# Year End Report from the 2021-2022 Committee on By-Laws & FAM

## Table of Content

*Year End Narrative Report, 2021-2022* .................................................................................................................................................. 2  
By-Laws/FAM Committee Meeting Agendas (Merissa Ferrara) & Minutes (Josette Pelzer)  
Agenda, May 11, 2021 ......................................................................................................................................................... 3  
Minutes, May 11, 2021 ......................................................................................................................................................... 4  
Agenda, October 12, 2021 .................................................................................................................................................... 7  
Minutes, October 12, 2021 ................................................................................................................................................... 8  
Agenda, November 10, 2021 .............................................................................................................................................. 10  
Minutes, November 10, 2021 .......................................................................................................................................... 11  
Agenda, December 15, 2021 ............................................................................................................................................ 13  
Minutes, December 15, 2021 .......................................................................................................................................... 14  
Agenda, February 4, 2022 ........................................................................................................................................... 17  
Minutes, February 4, 2022 ....................................................................................................................................... 18  
Agenda, April 6, 2022 ............................................................................................................................................... 23  
Minutes, April 6, 2022 ........................................................................................................................................ 24  
Agenda, June 16, 2022 ............................................................................................................................................. 27  
Minutes, June 16, 2022 ........................................................................................................................................... 28  

**Report Presented to Faculty Senate**  
Cover Memo, Report on Changes to Faculty/Administration Manual ............. 31  
Summary Report on Changes to Faculty/Administration Manual ............... 32  

**Motions Presented to Faculty Senate or to General Faculty for Ratification**
**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 seven times, including two transitional meetings with the outgoing committee in May 2021 and again in June 2022. 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.

**Dates of Committee meetings:**

- **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.

- **October 13, 2021**  Discussed committee sizes and new FAM edition

- **November 10, 2021**  Committee size changes voted on in committee and moved to future Senate agenda. Discussed attendance policy.

- **December 15, 2021**  Discussed language in FAM regarding President/Provost attendance at Faculty Senate. Started discussed on reapportionment of Senate seats.

- **February 4, 2022**  Apportionment discussion continued. Discussed exigency/termination FAM language proposal brought by Faculty Welfare.

- **April 6, 2022**  Discussed reapportionment of senate seats. Discussed key questions about creating a process to form new academic programs/schools.

- **June 16, 2022**  Informal meeting for outgoing and incoming members and to assign a Chair (Ferrara) and Secretary (Pelzer) for 2021-22. We discussed fall agenda items and possible summer updates: 1) Reapportionment for Senators as department and schools change; 2) the exigency proposal; 3) possible Senior Instructor language changes instructors for promotion.

Meeting minutes were taken by Josette Pelzer at all meetings conducted in 2021-2022. 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
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
3. Other new business
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
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

October 13, 2021

Via Zoom

Invited attendees:
Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
RoxAnn Stalvey, 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)
Steve Short (Guest, Committee on Assessment of Institutional Effectiveness)

New Items of Business

1. Steve Short’s inquire about redefining the composition of a committee

From Steve: I’m Chair of our Committee on Assessment of Institutional Effectiveness committee and I was curious how we may go about changing the definition of the composition of our committee.

Specifically on p. 25 of the FAM under V.3.15.a. it states:

15. Committee on Assessment of Institutional Effectiveness a. Composition: Nine faculty members. In addition, the following are exofficio non-voting members: the Provost or their designee and the Senior Vice President for Institutional Research. (Rev. Aug. 2018)

2. FAM posted
From Deanna: The 2021-2022 Faculty/Administration Manual is finalized and posted.
3. Future areas of interest
4. Next meeting times
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
October 13, 2021
9:00am
Via Zoom

Attendees:
Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
RoxAnn Stalvey, 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)

Committee on Institutional Effectiveness Composition
Merissa makes the committee aware of a request from Steve Short (Chair of the Committee on Institutional Effectiveness) to change the definition of the IE committee’s composition in the F/AM. Currently there are 9 members.

Deanna notes there are ex-officio members on the committee. The VP of Institutional Effectiveness seems appropriate, but also having the provost’s designee seems redundant. Deanna believes it makes sense to go down to 5-7 people.

