of a nontenured or special appointment before the end of the period of appointment, may be made because of a faculty member's continued inability to perform the essential functions and duties of his or her position(s) with the College, with or without reasonable accommodation, by reason of any medically determinable physical or mental impairment. The College will comply with all applicable laws regarding leaves of absence and other laws that relate to disabled or injured employees in connection with any such action. The College will also make a good faith effort to reasonably accommodate qualified faculty members with known disabilities as defined by law unless doing so would result in an undue hardship or the continued engagement of a faculty member would present a direct threat of substantial harm to the faculty member or others, even with potential reasonable accommodations.

The decision to terminate will be reached only after there has been appropriate consultation and the faculty member or the faculty member's representative has been informed of the basis of the proposed action and been afforded an opportunity to respond. If the faculty member so requests, the basis for the disability-related termination will be reviewed by the FHC before a final decision is made by the Trustees on the recommendation of the President of the College.

[Revised: See Trustee Minutes February 3, 2017]

## 8. Dismissal and Suspension Procedures

(a) [Intentionally omitted]

[Revised: See Trustee Minutes February 3, 2017]

(b) Except for dismissal of a faculty member for violation of the Policy and Procedures on Ethical Research and Scholarship, which shall be handled according to procedures provided therein, dismissal of a faculty member with a continuous tenure appointment, or with a special or probationary appointment before the end of the specific term, will be preceded by: 1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement; 2) informal inquiry by the Professional Affairs Committee which may, failing

to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; 3) a statement of reasons, framed with reasonable particularity by the President or the President's delegates.

[Revised: See Trustee Minutes October 9, 1992; February 3, 2017]

(c) A dismissal, as defined in Section 8 (a), will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the FHC. A faculty member exercises the right to be heard initially by the FHC by giving written notice to the chair of the FHC and the President within ten (10) days of receiving the statement of reasons. If the faculty member does not in a timely manner invoke the right to be heard by the FHC, the President can proceed with the dismissal. In the written notice, the faculty member may request a hearing; or waive a hearing but deny the charges or assert that the charges do not support a finding of adequate cause, in which case the FHC will evaluate all available evidence and rest its recommendation upon the evidence in the record.

[Revised: See Trustee Minutes February 3, 2017]

(d) Organizational Procedures Prior to Dismissal Hearings. Upon the call of the Chair of the FHC, the FHC shall take the following actions:

(1) Members of the FHC who are members of the faculty member's department, and any other members deeming themselves disqualified for bias or interest, shall remove themselves from the case by so notifying the Chair of the FHC. (If the Chair is thereby disqualified, he or she shall appoint a convener from among the remaining members.)

(2) The Chair (or convener) shall promptly notify the faculty member and the Administration of any disqualifications of the FHC members.

(3) Members of the FHC may also be removed from the appeal at the request of the faculty member or the Administration; each party will have a maximum of two challenges without stated cause. The Chair (or convener) of the FHC shall set an appropriate schedule for the exercise of such challenges.

(4) The Chair (or convener) will notify the Secretary of the Faculty Executive Committee of any resultant vacancies, which will be filled by action of the Faculty Executive Committee. (*See* Faculty Bylaws IV.D.2.e(1)(b))

(5) The FHC as then constituted shall meet for the purposes of electing a Chair, if necessary, and a Secretary; it shall notify the faculty member and the Administration of its current membership; and shall set a schedule for the hearing and pre-hearing meetings, if any.

(6) If the FHC deems it desirable to have independent legal counsel, the College will provide such counsel at the expense of the College, which shall supply a list of at least two attorneys from which the FHC shall select one.

[Revised: See Trustee Minutes February 3, 2017]

(e) Ex Parte Communications. There shall be no ex parte communications with the members of the FHC by the faculty member, the Administration or their representatives regarding the subject matter of the hearing at any stage of the proceedings.

[Revised: See Trustee Minutes February 3, 2017]

(f) Suspension. Pending a final decision by the FHC, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by his or her continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through these hearing procedures, the Administration will consult with the Professional Affairs Committee concerning the propriety, the length, and the other conditions of the suspension. A suspension which is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of any suspension other than one constituting a dismissal.

