

Faculty Senate Committee on Rules
Response to Charges

Rules Committee members: Seth Hoelscher (chair), Terrel Gallaway, Kartik Ghosh, Tom Kane, Beth Walker, Mike Hudson (*ex officio*), Lanya Lamouria (*ex officio*)

Issue # 1

Rules Committee Charge pertaining to rewording the Purpose of Council on General Education and Intercollegiate Programs

In 2019, the Rules Committee made the following recommendations and considerations:

The committee consulted with CGEIP leadership and concluded that the necessary changes are so substantive and involved that an ad hoc committee appointed to look into the issue would better serve the university. The recommendations of that committee could then help inform a charge to Rules next year. We also believed it was be a good idea to notify the Chair of the Faculty Senate immediately, rather than wait for our final report, so that he could form an ad hoc committee if he agreed it was appropriate to do so.

The proposed change to the language is a direct result from the CGEIP Ad-Hoc committee. The committee consulted with CGEIP leadership regarding the proposed language change.

Current Language of the Bylaws

ART IV COUNCIL ON GENERAL EDUCATION AND INTERCOLLEGIATE PROGRAMS

SEC 2 Purpose of Council on General Education and Intercollegiate Programs

This Council shall act upon all curricular proposals affecting the General Education Program, undergraduate courses and programs offered collaboratively by academic departments in two or more colleges, undergraduate degrees offered by two or more colleges, and the general requirements for undergraduate certificates. This Council shall also act on applications for admission to the Bachelor of General Studies degree program.

Proposed Changes to the Bylaws

(**bold** indicates additions & ~~strike through~~ indicates deletions)

ART IV COUNCIL ON GENERAL EDUCATION AND INTERCOLLEGIATE PROGRAMS

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The purpose of Council on General Education and Intercollegiate Programs is to act upon all curricular proposals affecting the General Education Program, to regularly review the assessments of current general education courses, as well as to act upon curricular proposals related to courses and programs offered by academic units in two or more colleges (i.e., intercollegiate programs not routed to Educator Preparation Provider Council or Graduate Council).

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Issue # 4

Rules Committee Charge pertaining to who may challenge a Faculty Senate Action

Article VII of the Bylaws outlines the process for making challenges and appeals to Council and Senate Actions. The right to make such challenges and appeals is only given to ranked faculty. However, MSU gives the responsibility for shared governance to a much broader group of faculties. For example, membership in the Faculty Senate as outlined in the Constitution includes Instructors and Clinical Faculty:

Eligible department representatives include all ranked faculty, as well as those instructors and clinical faculty who have served no less than two consecutive academic years at Missouri State University by the September session of their term. Ranked faculty refers to tenure-track/tenured Assistant Professor, Associate Professor, or Professor or Distinguished Professor.

The language of the Bylaws such as Article VII can have possibly unintended consequences. For example, Bylaw ART VIII SEC 4 states any amendment of the Bylaws becomes a Faculty Senate Action. Therefore, it is possible for the other types of faculty to be removed from membership in Councils or the Senate, and they would be barred from challenging such an action.

Current Language of the Bylaws

ART I FACULTY SENATE

SEC 7 Faculty Senate Actions and Resolutions

A Faculty Senate Actions

Faculty Senate Actions, as perfected and passed by the Faculty Senate, represent the collective reasoning of the faculty through its governance process as to policies and procedures to be followed by the University and are communicated to the university administration for approval and implementation.

(1) The Secretary of the Faculty shall forward any Faculty Senate Action to the Provost who shall, within ten (10) calendar days after the expiration of the challenge period, forward the Faculty Senate Action to the president of the university with recommendation to approve or not approve.

(2) The university president shall, within twenty (20) calendar days after receipt of the Faculty Senate Action, report to the Faculty Senate Chair a decision to:

(a) Approve and implement at the appropriate time;

(b) Request an extension of sixty (60) calendar days to gather additional information prior to making the final decision. Said decision shall be forwarded to the Faculty Senate Chair within ten (10) calendar days after the sixty (60) day extension period expires;

(c) Reject, stating reasons and/or recommending changes.

(3) The Faculty Senate, upon receipt of a Faculty Senate Action rejected by the university president may:

(a) Direct the Chair of the Faculty Senate to place the rejected Faculty Senate Action on the agenda for the next Senate session for deliberation and disposition as herein stated;

(b) Approve by a simple majority a revision of the Faculty Senate Action and submit the revised version of the Faculty Senate Action to the Provost who, in turn, shall forward it to the university president with recommendation;

(c) Support the initial Faculty Senate Action by affirmative vote of two-thirds of the members present and request that the Faculty Senate Chair present the Faculty Senate Action directly to the Board of Governors for consideration and disposition;

(d) Direct the Chair of the Faculty Senate to discontinue consideration of the Faculty Senate Action.