Simon makes the point that it is very difficult to set meetings with a committee of 9 and have everyone attend, although a committee of 9 does work well if you are dividing into subcommittees of 3. He believes 5-7 members is reasonable as long as the current chair (Steve) believes that would be enough people to share the workload.

RoxAnn notes that in the last few years, as chair of the nominations and elections committee, there have been times when she had more people than normal that were not able to get service because there were not enough slots. With that said, she believes we should do whatever is best for the committee.

Simon notes that since the chair is in favor of the change, our committee can take a vote and push the change through once the language is developed. He also notes that additional committee slots will be added when REI gets permanent committee status. Similarly, a committee on teaching effectiveness may also yield additional slots.

Deanna agrees to speak to the provost about the possibility of removing the ex-officio member.
Merissa agrees to follow-up with Steve to make sure that he is still interested in making the changes.

**Recent F/AM Edition Published**
Merissa thanks Deanna for getting the most recent version of the F/AM published (October 5, 2021).

Deanna requests that someone review the senate meeting minutes to ensure that all the necessary changes have been processed in the most recently published version.

Simon notes that there were not any complicated changes so things should be fine regarding the processing of changes.

RoxAnn noted that as Senate Secretary, she will make sure that in future senate minutes, votes will appear in red and be explicit about whether the vote was in favor (as was done in the recent past).

**New Business**
Merissa asks Simon if he planned to revisit the issue of reducing committee size for other committees as had been explored last year.

Simon states he does not plan to revisit the issue, as recently there has been sufficient demand from faculty who are interested in committee service.

*Merissa announces next meeting date: Wednesday, November 10, 2021 at 9am.*

*Meeting Adjourned at 9:28am.*
Invited Attendees:
Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
RoxAnn Stalvey, Senate Secretary (ex-officio member)
Simon Lewis, Speaker of the Faculty (ex-officio member)
Steve Short (Chair, Committee on Institutional Effectiveness (IE)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
Senior Vice President for Legal Affairs or designee (ex-officio non-voting member)

New Business

1. Composition of the Committee on Assessment of Institutional Effectiveness
   Steve Short (Chair of the Committee on Assessment of Institutional Effectiveness) noted the committee is on a path to having more structure as its role in the larger college landscape evolves given the new administration (relatively new President and Provost).

2. Attendance and Absence Policy
3. Other new business
Committee on the By-Laws and the Faculty/Administration Manual  
Meeting Minutes  
November 10, 2021  
9:00am  
Via Zoom  

Attendees:  
Merissa Ferrara, Chair  
Wendy Cory, Member  
Josette Pelzer, Secretary  
RoxAnn Stalvey, Senate Secretary (ex-officio member)  
Simon Lewis, Speaker of the Faculty (ex-officio member)  
Steve Short (Chair, Committee on Institutional Effectiveness (IE)  

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)  

Composition of the Committee on Assessment of Institutional Effectiveness  
Steve Short (Chair of the Committee on Assessment of Institutional Effectiveness) noted the committee is on a path to having more structure as its role in the larger college landscape evolves given the new administration (relatively new President and Provost).  

Steve also noted that the committee currently consists of nine (9) faculty members plus two ex-officio members (the provost or designee, and the Senior VP for Institutional Research). As the position of Sr. VP for Institutional Research does not exist, Steve suggests reference to this ex-officio position be removed from the FAM.  

He also suggested the overall number of committee members be reduced from nine (9) faculty members to what he and his committee believe is a more ideal number, seven (7).  

While nine members was helpful in the past when the committee was doing program review and needed to split into three subcommittees, Steve noted that is no longer happening and so the number of members could be reduced. In the future, the committee will instead be focused on accreditation and assessment practices.  

Steve did concede that reducing the number of seats on his committee would reduce the number of opportunities faculty have for campus wide service.  

Simon agreed that nine members on this committee is excessive and creates the opportunities for free riders.
RoxAnn noted that in her former position as Nominations Committee Chair, she saw many opportunities for service on other committees. She also emphasized the benefits of having more service opportunities for faculty should not outweigh the cost of the lost efficiency that occurs when working with such a large group.

To the point, Simon reminded the group that there are other ad hoc committees that get created every year that will likely generate additional service opportunities.