[Revised: See Trustee Minutes February 3, 2017]

(g) Pre-Hearing Meetings. The FHC may, with the consent of parties concerned, hold joint pre-hearing meetings with the parties in order to (i) eliminate, simplify, or otherwise address the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

[Revised: See Trustee Minutes February 3, 2017]

(h) Hearing. A hearing shall be held at the date, time, and place set by the Faculty Hearings Committee.

(1) Service of notice of hearing with specific reasons in writing will be made at least twenty days prior to the hearing.

(2) The faculty member may respond to the reasons in writing at any time before the hearing.

(3) The Faculty Hearings Committee, in consultation with the President and the faculty member, will exercise its judgement as to whether the hearing should be public or private.

(4) During the proceedings the faculty member will be permitted to have an academic advisor and counsel of his or her own choice.

(5) At the request of either party or the FHC, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer, provided the observer agrees in advance to respect the confidentiality of the proceedings.

(6) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost, at the faculty member's request. All notices and correspondence prepared or received by the FHC in connection with the hearing, and all documents introduced at the hearing shall be made a part of the record of the hearing. Following conclusion of all proceedings, the record shall be deposited under seal in the College Archives.

(7) The burden of proof that adequate cause exists rests with the College and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

(8) The FHC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(9) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The Administration will cooperate with the FHC in securing witnesses and making available documentary and other evidence.

(10) The faculty member and the Administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the FHC determines that the interests of justice require admission of their statements, the Committee will identify the witnesses, disclose their statements, and if possible provide for interrogatories.

(11) In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from the College or other institutions of higher education.

(12) The FHC will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every reasonable effort will be made to obtain the most reliable evidence available.



(13) The findings of fact and the decision will be based solely on the hearing record.

(14) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Trustees.

[Revised: See Trustee Minutes February 3, 2017]

(i) Decision. At the conclusion of the presentation of evidence, the FHC shall deliberate as it requires and make its decision expeditiously. The decision shall be made by majority vote. The President and the faculty member will be notified of the decision in writing and upon request will be given a copy of the record of the hearing.

(1) If the FHC concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, the President will state the President's reasons for doing so, in writing, to the FHC and to the faculty member, and provide an opportunity for response before transmitting the case to the Executive Committee of the Trustees.

(2) If the FHC concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend to the President with supporting reasons. If the President rejects the report, the President will state the President's reasons for doing so, in writing, to the FHC and to the faculty member, and provide an opportunity for response before transmitting the case to the Executive Committee of the Trustees.

(3) If the FHC concludes that adequate cause for dismissal has been established, it will so report to the President. If dismissal is recommended, the President will, on request of the faculty member, transmit to the Executive Committee of the Trustees the record of the case.

(j) Action by the Trustees. The Executive Committee of the Trustees shall decide upon the disposition of the case within two (2) weeks following receipt of the record of the case (including any and all reports and responses permitted in subsection (i) above) and shall instruct the President of the College to report its decision to the faculty member and the FHC.

[Revised: See Trustee Minutes February 3, 2017]

k. Terminal Salary or Notice

If an appointment is terminated by dismissal for cause, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached in the first nine months of the first year of probationary service; at least six months, if the decision is reached after nine months but prior to eighteen months of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has an appointment with continuous tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the FHC or the President the Trustees, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

[Revised: See Trustee Minutes February 3, 2017]

[Sections 9 and 10 intentionally omitted]

[Revised: See Trustee Minutes February 3, 2017]

11. Appeal of Decision Regarding Probationary Reappointment or Tenure

(a) Jurisdiction. Authority to consider an appeal of a decision denying tenure to a faculty member or of a decision not to reappoint a faculty member upon the completion of the term of his or her probationary appointment shall be vested in the FHC. The FHC shall have the authority to consider appeals of such decisions from a faculty member (the “Appellant”) only upon the allegation by the Appellant that one or more of the following was a significant factor affecting the review process and was prejudicial to the Appellant:

(1) a violation of the then-existing procedure for the making of the tenure or reappointment decision;

(2) serious distortion of the Appellant’s record, such serious distortion having been introduced into the review process by the President, the Vice-President for Academic Affairs (“VPAA”), the Chair of the Appellant’s Department or, in the case of a tenure decision, by any member of the Appellant’s departmental tenure committee or the Faculty Tenure Committee;

(3) a breach of academic freedom; or

(4) a violation of the College’s stated nondiscrimination policy.

