FAM/By-Laws Meeting Minutes, May 3, 2017, 12:00 pm

Attending: Jason Vance, Carl Wise, Laura Penny, Todd McNerny, Jannette Finch, Megan Gould, Deanna Caveny-Noecker, George Pothering, Richard Nunen, Mike Lee

Minutes recorded by Laura Penny and Jason Vance.

- The minutes from the Mar. 29, 2017 FAM/By-Laws Meeting were approved.

- The draft of the 2016-17 By-Laws/FAM Committee Annual Report was summarized and approved. The minutes from the present meeting (May 3) would be added to the Report before submitting to Megan Gould.

- The incoming FAM/By-Laws Committee determined that Richard Nunen would serve as Chair, and Mike Lee would serve as Secretary.

- Several items of business carrying over from 2016-17 to the 2017-18 Committee were discussed:
  
  Regarding the Report from Ad-hoc Committee on Grievance - recommendation for mediation training could be written into ByLaws. It was not clear whether the recommendation to form a Faculty Resource Pool required a formal definition and changes to the FAM. Tim Carmichael, from the Grievance Committee, has further recommendations that may carry over to the 2017-18 business.

  Regarding the Report from Ad-hoc Committee on Hearing - some recommendations would be changes to the By-Laws, and should be presented to the Senate for discussion and vote; other recommendations would be changes to the Administrative section of the FAM. FAM/By-Laws should still consider and make recommendations on these changes, but ultimately Academic Affairs would determine whether to implement those changes. The 2 pages of post-Hearing procedures which previously "fell out" of the FAM need to be reinserted ASAP.

  Regarding the recommended language on determining Conflicts of Interest, there were concerns about the ambiguity of the definition, and the sole determination by, and appeals to, the Hearing Committee. Because these recommended changes would impact the Administrative side of the FAM, it was questioned whether the College would accept this recommendation and grant the Hearing Committee the authority to determine conflicts of interest -thereby ceding their authority to appoint a "College Representative" to the discretion of the Hearing Committee.

  Other concerns regarding the Hearing Committee, not included in the Ad-hoc Committee's report, were discussed, including: training for Hearing Committee members and chairperson, as well as legal assistance to the Hearing Committee during the course of a hearing, would be beneficial; a faculty resource pool, similar to that recommended by the Ad-hoc Committee on Grievance, could also be helpful; the language in the FAM regarding the rights of the grievant to request a public hearing could be more robust, but there are conflicting privacy issues regarding how this right for a public hearing is constrained by requiring consent from parties of interest.
Regarding the Report from the Post-Tenure Review Committee – the recommendations for clarifying the language in the FAM regarding the timing of the reviews affects the Administrative side of the FAM. Deanna noted that there is a draft of these changes to the FAM that can be reviewed (early next fiscal year?), and FAM/By-Laws can report these changes to the Senate through a Notice of Intent from Academic Affairs.

- Megan Gould presented two issues she discovered in her review of the FAM: 1) there is inconsistency with how Committees are named outside of the FAM, particularly on the College website some Committee's have "Faculty" added to the Committee name (e.g. "Faculty" Educational Technology Committee); and, 2) the FAM requires Committees to present a report every semester, and she suggests we consider clarifying the language to reflect the current practices of presenting reports annually.
FAM/By-Laws Meeting Minutes, Mar. 29, 2017, 11:00 am

Attending: Jason Vance, Carl Wise, Todd McNerny, Jannette Finch, Megan Gould.

Minutes recorded by Jason Vance.

- Approval of revised minutes from Dec. 5, 2016 FAM/By-Laws Meeting

- Approval of minutes from Jan. 31, 2017 FAM/By-Laws Meeting

- Motions to Split the Committee on Graduate Education, Continuing Education, and Special Programs into Two Committees: The Committee on Graduate Education and the Committee on Continuing Education, and, to Form a New Standing Senate Committee: Adjunct Oversight Committee, were presented at the Mar. 14 Faculty Senate Meeting. Both motions were passed by the Faculty Senate and will be posted for Ratification.

