# Year End Report from the 2020-2021 Committee on By-Laws & FAM

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### Report Presented to Faculty Senate

- **Cover Memo, Report on Changes to Faculty/Administration Manual**
- **Summary Report on Changes to Faculty/Administration Manual**

### Motions Presented to Faculty Senate or to General Faculty for Ratification

- **Committee on By-Laws & FAM Detailed Motion October 6 2020 Senate**
- **Committee on By-Laws & FAM Detailed Motion December 8 2020 Senate**
- **Committee on By-Laws & FAM Detailed Motion April 6 2021 Senate**
- **Committee on By-Laws & FAM Detailed Motion February 2020 Senate**
Year End Narrative Report from 2020-2021 Committee on By-Laws

Committee Membership:

Over the course of the 2020-2021 academic year, the Committee met ten times, including two transitional meetings with the outgoing committee in April 2020 and again in May 2021. These meetings were primarily informational for the new committee, about finished and unfinished business of the committee. All meetings involved substantive discussions of By-Laws and policy modifications, either brought to the Committee by others, or developed (or elaborated) through the Committee’s own initiative. Each of those meetings ran roughly 2 hours, and there was substantive email traffic among committee members in between meetings, especially during the most intense period of the Committee work, January through March, 2021.

Dates of Committee meetings:

April 29, 2020  Informal meeting with outgoing committed chair, Mike Lee

September 18, 2020  Organizational meeting to assess what issues to attempt to address 2020-2021. Proposed changes to FAM to accommodate online meetings and votes. Proposed changes were on faculty senate agenda and approved by online vote but changes could not be voted on in person due to a lack of quorum. **Table this vote for the first meeting in fall 2021.

September 23, 2020  Meeting to vote in person in Cistern to allow continued meeting and voting through zoom.

October 30, 2020  Proposed changes in FAM language regarding the FYE committee. Proposed changes were approved at the faculty senate meeting. Discussion of ownership and maintenance of the FAM.

December 18, 2020  Discussion of removal of WA from FAM

January 29, 2021  Discussion of timeline for revising the FAM. Discussion of committee configurations.

February 26, 2021  Discussion of voting: are adjunct senators able to vote for Speaker/Secretary. Began discussion of changing language regarding grievances for the Faculty Hearing Committee.

March 26, 2021  Generated proposal to Faculty/Administration Manual’s procedures for the Faculty Hearing Committee. (Earned Senate Approval)

April 30, 2021  Discussed changes made to distinguished faculty awards descriptions
and rules. Approved of the Provost’s COVID pandemic related T&P changes outlined in a joint memo.

May 11, 2021  Informal meeting for outgoing and incoming members and to assign a Chair (Ferrara) and Secretary (Pelzer) for 2021-22. We discussed what changes could and could not be made to the FAM since we did not have quorum to allow for zoom voting.

Meeting minutes were taken by Josette Pelzer at all meetings conducted in 2020-2021. They are attached along with selected meeting agendas in the first of several appendices below.
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

Friday, September 18, 2020
2:00pm
Via Zoom

Invited attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)
George Pothering, Faculty Senate Parliamentarian (guest)

Items for discussion:

1. Meeting and voting electronically: George Pothering (George) submitted draft changes to the bylaws for committee review. Submitted changes to Articles II, IV, V, and VI of the bylaws (see attached) would allow for faculty senate and related committee meetings to take place electronically. Submitted changes to the Standing Rules (see attached) provide specific guidance on conducting electronic meetings. The Changes submitted were consistent with the recommended language provided in the recently revised Robert's Rules of Order (12th Edition).

2. Discussion regarding ownership of and maintaining the FAM: Deanna Caveny (Deanna) notes that the FAM Bylaws Committee owns the FAM file and is responsible for maintaining the document.

3. Logistics of presenting the motion to change the bylaws to allow for electronic meetings

4. Other issues to be discussed in future meetings
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Minutes

Friday, September 18, 2020
2:00pm
Via Zoom

Attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (*ex-officio member*)
Deanna Caveny, Associate Provost for Faculty Affairs (*ex-officio member*)
George Pothering, Faculty Senate Parliamentarian (*guest*)

Not in attendance:
Simon Lewis, Speaker of the Faculty (*ex-officio member*)
Senior Vice President for Legal Affairs or designee (*ex-officio non-voting member*)

George Pothering (George) submitted draft changes to the bylaws for committee review. Submitted changes to Articles II, IV, V, and VI of the bylaws (see attached) would allow for faculty senate and related committee meetings to take place electronically. Submitted changes to the Standing Rules (see attached) provide specific guidance on conducting electronic meetings. The Changes submitted were consistent with the recommended language provided in the recently revised Robert’s Rules of Order (12th Edition).

General discussion of a change in bylaws to accommodate electronic voting:
To start discussion, George notes that any measures passed during the electronic meetings which have taken place given the pandemic would be provisional as the current bylaws do not currently include language to allow for meetings to take place electronically.

George states that he brought the changes to the By-Laws Committee first so this committee can bring the motion to floor rather than have someone else present the motion and then subsequently submitting the changes to the By-Laws Committee.
George also points out that to make a vote on a change to the bylaws to allow for electronic meetings official, an in-person meeting of the Faculty Senate would need to called. In light of the ongoing pandemic, George suggests the Faculty Speaker (Simon Lewis) call a brief extraordinary meeting of the Faculty Senate to vote only on these changes.

Discussion takes place about possible venues for such an extraordinary meeting given then need for social distancing and the requirement that a quorum of faculty senators be present. Josette Pelzer (Josette) voices concerns about some senators not wanting to attend a large gathering. Larry Krasnoff (Larry) suggests an outdoor setting which may make senators more comfortable, however also noted that it would be up to the Faculty Speaker and Secretary to coordinate the logistics of the meeting if they determine such a meeting is necessary.

**Discussion regarding who will determine whether meetings should take place electronically:**

Suggested changes to Articles II and IV provide for the Faculty Speaker to hold meetings electronically when the speaker determines that exceptional circumstances exist which would prevent the full faculty from meeting in-person. The suggested change to Article V allows for committee chairs or a simple majority of the committee membership to designate that a meeting of the committee will take place electronically.

Larry asks whether this language needs to specifically state that voting committee member (rather than non-voting members) would make this decision, however the committee agrees that specification is not necessary.

**Discussion about changes to the standing rules:**

Larry questions whether the level of detail outlining how electronic meetings should be conducted should be included in the standing rules as presented in the suggested changes. Larry also notes current standing rules do not go into such detail and suggests simply referring to Robert’s Rules.

George notes that the language suggested to be incorporated into the standing rules is included in an appendix to Robert’s Rules (rather than Robert’s Rules themselves). He also notes it may be helpful to include this level of detail when presenting the motion so the body so they can then decide if they want the language or have it removed.
George also notes that the placement of these guidelines in the standing rules allows for there to be a vote during a meeting to suspend these rules if for some reason they’re prohibiting what the body is trying to accomplish. Such a suspension of the rules would require 2/3 vote and would not be possible if the guidelines were incorporated in the bylaws.

Josette asks whether there will be language which outlines how voting during electronic meetings should take place as to ensure only voting members will be able to vote. Larry points out that it is assumed even during in-person meetings that only voting members are voting and that no distinction is made during an in-person voice vote, a situation much like the “hand raise” voting via Zoom.

George notes that if there is a need to vote on an issue that is controversial someone may call for a special ballot. Scott Peeples (Scott) notes you could send ballots out via Qualtrics to only the voting senators. Larry points out that there is already language about secret balloting and it would be up to Scott (the Faculty Secretary) to figure out the logistics if such a situation arose.

George brings up the specificity of some of the suggested changes like including video of the speaker during electronic meetings as well as the requirement to send out the meeting URL three days in advance of an electronic meeting of the Faculty (One day for committees). He asks whether this is something Scott would want to include and whether this is something the committee is in favor of approving.

Larry again brings up the question of whether it is necessary to provide this level of detail at all. He then suggests including language which would note that the Faculty Speaker and Secretary will provide a document which would outline the procedures for conducting an electronic meeting in advance of such a meeting. Larry agrees to draft the language for this change and distribute it to the committee later in the meeting.

**Discussion regarding ownership of and maintaining the FAM:**
Deanna Caveny (Deanna) notes that the FAM Bylaws Committee owns the FAM file and is responsible for maintaining the document. She also notes there had been a history of the document not being well maintained. In her past role as chair of this committee and now in her
current role as Associate Provost she has been maintaining the manual and a log of any changes.

Deanna suggests the committee discuss how best to transition more of the responsibility of maintaining the document back to this committee. She presented two recommendations on how such a transition might occur:

1. At the beginning of the academic year she would provide the file to the chair of this committee who would then distribute pieces of the document as necessary to those desiring to make changes so those individuals can create strike and replace files with the understanding that such a document would not be widely distributed. The chair of this committee would have the master file and control any changes.

2. Complete control of the document would rest with this committee (rather than the provost office having editing responsibility). The issue with this option is that this committee does not have authority as it relates to the administrative section of the FAM, however the committee could control the bylaws and then hand it back to the provost’s office who would issue the manual with any administrative changes.

Deanna notes that involving the provost’s office does provide continuity as there are often fewer personnel changes with that office there are with committee chairs.

Merissa notes that she will include this as an item for discussion at our next meeting.

**Discussion about specific language for standing rules on conducting electronic meetings;**

Larry crafted and submitted the following language for the committee’s review which would allow the Faculty Speaker and Secretary to provide guidelines on how electronic meetings should be conducted rather than outlining them in the standing rules.

The first draft of that language was as follows:

"If the Speaker has determined that meetings of the faculty or the faculty Senate are to be conducted electronically, the faculty Secretary shall distribute at least one week prior to the first such meeting a set of guidelines clarifying any special parliamentary procedures that will apply to the conduct of electronic meetings. Nothing in those guidelines may conflict with anything else in these by-laws or other standing rules."
Josette notes that this language gives full discretion to the Speaker and Secretary to determine those guidelines which may present issues in the future. Scott notes he had a similar concern.

George and Larry suggest changing the wording to include the requirement that such guidelines be consistent with the Robert’s Rules of Order appendix on this topic.