(b) Filing of Appeal. An appeal must be filed within thirty (30) days after the decision affecting the Appellant is communicated to the Appellant. An appeal is deemed to be filed when the Appellant delivers to the Chair of the FHC (with a copy to the President) a brief written statement indicating the basis of appeal.

(c) Organizational Procedures of the FHC Prior to Hearings. Upon the call of the Chair of the FHC, the FHC shall take the following actions:

(1) Members of the FHC who are members of the Appellant's department, and any other members deeming themselves disqualified for bias or interest, shall remove themselves from the case by so notifying the Chair of the FHC. (If the Chair is thereby disqualified, he or she shall appoint a convener from among the remaining members.)

(2) The Chair (or convener) shall promptly notify the Appellant and the Administration of any disqualifications of the FHC members.

(3) Members of the FHC may also be removed from the appeal at the request of the Appellant or the Administration; each party will have a maximum of two challenges without stated cause. The Chair (or convener) of the FHC shall set an appropriate schedule for the exercise of such challenges.

(4) The Chair (or convener) will notify the Secretary of the Faculty Executive Committee of any resultant vacancies, which will be filled by action of the Faculty Executive Committee. (*See* Faculty Bylaws IV.D.2.e(1)(b))

(5) The FHC as then constituted shall meet for the purposes of electing a Chair, if necessary, and a Secretary; it shall notify the Appellant and the Administration of its current membership; and shall set an appropriate deadline for the Appellant to submit a detailed statement of the facts and contentions supporting the appeal.

(6) If the FHC deems it desirable to have independent legal counsel, the College will provide such counsel at the expense of the College, which shall supply a list of at least two attorneys from which the FHC shall select one.

[Revised: See Trustee Minutes February 3, 2017]

(d) Ex Parte Communications. There shall be no ex parte communications with the members of the FHC by the Appellant, the Administration or their representatives regarding the subject matter of the appeal at any stage of the proceedings.

(e) Confidentiality. All matters pertaining to the appeal shall remain strictly confidential, except that after its conclusion the FHC, without naming or otherwise identifying the Appellant, shall notify the Faculty that an appeal has been conducted and concluded. All proceedings shall be private.

(f) Action of FHC Upon Filing of Appeal. Based on its review of the appeal filed by the Appellant, the FHC may:

(1) dismiss the appeal for one or more of the following reasons: (A) failure of Appellant to file the appeal within the required time, or (B) failure of Appellant to allege and support in detail the presence of one or more of the grounds justifying an appeal (as described in section a, above); or

(2) allow Appellant to amend the written statement of appeal in order to address deficiencies identified by the FHC; or

(3) proceed to pre-hearing meetings.

(g) Pre-hearing Meetings. Upon the call of the Chair of the FHC, the FHC shall conduct one or more pre-hearing meetings:

(1) The Appellant, a representative of the Administration, an advisor from the Davidson faculty chosen by the Appellant, and counsel for the Appellant for the Administration and for the FHC may attend pre-hearing meetings. The Appellant and the Administration will be given adequate notice of each pre-hearing meeting.

(2) The following shall be appropriate matters for consideration at pre-hearing meetings;

(A) A pre-hearing meeting may be used to eliminate, simplify or otherwise address issues raised by the appeal.

(B) The Appellant and the Administration may agree to stipulations of fact.

(C) A schedule may be established for the identification of witnesses for both parties and the exchange of exhibits prior to the hearing.

(D) A pre-hearing meeting may be used for such other purposes that the FHC shall determine will make the hearing fair, effective, and expeditious.

(3) If, after pre-hearing meetings the FHC determines that there are no facts alleged that constitute an allegation that one of the listed grounds for an appeal was a significant factor affecting the review process and was prejudicial to the Appellant, then the FHC shall dismiss the appeal. Otherwise, a date, time and place for a hearing shall be set.

(4) Prior to the hearing, the FHC and counsel for the FHC shall hold a meeting to review with the Appellant and his or her advisor and counsel and with a representative of the Administration and counsel for the College the standards of proof necessary for a successful appeal and the rules of procedure under which the FHC plans to conduct the hearing.

