Year End Report from the 2015-16 By-Laws FAM Committee

The following were presented to the Senate during the 2015-16 academic year

Reports:
  September:
    Updates on Changes to the FAM, 2014-2015
  November:
    Report on Motion to Reduce Redundancies in Standing Committees

Motions:
  December:
    Change FAM for Composition and Duties of Honors College Committee
      *(Article V, Section 3.B.13.a-b, motion tabled)*
  February:
    Change FAM for Composition and Duties of Honors College Committee
      *(Article V, Section 3.B.13.a-b, motion passed)*
  March:
    Change FAM for Reapportionment of Faculty Senate *(Article IV, Section 2, A, E & H, motion passed)*

Notices of Intent:
  November:
    Change in FAM for Description of Adjunct Faculty *(Article III, Section 2.b.4)*

Other administrative work during the 2015-16 academic year

  Review of Draft Policies for Course Numbering (7.6.9) and Syllabi (7.6.10)

  Draft of Motion to Change FAM for Addition of School of Professional Studies
    *(Section II.C & E.2)*

  Draft of Notice of Intent to Change FAM for Post-Hearing Procedures for
  Grievances Before the Faculty Hearing Committee (X.I).
Unresolved issues, pending for discussion and possible action by the 2016-17 committee

Motion to Increase the Number of Years Faculty May Serve on Committees
Rationale: The current dispensation allows faculty members insufficient time to gain real expertise in a given area (e.g., assessment, budget processes, etc.). Committees are thus limited (or may be seen to be limited) in the degree to which they can function as reliable partners in shared governance with the administration. If committee members can develop real competence/expertise in a given area, committees can contribute more meaningfully to the running of the college. This proposal was presented by Dan Greenburg during the April Senate session, and assigned to FAM/By-Laws for review. A committee report is expected at the September Senate meeting.

FAM language regarding Faculty Hearing and Grievance committees
Rationale: The administrative portion of the FAM supersedes the By-Laws section on conduct of any hearing. The Grievance committee is charged to conduct arbitration/remediation, but it is not afforded formal training in how to do that. Should Grievance and Hearing be separate committees or should it be a single committee with escalating procedures? Issues are currently under review by Legal Affairs and relevant committees (since 2014-15) and sub-committees assigned by Senate Speaker McNerny (2015-16).

Separation of Process/Procedure and Policy in FAM
Rationale: There are changes to policy that are outside the scope of faculty control, but which faculty might need to know about. Where possible, working with Legal Affairs, replace insertion of policy into the FAM with links in the FAM to the relevant policy web site(s).

FAM language regarding Deans and Schools
Rationale: The School of Professional Studies not mentioned in FAM. There are now two types of deans, those with faculty lines and those with none. The FAM language regarding deans and schools needs to be cleaned up to reflect current situation. An initial draft was composed, simply adding reference to the School of Professional Studies in Sections II.C & E.2, however this was deemed too simplistic. Further clarification of the scope of the intended revisions was requested from Provost McGee.
Consensual Relationships

Rationale: Briefly discussed by 2015-16 FAM/By-Laws committee, but deemed to require the guidance of Academic Affairs and Legal Affairs before any significant effort is devoted to this topic by the committee.
By-Laws Committee Meeting Minutes  
Chair: Dr. Jason Vance  
September 22, 2015 2:00-3:00pm  
Senate Conference Room, Education Center

Present: Jenifer Baker, Deanna Caveny-Noecker, Jannette Finch, Todd McNerney, Jessica Wolcott

Proceedings: Meeting called to order by Jason Vance.

Item 1 – FAM insertion to reapportionment of Faculty Senate  
FAM Article IV, Section 2.

Review of when to reapportion Senate seats is pending business from last year.  
The document from last year’s committee has only been discussed in terms of intent.  
The specific document (available on SharePoint) had not been reviewed by a committee.

Review of document.

Changes/ additions to draft.
1: No need for annual reapportionment.  
Agreed that there should be a regular schedule for determining apportioned Senate seats.  
Did not agree with an annual reapportioning.

Process: Nominations and Election committee will request data from Assoc. Provost Deanna Caveny-Noecker, who will calculate the count of faculty and return that information to the committee.

After discussion, agreed: no need to determine a timeline for reapportionment that will stagger terms of service.