Larry provides a second draft of this language which reads as follows:

*If the Speaker has determined that meetings of the faculty or the faculty Senate are to be conducted electronically, the faculty Secretary shall distribute at least one week prior to the first such meeting a set of guidelines clarifying how the parliamentary authority will apply to the conduct of electronic meetings. Nothing in those guidelines may conflict with anything else in these by-laws or other standing rules.*

**Logistics of presenting the motion to change the bylaws to allow for electronic meetings:**

George notes that as the current bylaws do not allow for electronic committee meetings, this committee can vote on bringing the motion related to these changes now, however a brief in-person meeting would need to take place to formalize that vote before the motion is presented to the body.

Merissa asks whether we want to bring this motion up at the October 6 senate meeting so that it can be discussed there and then voted on later at a brief extraordinary meeting of the senate called by the Speaker.

The committee agrees that the motion will be brought at the October 6 meeting and that a brief in-person meeting of this committee be held before that time to formalize our decision to bring the motion to the body.

**Committee Vote to adopt the changes to the bylaws regarding electronic voting:**

Larry presents a motion to adopt the changes to the bylaws regarding electronic voting as presented by George (see attached) with the exception of the discussed change in wording to the standing rules presented during this meeting to allow the Speaker and Secretary to provide a separate document of guidelines on conducting electronic meetings consistent with those suggested in the related Robert’s Rules appendix.
Josette seconds the motion.

All voting members present are in favor. Motion carried.

**Other issues to be discussed in future meetings:**

1. The rank of University Professor – Current FAM language is unclear as it says only University Professors will grant the rank of University Professor, however there are currently no University Professors at the College. Deanna will discuss with Provost Austin about whether this is a distinction she foresees being awarded in the future. Her decision will direct further discussion by this committee on the topic.

2. Hearing Committee ability to hear arguments from those seeking appeals – Prior committee member Richard Noonan previously outlined concerns that the hearing committee be able to review process as well as substantive arguments related to appeals decisions.
   a. Larry notes that in addition, the language in the FAM as it related to granting a hearing is narrow and there is no prima facie case requirement which results in appeals hearings being granted even when it is unlikely a decision will be overturned.
   b. Deanna notes that whenever the committee revisits this discussion, they should take into consideration the fact that hearings take place in cases of termination (and not just promotion and tenure cases).

The chair asks for any further discussion.

Seeing none, the meet adjourned
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
Wednesday, September 23, 2020
9:30
Cistern Yard

Invited attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for discussion:
  1. Approve meeting and voting by zoom
  2. Any New Business
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Minutes

Wednesday, September 23, 2020

9:30

Cistern Yard

Attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Simon Lewis, Speaker of the Faculty (ex-officio member)
Scott Peeples, Senate Secretary (ex-officio member)

Not in attendance:
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

At 9:33am the chair called the meeting to order.

Larry Krasnoff moved to formally adopt the motion to present changes to the bylaws regarding electronic meetings presented at the last electronic committee meeting on 9/18/2020.

The motion was seconded by Simon Lewis.

The chair asked for discussion. Seeing none, the chair called for a vote.

All present and voting members were in favor. The motion carried.

Meeting adjourned at 9:35am.
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
Friday, October 30, 2020
2:00pm
Via Zoom

Invited attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for discussion:
1. First-Year Experience (FYE) Redundant Paragraph
2. Committee restructuring: Addressing the total number of committee seats available
3. Faculty/Administration Manual (FAM) Ownership Responsibilities
   Discussion of whether this committee or Provost’s office staff should have primary responsibility for maintaining (processing changes to) the FAM. This issue was originally introduced by Deanna during the September 18, 2020 meeting of this committee.
4. Any new business
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Minutes

Friday, October 30, 2020
2:00pm
Via Zoom

Attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)

Not in attendance:
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

First-Year Experience (FYE) Redundant Paragraph
The committee discussed a redundant paragraph in the FAM related to the advisory committee on the FYE: FAM Article V. Committees / Section 3. Standing College Committees/ 20. Advisory Committee on First-Year Experience/ c. Implementation).

Merissa noted that Simon sent an email to the FYE committee about removing the redundant paragraph. That committee will meet in early November and will have this issue on their agenda.

Larry suggested that this committee approve removing the passage before the FYE committee meeting in November. If something comes of their meeting that would change this committee’s decision, we could revisit that issue at the next meeting.

Merissa stated she would send an email to the FYE committee with an update on what is decided at this meeting.
Larry moved that redundant FYE paragraph (Article V. Section 3.20.c) be removed.

Simon seconded the motion.

All members present at this point in the meeting were in favor (Merissa, Josette, Larry, Simon).

Motion Carried.

Committee restructuring: Addressing the total number of committee seats available

Simon stated that he has been reviewing the number of members serving on committees since he became faculty speaker. He suggested that fewer committee slots would make the committee positions more competitive and seen as more valuable to faculty elected to those positions. He also noted that making the positions more selective would allow faculty to feel they were either bringing (or had the potential to develop) some expertise to the committee.

Simon also noted that in the past, committee slots were treated as “rubber stamp” positions and that oftentimes faculty members were happy to serve on large committees where their contribution and workload would be kept to a minimum. As a result, the role of committees to shape policy lost strength.

As an example of the possible changes, Simon discussed a proposal to combine the Library and Educational Technology committees. He noted that most of the work of the Library Committee falls on the chair and a large number committee members is not necessary or beneficial. Simon further noted that combining the Library and Educational Tech committees would be a good match because the Library is often ahead of everyone else on technology and is responsible for making that technology accessible to the rest of campus.

Simon described combining these types of committees together as a potential strategy for eliminating superfluous committee positions. He also mentioned eliminating the Continuing Education committee, as the committee is not active. He remarked these types of eliminations
would also help reduce the number of committee positions and make committee service more of a serious responsibility.

Simon agreed to come up with a proposal of which committees might be removed, combined with other committees, or have the number of members reduced.

Merissa noted that she agrees with the idea and asked if Simon would also be looking at committee history to make these determinations.

Simon noted that incorporating committee history such when the committee was last active, would support the proposal to take the suggested actions on committee restructure.

Larry suggested that some of the changes mentioned could be justified independent of the issue of the number of slots available. He noted that the College does not have many continuing education programs that would need to go to that committee for approval. Larry also asked what would happen if something like an LSAT program came up and the continuing education committee was eliminated. How would something like that be approved? Would it just move forward without review?

Simon suggested that we talk to Deanna (who joins the meeting later) about this issue. He noted that something like a course on SPSS should come under the jurisdiction of the curriculum committee (rather than Continuing Education).

Larry stated this was a reasonable solution as long as the curriculum committee was willing to take on this additional responsibility.

Merissa asked if there are committees that would need more members, rather than less.

Simon noted that none of the committees are undersubscribed. Although there are committees that do a lot of work, he would not recommend adding members as it would make it more difficult to coordinate meeting times.
Larry made the point that in reducing the number of committee slots, there should be care taken not to make it difficult for junior faculty to serve on committees. There are other routes to service, but he mentioned that committee service is often the easiest.

After a review of a list of committee slots, Simon notes there are about 172 slots and that there would still be plenty of slots remaining after any proposed restructuring.

Merissa pointed out that faculty also have the ability to volunteer for faculty senate positions.

Simon added that associate chair and director positions are other opportunities for service.

Merissa noted that in selecting a committee, faculty should focus on those to which they could bring their expertise/credibility and build ongoing relationships.

Simon mentioned that to that end, the number of years a faculty member can serve on a committee was extended to five years to have the ability to build expertise in an area and build relationships. He also noted that past shorter terms limited faculty ability to get an understanding of the innerworkings and allowed the administration to wait out committee member terms and avoid addressing certain issues.

Larry points out that in some instances, it is faculty that has more experience specifically when there is turnover in the administration.

Merissa asks how the committee can help Simon with the proposal.

Simon stated the committee could help just by prodding him to do it and that he would strive to have a rough proposal by January.

**Faculty/Administration Manual (FAM) Ownership Responsibilities**

*The committee discussed the issue of whether this committee or Provost’s office staff should have primary responsibility for maintaining (processing changes to) the FAM. This issue was originally introduced by Deanna during the September 18, 2020 meeting of this committee.*
Larry asked if shifting the responsibility to this committee would result in better maintenance of the FAM as previously suggested.

Simon stated that efforts would have to be efficient to be effective.

Larry noted that the goal is to have the new version of the FAM ready at the beginning of the school year. He further noted that even if this committee processes the changes for which it is ultimately responsible, there are still administrative related changes that do not fall under the purview of this committee that would still need to be processed by provost office staff.

Simon agrees.

Larry suggested that setting a date of June 1 for this committee to process its changes is not unrealistic.

Simon agreed and noted that with the Faculty Welfare Committee a cutoff date for changes is set to ensure the updated version can be published by August 15.

Merissa asked if this was a self-imposed deadline.

Simon noted that any deadline set by this committee would be arbitrary, but that would be no different than deadlines set by other committees, for example the Curriculum Committee.

Larry noted that in this case, there is already a built in deadline because any changes would need to be approved through the Faculty Senate and that after May 15 the Senate would not be active. Changes can be processed as they are approved, and a review can be done between May 15 and June 15.

Merissa and Simon agree.

Larry asked if there is a downside to this committee controlling the master document.

Simon noted the only downside is the additional work to the committee.
Scott (now joining the meeting) made the point that there is committee turnover year to year and that if one of the committee members exits, the entire process could fall apart. He noted it is good for faculty to have control, but cautions that there is typically greater turnover in committee members than in the administration.

Larry brought up the idea that perhaps our discussion of document ownership is too old fashioned and notes the committee could just create a document on a shared server (rather than a stagnant document passed physically or via email).

Simon stated that of most concern is the timetable and deadlines.

Larry further notes that as long at the chair of this committee knew they would always receive the document on August 15 and had to give it back to the Provost’s office by June of the following year, it just becomes a part of the duties of the chair of this committee.

Scott pointed out that the senate minutes can also be used as a backup in case there is a dispute about how things should read.

Larry added that the elections website can be another check as changes must be approved by the faculty and the language would be included in what they view to vote on the change.

Simon added that Faculty Senate Secretariat could serve as liaison between this committee and Provost’s office, however the current person in the position is only allocated 15 hours a week to the role, during which they are also responsible for updating the website and doing senate meeting minutes.