Steve also let the group know that his committee did not have a firm opinion on the best number, but felt 7 would work well as it allows the committee to have subcommittees of three, with the chair floating between the two groups. He also noted that having too many members makes it difficult to write letters attesting to the service of some members who do not substantially contribute.

Merissa noted that the Bylaws committee would draft language to make the necessary changes to the relevant FAM sections and send the draft language to Steve before his next committee meeting on 11/18/2021. The Committee on the Bylaws would move forward with the language at a future meeting.

Steve inquired as to whether his committee would need to vote on the change.

Simon stated that a vote by that Committee on Assessment of Institutional Effectiveness is not required, but that a vote in favor of the change would support the Committee on the Bylaws and FAM’s position.

RoxAnn pointed out that the changes would need to be presented to the faculty senate by the April meeting for those changes to be reflected in next year’s edition of the FAM.

Steve left the meeting at the conclusion of this discussion.

### Attendance and Absence Policy

Simon brought to the committee’s attention, the forthcoming updates to the attendance and absence policy for the College. The administration is asking that faculty be reasonable in the accommodation’s provided, while still setting the expectation that students will attend in-person classes. He also noted that while some may consider the policies to be harsh, others may appreciate the structure that more rigid policies provide.

Merissa made note of the lack of mental health resources available during this pandemic period and that the counseling center is overrun.

**Meeting Adjourned at 9:23**
Invited Attendees:
Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
RoxAnn Stalvey, Senate Secretary (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. Addressing inconsistencies in FAM language related to the frequency with which the President and Provost address Faculty Senate
An email circulated to the Bylaws Committee on 12/1/2021 by RoxAnn Stalvey highlighted two sections of the FAM which address the frequency with which the College President and Provost address the Faculty Senate.

Article IV Section 1.E states the President and Provost will present reports and take questions from Faculty Senators once at the beginning of the first semester and again at the end of the second semester.

Article IV Section 2.K states that the agenda for EACH regular Faculty Senate Meeting would include reports by BOTH the President and the Provost or their designees.

Article IV Section 2.L outlines the order of business for regular Faculty Senate Meetings. This agenda for regular meetings includes reports from both the President and the Provost taking place AFTER committee reports.

2. FAM language regarding apportionment

3. Other items
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
December 15, 2021
8:00am
Via Zoom

Attendees:
Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
RoxAnn Stalvey, Senate Secretary (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)

Addressing inconsistencies in FAM language related to the frequency with which the President and Provost address Faculty Senate
An email circulated to the Bylaws Committee on 12/1/2021 by RoxAnn Stalvey highlighted two sections of the FAM which address the frequency with which the College President and Provost address the Faculty Senate.

Article IV Section 1.E states the President and Provost will present reports and take questions from Faculty Senators once at the beginning of the first semester and again at the end of the second semester.

Article IV Section 2.K states that the agenda for EACH regular Faculty Senate Meeting would include reports by BOTH the President and the Provost or their designees.

Article IV Section 2.L outlines the order of business for regular Faculty Senate Meetings. This agenda for regular meetings includes reports from both the President and the Provost taking place AFTER committee reports.

(See detailed current language at the end of this document)

Deanna noted that when the Faculty Senate was formed the Bylaws reflected how frequently the President and Provost would address the full faculty (rather than the senate). This language was at some point updated in one place, but not everywhere.

Simon also noted that in practice, the President and Provost alternate meetings and that the President and Provost present before committee reports (according to Article IV Section 2.L, the committees are to present first and then the President and Provost).
Simon suggests the committee strike the language in section 2.K and add “at least once a semester” to the language in Section 1E.

RoxAnn notes that the current language in 1E already says they will meet once a semester, so that is sufficient. She also suggests that the language stating “faculty of the senate may request timely administrative reports on matters of concern to the Senate” from 2K be retained.

Simon suggests adding that language to section 1E, while striking the remainder of 2K.

RoxAnn proposes new language for section 1E:

> At one Faculty Senate meeting early in the first semester and at one meeting late in the second semester, the Faculty Senate shall hear reports from and have the opportunity to question the President of the College and the Provost. Any written reports provided to the Faculty Senate by the President or the Provost shall be distributed by the Faculty Senate Secretariat to all faculty members. (Ins. May 2009) In addition, the Speaker of the Faculty and the Senate may request timely administrative reports on matters of concern to the Senate.

