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SR-07-08-(30) 61 CAHC, Constitutional Ad Hoc Committee Resolution

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CONSTITUTIONAL AD HOC COMMITTEE RESOLUTION

SR-07-08-(30) 61 CAHC

Resolves that the following changes to *The Constitution of the Marshall University Faculty*, be brought to a vote of the faculty; new language is shown **bold** and deletions are shown with ~~strikethrough~~.

1. ARTICLE III – MEMBERSHIP AND ELECTION

Section 1. The Faculty Senate shall consist of one (1) senator for each academic unit, unless otherwise specified, plus one (1) senator for each thirteen (13) full-time faculty members, plus one (1) additional member if the number of full-time faculty in a unit exceeds a multiple of thirteen by seven (7) or more. Ex-officio voting members will be **the Graduate Council Chair**, the Faculty Council President of the Marshall Community & Technical College and the Advisory Council of Faculty (ACF) representative. The term "academic unit" is defined in the bylaws. Individual constituency numbers for calculating representation shall be based upon the number of full-time faculty presented every second year to the Executive Committee of the Faculty Senate in the fall semester preceding Faculty Senate elections. Census information will be provided by the Office of Institutional Research in collaboration with the Provost and the Vice President for Health Services. In addition, South Charleston faculty will elect two (2) at-large senators.

RATIONALE: The Graduate Council Chair is an ex-officio voting member of the Executive Committee and this wording removes a conflict with the Constitution regarding service on the Executive Committee of the Faculty Senate.

Section 2. FROM: ~~All faculty involved in apportionment calculations shall hold the rank of instructor or above and shall devote at least one half of their time to teaching, scholarly research, or closely related duties. Eligible librarians shall hold a professional librarian's degree or the equivalent. All such faculty shall be eligible for election to office. Part time faculty, adjunct faculty, and those designated as "clinical" or "research" in their faculty titles shall not be considered as faculty members for the purpose of this document and organization. For the purposes of determining voting and serving on the Faculty Senate, the above description shall apply. Those holding the titles of President, Vice President, Assistant/Associate Vice President, Dean, Assistant/Associate Dean, Director, Assistant/Associate Director, and Dean of Libraries shall be ineligible to serve on the Faculty Senate. The Executive Committee of the Faculty Senate is empowered to decide questions that arise concerning definition of faculty.~~

TO: For the purposes of this constitution, unless specifically stated otherwise, the word faculty means all full-time employees who have current faculty appointments, including library-track faculty, clinical faculty, associate deans, assistant deans, directors, associate directors, assistant directors, chairs, and term faculty. Faculty does not include deans, part-time faculty, adjunct faculty, and temporary faculty with one-

year appointments. All faculty shall be eligible for election to office unless specifically stated otherwise in this constitution. This definition of faculty shall be used for apportionment calculations for Faculty Senate Representation.

RATIONALE: More clearly defines those faculty members eligible to hold membership in faculty and university governance bodies.

Section 4. Elections for senators shall occur annually in April of even-numbered years, with the names of the new senators submitted by the Dean or Director of each unit to the Chair of the Faculty Senate by May 1. **For the At-Large Senators for the South Charleston Campus the election will be the responsibility of the Executive Committee of Faculty Senate.** Each unit shall conduct its own election according to the bylaws of that unit, providing that all voting shall be by secret ballot. ~~Initial implementations of this constitution shall require the election within each unit of Faculty Senate members for staggered terms. Faculty members in each unit will determine how their senator's terms will be staggered.~~

RATIONALE: The At-Large representatives from South Charleston do not represent an academic unit. The constituency is faculty who are based at the South Charleston Campus, regardless of academic unit. Therefore, the provision that the Dean or Director will conduct the election does not apply. The initial implementation period for the Constitution has passed and the balloting and election process has been established.

2. ARTICLE IV – MEETINGS

Section 1. The Faculty Senate shall meet **at least** quarterly and may meet at such other times as called by the chairperson or by a majority of the members during the regular academic year. Special sessions of the Faculty Senate will be called at the request of ten (10) or more faculty members. Special sessions will be held as soon as practicable within two (2) weeks from the date they are called. The responsibility for notifying senators and faculty members of special sessions shall rest with the Faculty Senate Chair who shall use the most appropriate means available to fulfill this obligation. A written announcement of the agenda, time and place of every regularly scheduled Faculty Senate meeting shall be sent to each senator one week in advance of the meeting.

RATIONALE: Reflects the actual meeting schedule being followed.

