

## **Faculty Statutes**

Monmouth College  
Monmouth, Illinois

Revised, 1986  
October, 1998  
(Last revised April 29, 2016)

## **CHAPTER I. THE FACULTY**

### **Section I. Faculty Membership**

#### ARTICLE 1.

The faculty shall be composed of the President of the College together with those who hold appointment by the Board of Trustees as Professors, Associate Professors, Assistant Professors, Instructors, or others who are designated by the Board of Trustees as members of the faculty.

### **Section II. Powers of the Faculty**

#### ARTICLE 1.

The original powers of the faculty are derived from the Charter of the College, as amended March 13, 1869. By provisions of the Charter and By-Laws, additional powers may be delegated to the faculty by the Board of Trustees.

#### ARTICLE 2.

In accordance with the provisions of the Charter and By-Laws of the College as published February, 1967; The Faculty shall have the power to ordain, establish and regulate the courses and modes of instruction and education pursued in the College; and shall have the power to adopt and enforce such lawful rules and regulations as may be deemed expedient for the good government of the institution, which rules and regulations shall not be inconsistent with the By-Laws, ordinances, orders or directions of the Board of Trustees; and such courses of study and education, rules and regulations shall remain in full force unless disapproved by the Board of Trustees.@ (pp. 13 and 14)

#### ARTICLE 3.

The Charter and By-Laws of the College regarding the awarding of degrees state that: AThe Faculty shall recommend to the Board of Trustees the conferring of the usual degrees in the learned arts and sciences upon such candidates for the same as may merit them and as may have satisfactorily completed the work prescribed for such degrees. The Faculty may also make recommendations to the appropriate Committee for the conferring of honorary degrees.@ (p. 14)

#### ARTICLE 4.

In accordance with the Charter and By-Laws of the College: AThe Faculty may make such recommendations to the Board of Trustees for conducting the affairs of the College as they may deem fitting for the welfare and best interests of the institution. Such recommendations shall be made in writing after being acted upon by the Faculty in a duly convened meeting thereof and shall be signed by representatives of the Faculty duly authorized for that purpose.@ (p. 14)

#### ARTICLE 5.

By provisions of the Charter and By-Laws of the College, the faculty may call special meetings of the Board of Trustees. The faculty, or any two members of the faculty, may place an item on the agenda of the meetings of the Board of Trustees.

## ARTICLE 6.

Any part of the Faculty Statutes except Articles 2 and 3 of Chapter I, Section II, may be repealed by the Board of Trustees in accordance with the provisions of the Charter of the College; it may be repealed, amended or added to by a two-thirds vote of those members of the faculty present at a regular meeting provided a quorum is present, the proposed amendment has been submitted in writing at the previous regular meeting, and such action does not conflict with any provisions of the Charter of the college or the By-Laws of the Board of Trustees.

### **Section III. Organization of the Faculty**

## ARTICLE 1.

The presiding officer of the faculty shall be the President of the College or, in the absence or inability of the President to act, the Vice President for Academic Affairs. If neither of the officers here mentioned is present or able to act, the presiding officer shall be a member of the faculty designated by the President; but if the President has designated no one to preside, or if the person designated is unable to act, the faculty shall elect a President *pro tempore*.

## ARTICLE 2.

The faculty shall elect a Secretary who shall keep minutes of all meetings of the faculty, and who shall have power to certify any action of the faculty as recorded in the minutes, provided the record in the minutes has been approved by the faculty. The Secretary is elected for a term of three years and may not succeed him/herself.

## ARTICLE 3.

The regular meetings of the faculty shall be held on the first Tuesday of each month when College is in session, unless otherwise specified by the faculty. Faculty meetings will follow Robert's Rules of Order.

The agenda for the regular meetings of the faculty shall be distributed to all faculty, President's Council and to Student Senate officers. The agenda shall be sent no later than the Thursday before the Tuesday faculty meeting.

## ARTICLE 4.

The faculty shall meet in special session at the call of the President or the Vice President for Academic Affairs or any two members of the faculty. Members of the faculty shall have written notice on the day preceding a special meeting of the time, place, and purpose of each meeting.

## ARTICLE 5.

One half of the tenure-track members of the faculty not on Leave or Sabbatical shall constitute a quorum for the transaction of business. Full-time coaches of athletics and non-tenure-track members of the faculty who teach one-half or more in the academic year shall be eligible to vote in faculty meetings and serve as voting members on committees.