**Discussion shifts to more general issues regarding the FAM as Deanna joins the meeting**

Deanna notes that there was one change to the FAM related to student affairs and the composition of the athletics committee that did not get processed in the current update. The
change was approved by faculty senate and other bodies agreed to the change, but she was waiting to get approval on the administrative side before processing the change.

Deanna further suggests that the athletic committee change, and the change related to the FYE paragraph be processed in a mid-year release of the FAM after those approvals are received.

Deanna further noted Legal affairs stated that there should be a central site for all policies (policy.cofc.edu) which includes links to specific sections of the FAM for the related policy. What she would rather do is link to the FAM in full. However, Legal Affairs stated such a link would not suffice for policies that apply to more than just faculty. As a result, Deanna has been tasked with identifying divisional policies. All other policies would have to be extracted from the FAM and linked to separately (e.g. the harassment policy).

**Discussion shifts back to discussion regarding FAM ownership**

Deanna reintroduced her discussion of FAM ownership by noting that technically it is this committee that has the charge of ownership of the manual which includes processing changes. She noted two reasons why over time ownership had been assumed administratively:

1. Deanna was, in the past, chair of this committee and during that time developed a log for changes with dates which helped her to know when changes needed to be made. She would process those changes and then send the manual with updates to the Provost’s office.
2. When Deanna became Associate Provost, there was a history of the manual not being well maintained and as a result she took responsibility in that role.

Deanna added that it would be nice for the committee to own the document so they could share any current language with committee chairs directly so those chairs could use current language to draft changes.

Larry brought up the previous discussion in the meeting about developing a timeline for the committee to process changes and then hand responsibility back to the administration. He also noted the document could reside on shared drives (rather than a static document).

Deanna agreed about the document residing on a shared drive. In addition, there could be a separate log of changes that are to be processed.
Merissa asked if it would be possible to keep a log of changes through comments in the shared document.

Deanna shared an example of the current and past logs with the committee and noted that a separate log document would be helpful as it could be more widely shared with faculty to review when the updated version of the FAM is released.

Merissa suggested Deanna pick a format of the change log that is most effective and provide that to the committee as a template. Deanna agreed to do so.

Larry noted that a log of the changes would also be captured in this committee’s minutes.

Merissa clarified that the committee does not need to vote on the issue of FAM ownership because we are just shifting responsibility back to the committee as it had been previously established.

Deanna agrees and further notes that shared ownership will help to establish continuity.

Larry stated that once the shared document is created, we will need to determine who should have access and a timeline for when changes will be processed and the manual passed off to the Provost’s office. This timeline would just be part of the committee calendar.

Simon suggested that there be a one-page document to explain what the timeline should be so that it is passed from chair to chair.

Merissa stated she would work on this document.

Deanna volunteered to find a shared electronic space and move the current document there. She will also create a template of the log.

**Other business**
Merissa noted that the committee still needed to address the title of University Professor included in the FAM. The document currently says that the rank of University Professor is determined by other University Professors of which there are currently none.

Simon noted the Faculty Senate was not able to determine a time to meet in-person to formally vote on the Senate’s (and related committee’s) ability to meet electronically. He stated a plan for members of the Faculty Senate to convene in person for this purpose on reading day (December 7, 2020) depending on availability.

Merissa asked if there were any other items for discussion or any other issues that should be discussed on the November agenda.

Seeing none, the meeting was adjourned at 3:34pm.
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

Friday, December 18, 2020

2:00pm

Via Zoom’

Invited Attendees:

Merissa Ferrara, Chair
Josette Pelzer, Secretary
Larry Krasnoff, Member
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for discussion:

1. Discussion on removing reference to the WA grade from the FAM
2. Any new business
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
Friday, December 18, 2020
2:00pm
Via Zoom’

Attendees:
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)

Not in attendance:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Discussion on removing reference to the WA grade from the FAM
On November 24, 2020 Deanna sent an email to the committee noting that although the removal of WA (failure due to excessive absences) as a grading option was previously approved by the Faculty Senate, removal of the related paragraphs from the FAM required additional consideration by the committee.

Specifically, her email referenced the third paragraph of Section VII - Faculty Interactions with Students, Subsection A – Faculty Responsibilities to Students, Item 9 – Class Attendance. The paragraph addresses the responsibility of the instructor to communicate how the student’s grade is impacted by attendance. In her email, Deanna recommended the following changes to the paragraph. Strike-through and red font are used for deletions. Underline and a green font are used for additions:

Instructors ascertain whether both excused and unexcused absences count in determining the basis for a grade of “WA,” which means “failure due to excessive absences” and is equivalent to a failing grade the student’s grade. If attendance is used for grading
purposes, the instructor is responsible for keeping accurate attendance records and for communicating to students, via syllabus, how attendance will be taken into account in midterm and final grades in the course. If a student has more than the maximum allowed absences as defined in the course syllabus, the professor may assign a “WA.” Instructors are required to submit an electronic “WA” form (located in MyCharleston faculty tab) to the Registrar on or before the last meeting day of the class. The Registrar will then send an email notification to the student. The student is responsible for keeping personal addresses and contact information current through the Office of the Registrar. All students, whether absent or not, are responsible for all information disseminated in the course. (Rev. Aug. 2018; Nov. 2020)

In a later email on December 9, 2020, Larry Krasnoff agreed with the substance of the changes suggested by Deanna, but in addition recommended the following:

1. Deleting the phrase “the basis for,” since it adds nothing to the word “determining.”

2. Rather than “via syllabus” insert “via the syllabus” or “in the syllabus”.

3. Deleting the reference to midterm grades as we do not have other specific policies for midterm grades.

Josette sent a later email on December 10, 2020 addressing Larry’s third point and asking whether it was necessary to include reference to a specific type of grade, midterm or otherwise.

During the current meeting, the members of the committee present discussed the aforementioned email correspondence.

Deanna, Josette, and Simon agreed with the language suggested by Deanna with edits recommended by Larry and Josette.
Scott disagreed with Josette’s proposal to remove reference to a specific type of grade altogether. He noted that language referencing “grades” with no specificity may lead to the misinterpretation that the general term “grade” refers to some other type of grade that does not include final grades.

Josette agreed with Scott’s point and all those present agreed to include the specific reference to the student’s “final grade”.

Consistent with the recommended changes discussed above, the following revised wording for the third paragraph of *FAM Section VII - Faculty Interactions with Students, Subsection A – Faculty Responsibilities to Students, Item 9 – Class Attendance* was proposed:

Instructors ascertain whether both excused and unexcused absences count in determining the student’s grade. If attendance is used for grading purposes, the instructor is responsible for keeping accurate attendance records and for communicating to students, in the syllabus, how attendance will be taken into account in the final grade. All students, whether absent or not, are responsible for all information disseminated in the course.  
(Rev. Aug. 2018; Dec. 2020)

Josette moved to approve the revised wording above. The motion was seconded by Simon and all present were in favor.

Meeting Adjourned.
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
Friday, January 29, 2021
2:00pm
Via Zoom

Invited Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)
David Parisi, Department of Communication (guest)

Agenda Items:

1. **FAM responsibility timeline:** We need to firm up the process for the passing of responsibility for the FAM to the administration so we can put that timeline into action this year. **When to push out the WA grade change:** We approved the change at the last meeting, but Deanna said we need to decide whether the WA language goes into a mid-year 2020-2021 edition of the FAM … or whether we will hold it for the 2021-2022 version.

2. **Athletics committee charge:** Deanna brought up last year's change to the faculty athletics committee charge that she held back from this year’s initial edition of the FAM. The change imposed or implied an agreement with offices outside the Academic Affairs division, and she wanted to be sure that those offices understood and concurred. She mentioned the committee needs to discuss how to approach this.

3. **Guest- David Parisi, Department of Communication:** (@2:30pm) has questions regarding the FAM (see relevant FAM language below). The Department is looking for guidance as they develop a more specific rubric for tenure requirements.

4. **Committee configurations:** Simon was tasked with coming up with his recommendations and bring those to the committee.
   - Message from Simon to the group: I haven't actually been able to find many places to reduce numbers but even the few I've suggested may make a significant difference to the N&E Committee's annual task, and others on the committee may be moved to make further suggestions. Attached document listing all the committees and their current compositions with suggestions for alteration highlighted in yellow.
Future Items for February meeting:

1. **University Professor Rank**: Provost Austin is still discussing with other people what to do with this. She doesn’t think we need to have a conversation with her about this just yet.

5. **Hearing Committee**: Larry had interest in rethinking the standard for when the Hearing Committee grants a hearing, but wants to do some more research before bringing it to the group.
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Minutes

Friday, January 29, 2021
2:00pm
Via Zoom

Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
David Parisi, Department of Communication (guest)

Not in attendance:
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Faculty/Administration Manual Responsibility Timeline

Deanna notes the FAM has only been marginally revised over the last 10 years. A disaggregation of the FAM is necessary as certain policies that are not exclusively related to faculty may have to be removed and separately linked on the policy website.

Deanna also notes Provost Austin is doing a review to make global changes to the Tenure and Promotion (T&P) process which will require significant revision of the FAM. Deanna states the committee should consider if it will use the same timeline and process for making smaller changes to the FAM as it would for more large-scale changes.

Larry asks if this is something the administration would work on independent of the committee, and Deanna notes that it is still too early to make that determination. She suggests that maybe this committee would be responsible for areas of the FAM for which a related committee does not exist.
Josette asks what exactly the timeline will be and whether that is something the committee will decide, or if Merissa (as Chair) will just document and share with the next committee chair. Merissa and Larry confirm the latter.

Larry notes that the general timeline is that this committee’s work will be finished by May 15 and pick up again in August. The last thing the committee will do in May is turn over control of the document to the office of the Provost. Our committee would process any changes between August and May and create a log to track any edits.

Larry asks who is the point person for these changes in the Provost’s office?

Deanna states she has been doing most of this and sees herself as the point person.

Simon asks whether the faculty secretariat would be of any assistance with this project? Deanna noted that was tried in the past but did not work well.

Josette asks about procedures for midyear rollouts.

Deanna notes there has been a need in past to have a midyear rollout in situations where there was a legal need, or a change from the previous cycle was missed.

Simon express his belief midyear rollouts should be generally avoided, however there are situation where it would make sense.