Simon notes that grammatically, the apostrophe on constituent concerns in section 2L should be corrected to read constituents’ rather than constituent’s concerns as it currently reads.

All present were in favor of the above changes.

**FAM language regarding apportionment**

RoxAnn brings to the group’s attention that it is now time for the Nominations and Elections Committee (N&E) to evaluate apportionment. She pointed out that it is likely that the School of Education will be split into two schools, but the decision on reapportionment will be made this January before the split officially occurs. She also noted that the same issue will arise if the School of Engineering and Computer Science is created.

Simon notes that if Health and Human Performance splits from the School of Education and the School of Health Sciences is created, Health Sciences would get a departmental senator.

Deanna points out that the bylaws specify that there are 50 regular senators and that senators are not added just because a new school is created. She also notes that the bylaws do not specify whether a reapportionment occurs off schedule when a new school is created or if the current seats are just split. She asks whether it makes the most sense to make changes at the next scheduled reapportionment.

Simon asks if the committee needs to do something now.
Deanna says she does not believe so and that the bylaws specify that standings at October is what is reviewed for apportionment. The question is whether the N&E should make a judgment about seats before that time if schools are created in the interim. She also notes that if a school is split, they could come to some decision internally about how to divide the seats. Departments would retain their seats, while at-large seats would need to be split.

RoxAnn notes that the path forward concerning the split of Health and Human Performance from the School of Education is to just deal with the issue once the split is officially approved.

Other items:
Merissa notes that the Faculty Welfare Committee intends to bring an issue to the Bylaws Committee at some point this spring.

Meeting Adjourned at 8:45

Current FAM language related to the frequency with which the President and Provost Present at Faculty Senate:

Article IV Section 1.E reads:
E. At one Faculty Senate meeting early in the first semester and at one meeting late in the second semester, the Faculty Senate shall hear reports from and have the opportunity to question the President of the College and the Provost. Any written reports provided to the Faculty Senate by the President or the Provost shall be distributed by the Faculty Senate Secretariat to all faculty members. (Ins. May 2009)

Article IV Section 2.K and L (a lesser problem) reads:
K. The agenda for each regular Senate meeting shall include reports by the President of the College and the Provost or their designees about actions taken on Senate recommendations and about all matters of concern to the Senate. In addition, the Speaker of the Faculty and the Senate may request timely administrative reports on matters of concern to the Senate.
L. The order of business for regular meetings of the Faculty Senate shall be as follows, subject to change by the Speaker of the Faculty as per Article IV, Section 4H or by a simple majority vote of the Senate:
1. Call to order
2. Approval of the minutes of previous meeting
3. Announcements and information
4. Reports
   a. College and Senate Committees
   b. President and Provost
5. Old business
6. New business
7. Constituent’s general concerns 8. Adjournment
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

February 4, 2022

Via Zoom

Invited attendees:

Merissa Ferrara, Chair
Wendy Cory, Member
Josette Pelzer, Secretary
RoxAnn Stalvey, 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)

New Business

1. Proposed changes to FAM language regarding financial exigency and termination of tenured faculty (part VII, C.1.a-b)

2. Discussion regarding senate seats for the new School of Health Sciences

3. Any other items
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
February 04, 2022
12:00pm
Via Zoom

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

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

Proposed changes to FAM language regarding financial exigency and termination of tenured faculty (part VII, C.1.a-b)
See Appendix I for the proposed language suggested by the Faculty Welfare Committee.

Simon believes the presented changes are well written.

Deanna agrees consideration of this language is a great idea considering the conversations at the state level that have the potential to threaten faculty tenure.

Deanna also notes that the committee should consider financial exigency which she did not see addressed in other sections. She points out that the proposed language should not be so restrictive that it limits the College from being able to eliminate a handful of programs for the good of the institution in situations where voluntary separations were not enough to overcome financial exigency.

Deanna gave the example of when the school of professional studies was closed, staff was given first opportunity at other positions at the College. She notes that any language change should retain the College’s ability to make these types of financial decisions.

Deanna also noted there were state budget and control regulations that need to align with what faculty would like to see in the FAM. She suggests her and Simon get administrative review of the language to see how it aligns with any state regulations.