## ARTICLE 6.

All non-faculty members of the Monmouth College community are invited to attend faculty meetings as non-voting participants.

## ARTICLE 7.

The members of the faculty shall appear in academic costume at the baccalaureate service, commencement, honors convocation and at other times designated by the President.

## ARTICLE 8.

The official channel of communication between the faculty and the Student Association on matters which do not normally fall under the responsibilities of the faculty committees shall be through the Chair of the Faculty Senate and the President of the Student Association.

### **Section IV. Faculty Committees**

#### ARTICLE 1.

##### STATEMENT REGARDING THE PHILOSOPHY OF COMMITTEE WORK

Through its committees the faculty as a whole is subdivided into small groups for the purpose of more intensive discussion of particular issues and to formulate and project specific means for implementing policies decided upon. Long-range planning should be a function of each committee.

Each faculty committee is responsible to the faculty as a whole, from which it derives its ultimate authorization. This responsibility should be expressed through the free flow of information between the faculty and its committees.

Besides responsibility to the source of authorization, i.e., the faculty as a whole, an important prerequisite for effective committee work is participation and involvement in the life of the College community outside of the faculty area. Thus, in order to ensure an effective working relationship with the administration, actual representation of administrative views to faculty committees must be ensured, as well as representation of faculty committees= positions to the administration; similarly, student views must be represented to faculty committee views to the student body. The student members of the faculty committees are responsible for reporting committees= actions and views to the Student Association. However, students on committees shall not have access to another student=s complete academic and personnel files without the student=s written permission.

Insofar as possible, routine administrative matters, involving judicious application of already existing rules and recognized procedures, should not be the concern of committees of the faculty, but rather of the administrative officers of the College. The committees of the faculty should be concerned with formulation of positions and means of implementation in areas which affect the functioning of Monmouth College as an academic community.\*

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\*It is recognized that such seemingly unacademic matters as admissions and scholarship policy, public relations policy, the extra-curricular life of students on the campus, the composition of the student body, the social

Committee assignments should be kept to a minimum to encourage regular, meaningful participation.

## ARTICLE 2.

### COMMITTEE MEMBERSHIP AND RESPONSIBILITIES

1. Appointments to the standing committees of the faculty and *ad hoc* committees shall be made, unless otherwise specified, by the Faculty Senate, whose composition is described in Article 4 below. Committee appointments shall be made for a definite period and shall be announced at least one week before the first regularly-scheduled faculty meeting in the fall term. The Faculty Senate may alter the membership of committees at its discretion. The Faculty Senate will consider all requests for specific committee assignments. (4/7/87)
2. *Ex officio* members are those appointed to committees to provide expert information and insight concerning matters of business, but shall not vote on motions considered. The President of the College and the Vice President for Academic Affairs or his/her designee shall be *ex officio* members of all committees of the faculty.
3. Participation as members of faculty committees and as advisors of student groups shall be on a voluntary basis for part-time faculty members.
4. No faculty member shall serve on more than two standing committees simultaneously. Faculty Senate members may be appointed to one standing committee, however, no two Faculty Senate members shall be appointed to any one standing committee.
5. The Faculty Senate shall at the beginning of each academic year designate a convener to call committees into session. Each committee shall subsequently select a chair to coordinate its meetings. Unless otherwise stipulated the chair of any faculty committee shall be elected from the appointed faculty members on the committee.
6. Standing administrative committees, i.e., committees formed by presidential action shall be treated as standing committees of the faculty for purposes of limitations of membership.
7. Membership on the Grievance Committee shall not be counted toward the limit established in Paragraph 4.
8. Committee appointments normally shall be for three years. Committee members may be reappointed for a second three year term. (4/7/87)
9. There shall be at least one voting student member on all standing committees unless the statute charging that committee specifically excludes student membership or otherwise stipulates student membership. At their own discretion, the committees may increase the student representation and determine the voting rights of the additional representatives.
10. Committees shall be responsible to meet regularly and report to the faculty as a whole about business transacted.

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and political life of the surrounding community and, indeed, of the nation itself have a profound effect upon an academic institution, the functioning of which cannot be viewed in isolation from such factors.