(h) Hearing. A hearing shall be held at the date, time, and place set by the FHC. The hearing shall be presided over by the Chair of the FHC and shall be conducted as follows:

(1) The Appellant shall be responsible for proving the allegation by clear and convincing evidence on the record as a whole.

(2) The Appellant shall be allowed to call witnesses, introduce documents, and make statements relevant to the issues raised by the appeal.

(3) At the conclusion of the Appellant's case, the FHC may dismiss the appeal on the grounds that the Appellant has not established a prima facie case, taking the evidence presented in the light most favorable to the Appellant, that one or more of the grounds for justifying an appeal was a significant factor affecting the review process and was prejudicial to the Appellant. If the FHC does not dismiss the appeal, the Administration shall be permitted to call witnesses, introduce documents, and make statements relevant to the issues raised by the appeal.

(4) Each party shall be allowed to cross-examine the witnesses of the other party. If a witness cannot or will not appear, the FHC may admit the statement of such witness as set forth in Section 11 (h)(5) below. The FHC shall be permitted to ask questions of witnesses.

(5) The FHC will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues raised by the appeal. Every reasonable effort will be made to obtain the most reliable evidence available.

(6) The FHC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(7) Counsel for all parties, including the FHC, and the adviser chosen by the Appellant from the Davidson faculty shall be permitted to participate at all stages of the proceedings under the procedures established by the FHC.

(8) A verbatim record of the hearing will be taken and a typewritten copy will be made available to the Appellant at no cost at the Appellant's request. The Appellant's written statement of appeal, all notices and correspondence prepared or received by the FHC in connection with the appeal, and all documents introduced at the hearing shall be made a part of the record of the appeal. Following the conclusion of all proceedings, the record shall be deposited under seal in the College Archives.

(i) Decision. At the conclusion of the presentation of evidence, the FHC shall deliberate as it requires and make its decision expeditiously.

(1) The FHC shall deliver a copy of its decision to the Appellant and the Administration within one (1) day of making its decision by majority vote.

(2) If the FHC does not uphold the appeal, the appeal shall thereby be dismissed.

(3) If the FHC upholds the appeal, the committee shall specify the ground or grounds in its report to the President of the College. The President shall make a recommendation for the disposition of the appeal to the Executive Committee of the Board of Trustees within two (2) weeks after receiving the FHC's report. A copy of the President's recommendation will be sent to the FHC.

(4) The Executive Committee of the Board of Trustees shall decide upon the disposition of the appeal within two (2) weeks following receipt of the President's recommendation and shall instruct the President of the College to report its decision to the Appellant and the FHC.

[Revised: See Trustee Minutes February 4, 1994 and April 18, 1997]

## 12. Procedures for Evaluation of Faculty Members

The President or the President's delegate, in conjunction with the Faculty or its Committee on Professional Affairs, shall formulate and may thereafter amend procedures for evaluating faculty members for initial appointments, renewals of appointment, promotions, conferrals of tenure, and salary increases, in preparation for the President's recommendation thereon to the Trustees. Such procedures shall be incorporated in a document titled "Code of Faculty Evaluation Procedures". In the event the parties authorized to promulgate such procedures are unable to agree upon specific elements therein the matter in disagreement shall be referred by the President to the Trustees for resolution. In such case, opportunity shall be provided by the Trustees for the respective parties to present their positions before action is taken by the Trustees.

[Revised: See Trustee Minutes April 7, 2010]

## ARTICLE XI. STUDENT GOVERNMENT

### 1. General Powers of Organization; Bylaws

The Student Body may organize itself into associational form; create representative legislative bodies, officers of student government and committees with legislative and advisory powers; adopt rules of procedure for meetings of the whole body, election procedures, and other organizational rules; elect its own officers of government and student representatives to legislative and advisory bodies under this Constitution; and adopt Bylaws, subject to Trustee

approval, for their organization and proceedings not inconsistent with the College's Charter and this Constitution.