- During the March, 14 Faculty Senate meeting, Meg Cormack presented a Motion to Amend the Standing Rules to require the Faculty Senate end at 7:00pm. The ensuing discussion identified that mechanisms exist to call for a quorum or motion to adjourn, and it may not be wise to force an automatic cease of the Senate meeting at 7:00pm if there is important business that remains to be completed (e.g. curriculum). It was further discussed that flipping the order of business might address some of the concerns raised by Senator Cormack in that a quorum is needed to conduct business, but is not needed to listen to reports and comment. Cormack's motion did not pass, and Senator Roxane DeLaurell made a motion from the floor for the FAM/By-Laws Committee to recommend amending the Bylaws to change the order of Faculty Senate Business, putting Business ahead of Reports. That Motion was seconded and passed, and referred to FAM/By-Laws for review, to draft the proposed language, and to report on the Motion at the April Faculty Senate Meeting.

- Discussion of the Motion to Change the Order of Faculty Senate Business:

  Todd McNerny provided some historical perspective regarding the importance of Reports presented to the Faculty Senate, especially those from Administration. Even as recent as 4-5 years ago, there were complaints that the Senate was a reactive body, that the Administration did not effectively communicate changes or intentions to the Faculty, that the Faculty were not involved in the decision-making, etc. These reports serve a valuable function to disseminate information and facilitate discussion and debate, in lieu of a memo buried in your e-mail inbox. Moving reports to the end of the Senate meeting, where the Faculty senators may be less attentive and more passive, may be a disservice to shared governance and to our constituents.

  It was further discussed that we would not expect the President to sit through the entirety of the Senate meetings (particularly, April's meeting) to deliver his semi-annual reports; thus, the Speaker of the Faculty would exercise his/her privilege to re-order the Senate agenda. Likewise, non-Senate visitors who attend and/or deliver reports and would have to sit through the majority of the Senate meeting before their relevant report(s) were delivered.

  The Committee discussed how the importance of shared governance is portrayed if Dept/School representatives are not willing to attend and participate throughout the entire Senate meeting? Jason Vance noted that we have an obligation to our constituents to be well-prepared,
present and attentive throughout the duration of the Senate meeting, regardless of the order of business. Changing the order of business will not address apathy or leaving the meeting early. One 2+ hour meeting per month should not be terribly onerous.

Changing the order of the Faculty Senate agenda would address the concerns of 1) maintaining a quorum throughout the deliberation of new business, and 2) allow the Faculty Senate to deliberate over business with less mental fatigue. However, it is not clear whether the overall duration of Senate meetings would change, to address Meg Cormack’s original Motion to End the Senate Meeting at 7:00pm. Although, one could argue that the discussion of business may be more efficient and less prone to confusion if addressed earlier in the Senate meeting, the presence of more Senators, who are more energetic early in the meeting, may prolong discussions of business. Todd also noted that our perception that many senators are leaving early may actually be those non-senator visitors who were present for reports or specific business (e.g. to be present during a discussion of a curriculum motion). We discussed whether losing a quorum has been an actual issue.

The Committee discussed the By-Laws and noted that Article IV, Section 4.L, which defines the order of regular meetings of the Faculty Senate, is consistent with that defined by Robert’s Rules of Order. Article IV, Section 4.H empowers the "Speaker of the Faculty [to] modify the agenda in order that the Senate may address concerns in a timely fashion", and Article IV, Section 4.L declares that the order of business may be "subject to change by the Speaker of the Faculty as per Article IV, Section 4H or by a simple majority vote of the Senate." Thus, there are several mechanisms in the By-Laws that allows the Order of Business to be modified; and, it might be more productive to encourage the future Speaker of the Faculty, and our Faculty Senators, to exercise this mechanism when it is apparent that a given Senate agenda will not address concerns in a timely fashion (e.g. such as a February Senate meeting with numerous Reports and extensive curriculum changes proposed by the Curriculum Committee).