11. The general function and specific charge to the Faculty Senate and standing committees are outlined in subsequent articles in this section.
12. Committees may make recommendations to the faculty on all matters referred to them, and any committee is empowered to consider, investigate, and report upon any matter that shall seem to it to be relevant to its purpose. Unless given power to act by the vote of the faculty, all committees shall report their recommendations to the faculty for action.
13. Minutes of all committee meetings must be prepared, and copies shall be archived within one meeting, with the exception of the Personnel Committee. The Faculty Senate will regularly review those archived minutes. Pertinent information from those minutes shall be reported or distributed to the faculty at the regular faculty meeting. The chair of Faculty Senate will receive all internal committee communications.

### ARTICLE 3.

#### INITIATION AND DISPOSITION OF PROPOSALS

1. Individual faculty members, administrative officers and faculty committees may submit proposals for action to the Faculty Senate, which shall assign these to the appropriate committees. All proposals must be submitted in written form to the chair of the Faculty Senate at least three days before it is scheduled to meet. The Faculty Senate has the option, in each case, of commenting on and making recommendations regarding the proposal. The Faculty Senate shall have the further power to return, with recommendations, a committee action to the committee of origin or another appropriate committee on a particular action.
2. Proposals affecting general institutional policy, with no topical restrictions, can originate in the Faculty Senate. The Senate must refer such proposals to the appropriate faculty committee or propose an *ad hoc* committee to study and make recommendations on the matter.
3. Under unusual circumstances a proposal may be brought to the floor of the faculty meeting by a two-thirds vote to suspend the rules.

### ARTICLE 4.

#### FACULTY SENATE

##### 1. PURPOSE AND FUNCTIONS

- a. The Faculty Senate shall expedite the work of the faculty and provide leadership in College policy development by interaction with the administration and responding to College needs in general without the burden of representing any constituency other than the faculty-at-large. The Faculty Senate shall assure that continuity is achieved between outgoing and incoming Senate membership through year-end reports.
- b. The Faculty Senate shall act on behalf of the faculty in the following particular ways: appoint faculty members to standing and *ad hoc* committees, select faculty representatives for special projects or advise the President on similar appointments he/she makes, set the faculty meeting agenda, initiate proposals to the faculty, screen

recommendations from committees for clarity and policy implications prior to forwarding them to the faculty for action, discuss general campus affairs and policies with the President and Vice President for Academic Affairs, advise the administration on behalf of the faculty when the College is not in session, evaluate annually the committee structure and administrative tasks, interview candidates for teaching and other positions and make recommendations to the administration regarding their employment.

- c. The Faculty Senate shall meet periodically with the President of the College in order to communicate mutual concerns, and the chair will meet regularly with the President and his/her staff to offer recommendations to the administration on behalf of the faculty; however, such recommendations shall be reported at the next scheduled faculty meeting.
- d. The Faculty Senate shall be the official representative of the faculty to the administration, the Board of Trustees and the Student Senate.

## 2. MEMBERSHIP

- a. The Faculty Senate is an elected standing committee and shall consist of six full-time faculty members selected by the faculty for two-year terms. The President of the College and the Vice President for Academic Affairs are ex-officio members. The chair of the Faculty Senate shall be elected by the Faculty Senate members for a one-year term. The individual elected may not succeed himself/herself as a chair more than once. Only elected members shall be eligible for the chair and have the right to vote on motions.
- b. A member of the faculty may serve no more than two consecutive terms. After serving two terms, a faculty member shall be ineligible for re-election for a period of one year.
- c. The members of the Faculty Senate with expiring terms who are not running for another term shall conduct and certify the election. These members will keep the faculty informed about the composition of returning senators. If the outgoing members are nominees, then an ad hoc committee with a minimum of two members may be designated by the continuing Faculty Senators.
- d. A list of those faculty members who are eligible for election to the Faculty Senate will be published by the April faculty meeting.
- e. Nominations from among those eligible for election to the Faculty Senate may be made by petition to the Faculty Senate, which will receive petitions at such reasonable times and places as it may designate. Faculty members wishing to not be nominated should also at this time petition the Faculty Senate. Faculty members holding the rank of Instructor or higher who are teaching one-half time or more or coaches of athletics may make nominations.
- f. The election will be by ballot from a list of nominees which shall be presented to the faculty no later than five days before closing the polls. Individuals eligible to vote in faculty meetings, see Section III. Article 5, may cast one vote for each vacancy to be filled. Those obtaining the most votes shall be declared elected if they have received the votes of 25% or higher of the number of people voting. If all the vacancies are not filled

due to an insufficient number of individuals receiving a number of votes equal to 25% of the number of people voting, those who have received 25% or higher of the votes will be considered elected and the Faculty Senate will generate a new ballot containing the candidates with the largest number of votes under 25%. No more than the existing number of vacancies will be filled. There will also be a run-off in the event of a tie which would cause the number of vacancies to be exceeded. Election from the run-off ballot would again require the votes of a minimum of 25% of the people voting.