## 2. Substantive Powers

The Student Body acting in such forms of organization as it may adopt under Section 1 of this article, has the power to charter any student group or organization, subject to review and suspension by the President and the Faculty as stated in paragraph 3 of Article V of the Bylaws of the Corporation, to budget and administer funds appropriated by the Administration for student purposes and to adopt and implement any programs, which are not inconsistent with other provisions of this Constitution, the Code of Responsibility of 1968, as amended, or the Code of Disciplinary Procedure of 1971, as amended.

## 3. Review by Trustees of Organization and Function

The officers of student government are responsible for providing the Vice President for Student Life and Dean of Students with orderly means of informing himself or herself of the organizations and programs of student government. Trustee review of any organizational form, program, or action taken by student government or any of its agencies may be had only upon request of the President. Review is solely to determine whether the form, program or action is inconsistent with any provisions of the College's Charter, this Constitution, the Code of Responsibility or the Code of Disciplinary Procedure. Pending such formal review, the President may, with the concurrence of a majority of the Council on Campus Life, suspend the implementation of the organizational form, program or action.

[Revised: See Trustee Minutes February 5, 1993]

## 4. Communication with the Trustees

The Student Government Association may petition the Trustees for direct action in respect of any matter substantially affecting the fundamental interests of the College 1) by a 2/3 vote of the entire Student Senate or 2) by a majority of votes cast in an official referendum of the student body in accordance with the Student Government Association Bylaws. Prior to submission to the Trustees, the petition must be presented to the President of the College by the President of the Student Body. It shall be the duty of the President of the College to transmit such report or petition to the Trustees at the next meeting. The President of the Student Body shall be invited to attend all meetings of the Trustees with the privileges of the floor but without the privilege of voting, and between meetings may communicate freely with the trustees through their Chair, provided that copies of all such communications be first transmitted to the President of the College.

## 5. Student Media Board

(a) Composition. The Student Media Board consists of three students chosen in accordance with the Student Government Association Bylaws, one member of the Faculty chosen in accordance with the Faculty Bylaws, two administrative officers appointed by the President, and three additional members chosen from the College community by these six members. The Board elects its own Chair.

(b) Substantial Powers. Subject to Article V of the Bylaws of the Trustees of Davidson College, the Board is responsible for student media and reports to the Trustees through the President. It authorizes College sponsored media written, edited, and staffed by students. It appoints and dismisses editors and general managers; approves the budgets of these media; reviews their finances; promulgates and periodically reviews the standards of responsible journalism by which the media abide; and assures media adherence to them. It interprets the community standards of decency and must be consulted on problems of libel which cannot be resolved through the editor's consultation with legal counsel. It may review the performance of the editors and general managers and shall investigate and act on complaints in regard thereto.

## ARTICLE XII. STUDENT RIGHTS AND RESPONSIBILITIES

### 1. Preamble

The College is committed to the proposition that the student wishes to learn and must thus be provided with the resources, the guidance, and the freedom to do so. Within this context, all members of the College share responsibility for securing and respecting conditions conducive to the freedom to learn; all must endeavor to exercise the freedoms of the academy with maturity and responsibility. All recognize that members of any institution are subject to its regulations as a condition of membership.

This Article treats the role of students as members of the College, and discusses rights and responsibilities most directly applicable to them. Certain of these rights and responsibilities are described in public law; others are not. The Trustees thus adopt this statement of student rights and responsibilities to strengthen understanding of the role of students and to clarify some of the formal relationships between students and other groups within the College. By recognizing and interpreting the rights and responsibilities here stated, the Trustees hope to contribute toward providing a campus environment consistent with the purpose and values of Davidson College.



## 2. The Academic Process

(a) Freedom of Expression in the Classroom. Students are responsible for learning thoroughly the content of any course of study, but are free to take reasoned exception to data or views offered. Only by protection of this freedom may productive discussion, inquiry, and expression serve as means toward learning.

(b) Evaluation. Students are responsible for maintaining fair and reasonable standards of academic performance established by their professors as appropriate to the work of a particular course. Where disagreements about the reasonableness of evaluation arise, students have the right to appeal through appropriate channels.

(c) Disclosure. Information about student views, beliefs, and political association which instructors and counselors acquire in confidence is considered privileged. Protection of the student from improper disclosure of such information is a serious professional obligation.

(d) Academic Eligibility. Students are responsible for adhering to the Academic Regulations, which establish standards of performance. Only if a student fails to meet these standards may he or she be required to withdraw for academic deficiency. In such a case, the student is accorded the right of due process.

