

MEMORANDUM

DATE: February 16, 2011

TO: Faculty Senate Executive Council

FROM: Vince Anfara

RE: Faculty Senate Bylaws: Suggested Revisions

I have attached to this memorandum the proposed/suggested revisions to the Faculty Senate Bylaws that have been forwarded to Joan and me from Steve Thomas and Doug Birdwell. These suggested revisions are offered to engage the Faculty Senate Executive Council in discussion about the merits of such revisions and to eventually bring our recommendations forward to the Senate floor.

In addition to the suggested changes, I have forwarded to you a "clean" copy of the Faculty Senate Bylaws for you use as you consider these revisions.

Thanks for your efforts and expertise on this matter and for your continued support of the work of Faculty Senate.

Joan

On 1/21/11 3:15 PM, "Thomas, Steve R" <sthoma15@utk.edu> wrote:

Sharonne,

Please forward this message to the Faculty Senate Executive Council for consideration at the meeting scheduled for Monday, September 24, 2011.

In the course of e-mail exchanges with Joan Heminway, concerning possible editorial revisions to the *Faculty Handbook* related to changes in names of Faculty Senate committees, it has come to our attention that there are conflicts within the *Faculty Handbook* dating back to the creation of the Appeals Committee to undertake some of the duties previously assigned to the Faculty Affairs Committee. When these additional sections of the *Faculty Handbook* are considered, it becomes apparent that the description of the Appeals Committee contained in the Faculty Senate Bylaws does not cover all of the duties described in the *Faculty Handbook*. Our choices would seem to be to make the description of the jurisdiction of the Appeals Committee within the Faculty Senate Bylaws much more detailed or to assign these duties by reference to the *Faculty Handbook*. Based on subsequent exchanges with Joan and Vincent Anfara, I am proposing that we mitigate these inconsistencies by amending the Faculty Senate Bylaws, Article III, Section 2. B., replacing both the existing second and third paragraphs with the following paragraph.

The function of the Appeals Committee is to gather evidence and make recommendations to the chief academic officer (or to other members of the campus administration, as described in the *Faculty Handbook*) for the disposition of cases within its jurisdiction. The Appeals Committee fulfills this function through the processes specified in the *Faculty Handbook*. The jurisdiction of the Appeals Committee includes complaints regarding violations of due process and fairness in tenure or promotion decisions, annual performance reviews, and violations of provisions contained in the *Faculty Handbook*, the *Manual for Faculty Evaluation*, and collegiate and departmental bylaws. The Appeals Committee also engages in other activities relating to faculty grievances, disputes, performance, and employment as set forth in the *Faculty Handbook*.

Steve Thomas,
Chair, Faculty Affairs Committee

Anfara Jr, Vincent A

From: Thomas, Steve R
Sent: Tuesday, November 09, 2010 11:40 AM
To: Heminway, Joan MacLeod; Anfara Jr, Vincent A; Deeken, Joanne
Subject: Comments about Proposed Faculty Senate Bylaws Changes
Attachments: Bylaws_Change_Concerns.doc

As Joan requested yesterday, I am attaching an e-version of the sheet I gave to each of you following the Faculty Senate Executive Council meeting. Let me add two points of clarification here.

1) Originally, I had questioned whether certain *ex-officio* members of committee are really non-voting members because it is my understanding of *Robert's Rules of Order* that, normally, *ex-officio* committee members have all the right and privileges of other committee members, including the right to vote. However, today, I found this statement in the Faculty Senate Bylaws (Article III, Section 1, second paragraph, page 10 of the draft revisions): "**Unless otherwise specified below, ex-officio members of all standing councils and committees shall be non-voting members.**" So, let me rephrase my concern. In light of this statement, do we really need to specify (in III. 2. C. and III. 2. E.) that the *ex-officio* members of these committee are non-voting members?