Deanna notes there are some situations where midyear issues of the FAM are necessary, especially for things related to T&P where adequate notice to changes need to be provided for faculty. She suggests we should be judicious, but not prohibit them.

Discussion ensues about whether to do a midyear rollout related to the WA grade change language approved in December. Simon suggests that since the change to the document is small and the change is already in effect, we can go ahead and process the change and issue a midyear document.
(Discussion pauses and committee members turn their attention to the recently arrived guest, David Parisi)

David Parisi from the Department of Communications shares concerns about the classification of professional activities in the FAM as they relate to T&P. [FAM Reference: VI.A.2.b.(5) (OCT 2020)]

David notes that the list of professional activities from the FAM is typically counted in his department as service, however in the FAM those activities are listed under research and professional development. While developing their departmental T&P guidance, his department would like to list these activities as service but do not want to contradict the FAM.

Deanna noted items in that section may be oddly placed but were listed under research to show evidence of the quality of a faculty member’s research program or standing in their discipline.

Simon noted that outside of the item listed which addresses serving as department chair (item xi), the items do not seem to be misplaced.

Deanna and Simon note that it is important to look at a T&P packet holistically and not necessarily focused on prescribed bucketing. Simon further notes that the section for research notes that the items “may include” all of the items listed, which means those listed items are not precluded from being counted as service.

Simon further suggests that if someone is emphasizing one of the items listed under research in their packet, they should not also be doing so under service. Deanna echoes this sentiment.

David expresses concerns that the T&P process seems to focus on the letter of the FAM and it would be helpful if the FAM also reflected the sentiment of the committee that the items listed could be listed under both research and service as to make explicit faculty have flexibility.

Deanna reiterates her earlier point that packets should be reviewed holistically, and that the FAM should not be interpreted in such a literal fashion that it removes the ability to do so.

Scott provides an example of a situation in the English department where candidates were editors of scholarly journals and there was not consensus about under which category that
activity should fall. His department allowed candidates to decide, but he noted candidates were hesitant to do anything that appeared to be in conflict with the FAM. He agrees it would be helpful to add language which makes clear candidates have flexibility.

Deanna notes Provost Austin has discussed the need to make more global changes to the T&P sections of the FAM and notes that those changes are likely to come with guidance about how departments should craft their policies. She advises David that any guidelines his department develops now may need revision as a result.

Simon adds there is also an ad hoc committee that has been established to determine how mentoring and advising fit into the faculty evaluation process which may result in additional changes.

David thanks the committee for their time and exits the meeting.

Process of changes to the responsibilities of the Faculty Senate Committee on Student Affairs and Athletics (FSCSAA) [FAM Reference: V.3.B.6 (OCT 2020)]

Simon notes the proposed change to the athletics committee language to make explicit that the faculty committee was the definitive committee to deal with athletics (rather than an ad hoc committee that had been previously established) was voted on in the senate. (See the proposal and related 3.3.2020 senate meeting minutes). Vince Benigni, Alicia Caudill and Matt Roberts were consulted.

Deanna explained the change was never processed in the FAM as she was concerned the all the impacted parties were not consulted.

Simon committed to forwarding Deanna an email which confirms Alicia and Matt had been consulted regarding the change.

Larry moved that we recommend the athletic committee change be processed and included in a midyear issue of the FAM along with the WA grade change.

Scott seconded the motion.
All members in attendance were in favor. Motion passed.

(Simon later in the day, Simon forwarded the 2019-2020 annual report from the FSCSAA which documents the discussion with these parties.)

Committee Configurations
Simon presents a document in which he recommends places where the number of committee seats could be reduced. Simon specifically recommends removing the Continuing Education committee and folding that committing into the Graduate Education Committee as the Continuing Ed committee was tied to the School of Professional Studies which no longer exists.

The committee agrees the document provides good recommendations including the recommendation about the Continuing Ed committee.

Simon recommends delaying a vote by this committee on the changes until the meeting of the Continuing Education Committee on February 17, 2021 which will discuss this change. Simon agrees to work on draft language justifying the changes to present for discussion at the next meeting on February 26, 2021.

Hearing Committee Discussion
Larry initiated discussion about the FAM language guiding the hearing committee on how the committee decides to grant hearings when a grievance is received. Larry believes the bar is too low for what would require a hearing to be granted (FAM X.13 – p.149).

Larry notes given the way the language is written; a hearing is granted even if it is clear ex ante that the argument will fail. He points to the legal definition of a “prima facie case” which basically states that if you do not think evidence needs to be presented to rebut the claim, the claim can just be rebutted right off. Such a clause in the FAM would allow the hearing committee to dismiss grievances which have no basis.

Deanna notes that the term “prima facie” may not have a clear meaning to users of the FAM.

Scott suggests instead language stating only grievances “requiring evidence from the offending party” would be granted a hearing.
Deanna notes that what the current discussion is really focused on is immediately dismissing cases where there is no connection between the grievance and a protection under the FAM that is claimed to have been violated.

Larry notes that as a previous member of the hearing committee, they did something along those lines. Grievances often list every possible violation, and the committee would choose to grant a hearing on the specific violations where, ex ante, there appeared to be merit.

Larry commits to discussing potential language with a lawyer and others who have been on the hearing committee.

Josette moves to adjourn.

Larry seconds.

Meeting adjourns at 3:26pm.
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
Friday, February 26, 2021
2:00pm
Via Zoom

Invited attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for discussion:
1. Hearing Committee: See Larry’s email from earlier this week for his proposal.
2. FAM Manual clarification: Can adjunct senators vote for Speaker/Secretary? Question was raised in an email from Fran Scudese. See email chain prior to meeting.
3. Any new business
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Minutes

Friday, February 26, 2021

2:00pm

Via Zoom

Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)

Not in attendance:
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Proposed change to Faculty Hearing Committee responsibilities language

Larry sent the committee a draft proposal for changes to faculty hearing committee responsibility language in the FAM on 2/23/2021 (see Appendix A).

Larry presented his proposal on the faculty hearing committee responsibilities language change. The proposal was designed to reduce the number of superfluous hearings by requiring a hearing only when the claims of the grievant, if found to be true, would result in a violation.

The proposal was distributed to the current faculty hearing committee and the College’s general counsel (Angela Mulholland), but feedback had not been received at the time of this meeting.

Simon brought up past bylaws committee discussions about why there is a separate grievance and hearing committee. One suggestion in those discussions was to develop a pool of people that would serve on these committees on an as needed basis. These same pool members would possibly be able to give grievants access to free guidance as they work through the process.
Larry noted there were questions about who would provide the training (e.g. peers or experts from the outside). He also notes the two committees serve different purposes with the hearing committee presiding over a quasi-legal preceding and the grievance committee being more like mediation.

Discussion continued about the possibility of a pool of trained people to serve on the two committees and the logistics including how a chair would be elected and having proper representation across schools. Larry also noted that if the committees were combined it would have to be made clear what issues go before which committee.

Merissa asked what would be a reason not to combine committees. Simon noted that it had only been about three years since the rules had been written and that Deanna had previously mentioned that any changes to do with hearings would have to go through the legislature. The committee agrees to await feedback from general counsel and the current hearing committee.

_Deanna joins the meeting:_

Deanna reminds the committee that the bylaws committee has the authority to take the proposal to the senate without approval from the faculty hearing committee.

Larry notes the hearing committee will probably have meeting in the next two weeks and that we would discuss the proposal again at the next meeting of this committee.

Deanna notes that bylaws committee had previously discussed the pool concept but it was abandoned because the College has an obligation to provide grievance rights and state laws allow the College to have a separate process for faculty that is approved by the state. The hearing committee and the related process meets these obligations because it handles certain types of grievances (denials of promotion, termination of appointments, salary). These were delineated because of state obligations. The grievance committee is responsible for lower order things and they are conceptualized to be more like conflict resolution or mediation. The thought was that conflating the two committees would at some point not allow a grievant access to the appropriate level of process.
Question regarding adjunct senators voting to elect the Faculty Speaker and Secretary
Simon noted adjunct senators serve in the faculty senate body, but are not allowed to vote for Faculty Speaker or Secretary.

Deanna noted that the faculty speaker is elected to represent the faculty. Although the Speaker convenes the faculty senate (which includes the adjunct senators) the faculty speaker represents (and is elected by) the faculty.

Larry noted that if the Speaker was elected by the senate, it would make sense for adjunct faculty to vote, but the vote is by the faculty which the Speaker represents.

The future of the Continuing Education Committee
Simon mentioned he met with the Continuing Education Committee the week before this meeting and that it was their first meeting of the year. The committee had been effectively defunct. As the School of Professional Studies and the Bachelor of Professional Studies are no longer, the committee will write to President Hsu and Provost Austin to determine their pleasure as to whether the committee should continue, and if so, what purpose it would serve.

As there were no other issues to discuss, the meeting was adjourned at 2:45pm.

Appendix A
FAM Hearing Committee Proposal
As submitted by Larry Krasnoff to the committee via email on 2/23/2021

I want to propose an amendment to the Faculty/Administration Manual that would address how the Hearing Committee decides whether or not to grant a hearing to a grievant.

The current and relevant FAM language reads as follows:

“The assigned hearing panel will meet within seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed and whether the nature of the grievance is within the jurisdiction of the Hearing Committee. If the hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty working days of the panel meeting. The panel
shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.” (FAM X, I, 3, p. 149)

This language makes clear that once the committee receives a notice of grievance, they must consider two things: (1) whether the grievant has followed all the proper procedures (FAM X, I, 2, p. 149); and (2) whether what the grievant is alleging is one of the types of conduct the committee is explicitly entitled to consider (FAX X, I, 1, pp. 148-149). The clear message is that if these two conditions are met, the committee ought to grant the grievant a hearing.

In my experience on the committee, however, we received cases that were properly and timely filed, and that alleged a violation of one of the explicitly listed types, but also clearly had no chance of succeeding on the merits. Typically, that was because even if all the facts alleged by the grievant were true, the relevant action did not constitute a violation of the alleged type (e.g., a violation of academic freedom or non-discrimination). But because the grievant alleged that the action was such a violation, committee members took themselves to be obligated to grant a hearing. On this view, the language above mandates that the committee hear any properly and timely grievance that alleges any one of the designated types of violations, no matter how implausible that allegation is on its face.