No agreement on whether this should be done every three or every five years.  
Proposal will be taken to the Senate with either every three or every five years.

2: Make explicit in the by-laws the proposed timeline:  
The report to the CHE is due each October.  This data can be used for any reapportioning done before February elections.

3: Strike lines that reference the first year of new Senate.

Further issues
A: Secretariat to track growth/ loss of Departments between reapportionments.

B: Faculty not reading the FAM and assuming that when an at-large senator steps down there will not be another at-large election.
**Action items**

*After making revisions to the current draft, send it to the Faculty Welfare Committee and the Nominations and Elections Committee.*

*After review by the above two committees, bring to Senate as a proposed By-Law change. Senate can debate the interval between reapportionments.*

**Completion date:** before end of 2015.

**Item 2 – FAM language regarding Faculty Hearing and Grievance Committees**

Review of the FAM on the scope and role of the Grievance Committee and the Hearing Committee.

Hearing committee:
1) Missing timeline in FAM description of Hearing Committee for post-Hearing actions.
2) Definition of committee unclear.
3) Two sets of procedures in FAM.
4) Conflict of interest and procedural issues as raised on faculty listserv.
5) Inability to review Hearing committee procedures while a hearing is ongoing (as is the case).
6) Inability for Hearing committee itself to revise Hearing committee procedures.

Grievance committee:
1) Language is unclear.
   Examples: what is the scope?
   What is the role of mediation?
   Who will train the committee members?
   What force does a conclusion have?
   Can non-faculty bring a case? Against whom?
   Can faculty bring a case against non-faculty?

**Action item**
Convene ad hoc committees of faculty and administrators with past experience regarding Hearing or Grievance committee. Possibly begin with just an ad hoc committee to review the Grievance Committee.

**Item 3 – By-Laws Committee Composition**

Katie Walker no longer able to be legal representative on committee.

**Item 4 – Separation of Process/Procedure and Policy in FAM**

Brain McGee is requesting that FAM be removed from the site for policy on CofC webpage. This would resolve the issue.
Item 5 – FAM language regrading titles for adjuncts

By mistake, this change in FAM language was not taken to the Senate. It has already been taken to other committees.

Still-needed revisions on page two (last two paragraphs).

1) Check veracity of first line, first pp.
2) Check veracity of third line, first pp.
3) Check meaning of last line, first pp (“will be negotiated”).

Action item
Submit last two paragraphs of proposal to Brian McGee for review.

Item 6 – School of Professional Studies

Action item
Look at section on Deans and schools in the FAM.

Next meeting

Committee will meet once a month. Meetings will last 2 hours. Code to the door 2574.

Action items
Jason will send out Doodle poll for week of October 12.

Will announce meetings for public participation all standing committees announce meeting.

Look at archived recommendations from faculty governance at scaling committees back.

Meeting adjourned at 3.30

Respectfully submitted,
Jennifer Baker
Associate Professor Philosophy
Committee on By-Laws and FAM
Minutes, October 20, 2015

attendance: Jason Vance, Jannette Finch, Jessica Wolcott, Mike Duvall, Deanna Caveny-Noecker, Todd McNerney
(Jennifer Baker is sick)

Approval of Sept. 22, 2015 minutes

Review Current
Hearing and grievances, Todd suggests convening ad hoc committee
Action: need hearing committee (friendly suggestion) to revisit charge and find where missing procedures are.
form ad hoc committees: one is for Grievance.

Pending Proposals
Item 1:
Change in faculty and administration manual for description of adjunct faculty
III-A-2-b (4)
Effective next edition of FAM (August 2016)

Suggestion from Deanna to announce adoption of Adjunct Lecturer Title as dissemination of information.
Jason will present notice of intent with changes and strikeouts showing.

Item 2: Senate Reapportionment
Action: change Assoc Provost to Assoc Provost for faculty affairs.

Section E: strikeouts
Section H: new content, underlined in blue

Jason proposes to take out strikeouts before going to senate

Proposed changes: section H, fall semester of 2015; capitalize Faculty Senate; hyphenate at-large; term(s) of service; the allocation of faculty senators and the basis of that allocation (number of regular faculty by department and school ) shall be recorded by the Faculty Secretariat.
--Lead with Faculty secretariat shall record...

Just show article A, E and H
since that was where changes were made.

