

Constitution, By-laws, and University Manual Committee Report 2015-16 # 1

October 15, 2015

Segment 1: Background

On 2/19/15, the Faculty Senate enacted, on the basis of recommendations of an Ad-hoc committee to address Faculty Senate membership and faculty voting rights on matters requiring Faculty Senate approval (henceforth referred to as “Ad-hoc Committee”), legislation giving full-time non-continuing faculty members voting rights in department and college meetings after having served in their position for at least one academic year. Here is the link to the legislation:

http://web.uri.edu/facsen/files/Bill_14-15-15.pdf

On 4/16/15, the Faculty Senate approved the following recommendations of the Ad-hoc Committee:

First, the Senate approved to replace, in the University Manual, “continuing faculty” by “tenure-track faculty” and “non-continuing faculty” by “non-tenure track faculty.” These changes—to be included by the editor of the Manual—are based on a determination of the Ad-hoc Committee that historically, the terms “continuing faculty” and “non-continuing faculty” as used in the University Manual and in similar documents mean respectively “tenure-track faculty” and “non-tenure track faculty.”

Second, the Faculty Senate provisionally approved that full-time non-tenure track faculty—such as lecturers or clinical appointees—be eligible for Faculty Senate membership after having served in their positions for at least one academic year, and that each college or unit represented in the Senate be allowed one senator for twelve (instead of ten) of its members. Here is the link to the legislation:

http://web.uri.edu/facsen/files/Bill_14-15-28.pdf

The provisionally approved matters referred to in the paragraph marked “Second” cannot become effective unless the appropriate passages of the Senate Constitution are changed by a referendum of the General Faculty. The Constitution, By-laws, and University Manual Committee has been asked to review the Constitution and the By-laws and identify the necessary changes.

Segment 2: Recommendations concerning the membership paragraph of the Faculty Senate Constitution:

Below please find the membership paragraph of the Faculty Senate Constitution, with an indication of the modifications that would make the document consistent with the changes provisionally approved by the Faculty Senate. These changes are in track changes. There are also some editorial changes: additions to complete the title of the Provost and punctuation corrections. The membership paragraph reproduced below contains also a passage in a blue font and crossed out. The CBUM Committee decided to propose eliminating that passage from the

Constitution, since an almost parallel passage is to be found in the By-laws (see the By-laws segment, below), which seems to be sufficient, and for which modifications are proposed in this report. If the Senate votes in favor of these changes, they will be presented to the General Faculty (via Survey Monkey) for a referendum; a two-thirds majority of those responding is required for the changes to become effective.

Thus, the CBUM Committee recommends: **That the Faculty Senate approve the changes to the Faculty Senate Constitution's Membership Paragraph as proposed below, and direct the Faculty Senate Executive Committee to conduct a referendum of the General Faculty concerning these changes.**

Article III – Membership

1. The Senate shall consist of designated *ex officio* members and of elected members of the ~~full-time teaching, library, research and extension~~ faculty, chosen in the approximate ratio of one senator for each ~~10~~ 12 full-time faculty members. ~~For the purpose of determining the number of senators to be elected by a college, the library or other unit of the faculty authorized to conduct elections, part-time faculty members shall be counted according to the fraction of full-time which they serve.~~ Any full-time member of the faculty with the rank of professor, associate professor, assistant professor, ~~or~~ instructor, or lecturer may be elected a member of the Senate. Lecturers and other full-time non-tenure track faculty members shall be eligible for Faculty Senate membership only after having served in their positions for at least one academic year. The Senate will provide means by which all eligible faculty members not in a college or the library have the opportunity to vote and to be candidates for election. The President, the Provost and Vice President for Academic Affairs, the Vice Provosts, the Vice Presidents, the deans of the colleges and schools, the Dean of Admissions, the person who served as Senate chair during the previous academic year, the President or, in his/her absence, the Vice President of the Student Senate, and the President or, in his/her absence, the Vice President of the Graduate Student Association shall be members of the Senate *ex officio* without the right to vote, but with the right to make and second motions. Other officers of administration, including personnel deans and the directors and assistant directors of the University administrative divisions, shall not be eligible for election to the Senate.

Segment 3: Changes to the Faculty Senate By-laws

The Faculty Senate By-laws also contain a membership paragraph (Article 2.2). It is reproduced below.