The result is that we sometimes granted hearings that we knew we should not have granted, since the case had no chance of success. Alternately, we sometimes granted hearings in which we proscribed various kinds of arguments, exercising judgment about which allegations had chances of success. (It is fairly common for grievants to be maximal about the types of violations they allege.) In these cases, we were making judgments that went beyond the two explicit provisions in the FAM.

In practice, it was clear that the committee wanted to operate, and sometimes did operate, with a third standard, a standard for a plausible case. I would like to write that standard into the FAM. Basically, I think the committee should operate with a standard for what the law calls a *prima facie* case. The basic legal standard for a *prima facie* case is straightforward: it is an argument that requires rebuttal by the other side. I think that the committee should grant a hearing not only if a case has been properly and timely filed, and not only if an allegation is of the approved type, but also only if a hearing is required to rebut the allegation. So I propose that the above passage in the FAM be amended as follows:
“The assigned hearing panel will meet within seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed, whether the nature of the grievance is within the jurisdiction of the Hearing Committee, and whether the grievance requires the hearing of evidence in order to be rebutted. If the hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty working days of the panel meeting. The panel shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.”
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
Friday, March 26, 2021
2:00pm
Via Zoom

Invited Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for Discussion:
  1. Faculty Hearing Committee Discussion
  2. Any new business
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
Friday, March 26, 2021
2:00pm
Via Zoom

Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)

Not in attendance:
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Faculty Hearing Committee Discussion
Larry distributed language for updates to the Faculty Hearing Committee’s responsibilities with regards to when a hearing should be granted to a grievant. The original version of the motion was sent by Larry to the committee via email on March 24, 2021 prior to this meeting. The final version of the motion updated after this discussion in this meeting was sent by Larry to the committee later on March 26, 2021 and is appended to this document below.

Scott confirms that the original motion submitted could be introduced at the next faculty senate meeting and that any changes discussed today could be included in the motion presented.

Deanna noted that as this is a motion to change an administrative portion of the F/AM, it is an advisory motion so it does not necessarily have to be voted on, but can be.

Larry will attend the faculty senate meeting and present the motion.
Larry also notes that Barry, current chair of the faculty hearing committee, solicited feedback from the current members of that committee and that the change has been endorsed with most of the members of the hearing committee showing their support.

He also noted that the current language was based on language that Angela Mulholland (General Counsel for the College) suggested. Angela later sent additional language.

The current language states: “whether the facts alleged by the grievant, if accepted as true, would establish the violation alleged by the grievant.”

Angela later suggested: “if accepted as true, would state a claim for relief within the jurisdiction of the hearing committee”

Josette noted that the “claim for relief within the jurisdiction of” language sounds too much like legal ease.

Larry suggests “would support a claim of a violation” because support is a little weaker than establish.

Deanna points out that although this is an administrative change and the senate is not responsible for inserting the wording, we should present the language in the clearest way possible to represent what it is the committee is trying to accomplish with the change. This clarity will reduce confusion if changes are suggested from the senate floor.

Scott suggests “would constitute a violation” as this is softer than establish and stronger than support.

Larry notes that the “state of claim for relief” language is likely intentionally weak so that a plausible argument could be made that there is the possibility of a violation even if the claim ended up being dismissed.

Deanna asks Larry if he had a sense of whether Angela thought that stronger language would create due process violations.
Larry notes Angela did not mention that and only said her newly suggested language would bring it closer to the civil standard.

Merissa prefers “constitute” to support.

Larry notes constitute is probably right in practice, but there is the question as to whether that language would still leave the door open for the possibility of a hearing even if its not certain a hearing would determine there had been a violation.

Scott notes that the person bringing the complaint has already made a claim.

Larry suggests “would support a judgement of a violation” to make the language stronger.

Scott still prefers “constitute”, however Larry notes that “support” better addresses concerns from members of the hearing committee that the original language was too strong.

Deanna reiterates that we do not want to be on the side of taking away due process and that perhaps Angela’s “state a claim for relief” language was designed to prevent that. Deanna encourages Larry to follow-up with Angela about her intent regarding her suggested changes.

Josette asks whether this language would still be reviewed by legal after our motion passes the faculty senate as this is an administrative change.

Deanna notes that could occur if there is a situation where the administration feels there might be legal issues, however there is no requirement to do so.

Larry suggests keeping the motion on the agenda and including the “support” language (rather than constitute) and notes that he would continue to make changes as necessary after continued discussions with Angela.

All attendees agreed.

Meeting adjourned at 2:45
Revised Hearing Committee Motion submitted to the committee by Larry K. via email on March 26, 2021

Motion on Hearings Granted by the Faculty Hearing Committee

Motion

The faculty senate recommends that the Faculty/Administration Manual’s procedures for the Faculty Hearing Committee be amended as follows:

“The assigned hearing panel will meet within seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed, and whether the nature of the grievance is within the jurisdiction of the Hearing Committee, and whether the facts alleged by the grievant, if accepted as true, would support a judgment of the violation alleged by the grievant. If the hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty working days of the panel meeting. The panel shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.” (FAM X, I, 3, p. 149)

Rationale

The current FAM language makes clear that once the committee receives a notice of grievance, they must consider two things: (1) whether the grievant has followed all the proper procedures (FAM X, I, 2, p. 149); and (2) whether what the grievant is alleging is one of the types of conduct the committee is explicitly entitled to consider (FAX X, I, 1, pp. 148-149). The clear message is that if these two conditions are met, the committee ought to grant the grievant a hearing.

The Hearing Committee, however, sometimes receives cases that are properly and timely filed, and that allege a violation of one of the explicitly listed types, but also clearly have no chance of succeeding on the merits. Typically, that is because even if all the facts alleged by the grievant
were true, the relevant action does not constitute a violation of the alleged type (e.g., a violation of academic freedom or non-discrimination). But because the grievant alleges that the action is such a violation, some committee members take themselves to be obligated to grant a hearing. On this view, the language above mandates that the committee hear any properly and timely grievance that alleges any one of the designated types of violations, no matter how implausible that allegation is on its face.

Alternately, the committee sometimes grants hearings in which it proscribes various kinds of arguments, thereby exercising judgment about which allegations have chances of success. (It is fairly common for grievants to be maximal about the types of violations they allege.) In these cases, the committee is making judgments that go beyond the two explicit provisions in the FAM. In practice, then, the committee is already operating with a third standard, a standard for a plausible case.

The proposed language writes a version of this standard into the FAM. It has been reviewed and endorsed by the By-Laws and Faculty Hearing Committees, and it is based on advice from the College’s counsel, Angela Mulholland. The language is modeled on Rule 12(b)(6) of the federal code of civil procedure, which allows a defendant to move for a dismissal on the grounds that a plaintiff’s allegations, even if accepted as true, do not constitute a violation of law. If a court finds that the allegations even might constitute a violation, the court is bound to reject the motion to dismiss. In practice, Rule 12(b)(6) motions to dismiss often or even typically fail. It is unlikely, therefore, that the insertion of this language will prevent the Faculty Hearing Committee from preventing any potentially worthy grievances from being heard. What it will prevent are hearings where the grievant has no real chance of success, hearings which are bound to be time-consuming and frustrating for the grievants along with everyone else involved.

Because this passage belongs to the administrative portion of the FAM, this motion is only to recommend that the administration insert these proposed changes.
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

Friday, April 29, 2021

2:00pm

Via Zoom

Invited Attendees:

Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Items for Discussion:

1. Celebrate success!: Motion approved:
   The faculty senate recommends that the Faculty/Administration Manual’s procedures for
   the Faculty Hearing Committee be amended as follows: “The assigned hearing panel will
   meet within seven working days after receipt of the Notice of Grievance by the Chair in
   order to determine whether the grievance has been properly and timely filed, and
   whether the nature of the grievance is within the jurisdiction of the Hearing Committee,
   and whether the facts alleged by the grievant, if accepted as true, would support a
   judgment of the violation alleged by the grievant. If the hearing panel decides that the
   grievance should be heard, it shall set a date for the hearing, which must be held within
   twenty working days of the panel meeting. The panel shall also decide, taking into
   account the preferences expressed, whether the hearing will be open or closed.” (FAM
   X, I, 3, p. 149)

2. Campus wide award changes

   From Deanna:

   At the last Board of Trustees’ Academic Affairs Committee meeting, Provost Austin
   presented some proposed changes to our faculty awards. That proposal was approved
   by the BOT Academic Affairs Committee and the full BOT. Attached are two documents.
   One is a memo that I wrote to Suzanne that detailed these changes. The other is a
   document that contains the awards language from the 2020-2021 Faculty/Administration
   Manual, with proposed changes for the 2021-2022 Manual. Could you get these to the
full membership of the Committee on the By-Laws and *Faculty/Administration Manual*? Or would you be fine with me simply forwarding it to the active membership of the committee?

Because these changes were originally proposed by an *ad hoc* faculty committee and because they are now approved by the Board, there would be some awkwardness to running a proposal past the Faculty Senate. Additionally, these items are in the administrative portion of the *Faculty/Administration Manual* and could be updated at the Provost’s direction. However, we recognize the importance of our faculty awards program to all faculty, and we are open to whatever consultation you and the committee would like to have with the faculty.

In addition to the changes to the existing campus-wide faculty awards, which I’ve conveyed via a prior email, the Board of Trustees approved a new award to recognize faculty for outstanding mentoring of undergraduate students. Beth Meyer-Bernstein initiated the creation of this award. She’s indicated that it should be included with the other campus-wide faculty awards in the *Faculty/Administration Manual* and issued annually at the same time as those awards. Attached are her cover memo to Provost Austin and the award language, as approved by the Board of Trustees. This award would be listed in the administrative section of the Manual, which the Provost has the authority to modify. Nevertheless, we would like the Bylaws/FAM Committee to consider this award language and provide any feedback prior to addition to the 2021-2022 *Faculty/Administration Manual*

3. **Any other new business**

4. **Thank you to this year’s committee!**
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
Friday, April 30, 2021
2:00pm
Via Zoom

Attendees:
Merissa Ferrara, Chair
Larry Krasnoff, Member
Josette Pelzer, Secretary
Simon Lewis, Speaker of the Faculty (ex-officio member)
Scott Peeples, Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)

Not in attendance:
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Campus wide award changes:
Deanna discussed change related to faculty awards that were presented to and approved by the Academic Affairs Committee and full Board of Trustees (BoT). See Appendix A below for a description of the approved changes.