The FAM/By-Laws Committee summarized that the proposed Motion to Change the Order of Senate Business may not address the root of the problem, and 2) may impact the efficacy of how information in reports are disseminated to the senators and their constituents; and, 3) the By-Laws provide mechanisms by which the Speaker of the Faculty and/or senators may change the order of business to accommodate any given meeting's agenda. We concluded that the Committee will present the Motion to Change the Order of Senate Business, as instructed by the Faculty Senate, but will not recommend the Motion. Jason further suggested that we recommend that the Standing Rules be modified to include, "At the start of the Faculty Senate meeting, the Speaker of the Faculty will ask whether there are any objections to the agenda as presented"; as doing so will not bestow any new privileges to the senators, but remind them of their existing privilege to change the order of Senate business if necessary.

Todd advised that Jason contact the Parliamentarian (George Pothering) to discuss the matter further and obtain any additional insight and/or perspectives on the matter which may be summarized in the Committee’s report on the Motion. Jason agreed to do so and informed the Committee that a draft of the report would be forwarded to the Committee for review ASAP.

- Jason Vance briefly discussed the list of external links to College Policy that is referred to in the FAM. Academic Affairs can decide whether to incorporate these hyperlinks to the College Policy into the FAM document.
FAM/By-Laws Meeting Minutes, Jan. 30, 2017, 4:00 pm

Attending: Jason Vance, Todd McNerny, Deanna Caveny-Noecker, Laura Penny, Megan Gould, Carl Wise, Christine Finnan (guest)

Minutes recorded by Laura Penny and compiled by Jason Vance.

- Approval of minutes from Dec. 5, 2016 FAM/By-Laws Meeting was tabled to include a more complete record (e.g. Penny’s minutes). The revised minutes would be presented at the following FAM/By-Laws meeting for approval.

- The Motion to Increase Duration Faculty May Serve on Committees passed the Senate. It may be appropriate for Faculty to ratify this new motion during the upcoming speaker election.

- Discussion of the Motion to Split the Committee on Grad Ed, Cont Ed, & Special Programs

Christine Finnan (Chair of the Committee on Grad Ed, Cont Ed, & Spec. Progs), the author of the motion, is present to help answer questions and receive feedback.

Deanna had several questions about the proposal. Most involve clarifying the wording of the motion:

2.b.3. What does the non-catalog terminology refer to? Can we expound on this to explain this to future readers? Finnan says the intent is to refer to courses that teachers use for re-certification courses or other courses that are used for credentialing. Possible language: “credit bearing graduate coursework not applicable to any degree or certificate (non-catalog graduate level education …”

3. a. Does the AVP of Institutional Effectiveness … need to be on the committee? Christine will raise the question to the committee and Brian McGee. Since Continuing Ed does not fall under the purview of SACS, is it necessary to have this person there?

3.b.2 What does ‘providers’ mean? “… advise the CofC units providing …”? Where would Post-Bac certificates go to Graduate Ed or Continuing Ed? Deanna thinks they would go to Graduate Ed. That’s what Christine believes as well.

3.b.1 “… concerning policy for non-credit continuing …”
3.b.2 “… review non-credit continuing”
3.b.4 “… non-credit continuing”

We discussed whether these comments could be addressed in time for a revised motion to be presented before the Senate in February so that, if approved, it could be implemented in time for 2017-18 academic year. Christine Finnan was confident in a quick turn-around from her Committee.

- Discussion of the Motion to Form a New Standing Senate Committee: Adjunct Oversight Committee
Jason met with Julia Eichelberger Friday, January 27th. Comments from Julia are attached in the agenda packet.