### 3. MEETINGS

The Faculty Senate shall meet at least once each month during the academic year. The Faculty Senate agenda shall be made available to the College community at least three days before each regular meeting. Any faculty member shall be permitted to speak on any agenda item. Chairs of standing committees shall be expected to schedule open meetings on proposals when considered appropriate. However, the Faculty Senate may schedule open meetings for discussion of committee proposals which they deem either controversial or of considerable significance to the institution.

### 4. SPECIAL APPOINTMENTS

The Faculty Senate shall make the appointment or, in the event that the President is required to make the appointment, shall advise him/her on the appointment of faculty representatives for special projects or foundations (e.g., ACM programs, Woodrow Wilson, Student Communications, and Danforth Foundation).

### 5. EVALUATION OF THE COMMITTEE STRUCTURE

During the second semester, the Faculty Senate will deliver to the faculty a report on the effectiveness of the existing committee structure together with recommended changes which might improve the committee structure.

### 6. EVALUATION OF ADMINISTRATIVE TASKS

Ongoing evaluation of all the administrative officers is the duty of the President of the College, and evaluation of the President is the duty of the Board of Trustees. All administrative offices are related to the academic programs. The faculty, through the Faculty Senate, may, at its discretion, review any administrative task it feels necessary in performing its stated purpose of responding to College needs in general. Such evaluation shall consider input from the faculty at large and be a part of the Faculty Senate's ongoing conversations with administrators. The goal of these discussions shall be to provide information regarding the faculty's perception of strengths, needs or problems in the performance of these tasks in order to help these offices function as effectively as possible.

ARTICLE 5.

APPOINTED STANDING COMMITTEES

The following are the appointed standing committees of the Faculty and shall be selected by the Faculty Senate as described in Article 4, above.

Admissions and Academic Status	Faculty Grievance
Curriculum	Personnel
Faculty and Institutional Development	Public Affairs
Assessment Committee	Student Affairs

A proposal to establish or delete a standing committee of the faculty shall be submitted to the Faculty Senate, which shall submit the proposal together with its recommendation to the faculty by the second regularly-scheduled faculty meeting subsequent to its receipt of the proposal.

The subsequent articles herewith prescribe the function, general duties and membership of each committee. Each of these committees has a responsibility to consider long-range planning as part of its ongoing task.

The President of the College and the Vice President for Academic Affairs are *ex-officio* members of all standing faculty committees.

ARTICLE 6.

ADMISSIONS AND ACADEMIC STATUS COMMITTEE

The Admissions and Academic Status Committee shall be responsible for recommending to the faculty or the administration policies and procedures related to the admission, retention and academic standing of students.

The committee shall: monitor admissions standards in consultation with the administration, review admissions applications that fall below established standards, consider student academic petitions, advise the Vice President for Academic Affairs and Associate Dean concerning retention of students doing poor academic work, advise on measures to correct students' academic deficiencies, and consider all cases which call for academic suspension.

The Vice President for Academic Affairs may set aside the judgment of the committee regarding suspension in any individual case, but if this is done, he/she shall report the action taken and reasons for this to the committee.

The Admissions and Academic Status Committee shall consist of five faculty members, and two students. The Vice president for Enrollment and the Registrar shall be *ex officio* members.

ARTICLE 7.

CURRICULUM COMMITTEE

The Curriculum Committee shall be responsible for recommending to the faculty changes in curriculum

and policies governing academic courses, standards and programs, including teacher education.

Concerning curriculum matters the committee shall: recommend to faculty approval of new courses, approve pilot courses, consider changes in graduation requirements, oversee the academic calendar, consider changes in curricular policy and standards, establish the organization of academic units, approve various academic programs, recommend to faculty approval of major programs and approve applicants for off-campus programs.