3. ARTICLE VI – STANDING COMMITTEES

Section 6. Academic Planning Committee,

A. Powers and Functions. The Academic Planning Committee shall serve as the major faculty agency for discussion, review and development of recommendations of **undergraduate programs** regarding letters of intent to plan new academic programs and degrees, academic long range planning (mission statements, five year plans, strategic plans and similar major plans, and the reorganization of any academic unit), academic programs needs assessments, and work directly with the University President and Faculty Senate Executive Committee as requested and appropriate. It shall be the function of the Academic

Planning Committee to make recommendations about new academic programs and priorities in relation to available resources, receive Departmental Program Review documents, make recommendations concerning the level of action to be recommended by the institution to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors, and respond when appropriate to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors and/or the University President concerning policies relating to academic planning. The Academic Planning Committee will cooperate with administrative officials, university Deans, and the University President on matters relating to academic planning. When appropriate, the Academic Planning Committee may seek external review teams for evaluation purposes for new program proposals.

RATIONALE: Reflects the actual functions of the committee.

Section 7. Budget and Academic Policy Committee

A. Powers and Functions. The Budget and Academic Policy Committee shall assume the primary responsibility for the development of policies that contribute to the maintenance of academic standards in the university. The committee's responsibility shall include, but not be limited to, policies affecting the university calendar, the university budget, academic honesty, class attendance, grading and examinations. The committee shall process student ~~grade~~ **academic** appeals.

RATIONALE: Reflects the actual functions of the committee.

Section 8. Athletic Committee

A. Powers and Functions. This committee shall consider policies relating to the maintenance and development of the intercollegiate athletic program, eligibility of athletes, budgets, and athletic staff personnel. It will ~~supervise~~ **monitor** the maintenance and development of the intercollegiate athletic program in conformity with the policies, goals, and standards of the NCAA, conference ~~affiliation~~, and Marshall University scholastic standards. It will be responsible for ~~determining the~~ **ensuring that** eligibility of requirements for athletic competition ~~are~~ in compliance with NCAA, conference ~~affiliation~~, and Marshall University scholastic standards. It will review the Athletic Department budget in terms of its suitability to both short term and long term objectives and priorities of the Athletic Department and Marshall University. The committee shall review all policy matters relating to the athletic program of the university as requested by the faculty, the Athletic Director, or the University President. ~~The committee shall establish an athletic staff personnel subcommittee.~~ The committee shall receive position requirements prior to public notice of vacancies. The committee shall be represented on Athletic Department search committees to fill vacancies.

RATIONALE: Wording better represents the actual functions and practices of the committee.

Section 10. Faculty Personnel Committee

A. Powers and Functions. At the request of the University President or Faculty Senate Chair, using appropriate Series/Rules and the 1986 AAUP Recommended Institutional Regulations

on Academic Freedom and Tenure as guidelines, the committee shall write, alter, or rewrite policies relating to academic rank, salary, tenure, promotion, teaching and non-teaching load, retirement, sabbatical, and other matters which affect the well-being of faculty. The Faculty Personnel Committee shall study and evaluate policies and procedures relating to the hiring of faculty, which includes a yearly review of salaries, **and review and recommend sabbatical leave requests**. The committee shall act as an advisory panel for all faculty members initiating grievances in accordance with Series 9. The committee shall address all faculty grievances except those involving dismissal, termination due to reduction of or discontinuance of an existing program, termination due to financial exigency, or a faculty member desiring to appeal a decision of the University President on non-retention or promotion. The committee shall refer to the Hearing Committee those grievances involving a number of persons. Chapter 29B. Freedom of Information Act of the West Virginia code provides that "Every person has a right to inspect or copy any public record for a public body in this state, except as otherwise expressly provided by Section Four of this article." Under Exceptions in Section Four the code reads, "Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy..." When the committee handles matters of a personal nature, it will not share its findings with the Faculty Senate. Hence, in this function it remains exempt from those conditions outlined under the section entitled "Committee-Senate Relationship" in this document.

RATIONALE: Wording better represents the actual functions and practices of the committee.

Section 16. Legislative Affairs Committee

B. Membership. Committee membership shall be consistent with that of all other regular standing committees with the exception that student representatives will be nonvoting members of the committee. Other ex-officio, nonvoting members of this committee shall be a Presidential Legislative Liaison, the faculty representative to the Advisory Council of Faculty, the faculty representative to the Marshall University Institutional Board of Governors, **one (1) At-Large faculty member from the South Charleston campus**, one (1) Classified Staff Council representative, and two (2) former West Virginia legislators. The committee chair shall serve as liaison to any university-wide legislative committee.

RATIONALE: Provides the South Charleston campus representation on a committee which deals with legislative issues that affect the City of Charleston and the surrounding counties.

4. ARTICLE IX – BYLAWS

Bylaw #1, Section A. Paper Ballot, 4. The Recording Secretary of the Faculty Senate will notify ~~these people winning the election and will make an announcement of the results of the election~~ **the faculty of the results of the balloting.**

RATIONALE: A grammatically better sentence.

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: Larry Sticker DATE: 4/25/2008

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:
[Signature]

READ: _____ DATE: May 1, 2008

COMMENTS: _____