The discussion of this motion resulted in generally minor comments. There was concern on behalf of Academic Affairs regarding the language of “department policies”, as policies regarding Adjuncts are College policies and Departments should not have separate policies. Perhaps the intent was to solicit information on Departments’ practices.

20.b.1. add “policies for adjunct policies from the Provost Office.”

20.a. Committee composition: Appointing membership from the selected Committees requires that members need to be aware of how many committees they are serving on, especially in regards to the recently revised FACP, which solicits membership from several of these named committees. How is adjunct faculty member elected?

20.b.4. Add language that the committee also provide their reports to the adjunct faculty population.
   Add “Faculty” to appropriate “Senate” references (e.g. Faculty Senate).
   Revise language about what records the Secretariat would maintain: “maintain a permanent record of each’s year’s finalized minutes and annual report”

The Motion’s intent describes that the committee would meet approximately twice per semester. They would get information annually as described in duties. Should the Committee’s Duties also include a description of this meeting commitment?

- Megan Gould informed us that the FAM includes inconsistent committee titles. For example, a committee is listed as Educational Technology committee (ETC); is this the same as the Faculty ETC (FETC)? Jason is going to review the FAM for similar inconsistencies.

- Carl Wise provided a report on footnotes in the FAM. These were given to Deanna for review.

Adjourned at 5:20pm
Meeting agenda was presented, and Sept. 29, 2016 ByLaws/FAM Meeting minutes were approved.

Motion to Alter Composition of the Faculty Advisory Committee was presented before the Faculty Senate on October 11, 2016; the motion was passed. Minor edits to Section 3.B.9.a (referencing full Committee names), per suggestion from Provost during the Senate meeting, were made and presented to the FAM/Bylaws Committee.

The Bylaws/FAM Committee continued to discuss the pending Motion to Increase the Number of Years Faculty May Serve on Committees. The Committee agreed upon language that described how the mandatory 3-year lapse would be applied to both continuous and intermittent service across a 5 year period: "Commencing with the first year of service, consecutive or intermittent service on a committee during a five year period will require a lapse of three years before a member is eligible to serve again on that committee. Any three year lapse resets the eligibility for another five year period." The proposed language was agreed to be fairly conservative, limiting absolute abuse of intermittent service while being fairly easy to implement by the N&E Committee (e.g. one rule for all combinations of intermittent service). We also agreed that the revised duration of service should be applied retroactively; e.g. those faculty who have served 3 years on a committee during the FY when this ByLaw is implemented would have 2 years of eligibility remaining (based on the 5-year timeline). This was deemed acceptable as those faculty who had served 3 years would otherwise be forced to take a 3-year hiatus, based on the original ByLaws.

Christine Finnan, chair of The Committee on Graduate Education, Continuing Education, and Special Programs forwarded a Motion to split the current committee into two separate committees: Committee on Graduate Education and Committee on Continuing Education. Discussion of this Motion was tabled for the January FAM/By-Laws Meeting.

The FAM/ByLaws Change Log was reviewed, and any errors and inconsistencies between the Change Log and the 2016-17 FAM were identified. Academic Affairs would receive a copy of these errors/inconsistencies so that the FAM could be revised.
Meeting agenda was presented, and Sept. 29, 2016 ByLaws/FAM Meeting minutes were approved.

Committee discussed the Motion to Alter Composition of the Faculty Advisory Committee to the President. Motion author and sponsor Simon Lewis and Alex Kasman were in attendance to discuss the motion. Alex and Simon reiterated that revising the committee composition will strengthen shared governance by facilitating communication across several committees. This would inherently reduce committees functioning as separate, unrelated modules, and may reduce redundancy across committees. Furthermore, ensuring consistent committee representation may help build rapport and accountability between the President and FACP across academic years. Alex and Simon closed with the impact of the pending Motion to Increase Duration of Faculty Service, where increasing consecutive service may further strengthen the relationship between the FACP and President, by maintaining continuity of addressing major issues that span multiple FYs.