A member of the Teacher Education Subcommittee shall serve as an ex-officio member of the committee. This member shall follow the charge of the Teacher Education Subcommittee and communicate concerns regarding the effects that changes in courses or curricular structure may have on the Teacher Education Program and Monmouth College.

The Curriculum Committee will approve candidates for student teaching. If approvals need to take place when classes are not in session, a designee of the Committee will assume that responsibility. The process provides a second layer of approval that supplements the work of the Teach Education Subcommittee. This due diligence process was submitted to the Illinois State Educator Preparation and Licensure Board in the spring of 2014 as a good faith effort in ensuring that students are not student teaching in programs that are unapproved or when they have not fulfilled the requirements of the program. This process must be maintained as part of Monmouth College's ability to license teachers. A member of the Teacher Education Subcommittee, who is also an ex-officio member of the Curriculum Committee, will periodically provide documents related to students who have applied to participate in the student teaching clinical experience. The specific procedures and documentation for this approval are contained in the Curriculum Committee Processes document.

The Curriculum Committee shall consist of five faculty members, and two students. The Director of Teacher Education (or her or his designee from the Teacher Education Subcommittee), the Registrar, the C.A.C. Coordinator, and the Q.A.C. Coordinator shall be ex officio members.

## ARTICLE 8.

### FACULTY AND INSTITUTIONAL DEVELOPMENT COMMITTEE

The Faculty and Institutional Development Committee shall be responsible for recommending to the faculty and administration policies and procedures relative to the use and development of human and financial resources of the College.

The committee shall: review with the President all matters relating to the total budgeting process of the College, recommend, in consultation with administrative officers, faculty replacements, new faculty positions or faculty reductions; advise the administration on building, remodeling and grounds decisions; promote individual and corporate professional development, including such programs as sabbatical leaves, professional travel, faculty grants and the development and improvement of pedagogy; discuss with administrative officers matters concerning salary and fringe benefit policies; serve in an advisory capacity concerning the Library, Instructional Technology and Information Systems; and provide counsel on College fund-raising endeavors.

The Faculty and Institutional Development Committee shall consist of five faculty members and two students. The Vice President for Development and the Vice President of Finance and Business shall be *ex officio* members.

## ARTICLE 9.

### FACULTY GRIEVANCE COMMITTEE

The Faculty Grievance Committee shall consider petitions for redress of grievance from individual faculty members. The Grievance Committee shall be responsible for conducting hearings dealing with grievances relative to faculty members and/or Personnel Policies and Procedures. The committee shall report its recommendations to the petitioner and, when circumstances deem it useful, to the appropriate administrative officer and faculty body.

The Faculty Grievance Committee shall consist of three tenured faculty members elected by the faculty for three-year terms and one tenured member elected for a one-year term as an alternate. This election will be held in conjunction with the Faculty Senate election and the election procedure shall be the same as that used for the Faculty Senate. Administrative officers, members of the Personnel Committee and students may not be members of the Faculty Grievance Committee. No two members, including the alternate, may be from the same department.

Membership on the Faculty Grievance Committee shall not constitute one of the two committee appointments which a given faculty member may accept for any year.

## ARTICLE 10.

### PERSONNEL COMMITTEE

The Personnel Committee shall evaluate the performance of individual faculty members under consideration for continuation, tenure, and promotion. Personnel Committee recommendations are submitted in writing by the chair of the Personnel Committee with supporting rationale to the Dean of the Faculty. The Dean includes the full text of the Personnel Committee's recommendation, along with the Dean's recommendation to the President. Final action to recommend continuation, tenure, and promotion is the decision of the President.

The committee shall report non-confidential matters to the faculty as a whole.

The Personnel Committee shall be made up of six tenured faculty members. The Dean of the Faculty shall serve as an ex-officio member of the committee with the right to participate in committee discussion. The Dean of the Faculty shall not vote in committee decisions. No person being considered for promotion may serve on the committee the year of the consideration.

While discussions concerning a faculty member's fitness must be kept confidential, the results shall be made known to the faculty member directly involved, and in case of non-retention, the faculty member shall be informed of the reasons if these are requested. On questions of faculty status, reappointments, decisions not to reappoint, promotions, the granting of tenure and dismissal, the President and the Board of Trustees should concur with the recommendation of the Personnel Committee except in rare instances and for compelling reasons which shall be stated in writing.

