Report to the Faculty Senate
Committee on the By-Laws and the Faculty/Administration Manual
College of Charleston
October 6, 2009

Faculty Members: C. Michael Phillips (Committee Chair and Senator), Steven Arsenault (Senator), and Erin Beutel

Committee Duties: “To review on a continuing basis the Faculty By-Laws and the Faculty/Administration Manual; to propose changes for the improvement of the documents and to forward the recommended changes to the administration and/or the Faculty Senate as appropriate; to incorporate any revisions to or interpretations of either document in new editions of the documents; to make non-substantive changes to the Faculty By-Laws to correct unintended grammatical and spelling errors, address minor problems of stylistic consistency, and correct inaccurate administrative titles.” (Faculty By-Laws, Art. V, Sect. 2.B.3(b)).

A motion to amend the Faculty By-Laws was offered at the September 15, 2009 meeting of the Faculty Senate. As required by Article VI of the By-Laws, we offer our recommendations to the Senate regarding this motion. The original and a revised motion are available on the Faculty Senate Web site. The revised motion was offered by Larry Krasnoff, chair of the Ad Hoc Committee on Faculty Governance.

In this report, we reproduce the motion to amend as we recommend it be adopted by the Faculty Senate and the College Faculty, should the Senate and Faculty be favorably disposed to these amendments. The committee also raised the following questions about the motion: (1) Could decreasing the size of the senate adversely affect the formulation of committee slates that require senators and (2) Can the current calendar requirement that both the major senate officers and the proposed at-large school senators be elected by February 15th be met if all of these elections are conducted separately?

Proposed Amendments. Please see the original and revised motions for the rationale to amend, as supplied by the Ad Hoc Committee on Faculty Governance.

We propose the following four substantive changes to the motion:

(1) Article IV, Section 2D.2. Rather than the deans forward a slate of candidates to the Committee on Nominations and Elections, we propose instead that faculty of a school forward nominations or self-nominations to the Committee on Nominations and Elections for the purpose of developing a slate of at-large candidates for that school. This limits all parts of the election process to faculty and faculty committees and does not directly involve the academic administration;

(2) Article IV, Section 2D.5. Remove “electronic” since it is unclear to us that our current electronic balloting system will be able to handle a maximum of seven elections with seven different electorates in two weeks time;

(3) Article IV, Section 2D.6. Remove this item since the proposed motion requires that the election of senate officers and at-large senators be held separately; and

(4) Article IV, Section 3B.1.e.6. As the motion from the Ad Hoc Committee indicates, strike the sixth duty of the Committee on Nominations and Elections, but add in its place “Conduct elections for at-large school senators.” We assume this was an oversight.

We also propose the following four non-substantive changes:
At Article IV, Section 2A, remove “and the Library” in the second sentence. Since the Library has no formal internal departments, there are no distinct sets of departmental or at-large senators as with the schools. Hence, the case for the Library is better described by the first sentence alone.

A change of reference in Article IV, Section 2D.3 due to the insertion of a new composition clause at section A of this same section;

For clarity and completeness at Article IV, Section 2D.4, remove the parenthetical “verifying Senate apportionment and voter eligibility; constructing, distributing, collecting and validating ballots, and certifying results” and add the following in parentheses after the duty described at Article IV, Section 3.B.1.c.6: “verifying Senate apportionment and candidate and voter eligibility; constructing, distributing, collecting and validating ballots, and certifying results”; and

A change of fact at Article IV, Section 3B.1.c.4. There are now 16, not 5, faculty elected to the College Honor Board by March 15. 8 serve on the board and 8 serve as advisors to students called to appear before the board; and

The motion to amend appears below. Changes to the By-laws are denoted by strikethrough and underline to indicate stricken items and additions, respectively.

Amend Article IV, Section 2, of the By-Laws (concerning the Faculty Senate) as follows:

Section 2. Composition and Election

A. Composition. There shall be 50 Faculty Senators, apportioned by the percentage of faculty in each school (including the Library). There shall be one senator elected by each academic department, with the remainder of a school’s senators elected at-large by the faculty in that school.