The ByLaws/FAM Committee noted that there may be challenges to seat the Committee if the FACP required obligatory membership from selected Committee chairs, since faculty may only serve on two standing committees, and Committee Chairs may have other ex officio or elective participation elsewhere. We suggested revising language to reflect "Committee Chairs or designated Committee Members".

The ByLaws/FAM Committee further questioned whether the 6 committees identified in the proposed composition were the most logical or strategic to be represented on the FACP. For example, the General Education Committee may have more influence on policies that affect faculty and departments than the Curriculum Committee. Likewise, what about Academic Standards and Admissions Committee? However, it was discussed that since 6 other committee members are appointed by N&E, these appointments could be strategic if those committees not represented in the proposed composition were to request N&E to consider representation.

With the approval of Simon and Alex, the pending Motion was revised to identify "The chair, or designated member..." from the six selected Committees, and the Curriculum Committee was replaced by representation from the General Education Committee. A report from this meeting, and comments from the Sept. 13th Senate meeting were compiled and presented at the October 11th Senate meeting.

The Bylaws/FAM Committee discussed the pending Motion to Increase the Number of Years Faculty May Serve on Committees. The discussion was limited to identifying the language
clarifying how non-consecutive service on the Committee would be counted, with respect to requiring a three-year lapse. Current language in the Bylaws/FAM regarding committee service require a 3-year lapse after 3 consecutive years of service. However, no language presently addresses non-consecutive service, either; e.g. if a faculty member serves 1 year on followed by 1 year off, are they still allowed 3 consecutive years without being required to take a 3-year hiatus? What is the likelihood of this and/or historical occurrence of this? The Committee agreed that language limiting intermittent service would be necessary before the motion would be presented before the Senate.

- Christine Finnan, chair of The Committee on Graduate Education, Continuing Education, and Special Programs contacted Jason regarding a draft Motion that proposed splitting the current committee into two separate committees: Graduate Education and Continuing Education. Based on the draft provided by Christine, the proposal is focused primarily on the Graduate Education and lacks details on the Continuing Education committee. We discussed that Graduate school admissions should be included in the graduate education committee. Questions raised included: Was Continuing Education consulted in regards to this proposal? Is it possible to poll the current committee members on the current load? Jason is scheduled to meet with Christine on Oct. 3rd to discuss our Committee's questions and concerns about the proposal, and to provide information that may help Christine and the Grad. Ed/Cont. Ed Committee craft their proposal.
By-Laws Meeting Minutes Sept. 1, 11:00 AM  
Attending: Jason Vance, Chair  
Jessica Wolcott, Deanna Caveny-Noecker, Laura Penny, Carl Wise, Jannette Finch

Minutes compiled by Jason Vance, from poor recollection.

- Meeting agenda was presented, and April 27, 2016 ByLaws/FAM Meeting minutes were approved.