Deanna states the committee needs to decide if changes related to faculty awards (described in Appendix A) need further discussion by the faculty or if they can simply be processed and entered into the log of F/AM changes.

Deanna points out that there is an imbalance in the award structure created by the changes. If a faculty member receives the William V. Moore award, they would have to wait 5 years to be eligible for other awards. The rationale is that this is the only named award and it is implicitly the highest honor. If a faculty member receives one of the other awards (research or teaching), they would only be required to wait 3 years before being eligible for the William V. Moore award.
Merissa asks whether the newly created award for undergraduate mentoring will have similar stipulations.

Deanna responds that as the award is new and has a relatively low award amount, it may make the most sense to allow the award to gain traction and build excitement before implementing restrictions.

Simon asks why the new award is only for undergraduate mentoring.

Deanna noted that originally Beth Meyer-Bernstein (who initiated the creation of the award) prosed a separate award for undergraduate and graduate mentoring. However as only the undergraduate award had funding, it was the only one to move forward.

Simon asks why not include the mentoring of all students?

Deanna notes the idea was that the nature of graduate studies often includes more mentoring, and that individual undergraduate mentoring often goes above and beyond typical responsibilities.

Merissa agrees with the changes.

Scott agrees the changes are welcomed but notes there is the issue of how these changes should be presented to the faculty senate. He does not believe they needed to be presented for discussion or vote as giving an option for a vote would give a false impression that the wording is still a work in process when in fact it has been approved by the BoT.

Deanna agrees and notes there were discussions with some faculty members before the changes were presented to the BoT so there was faculty input.

Simon suggests that the changes be announced to faculty senate and in doing so, it should be stressed that there was faculty input rather than just changes coming from academic affairs. It should also be noted that the changes are meant to ensure more people can be recognized.
Deanna agrees and notes the changes will be processed and added to the change log that will accompany the updated manual.

Before moving on, Larry asks how the creation of the new award for undergraduate mentoring intersects with the discussion of making advising and mentoring a fourth T&P category. He notes the award indicates someone is going above and beyond, but is this mentoring going above and beyond if it is part of T&P evaluations in a new category.

Deanna notes there is an ad hoc committee in place related to T&P changes that was not necessarily convened to make proposals about mentoring and advising changes, but she is not sure what the recommendations of that committee will be on the matter.

Deanna further notes that from her perspective, any substantial revisions to the F/AM regarding T&P would need to be part of a broader conversation.

Larry points out a general concern about how the award winners are determined. He notes that new award recipients are selected by previous award recipients. From the perspective of a smaller department, that leads to a cycle of the same departments receiving the awards.

Deanna agrees and notes she has mentioned this issue to Provost Austin. Those changes were not presented to the board, however there are limits to how many faculty members from each department can be represented on the selection committee. However, Deanna agrees that looking at the list of award winners does seem to provide evidence of Larry’s point.

Larry notes that one issue is that departments of past winners know how to write letters that lead to successful nominee selection. Other departments may not know how to best write letters for their candidates which puts them at a disadvantage.

Simon suggests maybe the deans should have a role as there are a number of schools not represented and perhaps the deans should be asking chairs to nominate.

Deanna points out it may not make sense to involve the deans and that although the selection committee consists of prior winners, not every department is represented on the committee to
intentionally avoid each department just voting for themselves. She agrees that it is likely time to
determine if other layers to the process need to be added.

Changes to the T&P Chair and Provost Joint Memo for 2021-2022 and related changes to
the F/AM.

See proposed changes in Appendix B below.

Deanna notes there has been discussion about how to help mitigate the impact the pandemic
has had on faculty. One change was to improve the wording regarding communications to
external reviewers. Another is being clearer about how dissertation work is treated during the
T&P process. She noted there were also discussions with Simon and Lisa Covert (AAUP
chapter president).

Deanna further noted there was a need to communicate to external reviewers the impact of the
pandemic on candidates. While addressing that, it became clear that there also needed to be
general clarity about external reviewer instructions that should go in the manual. Any changes
would also need to be reflected in the Joint Memo.

Simon notes that in his discussions it seemed that Provost Austin was interested in making
external reviewers a requirement for those seeking promotion to full professor.

Deanna agrees, but notes the provost was not looking at that change for this year although she
(the provost) does see the value.

Merissa and Josette both agree that the changes related to external reviewers are needed and
appropriate.

Related to the treatment of dissertation work, Deanna states that Lisa Covert pointed out some
untenured faculty are unclear about the value of dissertation work for T&P because some
department heads and deans were counting or not counting dissertation work strictly based on
the timing of the work being published or when the work began. The position of the provost’s
office is that if substantive work on a project is completed during the review period, then it
should be counted during that review period. The recommended changes are simply to provide more clarity.

Simon notes that work on the dissertation is how faculty build an academic reputation and that it involves a staged process that takes time for many faculty members.

Deanna agrees stating that the nature of faculty research does not lend itself to the discrete method of counting (or not counting) that some departments had implemented.

Merissa points out the recommended language suggests that it is up to the candidate to describe what substantial work has been done and the timing of that work in their narrative.

Scott agrees this is a positive change as he remembers having these conversations with junior faculty as chair about how dissertation work would be counted and noted that policies differed by department.

Scott also notes the leading phrase “work completed during the evaluation period” might create confusion about how work that has been ongoing, but not published, would be treated during a review period. Scott further notes that the language might put committees in the position of evaluating the merit of unpublished works that have not been through the peer review process.

Deanna clarifies that the language is not meant to leave the door open, but acknowledges there is the possibility that such issues could arise and suggests this is a longer term conversation especially around how to count work during the pandemic. She also makes clear that work should not be counted in two review periods (e.g. work treated as substantial unpublished work in one period, should not also be treated as a published work in the following review period).

Deanna notes that anything related to these items that needs to be updated in the manual will be done and related memos will provide clarification and explanation.

Josette asks if we will have a transition meeting to onboard new committee members for next fall.

Deanna notes there should be a brief meeting in the spring to identify the committe chair.
Merissa agrees to set a transition meeting date and time as well as compile and distribute an end of the year summary.

Meeting adjourned at 2:53

Appendix A: Faculty award changes approved by first the Academic Affairs Committee and later the full Board of Trustees.

Approved changes included:

- Creation of a new award for outstanding undergraduate mentoring: Beth Meyer-Bernstein initiated the creation of this award and has indicated that it should be included with the other campus-wide faculty awards in the Faculty/Administration Manual and issued annually at the same time as those awards.

- Distinguished Teaching Award: No faculty member may receive this award more than once. Faculty members who receive this award are not eligible for consideration for the William V. Moore Distinguished Teacher-Scholar Award for the first three (3) academic years after receipt of this award.

- Distinguished Adjunct Faculty Teaching Award: No faculty member may receive this award more than once.

- Distinguished Research Award: No faculty member may receive this award more than once. Faculty members who receive this award are not eligible for consideration for the William V. Moore Distinguished Teacher-Scholar Award for the first three (3) academic years after receipt of this award.

- Distinguished Service Award: No faculty member may receive this award more than once.

- Distinguished Advising Award: No faculty member may receive this award more than once.

- William V. Moore Distinguished Teacher/Scholar Award: No faculty member may receive this award more than once. Faculty members who receive this award are not eligible for consideration for the Distinguished Teaching Award or the Distinguished Research Award for the first five (5) academic years after receipt of this award.
Appendix B: Summary of proposed changes to the T&P Chair and Provost Joint Memo (2021-2022) and the F/AM

From Deanna Caveny

Proposed revisions to the Joint Memo for 2021-2022:

- Revert back to usual calendar for reviews

  Tenure-clock modifications (item B):
  - Reminder in Joint Memo that standing tenure clock modification policy and pandemic-based tenure clock modification policy are still both available to candidates.
  - Removed language emphasizing the value of tenure clock modifications over other pandemic measures.

- Credit for acceptances to subsequently cancelled events (item C): Explicitly note that candidates should receive full credit for research, scholarship, and creative activities that were accepted for conferences, exhibitions, or performances but cancelled or conducted virtually due to the pandemic.

- Pandemic impact statements (item D): Continue candidate option of providing a one-page pandemic impact statement (in addition to usual 10-page narrative of record and accomplishments).

- Continue all other pandemic impact language in the Joint Memo
  - Remind reviewers at all level of the unprecedented circumstances under which faculty have been working during the pandemic. (item E)
  - Remind reviewers at all levels that short gaps in research productivity or anomalies in their instructional record that are otherwise inconsistent with the candidates record should not significantly impact reviewers’ overall assessment of the candidate’s record and performance. (item C)

Proposed revisions to the Faculty/Administration Manual for 2021-2022:

- Measuring work done during the review period: Modifications to emphasize that panels should be considering, for each publication, whether substantial work was done at the College of Charleston, rather treating each publication as “counting” or “not counting”. Specific new language is:
  - “The candidate should clearly denote those publications on which substantial work was done during the review period. Presented work may include
substantial revisions to dissertations, resulting in the publication of articles or a book.”
- “The candidate’s narrative description of research and professional development should clearly indicate those publications or creative works (e.g. specific refereed books, journal articles, juried exhibitions, etc.) on which substantial work was done during the review period.”

- **Assessing publications originating from the dissertation**: Specific sentence to be added to Manual. See above.
- **Better articulating how to solicit external reviews of research** (Section VI.A.2.b.(2.ii.b)):
  - Revisions to emphasize to external reviewers that the College is seeking “a review of the quality of a candidate’s research and professional development, rather than an overall assessment of whether the candidate would meet research expectations at the reviewer’s own institution.”
  - Changes will also clarify that letters to external reviewers may reflect any quantitative or qualitative research expectations of the College, school, or department.
  - We will also provide a sample letter or template for soliciting external reviews of research.
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda
Tuesday, May 11, 2021
11:00am
Via Zoom

Invited:
Wendy Cory
Merissa Ferrara
Josette Pelzer
Larry Krasnoff
Simon Lewis, Speaker of the Faculty (ex-officio member)
Scott Peeples, Outgoing Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
RoxAnn Stalvey, Incoming Senate Secretary (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

New Items:

1. Determine 2021-2022 Chair and Secretary
2. Clarification regarding what changes can be made to the FAM if we were unable to meet in person

Any New Items
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
Tuesday, May 11, 2021
11:00am
Via Zoom

Attendees:
Wendy Cory
Merissa Ferrara
Josette Pelzer
Simon Lewis, Speaker of the Faculty (ex-officio member)
Scott Peeples, Outgoing Senate Secretary (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)

Not in attendance:
RoxAnn Stalvey, Incoming Senate Secretary (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

Discussion of changes to be processed for the manual
Merissa asks if the change related to the ability to hold electronic meetings should be processed as the senate did vote to approve the change, but never met in person to ratify that vote (as required by the version of Robert’s Rules of Order under which the faculty senate is governed).