## 3. Student Records

(a) Confidentiality. Student academic, disciplinary, medical, and counseling records held by the College shall be maintained separately. Records kept for their own use by individual professionals associated with the College are considered their property. All those who hold or supervise the holding of student records shall respect their confidential nature in accordance with applicable law and ethical standards. Guidelines regarding the maintenance and release of information from student records held either by the College or by associated professionals shall be set forth in the College Registry.

(b) Right to Inspect. Students have the right, subject to waiver, to inspect and review their own records, except as specifically excluded by law or by College regulations under applicable law. They may challenge any information which they consider inaccurate. Students have the right to have inserted statements of rebuttal or explanation into other files which they consider inaccurate or misleading, so long as copies of such statements are made available to those directly involved in making statements which are challenged.

[Revised: See Trustee Minutes April 7, 2010]

(c) Access. Only those employees of the College with reasonable grounds for access to student files, or other persons who have the express permission of the student, may have access to student records, unless such access is otherwise permitted by law. Confidential information so obtained shall continue to be treated as confidential.

#### 4. Association

Students are free to organize and join associations of their own choice. To receive SGA funds, an organization must be chartered. The authority to charter on-campus student organizations is delegated to the SGA, subject to the relevant provisions of Article XI of this Constitution. Chartered student organizations are open to all students without regard to race, creed, sex, or national origin.

#### 5. Expression and Assembly

(a) Expression. The College may not infringe upon the rights of students, particularly those of freedom of speech, of peaceable assembly, and the right of petition. The student is both a citizen and a member of the College. The student who speaks or writes in his or her capacity as citizen should make it clear that he or she is spokesperson for neither the College nor the students within it, but must remember that others may judge the College and its students by his or her utterances and actions. The student has the obligation to exhibit accuracy, appropriate restraint, and respect for the opinions of others.

(b) Assembly. Students and their organizations are free to examine and discuss all questions of interest and to express opinions publicly and privately. They are also free to support issues by orderly means which do not disrupt operations essential to the function of the College, which shall establish reasonable regulations, equitably applied, as to time, manner, and place of assembly.

(c) Speakers. Students and their organizations may invite and hear speakers, performers, and entertainers of their choice, utilizing procedures established as necessary to assure orderly scheduling of and preparation for campus events. Institutional control of campus facilities may not be used to prevent the appearance of a person or group which has been properly scheduled. Students have the responsibility of realizing that events on the campus affect the public image of the College and of its students, and should invite only those who may be seriously considered to have potential contributions to the exchange of ideas or to the quality of campus life. Sponsorship by student organizations should be clearly publicized.

(d) Student Responsibility. Students have the responsibility not to infringe upon the rights of others, particularly as concerning free speech and peaceable assembly.

#### 6. Student Media

(a) The College affirms its commitment to the principles of free expression and free exchange of ideas. Exercised with responsibility and accountability, these freedoms are essential to maintain the campus as an open forum for the expression and examination of ideas however unpopular. The College encourages publications written and edited by students as vehicles for the transmission of information, community evaluation, and creative expression.

(b) Publications written and edited by students, but which may not be considered to have the College as publisher, are subject only to public law and to reasonable regulations concerning manner of on-campus distribution. Student editors of publications for which the College legally may be considered publisher are authorized to determine and are responsible for content and editorial policy, in accordance with the provisions of this Constitution and subject to Article V of the Bylaws of the Trustees of Davidson College. They must be removed only for proper and stated cause and are accorded due process in any removal proceedings, including notice of charges and the right to be heard by the body ruling upon them.

[Revised: See Trustee Minutes October 9, 2020]

(c) Student managers of electronic media staffed by students are accorded the same rights and responsibilities as editors of student publications.

#### 7. Student Participation in Institutional Government

Students shall have clearly defined means of participation in the formulation of and, where appropriate, the application of College policy. Student affairs shall be free from intervention which does not accord with the provisions of this Constitution. No student may be denied the right to vote by secret ballot in SGA elections.