Simon agrees, and also noted he believes the language proposed would allow for the actions taken with SPS.
Deanna notes sections ii, iii, and iv make sense as proposed, but she has concerns that the language needs to be clear that although it is fine for the faculty to participate, the final decision rests with the institution.

Simon notes the “participation” language in the proposal suggests faculty will not make the decision, but instead recommendations.

Deanna notes that as this is in the administrative part of the FAM, it makes most sense to communicate with Provost Austin and have her determine who else should look at the language and consider whether revisions are needed before it is taken to the senate.

She reiterated that while the committee can take a position on the presented language, we should also make sure there is no conflict with overriding state regulations.

Simon asks whether it makes sense for the committee to take a vote to approve or endorse the language and then take it to Provost Austin.

Deanna expresses her belief that it does make sense and that communication should make clear the committee endorses the language and most importantly the objective of the language, but recognizes it cannot come in conflict with state regulations.

She also noted financial challenges facing higher education like state support of higher education in South Carolina, the impending decline in the number of students graduating high school, and inflation. Additionally, the College has institutional challenges like the high cost of being situated in a flood zone and being at or past the average student capacity to pay ratio.

Josette asks how long the Provost's administrative review will take and whether there would be enough time to have the proposal reviewed before the final faculty senate meeting in April.

Deanna notes that Provost Austin has a very busy schedule, but a reasonable goal would be to have a preliminary version ready in March, although because the change is administrative, it does not require a faculty senate vote.

RoxAnn agrees it would be unreasonable not to involve the administration from the beginning.

Simon notes that the language conforms with practice and that it includes AAUP language. He further noted the language stops illegitimate decisions where the College might unilaterally decide the institution did not want a particular program and decides to eliminate that program when no financial exigency exists.

Deanna notes there is significant focus on process and transparency by the by the administration and agrees it is important to put the language in front of the senate to receive input although not required.
Merissa moves that the committee vote on presenting the language knowing that language changes might occur.

**All committee members present were in favor.**

**Discussion regarding senate seats for the new School of Health Sciences**

*A small part of this discussion occurred before all committee members had arrived*

Merissa mentions that the next reapportionment is in three years and while the existing School of Education Health and Human Performance is about to elect two at large senators that can potentially be split between the two new schools. However, this is only happening by accident.

She questions whether we need legislation on what should happen in these situations.

*This discussion was tabled until later in the meeting when RoxAnn joined*

RoxAnn notes that the School of Health Sciences would not have an at large senator until reapportionment occurs again.

Simon points out that in reality the School of Education Health and Human Performance would not exist either and that each separate school should each get one seat.

Deanna said that the committee can decide whether to amend the bylaws to force reapportionment on some sort of schedule associated with a new school. The new school is effective July 1(2022) and so we can force reapportionment in the Spring or Fall.

RoxAnn states this is something the committee should consider and that her and George (faculty senate parliamentarian) noticed there is nothing in the bylaws that states a senator has to come from the group responsible for voting, so there is the possibility that the original school votes to elect a senator that is now housed in the new school.

Simon notes that the math may work out by chance this time so we may not have to address this issue.

**Meeting adjourned 12:58**
Appendix I
Faculty Welfare Committee Proposal to Update the FAM

In light of the pandemic and the related financial crises that universities have faced, the American Association of University Professors (AAUP) has urged faculty to bolster their role in shared governance by including policy language related to the concept of financial exigency. Essentially, the financial exigency language suggested by the AAUP will create a clear role for faculty involvement should the College propose the cancellation or dissolution of academic programs. A summary of the AAUP report on the matter can be found here. The AAUP strongly suggests that we adhere to the specific language used by the AAUP so that the FAM can refer directly to the standards set by the AAUP and to avoid possible confusion about terms and definitions. Also see this report, with the Financial Exigency section beginning on Page 15. After a review of the relevant section of the FAM, the Committee also identified language in section “d” that needed an update. Therefore, the Faculty Welfare Committee has proposed the following changes to the FAM (part VII, C.1.a-d):

Current FAM Language (part VII, C.1.a-b)