*Note the approval of the change by the faculty senate in an electronic meeting is not considered an official approval, until an in-person meeting is held to formally adopt the ability of the senate to meet electronically.*

Simon notes the first in-person senate meeting will happen on August 31, 2021 at which time the senate will vote to ratify all previous electronic votes during the pandemic period.

Deanna and Josette both note it would be most appropriate to wait to process the electronic meetings change until it is officially approved by the faculty senate and has subsequently been voted on by the full faculty as required by the F/AM.

Merissa asks about processing the recommended change to the hearing committee’s responsibilities for granting a hearing.

Deanna noted that since that change is part of the administrative section of the F/AM it can be processed without waiting for formal ratification of the faculty senate vote on the item.

*Although the senate voted to approve the change during an electronic meeting, a senate vote is not required to process changes to the administrative section of the F/AM. Therefore, the committee does not have wait for the ratification of the senate electronic vote to proceed.*

Selection of committee chair and secretary for 2021-2022
Simon suggests that if Merissa and Josette are willing to reprise their roles as chair and secretary (respectively), this would allow our new member, Wendy, to gain some experience on the committee and possibly take on one of those roles in the following year.

All committee members in attendance agree.

Merissa and Josette agree to continue in their roles as chair and secretary (respectively).

**Additional changes to the F/AM and T&P Joint Memo**

[FAM Reference: VI.A.2.b.(5) (OCT 2020)]

Deanna noted that in addition to the changes to the Joint Memo and F/AM discussed at April’s meeting, there is one additional change that is faculty friendly.

Specifically, Deanna noted that Anton Vander Zee (chair of the T&P committee) brought up changes to the list of professional activities included in section VI.A.2.b.(5). Anton noted that there is ongoing confusion about whether these items could also be included as service as they are not explicitly listed in the service section.

Deanna notes these items include reviewing manuscripts for journals, grant proposals, and serving as department chair.

Deanna states the recommended change will add clarifying language to this list stating a candidate can choose whether those activities are counted as professional development or service.

Deanna further notes a more holistic overhaul of the T&P sections of the manual will be recommended by the provost during the 2021-2022 year and that those changes will require a significant amount of committee discussion next year.

**Additional changes to be processed for the next version of the F/AM**

Josette notes the WA grade change (approved by the committee in December 2020) and change to the athletics committee responsibilities (approved by the committee in January 2021) of the F/AM will need to be processed in the new edition as there was never a midyear release incorporating those changes this year.

Deanna notes the changes to the F/AM related to the T&P updates discussed in April and at this meeting will also need to be processed.

**Carryover items for next year**

Josette notes the issue of the University Professor Rank has been discussed this year, but not resolved as the committee was awaiting more guidance from the provost.

*F/AM language states the rank of University Professor is awarded by current University Professors, of which there are none.*

Josette asks Simon where the matter of College level committee size reduction stands.
Simon notes that he received push back from some committees about reducing committee size and also noted that this year there were more than enough committee volunteers so a reduction is likely not necessary.

Meeting adjourned 11:34
Memorandum

To: Speaker Lewis, Secretary Peeples, & CofC Faculty Senate

From: Merissa Ferrara, Chair, Committee on By-Laws and the FAM (2020-21)

Subject: Report on Changes to the 2020-2021 Faculty-Administration Manual as of May 2021

You will find a Change Log that summarizes modifications made in the 2020-2021 Faculty Administration Manual (FAM) as of May 2021, followed by an appendix of relevant documents introduced in the Faculty Senate last year. The first motion was to amend the FAM to allow for meeting and voting through electronic meetings (10/6/2020). While we were able to receive support for it during the Senate meeting, we were unable to establish and in person quorum to approve it. This change will not go into the FAM until we vote on it this fall. The remaining changes to the FAM that were voted on by the faculty senate in 2020-21 are simple changes to the language regarding the First Year Experience (12/8/2020) and the Hearing Committee (4/6/2021).

As a committee we did support a few changes that did not need the vote of the Faculty Senate. The Faculty Senate had already voted in 2020 to remove the WA grades and an option. We cleared up the language of that section to remove reference to the WA grading but retain the right of faculty to use class attendance as a grading metric.

We discussed the change approved last year to the language regarding the Committee on Student Affairs and Athletics (2/18/2020). It will be incorporated into the FAM changes.

Finally, over the summer there will be changes for the FAM regarding 1) the language for the Distinguished Faculty Awards, including the addition of a new award for mentoring and 2) the language for tenure and promotion. The April and May meeting minutes begin to discuss those changes. The wording is not ready for inclusion in this document at this time. They would be included in the Administrative section of the FAM and would not need a vote.
Changes to Faculty By-Laws

- **FAM X, I, 3, p. 149.** “The assigned hearing panel will meet within seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed, and whether the nature of the grievance is within the jurisdiction of the Hearing Committee, and whether the facts alleged by the grievant, if accepted as true, would support a judgment of the violation alleged by the grievant. If the hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty working days of the panel meeting. The panel shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.”
  - Brought by the Committee on the By-Laws and *Faculty/Administration Manual* to April 2021 Faculty Senate meeting, where it was approved. It did not need the approval of the full faculty.

- **FAM Section 3.B.20.** Motion to delete from the By-Laws item c (implementation) under Section 3.B.20 (Advisory Committee on First-Year Experience)
  - Brought by the Committee on the By-Laws and *Faculty/Administration Manual* to December 2020 Faculty Senate meeting, where it was approved.
• **Article V, Section 3.B.6:** Clarifies the responsibilities of the Student Affairs and Athletics Committee (and “consolidates an unnecessary ad-hoc committee,” as quoted from the Student Affairs and Athletics Committee’s proposal to the Faculty Senate). Heard at the March 2020 Faculty Senate meeting, where it was approved. Ratified by the full faculty that same month.

**Changes to Administrative Sections**

○ **Section VII - Faculty Interactions with Students, Subsection A – Faculty Responsibilities to Students, Item 9 – Class Attendance.** The paragraph addresses the responsibility of the instructor to communicate how the student’s grade is impacted by attendance. Strike-through and red font are used for deletions. Underline and a green font are used for additions:

  ○ Instructors ascertain whether both excused and unexcused absences count in determining a grade of “WA,” which means “failure due to excessive absences” and is equivalent to a failing grade the student’s grade. If attendance is used for grading purposes, the instructor is responsible for keeping accurate attendance records and for communicating to students, via the syllabus, how attendance will be taken into account in midterm and final grades in the course. If a student has more than the maximum allowed absences as defined in the course syllabus, the professor may assign a “WA.” Instructors are required to submit an electronic “WA” form (located in MyCharleston faculty tab) to the Registrar on or before the last meeting day of the class. The Registrar will then send an email notification to the student. The student is responsible for keeping personal addresses and contact information current through the Office of the Registrar. All students, whether absent or not, are responsible for all information disseminated in the course. (Rev. Aug. 2018; Nov. 2020)

• Substantial reformatting and some correction of errors in position titles and office names.

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FACULTY ORGANIZATION AND BY-LAWS
Proposed changes to allow for electronic meetings. All sections not relevant have been removed for brevity.

Preamble

These by-laws and all amendments shall constitute the rules and regulations governing the conduct and procedures of the faculty of the College of Charleston in the performance of its duties. They establish the Faculty Senate as the primary legislative body of the faculty.

Article II. College Faculty Meetings

Section 1. Ordinary Faculty Meetings

H. Whenever the Speaker of the Faculty determines that exceptional circumstances exist that would prevent the full faculty from meeting in-person, the Speaker may designate that an extraordinary meeting of the faculty will be an electronic (virtual) meeting in which participation will be carried out remotely and in which the verification of a quorum will occur electronically. (Rev. May 2009, Sept. 2020)

Article IV. Faculty Senate

Section 4. Meetings of the Faculty Senate

N. Whenever the Speaker of the Faculty determines that exceptional circumstances exist that would prevent the Faculty Senate from meeting in-person, the Speaker may designate that a regular or special meeting of the Senate will be an electronic (virtual) meeting in which participation will be carried out remotely and in which the verification of a quorum will occur electronically. (Rev. Sept. 2020)

Article V. Committees [Section 1]

H. Meetings of committees shall be called by the Chairs of the committees or by 50% of the members of the committees. Whenever the committee chair determines that exceptional circumstances exist that would prevent the committee from meeting in-person, the chair, or a simple majority of the committee membership, may designate that a meeting of the committee will be an electronic (virtual) meeting in which participation will be carried out remotely and in which the verification of a quorum will occur electronically. (Rev. Sept., 2020)
ARTICLE VI. Meetings Held Electronically

Except as otherwise provided in these bylaws, meetings of the Faculty, the Faculty Senate, or a committee that are to be conducted electronically through the use of an Internet meeting service will support anonymous voting and will support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings shall be subject to all rules adopted by these bylaws or standing rules to govern them, which may include any reasonable limitations on, and requirements for the members' participation. Any such rules incorporated into these bylaws or standing rules shall supersede any conflicting rules in the parliamentary authority, but may not otherwise conflict with or alter any rule or decision of the Faculty, Faculty Senate, or their committees. An anonymous vote conducted through the designated Internet meeting service shall be deemed a ballot vote, fulfilling any requirement in the bylaws or rules that a vote be conducted by ballot.