A. B. Eligibility. A Faculty Senator must be a full-time tenured, tenure-track, Instructor, or Senior Instructor employee of the College who has completed at least three years of service at the College, and who normally teaches at least three contact hours per semester or the equivalent in assigned research or who is a full-time professional librarian. Without regard to teaching load, Department Chairs, Assistant Department Chairs, and Associate Department Chairs who otherwise would be members of the regular faculty are eligible to serve as Faculty Senators. (App. April 2005) Administrative officers, the Dean of the Graduate School, the Academic Deans, the Dean of the Honors College, Associate Deans, and Assistant Deans are not eligible to serve as Faculty Senators. Faculty members on leave are not eligible to serve as Faculty Senators. (Rev. May 2009)

B. C. The President of the College, the Provost, a student representing the Student Government Association, and the Faculty Secretary are non-voting ex-officio members of the Faculty Senate.

C. D. Election
1. Without regard to teaching load, all and only regular faculty members as defined in Art. I, Sect. 1, excluding all those qualifying as *ex officio* regular faculty members under provision (3), are eligible to vote in Senate elections.

2. No later than February 15, vacancies from the group of at-large Senate seats will be filled by means of an election conducted among the eligible faculty of each school (as defined in Section 1 above) through an electronic ballot. Candidates for the at-large Senate seats are nominated by February 1 by the Committee on Nominations and Elections or by nomination or self-nomination. By February 1, any and all regular faculty of a school may forward nominations or self-nominations to the Committee on Nominations and Elections for the at-large Senate seats in that school. The candidates receiving the most votes cast in this election these elections shall be elected to the at-large seats allocated to each school. Any tie shall be decided by lot.

3. No later than March 15, each of the academic departments and Library will elect its Senator(s) from among its eligible members (as defined in Section 2A B above). Units with one to ten eligible voters (as defined in Section 2C.1 above) elect one Senator; units with eleven to twenty eligible voters elect two Senators, and so on by increments of ten.

4. The Committee on Nominations and Elections shall oversee all Senate elections. (verifying Senate apportionment and voter eligibility; constructing, distributing, collecting and validating ballots; and certifying results).

5. All elections for at-large Senate seats shall be conducted by secret electronic ballot. Upon the receipt of a vote, the Committee on Nominations and Elections shall ensure that the vote was cast by an eligible voter. In case of a tie vote, the election is decided by lot.

6. A candidate for the position of Speaker cannot be a candidate for an at-large senate seat in the same election. In the event that a candidate for Speaker is in the middle of a term as an at-large senator and wins the election for Speaker, of those unsuccessful in the election for at-large seats, the person obtaining the most votes will complete the second year of the Speaker elect’s term.

Amend Article IV, Section 2, F as follows:

F. Vacancies due to resignation, recall or any other reason may be filled by a special election by the appropriate electorate. Senators elected in such special elections will serve out the term of the Senators they replace. If an at-Large Senator needs to be replaced, the faculty of that school shall elect the replacement by ballot. The Committee on Nominations will provide a slate of at least two candidates circulated to the faculty at least two weeks before the election. Additional nominations from the faculty may be sent to the Chair of the Committee on Nominations and Elections at least one week before the election. No Senator, including replacement Senators, shall serve for more than four consecutive years. (Rev. Jan. 2007, April 2007; Ins. April 2007)
Amend Article IV, Section 3, B.1.c (concerning the Committee on Nominations and Elections) as follows:

c. Duties:

(1) To nominate for the offices of Speaker of the Faculty and Faculty Secretary, for the fifteen at-large Senate seats, and for membership on all standing and ad-hoc committees of the Faculty Senate and of the College;

(2) To fill all vacancies through nomination or appointment which may occur on any committee;

(3) To present to Senators, in writing, its slate of candidates for standing Senate committees at least 15 days prior to the April Senate meeting;

(4) To present to members of the faculty, in writing, its slate of candidates for standing College committees and five sixteen faculty for the College Honor Board by March 15;

(5) To present to members of the faculty, in writing, its slate of candidates for the offices of Speaker of the Faculty and Faculty Secretary by February 1;

(6) To present to members of the faculty, in writing, its slate of at least twenty-five candidates for the fifteen at-large Senate seats by February 1; Conduct elections for at-large school senators (verifying Senate apportionment and candidate and voter eligibility; constructing, distributing, collecting and validating ballots, and certifying results.)