Action: make minor changes, distribute it among committee members, then to committees on Faculty Welfare, Nominations and Elections

Item 3: Hoffman proposal
Reading of part of FAM
Discussion: (Todd) the idea is not to craft language, but to deliver a report.
Deanna: particularly when it concerns by-laws.
Difference between faculty senate committees and college committees ((article V. section 1))
Todd: 3 standing committees, academic planning, by laws and budget.

Todd: (standing college committees, point of clarification).

Concerns: protection of shared governance, protects against nutso Speaker
Just because you don't like the work, doesn't mean it's pointless.

Deanna: Binding language is beyond ability of by laws.

Action: By Laws will produce a report.

Item 4:: Proposed changes to Honors College Committee
Discussion: Understand logic, but does wider representation exist on other committees that deal with

Action: Define recently.
Intent might be defective. How is your work hindered? How will more representation help in the work? Committee can address modified proposal, or Honors committee can bring it to the Senate after making the changes.

What is the logic of combining sciences and math? And splitting humanities and social sciences?
Do they just need more bodies?

Item 5: Motion to change FAM for Addition of School of Professional Studies
Discussion:
Deanna: Perhaps rewrite to reflect academic Deans and line Deans.
This Dean does not make t & P decisions, or other decisions involving line faculty.

What other Dean positions are there?

Distinctions: Deans who don't have faculty status, Deans who don't own curriculum or degree granting, Deans who share curriculum.

Action: Clarification. Language is in the minutes of last year. Two memos; Benson and McConnell.
Will not require ratification.

Adjust first sentence to include
Motion to shelve this.

Motion to adjourn 6:15 PM
By-Laws Committee Meeting Minutes  
Chair: Dr. Jason Vance  
December 3, 2015 4:00 pm  
Senate Conference Room (228), Education Center

Present: Jenifer Baker, Deanna Caveny-Noecker, Jannette Finch, Todd McNerney, Jessica Wolcott

Proceedings: Meeting called to order by Chair, 4.03.

Item 1 – Presentation of Agenda and Approval of Minutes

Agenda:
A. Review of Current Proposals
   Reapportionment of the Faculty Senate: Article IV, Section 2
   This was sent to the Faculty Welfare Committee and Nominations and Elections committee. Faculty Welfare is reviewing it Dec. 7th.


C. Status of Pending Proposals

Minutes reviewed.
First motion to approve: Duvall.
Second: Finch.
Approved, 4.05.

Additional Issues
Motion for changes to the charge for the Honors College Committee. Most of By-Laws committee said revisions were acceptable (through email).

Provost request for review of FAM language re School of Professional Studies.

Action Items
* Determine what needs revision in in FAM references to the School of Professional Studies. Email Provost about the need to revise the FAM regarding School of Professional Studies.

*Draft revisions to FAM language once hearing from Provost.

* Ensure someone from the Honors College Committee is at the Senate meeting for the vote. (Email.)
Item 2 – Reapportionment of the Faculty Senate: Article IV, Section 2

There are two issues, the language in the policy and the reapportionment itself. Reapportionment will happen this year. If the By-laws specified a method of apportionment, this would avoid the appearance that the method would change in order get one count over another. (There is controversy over how to count the fractional units.) Nominations and Elections committee has not yet chosen a method of reapportionment. This is their decision.

Review of written concerns (A.- G.) from members of the Nominations and Elections committee.

A: How to count faculty who have dual appointments across two (or more) different schools?

Response: All faculty have a home/primary department. No faculty will ever have two primary home departments, even if serving in two departments.

Action Item
*Add language that makes this clear, such as: “All faculty have a home department and a home school, even if they serve in others, and that is considered their provenance…” Since the dual role of some faculty is related to 42D about senate and elections, it may be best to add it there. Dr. Vance will draft a revision.

B: Would a dual appointment faculty member count as representing two schools?

Response: no.

C: Can we use the Huntington-Hill method of apportionment?

Response: The Nominations and Elections committee can choose a method. Adoption of the H-H method still requires a method for apportioning the fractional units. A simpler method than H-H is one that never fails unless you have a tie.

Action Item
*Nominations and Elections should use their judgment as a body and decide how to apportion the fractions, settle the ties, etc.