Article VII. Amending Procedures

Section 1. Senate Option for Amendment Introduction

Motions for amendment or repeal of these by-laws may be made in writing at any meeting of the Faculty Senate. Unless made initially by the Committee on the By-Laws and the Faculty/Administration Manual, the motion shall be referred to the Committee on the By-Laws and the Faculty/Administration Manual. The committee shall report to the Senate its recommendations on the motion originating elsewhere and any amendments at the next Senate meeting. Motions made by the Committee on the By-Laws and the Faculty/Administration Manual can be considered at the Senate meeting at which they are introduced. Motions to amend or repeal these by-laws require a two-thirds vote in the Senate for approval. Approved motions must then be ratified by a simple majority of regular faculty members voting by electronic ballot on the motion. (Rev. Jan. 2007; April 2013)

Section 2. Extraordinary Meeting Option for Amendment Introduction

Motions for amendment or repeal of these by-laws may be made in writing at any extraordinary meeting of the College faculty. The motion shall be referred to the Committee on the By-Laws and the Faculty/Administration Manual. The committee shall report to the faculty its recommendation on the motion and any amendments at a second extraordinary faculty meeting called by the Speaker of the Faculty to consider the motion. The faculty will then vote on the motion to amend or repeal the by-laws. It shall be adopted by a two-thirds vote of the membership voting, provided a quorum is present. (Rev. May 2009)
6. Meetings of the College faculty and Faculty Senate shall be held in a place conducive to full and free debate.

7. Conduct of Electronic Meetings

If the Speaker has determined that meetings of the Faculty or the Faculty Senate are to be conducted electronically, the faculty Secretary shall distribute at least one week prior to the first such meeting a set of guidelines clarifying how the parliamentary authority will apply to the conduct of electronic meetings. Nothing in those guidelines may conflict with anything else in these by-laws or other standing rules.

8. Media coverage of College faculty and Faculty Senate meetings shall adhere to the following guidelines:

a. Attendance at College faculty and Faculty Senate meetings will be first cleared through the Office of Marketing and Communications.

b. The media will set up equipment prior to the faculty or Faculty Senate meeting.

c. The media will be restricted to a set location determined by the Speaker of the Faculty and the Office of Marketing and Communications.

d. Camera lights will not be allowed during the proceedings.

9. Smoking cigarettes, cigars and pipes is prohibited at all official working sessions of the faculty to include College faculty, Faculty Senate, department, school and committee meetings.
Committee and other invited guests with expertise in a
discipline, department, or program relevant to a particular
course proposal.

(4) The Committee shall forward all recommendations to the
Faculty Senate.

(5) In consultation with the Faculty Secretariat, the Committee
shall maintain an archive of all materials submitted to it.

(6) Requirements for a public process of course proposal review
shall not interfere with the right of the Committee to enter into
executive session.

d. Appeals: No changes in the General Education Program shall be
presented to the Faculty Senate without the Committee’s action. Any
decision of the Committee on General Education can be appealed to
the Faculty Senate.

e. Effective on the date on which this committee is established, no
change to the General Education Program shall be approved without
consideration by this committee.

20. Advisory Committee on First-Year Experience

a. Composition: Seven regular faculty members, at least three of whom
shall be teaching in the First-Year Experience program (i.e., teaching
either a First-Year Seminar or a Learning Communities Course) during
the relevant academic year or have taught in the First-Year Experience
program during the preceding academic year. Preferably, each
academic school should be represented on the committee. The
committee shall have one voting student member selected by the
Student Government Association. The Associate Vice President for the
Academic Experience (or other administrator designated by the
Provost), the Assistant Vice President for New Student Programs (or
other administrator designated by the Provost), the Dean of Students,
and the Director of the First-Year Experience program are ex officio,
non-voting members.

b. Duties:

(1) In consultation with the relevant administrators, to support and
advise the First-Year Experience program on all matters
relevant to the program, including program development,
budget requests, and other issues germane to program support;

(2) In consultation with the Director of the First-Year Experience
program, to review and assess the First-Year Experience
program and to make non-binding recommendations for revisions to the program;

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(3) To request and review proposals for First-Year Experience courses (sections of FYSM 101 and Learning Communities); and

(4) To assist the Director of the First-Year Experience program in recruiting students for First-Year Experience courses and to recruit and plan the training for new First-Year Experience faculty and peer facilitators for Learning Communities.

c: Implementation: The Advisory Committee on the First-Year Experience shall be constituted only if the Provost and the Speaker of the Faculty certify in a written notice addressed to the members of the Faculty Senate that a coordinated, comprehensive, and unified First-Year Experience program has received the necessary approvals and shall be implemented in a timely fashion. Such written notice shall be supplied no later than August 15, 2009, or the notification for which Art. VI, Section 1 provides shall be null and void and this committee description shall be removed from the Faculty By-Laws.

21. Adjunct Oversight Committee

a. Composition: Five faculty members, including one each from the Faculty Welfare Committee and the Faculty Compensation Committee, together with three elected faculty members, two of whom are regular faculty, and one of whom is an adjunct faculty member (as described in Article V, section 1.B). In addition, an ex-officio non-voting sixth member will be designated by the Provost.

b. Duties:

1) Receive and analyze reports from the Office of Institutional Research on the number of adjuncts employed by the College, the number of credit hours delivered by adjunct faculty, adjunct faculty members' rank and status (part-time or full-time), and adjunct faculty compensation; and from the Provost's office on College policies for adjunct faculty.

2) Solicit additional information on adjunct practices in use in schools, departments, and programs. To obtain this information, the committee may analyze published documents (e.g., department websites or handbooks), interview deans and chairs, conduct surveys of adjunct faculty, and/or do additional research.

3) Receive and response to information from the Provost's office and/or senior leadership regarding future plans for the College
Motion on Hearings Granted by the Faculty Hearing Committee

Motion

The faculty senate recommends that the Faculty/Administration Manual’s procedures for the Faculty Hearing Committee be amended as follows:

“The assigned hearing panel will meet within seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed, and whether the nature of the grievance is within the jurisdiction of the Hearing Committee, and whether the facts alleged by the grievant, if accepted as true, would support a judgment of the violation alleged by the grievant. If the hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty working days of the panel meeting. The panel shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.” (FAM X, 1, 3, p. 149)

Rationale

The current FAM language makes clear that once the committee receives a notice of grievance, they must consider two things: (1) whether the grievant has followed all the proper procedures (FAM X, 1, 2, p. 149); and (2) whether what the grievant is alleging is one of the types of conduct the committee is explicitly entitled to consider (FAX X, 1, 1, pp. 148-149). The clear message is that if these two conditions are met, the committee ought to grant the grievant a hearing.

The Hearing Committee, however, sometimes receives cases that are properly and timely filed, and that allege a violation of one of the explicitly listed types, but also clearly have no chance of succeeding on the merits. Typically, that is because even if all the facts alleged by the grievant were true, the relevant action does not constitute a violation of the alleged type (e.g., a violation of academic freedom or non-discrimination). But because the grievant alleges that the action is such a violation, some committee members take themselves to be obligated to grant a hearing. On this view, the language above mandates that the committee hear any properly and timely grievance that alleges any one of the designated types of violations, no matter how implausible that allegation is on its face.

Alternatively, the committee sometimes grants hearings in which it proscribes various kinds of arguments, thereby exercising judgment about which allegations have chances of success. (It is fairly common for grievants to be maximal about the types of violations they allege.) In these cases, the committee is making judgments that go beyond the two explicit provisions in the FAM. In practice, then, the committee is already operating with a third standard, a standard for a plausible case.
The proposed language writes a version of this standard into the FAM. It has been reviewed and endorsed by the By-Laws and Faculty Hearing Committees, and it is based on advice from the College's counsel, Angela Mulholland. The language is modeled on Rule 12(b)(6) of the federal code of civil procedure, which allows a defendant to move for a dismissal on the grounds that a plaintiff's allegations, even if accepted as true, do not constitute a violation of law. If a court finds that the allegations even might constitute a violation, the court is bound to reject the motion to dismiss. In practice, Rule 12(b)(6) motions to dismiss often or even typically fail. It is unlikely, therefore, that the insertion of this language will prevent the Faculty Hearing Committee from being heard. What it will prevent are hearings where the grievant has no real chance of success, hearing which are bound to be time-consuming and frustrating for the grievants along with everyone else involved.

Because this passage belongs to the administrative portion of the FAM, this motion is only to recommend that the administration insert these proposed changes.
Faculty Senate Proposal
2/18/20

Committee on Student Affairs and Athletics

Rationale:

The proposal clarifies the responsibilities of the Student Affairs and Athletics Committee. An ad-hoc committee, the Athletics Oversight Committee, has been doing the work of the Student Affairs and Athletics Committee for several years. The standing committee—Student Affairs and Athletics—should be handling what the ad-hoc committee was charged with in the first place. In short, this proposal clarifies the committee’s responsibilities and consolidates an unnecessary ad-hoc committee.

Old Language (V, 3, B, 6)

a. Composition: Five faculty members, one non-resident student, one male resident student and one female resident student. The Executive Vice President for Student Affairs, the Executive Athletic Director, and the faculty athletic representative are non-voting ex-officio members.

b. Duties: (1) To consult with and make recommendations to student organizations, the faculty and administration in matters related to the cultural, social and physical well-being of the students; (2) To review student petitions and to make recommendations to the Faculty Senate and/or administration; (3) To advise the Faculty Senate and administration concerning the relation between academic and athletic interests of the College; (4) To recommend to the President and the Faculty Senate matters concerning athletics policies of the College relating to new programs, schedules and athletic scholarships. (5) The Chair of the Committee on Student Affairs and Athletics, or their representative, shall attend meetings of the Student Affairs Committee of the Board of Trustees.

New language (V, 3, B, 6)

a. Composition: Five faculty members and two students, one of whom should be a student-athlete. The Executive Vice President for Student Affairs, the Director of Athletics, and the Faculty Athletics Representative are non-voting ex-officio members.

b. Duties: (1) To consult with and make recommendations to student organizations, the faculty, and administration in matters related to the cultural, social, and physical well-being of students; (2) To review student petitions and make recommendations to the Faculty Senate and/or administration; (3) To provide campus-wide oversight of the College of Charleston’s 19-sport NCAA Division I intercollegiate athletics program and advise the Faculty Senate and administration concerning the relation between academic and athletic interests of the College; (4) To provide recommendations to the President and the Faculty Senate regarding athletics policies of the College relating to new programs, schedules, and athletic scholarships; (5) The Chair of the Committee on Student Affairs and Athletics, or a designated representative, shall attend meetings of the Committee on Student Affairs and Athletics of the Board of Trustees.