C. Termination of Tenured Faculty Members “For Cause” and Termination Procedure

1. Conditions Under Which A Tenured Faculty Member’s Contract Can Be Terminated
   Until the retirement of the faculty member and subject to the procedure stated hereinafter, an appointment with tenure may be terminated by the College only for adequate cause. The following will be considered adequate cause for the termination of tenure:
   a. Demonstrably bona fide institutional contingencies such as curtailment or discontinuance of programs or departments;
   b. Financial exigencies that are demonstrably bona fide but only after giving the faculty member 12 months’ notice;
   c. Physical or mental inability to fulfill the terms and conditions of the appointment;
   d. Incompetence, neglect of duty, immorality, dishonesty, including but not limited to plagiarism, falsification of academic credentials or vitae, conduct unbecoming a faculty member, conviction of violating the criminal laws of any state or the United States, willful and repeated violations of College rules, regulations or policies. (Faculty Responsibilities to Students, Code of Professional Conduct, Faculty/Administration Manual Art. VIII.A, and Statement of Professional Ethics, Faculty/Administration Manual Art. IV.B.)

Proposed Language

C. Termination of Tenured Faculty Members “For Cause” and Termination Procedure
1. Conditions Under Which A Tenured Faculty Member’s Contract Can Be Terminated

Until the retirement of the faculty member and subject to the procedure stated hereinafter, an appointment with tenure may be terminated by the College only for adequate cause. The following will be considered adequate cause for the termination of tenure:

a. Demonstrably bona fide contingencies such as curtailment or discontinuance of programs or departments or financial exigency, defined as “a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means” (AAUP, Recommended Institutional Regulations on Academic Freedom and Tenure, 15)

i. A Faculty Senate ad hoc committee with at least one representative from the Academic Planning, Budget, and Faculty Welfare committees, will participate in the decision that a condition of financial exigency exists. Upon determination that a state of financial exigency exists, the Faculty Senate ad hoc committee shall recommend criteria to be used in selecting programs to be curtailed or individuals to be dismissed.

ii. Before terminating an appointment because of financial exigency, program or department discontinuation, or curtailment, the College, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.

iii. If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, department or program discontinuation or curtailment, the faculty member will have at least 12 months’ notice and will have the right to a full hearing before a faculty committee.

iv. If the College dismisses faculty for the aforementioned reasons, it shall not fill their position with other persons for a period of at least three years without first offering the dismissed members reinstatement to their former positions.

b. Physical or mental inability to fulfill the terms and conditions of the appointment;

c. Incompetence, neglect of duty, academic dishonesty, including but not limited to plagiarism, falsification of academic credentials or vitae, conduct unbecoming a faculty member, conviction of violating the criminal laws of any state or the United States, willful and repeated violations of College rules, regulations or policies. (Faculty Responsibilities to Students, Code of Professional Conduct, Faculty/Administration Manual Art. VIII.A, and Statement of Professional Ethics, Faculty/Administration Manual Art. IV.B.)
Committee on the By-Laws and the Faculty/Administration Manual

Meeting Agenda

April 6, 2022
Via Zoom

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

Returning Business
1. Key questions and considerations regarding creation, reorganization, or elimination of academic schools

2. Faculty Welfare Committee’s Financial Exigency Policy Proposal Update
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
April 06, 2022
12:00pm
Via Zoom

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

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

Key questions and considerations regarding creation, reorganization, or elimination of academic schools

Deanna notes that the splitting of the School of Education Health and Human Performance to create the School of Health Sciences, as well as the creation of the School of Engineering has brought about conversations about the process for creation of structural academic units like departments and schools.

Deanna also noted that Brian McGee (immediate past provost) created a policy that was not widely promulgated or well known. Provost Austin would like to create a process which outlines who should be involved including the chairs of the three Faculty Senate committees (By-Laws, Budget, Academic Planning).

Simon asks whether this process would be added to the F/AM or if it would be a policy parallel to the F/AM. He also asked whether the By-Laws committee would have input on the language regardless of where the policy is eventually housed.

Deanna was unsure where the policy language would eventually be placed, as it is often difficult to determine when it involves a process that is not fully owned by faculty. She agreed the By-Laws committee would have input on the language either way, as broad discussion would lead to a better process.

