

# Constitution, By-laws, and University Manual Committee Report 2016-17 # 2

## **Segment 1: Background**

On 1/26/17, the Faculty Senate approved the following motions:

(1) “I move that the Senate provisionally approve that Senior Lecturers and Teaching Professors be eligible to serve on the Faculty Senate as well as on Faculty Senate committees; furthermore, that the Faculty Senate CBUM Committee be directed to draft, prior to the February 2017 Senate meeting, appropriate changes to the Senate Constitution, the By-laws, and the University Manual to be submitted to the Senate, and that the Senate vote, at its February 2017 meeting, whether or not the changes to the Constitution should be submitted to the General Faculty for a referendum; and the implementation date of any approved membership and service changes shall be the 2018-19 academic year. Furthermore, at time of implementation the ratio of eligible faculty to senator ratio shall be changed to 1:15.”

(2) “I move that the Senate provisionally approve that Clinical Faculty be eligible, after five (5) years of service in their positions, to serve on the Faculty Senate as well as on Faculty Senate committees, and that the Faculty Senate CBUM Committee be directed to draft, prior to the February 2017 Senate meeting, appropriate changes to the Senate Constitution, the By-laws, and the University Manual to be submitted to the Senate, and that the Senate vote, at its February 2017 meeting, whether or not the changes to the Constitution should be submitted to the General Faculty for a referendum; and the implementation date of any approved membership and service changes shall be the 2018-19 academic year. Furthermore, at time of implementation the ratio of eligible faculty to senator ratio shall be changed to 1:15.”

## **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 which would make the document consistent with the changes provisionally approved by the Faculty Senate. These changes (cross-outs and additions) are in a red font. If the Senate votes in favor of them (or of an amended version based on changes proposed at the Senate meeting at which the matter is discussed and voted upon), they will be presented to the General Faculty (via an electronic ballot) 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, to become effective at the beginning of the 2018-19 Academic Year, and that the Faculty Senate Executive Committee be directed 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 tenure-track faculty, the latter ones~~ chosen in the approximate ratio of one senator for each ~~10 full-time tenure-track faculty members~~ **15 persons eligible for being elected to the Faculty Senate**. Any member of ~~the tenure-track faculty with the rank of professor, associate professor, assistant professor, or instructor~~ **the following groups** may be elected a member of the Senate: **Tenure-track faculty members, Senior Lecturers, Teaching Professors, and Clinical Faculty who have served in their positions for five (5) years.**

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. #01-02-8; #01-02-12 (Approved by referendum, May 2002) #03-04-10; #06-07-1 (Approved by referendum, April 2007) (Approved by referendum March 2015) (Approved by referendum March 2016)

### Segment 3: Changes to the Faculty Senate By-laws

#### **a. Automatic modifications following a General Faculty approval of the Constitution changes proposed above:**

There are some passages in the By-laws 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 automatically be adjusted to the Constitution if the changes to the latter document are approved by a referendum of the General Faculty and when they become implemented. The changes are indicated in 2.2, below, by green cross-outs and green insertions.

2.2 Each faculty or other faculty unit shall elect one senator for each ~~ten~~<sup>fifteen</sup> of its full-time ~~faculty~~<sup>tenure-track</sup> members ~~eligible for Senate membership~~, or a majority fraction thereof. For the purpose of determining the number of senators a college or other authorized faculty unit is entitled to elect, ~~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 representatives, or phased retirement 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 tenure-track faculty members~~<sup>those faculty members eligible for Senate membership</sup>, 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~~<sup>individuals eligible for Senate membership</sup> but 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~~<sup>15</sup> ~~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~~<sup>15</sup> ~~faculty~~ members will not be unduly disturbed. ~~Faculty units~~<sup>Units</sup> so designated shall be announced at the regular Senate meeting in April of each year, and recorded in the minutes. #15-16-29

**b. By-law changes to be voted on by the Faculty Senate:** The motions the Senate passed on 1/26/17 also include that Senior Lecturers, Teaching Professors, and Clinical Faculty be eligible to serve on Faculty Senate committees. Thus, it is moved:

That, contingent on an approval and implementation (in 2018-19) of the changes to the Faculty Senate Constitution proposed above, Sections 6.1 and 6.2 of the Senate By-laws be changed as follows (changes are indicated by red cross-outs and additions [changes to the By-laws require a two-thirds majority to be approved, and cannot be voted on at the meeting at which they are first moved]):

**6.1** The Chairperson of the Senate with the advice of the Executive Committee and the consent of the Senate shall appoint for two-year terms faculty members and chairpersons of standing committees, chosen from the Senate and/or from the groups of faculty members eligible for Senate membership, to replace those faculty members and chairpersons whose terms have expired. These appointments shall be on staggered basis so that half the members of each committee are replaced each year and so that the chairpersons of half the committees are replaced each year. When the list of new members and new chairpersons of committees is presented to the Senate for approval, the Senate's action shall be limited to consenting to the appointees for each committee or to referring the matter back to the Chairperson and the Executive Committee. Nothing in this paragraph shall be construed as preventing a newly constituted Senate committee from meeting prior to the Faculty Senate's ratification of the new committee membership at the Senate's first fall meeting.

**6.2** All members of the ~~University faculty~~ groups of faculty eligible for Senate membership shall be eligible to serve on such committees, but ordinarily the chairpersons shall be elected members of the Senate. A minority of persons who ~~are not members of the University faculty~~ do not belong to the faculty eligible for Senate membership may be appointed to such committees on occasion for specific purposes, but each such instance shall be considered on its own merit. In May of each year, at the organizational meeting of the new Senate, members shall submit to the Chairperson their first, second and third choices of standing committees on which they would prefer to serve.

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

Currently, Senior Lecturers, Teaching Professors, and Clinical Faculty 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 (insertions added in red and underlined):

**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 tenure-track professors, associate professors, assistant professors, instructors (see 7.10.10), Senior Lecturers, Teaching Professors, Clinical Faculty who have served for five years in their positions; 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 or school and of the library. #15-16-29

If the General Faculty approves, by referendum, the recommendation to allow Senior Lecturers, Teaching Professors, and Clinical Faculty who have served for five years in their positions to become eligible for Faculty Senate membership, the changes to 4.11.10 identified in the previous paragraph will be proposed. They are to be enacted by the General Faculty; thus, they should be moved (maybe by a member of the CBUM Committee) at the next time at which there is a General Faculty meeting preceding a Faculty Senate meeting (this would be the April 2017 Senate meeting). The motion to approve these changes

should specify that they would become effective at the beginning of the 2018-19 Academic Year. (Note: It is not absolutely essential that these changes be enacted, though, although that would continue the “anomaly” referred to in the first paragraph of Segment 4.)

*This document we do submit  
With reverence, as it is fit  
For a proposal to this body;  
We hope you do not judge it shoddy.*

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