D: Suggestion: To minimize the controversy that's likely to follow an apportionment, I'm advising that the senate agree on an apportionment method and *all* the rules of apportionment (including all questions previously brought up, like who is counted as faculty) *before* seeing the results.

Response: Agreed.

E: Will these changes be in effect in time for us to reapportion seats in January?
Response: There is no written policy concerning reapportionment. There is only precedent. The request is to change the By-laws to specify periods for and methods of reapportioning Senate seats.

**Action Item**

*Ask Nominations and Elections to use their judgment to settle on a method to be specified.

F: A question about the apportionment language in IV.2.A (not currently proposed for modification): There shall be 50 Faculty Senators, apportioned by the percentage of faculty in each school... This should now read (in my view): There shall be 50 Regular Faculty Senators (as defined in Article I, Section 1), apportioned by the percentage of regular faculty in each school...

Response: The definition of who is counted in the apportionment should reference Article 4. Section 2 D1.

G: What happens if a school loses Senators when their terms are staggered? Do you remove someone in the middle of a term?

Response: Yes, if the reapportionment affects a seat in the middle of a term a Senator will leave. It is not realistic to wait a year before a term expires, as it requires institutional memory and a commitment to an apportionment that may be (by then) dated.

**Action Items**

*Reinsert language about staggered seats. Make mention that one half of the “senators are elected each year.” Do not need to specify “regular senators,” as adjunct senators are elected yearly anyway.

*Meet with the Nominations and Election committee to explain all of the above.

*Consider developing a primer for people in committees that explains apportionment.

**Further Issue**

Do Nominations and Elections have public meetings?

**Item 3- Draft Policies**

a. Course Numbering Policy: 7.6.9  
b. Syllabi Policy: 7.6.10

Is this language about distance education and individual enrollment necessary? “Timely distribution of syllabi or equivalent documents for individual-enrollment and distance-education courses is required. Distance education syllabi are addressed by divisional or institutional policies and procedures maintained by the Office of the Provost.”

Why are these policies placed where they are?

Does course numbering have to be a FAM policy?
Action Item
*Contact the Provost about these three questions.

Item 4- Ongoing Business
The Speaker drafted a letter calling for a joint committee on Grievance and Hearing.

Next Meeting
Meet again in the first two weeks of Jan.

Meeting adjourned at 6.20.

Respectfully submitted,
Jennifer Baker
Associate Professor Philosophy
By-Laws Committee Meeting Minutes
Chair: Dr. Jason Vance
January 27, 2016
Senate Conference Room, Education Center
1:00 to 1:56 pm

Present: Jenifer Baker, Deanna Caveny-Noecker, Mike Duvall, Jeannette Finch, Trisha Folds-Bennett, Jessica Wolcott

Proceedings: Meeting called to order by Jason Vance.

Correction to previous minutes: Mike Duvall was left off the list of attendees.
Approval of minutes.

Item 1 Honors College committee proposal.

Review of the minutes from the last Faculty Senate meeting, where points concerning the proposal were made by Brian McGee, Joe Kelly, Rick Hendrick and revisions proposed (revisions proposed by Larry Krasnoff and Mary Bergstrom).

Friendly amendments were accepted on the floor and are in the current proposal.

The current proposal (with new amendments) has been sent to Phyllis Jestice.

Action item (1): Change language from “review and make recommendations” or “make recommendations on written requests” rather than “rule upon.”

There is a concern that Bergstrom has requested language that is too strong.

Action item (2): Send revised proposal to Bergstrom for further review.

Further concerns: Does the proposal allow for proper representation within the committee?

A: It is important to secure representation in the sciences. 40% of Honors students are in the sciences. The proposal is designed to increase representation, and in particular to secure (and extend individual) representation from the sciences.

With the new proposed procedures there may be no science representatives.

LCAW and the Social Sciences are represented least often.

Action item (3): Secure historical data on representation in the committee, over the past 5-6 years.

Concern: Recommendation from a faculty governance study that suggests College committees need to be streamlined and the size of committees ought to be reduced.
**Action item (4):** Address this report and the possibility that these changes will be more restrictive than the report suggests. Acknowledge that the Honors College committee current lack enough people to do reviews of applications. Also: there is enough work for two distinct committees, one on admissions and recruitment and the other on academic policies.

Concern: Might it be better to nominate committee members rather than use the Elections and Nominations committee?