Automatic modifications following a General Faculty approval of the Constitution changes proposed above: There are three passages in the By-laws, referencing the ratio of faculty to senators, which will be inconsistent with the Constitution if the referendum proposed above passes. Since the Faculty Senate Constitution supersedes the By-laws, these By-law passages must be automatically adjusted to the Constitution if the changes to the latter document are approved by a referendum of the General Faculty. The changes are indicated in 2.2, below, by means of track changes. (Again, there is an editorial correction: changing from “Article II” to “Article III.”)

Changes to be voted on by the Faculty Senate: The second sentence of 2.2, below, corresponds largely to the one recommended to be eliminated from the Membership Paragraph of the Faculty Senate Constitution. The passage goes back to a time at which there were part-time tenure-track faculty members at URI; that is what “part-time” refers to in this passage. To make sure that the passage is not misunderstood to refer to PTFs and to make it consistent with the changes to the Constitution proposed, it is recommended:

That, contingent on an approval of the changes to the Faculty Senate Constitution proposed in Section 2., the second sentence of 2.2 of the Faculty Senate By-laws be changed as indicated below. (Note: These “non-automatic” by-law changes require a two-thirds Faculty Senate majority vote for approval; also, they cannot be voted on at the meeting at which they are first moved. Moreover, they can be voted on only after the changes to the Faculty Senate Constitution proposed in Segment 2 have been ratified by the General Faculty.)

2.2 Each faculty or other faculty unit shall elect one senator for each ~~ten~~twelve of its full-time members or majority fraction thereof. For the purpose of determining the number of senators a college or other authorized faculty unit is entitled to elect, ~~part-time tenure-track~~ faculty members with part-time appointments (resulting from a part-time assignment, a joint appointment in more than one college or unit with Senate representation, or phased retirement) as well as full-time non-tenure track faculty members with a joint appointment in more than one college or authorized faculty unit shall be counted according to the fraction of full-time which they serve in a particular college or unit. Terms shall be so arranged as to provide that one-third, or approximately that number of senators shall be newly elected members each year. No college, school, or other authorized faculty unit shall have a majority of elected senators, and if this should be imminent following the membership apportionment as prescribed elsewhere in the Constitution and By-Laws, the faculty involved shall be entitled to elect no more than one less than a majority of the elected members of the Senate. All full-time faculty members, as set forth in Article III of the Constitution, shall be entitled to vote and to be candidates in Senate elections, but none shall vote or be eligible for election in more than one college or other unit. Each college or school, the library and other authorized unit not included in a college or school or in the library is entitled to elect at least one senator, regardless of the number of members in its faculty. The Executive Committee, with the concurrence of the Senate, shall determine how faculty members not included in a college or school or the library shall be grouped for participation in elections and shall designate a leader to organize elections; but the number of units so formed shall be kept to a minimum consistent with adequacy of representation of distinct disciplines. Normally the principle of not more than one unit for ~~10-12~~ faculty members will be applied, so that the total number of senators will not be excessively increased and the ratio of one senator for ~~10-12~~ faculty members will not be unduly disturbed. Faculty units so designated shall be announced at the regular Senate meeting in April of each year, and recorded in the minutes.

Segment 4: Looking to the future—Item still to be taken care of

Currently, non-continuing (i.e. non-tenure track) full-time faculty members are not members of the General Faculty, aka University Faculty. The Faculty Senate is, however, the representative body of the General Faculty. It would seem strange for there to be a group of people eligible for Faculty Senate membership, but not being members of the super-ordinated body. This can be

rectified through the following changes to University Manual Passage 4.11.10 (deletion crossed out in blue; insertions added in underlined red. Additional insertions are editorial; one makes sure that the Provost's full title is listed; the other is a punctuation correction):

4.11.10 Membership in the University Faculty, also referred to as the General Faculty, shall be based on appointment by the President and on direct participation in or supervision of any of the following activities: teaching, librarianship, and research, within the University. The General Faculty shall consist of ~~continuing~~ professors, associate professors, assistant professors, instructors (see 7.10.10), and lecturers; the President, the Provost and Vice President for Academic Affairs, the Vice President for Research and Economic Development, the Vice Provost(s), and the academic dean of each college and of the Library. ~~or school.~~

If the General Faculty approves of the recommendation to allow non-tenure track full-time faculty to serve on the Faculty Senate, these changes to 4.11.10 will be proposed. (Note: It is not absolutely essential that they be enacted, though, although that would continue the “anomaly” referred to in the first paragraph of Segment 4.)

*[These matters do not entertain,
They rather stress and strain one's brain;
With care, though, we must them resolve,
Or else, confusion will evolve.]*