- Discussion on Motion to Form Adjunct Oversight Committee
  - The composition of the committee may lead to difficulty for Nominations and Elections to seat a Committee.
    - we suggest that the size of the committee be fixed; e.g. 4 regular faculty members plus 1 adjunct faculty member, and 1 member designated by the Provost.
    - Language is required describing how the adjunct representative is elected or appointed.
    - We suggest that the AOC instead indicate that a current member each from the Budget, Welfare, Compensation and Academic Planning committees serve on the AOC. This would alleviate some of the challenges of seating this committee.
      ▪ This may ensure better integration of AOC’s mission into these related committees.
      ▪ This would require revising the committee charges of these 4 committees to indicate the need to appoint a representative.
  - Language regarding the Provost's representative should indicate that “the Provost will designate a representative.” We suggest that the representative not be ex-officio, but rather appointed at the discretion of the Provost, and should be a non-voting member.
  - In the 1st committee charge, IRP is currently called IRPIM (Office of Institutional Research, Planning, and Information Management).
  - In the 2nd committee charge, there was concern that the Provost’s office should be the primary source for policies on Adjuncts, and that Departmental policies should not be inconsistent with the College’s policies. We understand that the intent of the 2nd committee charge is to solicit additional information from departments and adjuncts themselves. We suggest moving the language regarding “polices” to the 1st committee charge.
  - In the 3rd committee charge, language regarding Academic Affairs should indicate “the Office of Academic Affairs”, or “the Provost’s office”.
  - Will any consideration in the AOC be given to Visiting Faculty, who are also temporary employees of the College but otherwise have no formal representation within standing committees or the Faculty Senate?
  - Significant revision and reformatting of the proposal is required before a meaningful discussion of the Motion can take place before the Senate; it was decided that a thorough report be provided to the sponsor of the Motion (Betsy Baker and Julia Eichelberger), and a brief summary statement be provided to the Senate at the September meeting.
- Discussion on Motion to Increase Duration Faculty May Serve on Committees
  - Committee function and contribution may improve by allowing members additional time to develop competence and expertise.
    - Participation from committee members who want to serve longer should be advantageous.
  - Extended service is not compulsory, is permissive and offers flexibility.
    - Does the mandatory 3-year hiatus only apply to those who've served 5 consecutive terms, those who've served 5 non-consecutive terms without any 3-year hiatus from service, or apply to the non-renewal of service regardless of number of terms served?
      - Will a 3-year hiatus over any number of accumulated terms reset the timeline?
    - Should Tenure and Promotion Committee members who performed a colleague's 3rd Year Review also be allowed to perform Tenure review? Are mechanisms in place to prevent this from occurring under the current policy?
  - Would increasing the minimum appointment (from 1 year to 2 years, or 4 years) accomplish the same result?
    - Establishes a stronger expectation of service which may facilitate better representation across schools.
    - Overlap could prevent large-scale turnover within a given committee.
    - Logistically difficult, still depends on Nominations and Elections Committee to coordinate carryover of participation across FYs.
    - Does not ensure that all membership serves the minimum appointment.
  - Pre-tenure faculty serving on a single committee, instead of expanding service to multiple committees, may not be preferable.
    - In some departments, junior faculty do not serve on college-wide committees prior to 3rd year review; expanding term limits would not otherwise change this situation.
    - Unknown whether Tenure and Promotion Committee views extended participation on a single college-wide committee with less favor than single-term participation on several committees.
  - A formal report will be provided to the Faculty Senate at the September meeting, and sent to the Motion's sponsor (Dan Greenberg).

- Discussion on Changes in FAM for Post-Hearing Procedures for Grievances Before the Faculty Hearing Committee
  - The circumstances surrounding how Post-Hearing Procedures "fell out" of the FAM were briefly recounted. Speaker McNerny provided an update on the review of the Post-Hearing Procedures, as well as the two ad-hoc committees evaluating procedures for hearings and grievances, respectively.

- Discussion on an annual review of the FAM
The 2016/17 ByLaws/FAM was posted on August 9th. A formal review of the FAM was not conducted during the 2015/16 FY, and Chair Vance stated that it will be the goal of the ByLaws/FAM Committee to perform a review of the FAM this year.

Associate Provost Caveny-Noecker suggested that it would be prudent to start with a review of the Change Log, and ensure that all ratified changes, and administrative changes, are reflected in the FAM accordingly.

Speaker McNerny suggested we should then review the numerous references to ByLaws and Policy within and outside of the FAM.
  o Many policy statements were removed from the FAM and replaced with links to the relevant administrative policy; these should also be reflected in the Change-Log.
  o Finally, and time-willing, a review for language, formatting and general errors should be conducted.

- Other Discussion
  - Carry-over business
    o Update: language regarding the School of Professional Studies, and differentiating line schools from non-line schools was addressed by the Office of Academic Affairs.

- Meeting adjorned.