

5-1-2000

## SR-99-00-36 EC, Executive Committee Resolution

Marshall University

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**EXECUTIVE COMMITTEE  
RESOLUTION**

**SR-99-00-36 (EC)**

The Faculty Senate Executive Committee resolves that:

- 1) The current Faculty Senate structure, including the Community & Technical College, remain in position for the year 2000 - 2001 pending final action by the West Virginia Legislature regarding the separation of the Community & Technical College from Marshall University. Faculty representatives from the Community & Technical College shall remain on Faculty Senate Standing Committees and as faculty senators during the 2000 - 2001 transitional period, and shall be eligible to hold office.
- 2) An Ad Hoc Committee be formed for Fall 2000 to study any and all constitutional issues which may occur as a result of the restructuring of higher education.

**RATIONALE:**

- 1) Faculty in the Community & Technical College need a governance structure for the interim year 2000 - 2001, and the protection of the Faculty Senate structure until they have opportunity to create a system of governance acceptable to the Community & Technical College faculty. Interim Executive Policy Bulletin No. 12 (Operating Policies and Procedures Relating to the Merger of the West Virginia Graduate College and Marshall University, Effective July 1, 1997) allowed for a transition year (1997 - 98) in which many operating details were dealt with for the longer term. Page two of this document, under the heading *Faculty and Staff Governance* dealt with interim policies which were adopted to implement the merger, i.e., the first bullet stated, "Effective July 1, 1997, university faculty assigned to South Charleston campus shall be an integral part of the Marshall University Faculty Senate with all rights and privileges pertaining thereto."
- 2) It is inappropriate and unconstitutional for the President to unilaterally remove members from faculty senate standing committees and/or the senate. Article III, Section I states that **the 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. The term "academic unit" is defined as the Lewis College of Business, the Community & Technical College, the Colleges of Education & Human Services, Fine Arts, Liberal Arts, Nursing & Health Professions, Science; the Schools of Medicine and the W. Page Pitt School of Journalism & Mass Communications, the Graduate School of Information Technology and Engineering; and the Marshall University Libraries. 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 Senate elections. Census information will be provided by the Office of Institutional Research and Planning in collaboration with the Vice President for Academic Affairs and the Vice President for Health Sciences. In addition, MUGC will elect two (2) at-large senators.**

The President does not have authority to amend the Marshall University Faculty Constitution. Article VII, Section 1 states, that the Faculty of Marshall University, acting as a body, shall retain final authority over policies governing the Faculty Senate and the Faculty. Recognizing the powers it has entrusted to the Faculty Senate, it shall not act in a capricious or arbitrary manner regarding actions and legislation undertaken by the Faculty Senate.

(Note: Emphasis added in bold print)

**FACULTY SENATE PRESIDENT:**APPROVED: Donna Donathan DATE: May 1, 2000

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**READ:  DATE: 5-8-00**COMMENTS:**

"Capricious" is defined by the Webster New Collegiate Dictionary as "apt to  
change suddenly, unpredictably, or inconsistently."

"Arbitrary" is sometimes defined as "random and without reason," but it can also  
be defined as "depending on choice or discretion."

Clearly, the directive that I have given to the Faculty Senate regarding the separation of the Community and Technical College is neither capricious nor arbitrary. The action closely follows the intent of the legislature of West Virginia under the Senate Bill 653.

The year of transition request is in line with what the state legislature has done and I concur. However, we will be involved for ONLY one year in the transition to a fully accreditable community and technical college. That will include the governance of the community college.

I look forward to working with you to make that positive transition.