#### 8. Standards of Disciplinary Procedure

To protect its educational purposes, the College sets standards of conduct and established regulations for the use of its facilities in accord with this Constitution. To develop through discipline a climate of responsible student conduct, the College emphasizes counseling, guidance, admonition, and example. Disciplinary proceedings may be instituted only for violation of the Honor Code and the Code of Responsibility, the Code of Disciplinary Procedure, or the College Regulations.

### ARTICLE XIII. ALUMNI ASSOCIATION

#### 1. Composition

The members of the Alumni Association shall be all graduates of the College, all non-graduates no longer in attendance at the College who have successfully completed one or more semesters, and all recipients of any honorary degrees conferred by the Board of Trustees. The Alumni Association may develop rules for associate membership, provided that associate members shall not have voting rights.

#### 2. General Powers of Organization; Bylaws

The Alumni Association is organized in associational form and is governed pursuant to the Alumni Association Bylaws existing as of the date of the adoption of this Article. Any change to the Bylaws of the Alumni Association is subject to Trustee approval.

3. Review by Trustees

Any action taken by the Alumni Association is subject to review by the Trustees.

4. Communications with Trustees

By a majority vote of members present at a meeting of the Board of Directors of the Alumni Association at which a quorum is present, the Alumni Association may petition the Trustees for direct action in respect of any matter substantially affecting the fundamental interests of the College. Prior to submission to the Trustees, the petition must be presented to the President by the President of the Alumni Association.

[Article XIII Added: See Trustee Minutes April 7, 2010]

#### ARTICLE XIV. BOARD OF VISITORS

1. Composition

The members of the Board of Visitors shall comprise three categories of members. First, there shall normally be 100 or more regular members divided into three classes serving staggered three-year terms. Such members are appointed by the President, in consultation with the Chair of the Board of Visitors. Additionally, alumni nominated by the College's Alumni Association for the office of Trustee who are not elected to the Board of Trustees shall be regular members. Second, the President, in consultation with the Chair of the Board of Visitors, may also confer the status of Life Member on persons who ordinarily shall have served two terms on the Board of Visitors or the Board of Trustees and/or shall have reached the age of 65. Third, the Moderator of the Presbyterian Church (USA) and the Moderator of the Synod of the Mid-Atlantic shall be invited to serve as members of the Board of Visitors during their terms of service in their respective offices. In addition, all former Chairs of the Board of Visitors and the Board of Trustees shall be members ex-officio.

2. General Purpose; Bylaws

The purpose of the Board of Visitors is to provide guidance to the College in the pursuit and maintenance of those principles and values set forth in the Statement of Purpose, by advising the Chair of the Board of Trustees, the President of the College and other College officials. The Board of Visitors is organized in associational form and is governed by the Bylaws of the Board of Visitors existing as of the date of adoption of this Article. Any change to the Board of Visitors Bylaws is subject to Trustee approval.

3. Review by Trustees

Any action taken by the Board of Visitors is subject to review by the Trustees.

4. Communications with Trustees

By a majority vote of those members present at an official meeting, the Board of Visitors may petition the Trustees for direct action in respect of any matter affecting the fundamental interests of the College. Prior to submission to the Trustees, the petition must be presented to the President by the Chair of the Board of Visitors.

[Article XIV Added: See Trustee Minutes April 7, 2010]

ARTICLE XV. AMENDMENT

This Constitution may be amended in the following manner.

1. Proposals for amendment may be submitted in writing to the Secretary of the Board of Trustees at any time by any Trustee or by any administrative officer of the College named in Section 3 of Article 1 hereof, or by not less than a majority of the Faculty present and voting or by not less than 2/3 of those voting in an official referendum of the Student Body in accordance with Student Government Association Bylaws.

2. Upon receipt of the proposed amendment the Secretary of the Board of Trustees will place it on the agenda of the Board for its next regular meeting, at which time the proposed amendment will be laid before the Board for information.

3. The proposed amendment will be published and comment invited from members of the Faculty, staff, and student body. The proposed amendment will then be voted upon at the next ensuing regular meeting of the Board of Trustees. A 2/3 vote of the total membership of the Board of Trustees is required to adopt an amendment.

4. When an amendment has failed of adoption, its substance may not again be proposed for adoption before the expiration of a year from the date of the vote upon which it failed.

[Article Renumbered: See Trustee Minutes April 7, 2010]