Deanna further clarified that while the By-Laws committee would have input on process language, this committee would not have a role in the process once established (unlike Budget and Academic Planning which would have continued roles in the process).
Deanna also noted that the Budget and Academic Planning committee roles in the process would depend on whether the reorganization includes new or existing programs and that there is not likely a singular process for both of those occurrences. Deanna makes the point that when talking about the reorganization of schools, it is hard to think about how to tease out questions about academic programs from questions about academic structures. She noted this may result in a situation where only some elements are outlined in the F/AM, similar to how the role of the curriculum committee is articulated in the F/AM while the curricular proposal process is not.

Deanna also highlighted the fact that Provost Austin’s primary concern was that the language be easy to find and follow.

RoxAnn asks how these types of changes would impact the composition of Faculty Senate

Deanna responds noting Faculty Senate does reapportionment every three years and the policy could be that if there are no changes in structural units there is no change in the senate or instead it could be written as an annual process that takes place on July 1 to consider such changes. She also notes that this practice can be addressed in the by-laws without consideration of what reorganization process would be put in place.

RoxAnn notes that if we were to choose to wait for the regularly scheduled reapportionment, the recently formed School of Health Sciences would go for years without representation which is against the by-laws. 

[Note: The most recent reapportionment occurred in Spring 2022. The School of Health Sciences is scheduled to open in that same year (Summer 2022).]

Simon suggests a simple amendment which would state that reapportionment is every three years, except when schools are restructured.

Deanna agrees that something should be included in the by-laws which states that creation of new school would prompt an off-schedule reapportionment and that rearrangement of an existing school would prompt that school to rename its senators.

Simon stated the preliminary reorganization process language he reviewed prior to this meeting seemed clear and straightforward.

Deanna noted there would be one more conversation before the process is finalized and published.

Josette asks where the policy will be housed online and whether it will be in a place where it could be easily located.

RoxAnn asked where the policy on commemorative signage housed [suggesting this policy would be similarly placed].
Deanna reminds the committee the College does have a policy website (policy.cofc.edu), but that it is unclear how much it is accessed by faculty. She notes that while the policy site has a reasonable structure, one flaw is that it is conceptualized as a site for institutional policies and that there is also a need to house policies related to academic affairs that are not necessarily institutional policies (e.g., faculty credentialing). Academic affairs also has divisional policies that should go somewhere.

Deanna states that ideally, the college would have a policy management system that had a different schema to help people find policies that are applicable to them, but that is not something that will be available in the near future.

Merissa asks how this issue will be brought to the faculty.

Deanna notes that is the role of the By-Laws committee, to make things that are considered by faculty committees visible.

Merissa says she will bring up the issues of where the policy will be housed and how we go about receiving input from the Faculty Senate at her next meeting with Provost Austin. She also noted the issue of the allocation of senate seats upon reorganization should be addressed in the Fall.

**Faculty Welfare Committee’s Financial Exigency Policy Proposal Update**

Deanna updated the committee noting that she had an oral conversation with Provost Austin about the proposal, but has not presented her with the written verbiage by the time of this meeting. Deanna noted she planned to get feedback from her so the issue can be placed on the agenda for the Fall.

Merrisa asks if there are any other issues to be discussed. Seeing none,

**Meeting adjourned at 12:40pm**
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Agenda
June 16, 2022
8:30am
Via Zoom

Invited Attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Wendy Cory, Member
William Veal, Speaker of the Faculty (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
RoxAnn Stalvey, Senate Secretary (ex-officio member)

New Business:
- Election of Committee Chair and Secretary for 2022-2023
- Outstanding Matters to be Considered for Fall 2022
  - F/AM language on senate seat reapportionment upon the creation of a new school or department
  - Faculty Welfare Committee’s financial exigency policy proposal
  - Any additional items
Committee on the By-Laws and the Faculty/Administration Manual
Meeting Minutes
June 16, 2022
8:30am
Via Zoom

Attendees:
Merissa Ferrara, Chair
Josette Pelzer, Secretary
Wendy Cory, Member
William Veal, Speaker of the Faculty (ex-officio member)
Deanna Caveny, Associate Provost for Faculty Affairs (ex-officio member)
RoxAnn Stalvey, Senate Secretary (ex-officio member)

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

Election of Committee Chair and Secretary for 2022-2023
Merissa asks if anyone is willing to be committee chair or secretary.

Josette volunteers to continue as secretary.