A complete description of Personnel Committee procedures can be found in the Faculty Manual and Personnel Committee documents.

## ARTICLE 11.

### PUBLIC AFFAIRS COMMITTEE

The Public Affairs Committee shall: solicit requests from faculty and staff for funding for public events on campus, shall make funding decisions that are fiscally responsible given the committee's allocated budget, shall make funding decisions that are equitable and that help create a diversity of public programming on campus, representing a broad spectrum of types of events and multiple departments and offices, shall as needed assist the college's Communications Office with publicizing events on campus and shall manage and publicize the Scholars Day celebration of students scholastic achievements held annually.

The Public Affairs Committee shall be made up of five faculty members and one student. The Director of Campus Events shall be an *ex officio* member and shall serve as an administrative aide who will assist the committee in its day-to-day routine. The Director of Communications shall also serve as an *ex officio* member of the committee.

## ARTICLE 12.

### STUDENT AFFAIRS COMMITTEE

The Student Affairs Committee shall be responsible for recommending to the faculty and administration policies and programs for students in non-curricular areas. This shall include general matters regarding student life and concerns related to athletic programs.

General student matters entail responsibilities to advise on orientation, housing, student oriented campus programs, Greek organizations and international student affairs. The committee shall serve as a liaison for student concerns, act as an ombudsman for student problems and develop student grievance procedures.

Athletic matters of concern to the committee shall be to approve athletic schedules and to aid in determining athletic policy. Only full-time teaching faculty shall vote on athletic policy.

The Student Affairs Committee shall be made up of four faculty members and four students. The Dean of Students and Associate Dean of Students shall be *ex officio* members. The Athletic Director and faculty athletic representative shall be present for consideration of all athletic matters.

## ARTICLE 13.

### ASSESSMENT COMMITTEE

The Assessment Committee shall be responsible for the continuation, quality and usefulness of the College's assessment program for evaluating student learning goals.

In carrying out its functions, the Committee does not engage in judging courses, instructors, or programs.

The functions of the committee shall include:

- I. At the Departmental level:
  - A. Consult with and provide mediation for the Teaching and Learning Coordinator with regards to his or her efforts in the following areas.
    - i. Assisting individual faculty and academic departments by providing resources, developing workshops, and offering consultation on assessment of student learning.
    - ii. Providing feedback to departments annually on their assessment of student learning goals from the previous year.
    - iii. Assisting departments with aligning departmental student learning goals with college level, general education goals.
  - B. Produce an annual report for the faculty summarizing 1) the Committee's evaluation of the quality of departmental assessment programs, 2) the areas where student learning goals are being met and where improvement is needed, and 3) the initiatives underway to strengthen student learning.
- II. At the College level:
  - A. Assist program coordinators with assessment of general education goals, including Communication Across the Curriculum, Quantitative Reasoning, and critical thinking.
  - B. Assist with assessment meetings for general education (i.e. Integrated Studies, Foundation courses, Area Studies, etc.).
  - C. Review results of institutional surveys (e.g. National Survey of Student Engagement) and prepare a report for the faculty that summarizes key findings about student learning and presents analysis for discussion by the faculty.
  - D. Provide venues for faculty discussion of reports on student learning prepared by the Assessment Committee
  - E. Monitor student learning outcomes in light of the Mission and Purposes of the College.
- III. Respond to request for analysis of evidence of student learning from decision-making bodies, including, but not limited to, Faculty and Institutional Development Committee, Faculty Senate, Curriculum Committee, and the administration.

The Assessment Committee shall be made up of four faculty members and one student. The Dean of Students, the Registrar, and Teaching and Learning Resources Coordinator shall be *ex officio* members. The faculty will represent a broad range of programs and no more than one member of an academic department shall serve on the committee at any given time.

#### ARTICLE 14.

#### AD HOC COMMITTEES

*Ad Hoc* committees may be established by the faculty by a majority vote of the faculty. They shall be appointed in a manner described in the motion to establish them and shall exist for a one-year period or until their commission is accomplished, whichever period is shorter. Nothing in this Article shall prohibit an *ad hoc* committee from advancing to the status of a standing committee by the procedure outlined above in Section 4, Article 4.1.b.