**Action item (5):** Vance will put this issue on the Senate agenda (Feb. 5) by emailing Duvall.

**Completion date:** mid-March.

**Item 2** Reapportionment of the Faculty Senate

Nominations and Elections reviewed the proposal. Vance made revisions on pages 17, 18, and 19. These revisions include Section A: Added verbiage from section D. Section E.: reinserted the language for the staggering of Senators.

**Action item (6):** Vance called a meeting on February 2\textsuperscript{nd} to meet with Nominations and Elections, to discuss problems with Congressional reapportionment methods.

**Pending Proposals**

i. The course number and syllabus drafts that McGee sent have been reviewed. Report was sent back to McGee. McGee has responded with a rationale for the course numbering.

D. 2. The distinction between schools and online schools.

**Action item (7):** Contact Bev Diamond over distance education syllabus requirements.

ii. The consensual relations policy.

**Action item (8):** Review the wording of the current policy.

Concern: Should the policy come out of the FAM? Is it an HR policy?

NSF has recently announced that they will suspend funding if schools do not abide by the harassment policies associated with Title IX.

**Action item (9):** Contact Kimberly Gertner about this.

1: 56 pm Meeting adjourned.
Respectfully submitted,
Jennifer Baker
Associate Professor Philosophy
By-Laws Committee Meeting Minutes

Chair: Dr. Jason Vance

March 1, 2016

Senate Conference Room (228), Education Center

3 pm

Present: Jennifer Baker, Deanna Caveny-Noecker, Mike Duvall, Jeannette Finch, Todd Mc Nerney, Jessica Wolcott

Proceedings: Meeting called to order by Jason Vance (3.14pm)

Presentation of agenda.


Items 1-3 – Review of current proposals

Item 1- Revise Approved Honor College Committee By-Laws: Article V, Section 3

Status: Pending until ratification.

*Reviewed the incorporation of friendly amendments proposed by the Faculty Senate.
*Made minor grammatical changes.
*Added the date on which Senate approved (2/20/2016).

Action item (1): Seek online ratification by the full faculty.

Item 2- Reapportionment of the Faculty Senate: Article IV, Section 2

*Reviewed the changes proposed in Nominations and Elections subcommittee to Section 2.
*Noted that the method of apportionment (Huntington Hill) has not been inserted.

Action items (2): Caveny-Noecker will send edits to Vance.

(3) Email the policy to Senators in advance of the next meeting to allow for communication of concerns in advance of the meeting.

(4) Vance will present this to the Senate in March, as a new item of business.

Item 3- Response to Faculty Welfare Committee regarding Reapportionment

*Revision reviewed.
*Welfare committee’s concerns reviewed.

*By-Laws is focused on not the composition of representation but the regularity or reapportionment.

Examples of issues of composition:

*Visiting faculty lack representation, nor are they counted in apportionment. They cannot vote.

*Adjuncts can vote and speak at the Senate.

*The By-Laws do not explicitly say that everyone can speak. Any faculty members have floor privileges. Students do not, yet we have a long tradition of allowing students to speak to the Senate.

*The change in the composition of the Senate occurred in 2007. There was a lot of faculty discussion and debate over why we moved to having 50 Senators. On the Faculty Tab in MyCharleston can be found “Recommendations for Faculty Governance.” There was an Ad Hoc committee that did a study and made some recommendations.

**Action items (5):** email changes for further review before Senate meeting.

(6) Request that the “Recommendations for Faculty Governance” be consulted more widely.

**New Business and Item 4**

**Item 4- Post-Hearing Procedures for Grievances before Hearing Committee**

*This is actually in the administrative section in the FAM not in By-Laws.

*We want this put back into the FAM as bullet point number 5 under I. on page 14.

*History. At the time the FAM was typed, there were appendixes. A page disappeared. This missing page has been found.

**Issue addressed:** made changes to enumeration to match that of the current FAM.

**Action items (7):** take these suggestions to Academic Affairs.

(8) Seek advisement from Ad Hoc committees: Grievance and Faculty Welfare.

**Further Issues**

By-Laws changes will have to be ratified.

**Action item (9):** have all By-Laws changes we have made this year on a ballet as separate items on a ballot.

No more business. 4:16pm
Action Item
*Ask Nominations and Elections to settle on a method for apportioning Senate seats.