Merissa let the committee know that she is willing to stay on as chair, but will be doing a study abroad in Fall of 2022 from October to December so committee meetings would have to take place via Zoom.

Wendy states she is in agreement with Merissa and Josette continuing as Chair and Secretary respectively.

RoxAnn volunteers to assist with scheduling committee meetings using a polling system.

Outstanding Matters to be Considered for Fall 2022
F/AM language on senate seat reapportionment upon the creation of a new school or department

William suggests there should be language added to the F/AM that allows the Faculty Senate to make changes for representation more quickly upon the creation of a new school without needing to wait a year or two years.

RoxAnn notes there will always be at least a year delay because it would not be ideal to remove a senator mid-term. It would be reasonable to make the change at the end of the academic year following the creation of the new school.
William points out the creation of a new school would be based on the fiscal calendar which begins on July 1, so there would be nothing wrong with the senator having their term expire June 30, and discuss representation at that time.

RoxAnn reminds the committee that newly elected senator terms begin on May 15 which would be ahead of the July 1 start of any new school.

Deanna noted this would not be a significant issue upon the creation of a new department, as each school is allocated a certain number of seats that can be distributed to each department, with remaining seats being at-large. If the creation of a new department results in there not being enough seats for each department in the school, all seats would be at-large.

Deanna suggests that before we discuss the logistics of how to transition from one senator to another upon creation of a new school, we should consider a revision to the By-Laws which triggers reapportionment to occur when a new school is created, with the transition of seats occurring with the next election.

Deanna suggests RoxAnn draft language to this effect.

RoxAnn agrees.

William notes that as Speaker of the Faculty, he would be made aware of the creation of a new school well in advance as he is included in meetings where this would be discussed.

Deanna points out that although the discussions would be happening well in advance, they may not be finalized before elections take place, as was the case with the creation of the School of Health Sciences.

William suggests that whatever language is developed, it is open enough to provide latitude to make changes quickly.

**Faculty Welfare Committee’s financial exigency policy proposal**

Deanna updates the committee stating Provost Austin needs to substantively review the language and review with the president and other stakeholders. Deanna says she will continue to work with the provost and provide updates to the committee.

**Proposal to change F/AM language for Senior Instructor promotion requirements**

Deanna states that current F/AM language outlines that promotion to senior instructor requires a rating of exemplary in teaching and meeting expectations in the other areas. Anton Vander Zee (Associate Professor of English) previously suggested language that would make the requirements more parallel to other reviews.
Deanna updates the committee stating that Provost Austin plans to move forward with making these faculty favorable changes after discussion with the deans, and without bringing the changes forward to the faculty.

Deanna further notes Provost Austin would like the changes to take effect before the September 15, 2022 deadline for submission of tenure and promotion packets and that the provost’s office will distribute the updated language to the deans, chairs, and all instructors.

**Meeting adjourned at 08:48am**
Memorandum

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

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

Subject: Report on Changes to the 2021-2022 Faculty-Administration Manual as of June 2022

You will find a Change Log that summarizes modifications made in the 2021-2022 Faculty Administration Manual (FAM) as of June 2022, followed by an appendix of relevant documents introduced in the Faculty Senate last year. The only change voted on by the Senate to amend the FAM was to change the composition of the Committee of Institutional Effectiveness. The change was simple and voted on by the Senate in March 2022.
Summary of Changes to the By-laws and *Faculty/Administration Manual for* 2021-2022 edition
Last Revised: June 2022

**Motion to amend language to the FAM regarding the Committee on Assessment of Institutional Effectiveness**

Specifically on p. 25 of the FAM under V.3.15.a. it states:

“15. Committee on Assessment of Institutional Effectiveness a. Composition: Nine faculty members. In addition, the following are ex officio non-voting members: the Provost or their designee and the Senior Vice President for Institutional Research. (Rev. Aug. 2018)”

**Motion**

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

“15. Committee on Assessment of Institutional Effectiveness a. Composition: Seven faculty members. In addition, the following are ex officio non-voting members: the Provost or their designee and the Senior Vice President for Institutional Research. (Rev. Aug. 2018)”

**Rationale**

A committee size of 9 faculty is difficult to convene as one group and is larger than the workload expectations. A committee size of 7 is more manageable for efficiency and effectiveness.