2) There are three committees and one council where membership is specified at some minimum number ("at least X ..." or "no fewer than Y ..."). My concerns in each of these cases are (1) whether the bylaws should contain some hint or clue as to when the minimum number is acceptable or under what conditions more members are needed and (2) whether a maximum size should be prescribed for each of these bodies.

Please let me know if any of my other notes require further clarification.

-- Steve Thomas

Concerns about Bylaws Changes for Faculty Senate

- I. 1. (d) – page 2: Who is the chief academic officer of the UT system, if not the President?
- I. 3. – page 2: When would a campus not have a chief academic officer? [“... as the same may exist from time to time.”]
- II. 1. A. – page 2: To complete the change from “election” to “appointment,” the word “reelection” in last sentence also needs to be changed to “reappointment.”
- II. 1. C. – page 3: Should not “C.” appear before the paragraph on alternates, instead of after it?
- II. 1. D. 3. – page 3: This section refers to “college or division caucus” but elsewhere in the bylaws the reference is to caucuses of “colleges, units, or divisions.”
- II. 5 – page 7: Could this rule be a reaction to previous real or perceived misuse of the motion to lay the question on the table (which is not debatable) in the place of the motion to postpone the main motion indefinitely (which is debatable)? This rule appears to provide for limited debate on the importance of the main motion. By requiring a two-third vote for passage (rather than the simple majority normally needed for a motion either to table or to postpone indefinitely), it makes it more difficult to misuse the motion to table. (Of course, it also makes it more difficult to use correctly the motion to table.)
- II. 7 – pages 7 and 8: Letters for several bullet points follow rather than precede the corresponding text.
- III. 2. B – page 11: Why is membership of the Appeals Committee set at “at least 18 tenured faculty members” rather than a definite number?
- III. 2. C. – pages 11 and 12: Why assume the ex-officio members in the first list are “non-voting” when those in second list are expressive stated as being non-voting?
- III. 2. E. – page 12: Why is membership of the Budget and Planning Committee set at “at least 10 faculty members” rather than a definite number? Is the chief financial officer really a non-voting member?
- III. 2. I. – page 15: In the second paragraph of this section, should “the Knoxville campus” be changed to “the UTK campus” or just “UTK”?
- III. 2. J – page 15: Why is membership of the Research Council set at “no fewer that 12 appointed” individuals rather than a definite number?
- III. 2. M. – page 18: Why is membership University/Systems Relations Committee set at “at least eight faculty members” individuals rather than a definite number?

Anfara Jr, Vincent A

From: Heminway, Joan MacLeod
Sent: Monday, January 24, 2011 7:15 PM
To: Anfara Jr, Vincent A
Cc: Doug Birdwell; Thomas, Steve R; Tramm, Liz
Subject: Re: Additional Proposed Revision of the Faculty Senate Bylaws

Vince, please add this to the substantive Bylaw changes to be discussed at the February Executive Council meeting.

Joan

On 1/24/11 12:36 PM, "Doug Birdwell" <birdwell@lit.net> wrote:

We should probably discuss this sentence at the ExeCom:

"The jurisdiction of the Appeals Committee includes complaints regarding violations of due process and fairness in tenure or promotion decisions, annual performance reviews, and violations of provisions contained in the Faculty Handbook, the Manual for Faculty Evaluation, and collegiate and departmental bylaws."

I realize that the last sentence is a catch-all, but as it stands "jurisdiction" does not appear to cover the review process required during a CPR.

I'm sorry, but I am just now getting to this. Hectic last week, and ill since Thursday evening.

Doug

On 1/21/11 3:32 PM, Winston, Sharonne LaKiesta wrote:

Please see the message below, which is for the Faculty Senate Executive Council meeting on Monday. Thank you.

Sharonne L. Winston
Administrative Specialist II
Student Success Center—Volunteer

UT LEAD Programs

UT Faculty Senate

Phi Kappa Phi Honor Society, Chapter 002
812 Volunteer Boulevard