B Resolutions

Resolutions passed by the Faculty Senate state the collective reasoning of the Faculty Senate on specific issues and shall be forwarded for information to the appropriate administrators.

C Faculty Senate reports to the Board of Governors shall include:

(1) Reports on current Faculty Senate Actions and committee studies.

(2) Resolutions passed by the Faculty Senate.

(3) Faculty Senate Actions that have been rejected by the president but have subsequently passed by a two-thirds Faculty Senate vote.

(4) Faculty Senate Actions not acted upon by the president.

D Items to be presented to the Board of Governors

Items shall be submitted by the Chair of the Faculty Senate to the Provost and the University President at least seven (7) calendar days prior to the scheduled session of the Board of Governors.

E Internal Actions

(1) Internal Actions, as perfected and passed by the Faculty Senate, represent the collective reasoning of the Senate as to policies and procedures to be followed by the Senate in conducting Senate business. Internal Actions have no direct impact beyond the boundaries of the Senate, and are therefore not subject to Administrative approval or disapproval.

(2) Internal Actions must be consistent with the Constitution and Bylaws of the Faculty.

SEC 8 Challenge and Veto of Faculty Senate Action

The ranked faculty shall have the inherent right to challenge any Faculty Senate Action, as described in Article VII Section 4 of these Bylaws.

ART VI CURRICULAR PROCESS

SEC 11 Right to Challenge Senate Actions

The ranked faculty members of the University have an inherent right to challenge any Faculty Senate Action, as set forth in ART VII SEC 4 of these Bylaws. Within the curricular process, Senate Actions include the approval of a curricular proposal and the upholding of an appeal of a Council Action.

ART VII CHALLENGES AND APPEALS OF COUNCIL AND SENATE ACTIONS

SEC 1 Overview of Challenges and Appeals

A The ranked faculty have an inherent right to contest any Council Action (as defined in ART I SEC 10C) and any Faculty Senate Action (as defined in ART I SEC 7A).

B Summary of the process for challenges and appeals:

(1) The ranked faculty of an undergraduate college may challenge any Action of their College Council within 10 days of its dissemination to the college faculty, as described in SEC 2 below.

(2) Ranked members of the Graduate Faculty may challenge any Action of the Graduate Council within 10 days of its dissemination to the Graduate Faculty, as described in SEC 2 below.

(3) The ranked faculty of the University may appeal any Action of any Council of the Faculty Senate within 10 days of dissemination of the Action to the University faculty, as described in SEC 3 below.

(4) The ranked faculty of the University may challenge any Senate Action within 20 days of its dissemination to the faculty, as described in SEC 4 below.

(5) Challenges of Council Actions and Senate Actions may be initiated only by petition from the ranked faculty. Appeals of Council Actions may be initiated by petition from the ranked faculty, by a Department Head, or by a Council Chair.

SEC 2 Challenge and Veto of College Council and Graduate Council Actions

A Right of Challenge

The ranked faculty of each undergraduate college shall have the inherent right to challenge any College Council Action from its own college. The ranked members of the Graduate Faculty shall have the inherent right to challenge any Graduate Council Action. Such faculty challenges must be made within ten (10) calendar days following distribution of the Council Action to the college faculty.

B Form of Challenge

A college faculty challenge of its own Council Action or a graduate faculty challenge of a Graduate Council Action may be made by no fewer than ten percent (10%) of the ranked faculty from that college or the Graduate College. Said challenge shall be made in writing and copies submitted to the chair of their college or graduate council, chair of the Faculty Senate and the Secretary of the Faculty.

The chair of the college or graduate council shall send a copy of such challenge to each ranked member of the college or graduate faculty. No sooner than three (3) school days, but no later than six (6) school days after copies of the challenge have been distributed to the faculty, the chair of the council shall call a session of the faculty for the discussion of the challenge. The dean of the college or his or her designee shall preside at this session. The secretary to the dean shall attend this session and record arguments for and against the challenge. No later than five (5) school days after the session, the secretary shall distribute to all ranked faculty members ballots for voting on

the challenge. A summary of arguments for and against the challenge shall be prepared by the council chair and shall be sent with the ballots.

C Disposition of Challenge

An affirmative vote to support the challenge, equal to a majority of the votes cast by the ranked faculty of the college or by the graduate faculty, shall constitute a veto of the challenged Council Action.

SEC 3 Appeal and Veto of Council Actions

A Right of Appeal

The ranked faculty of the University shall have the inherent right to appeal Actions of a College Council, Graduate Council, Educator Preparation Provider Council, and Council on General Education and Intercollegiate Programs. Appeals must be made no later than ten (10) calendar days during the regular academic year when classes are in session, excluding terminal week, following distribution of the Council Action to the University faculty.

B Form of Appeal

An appeal of a Council Action may be made by an academic department through the Department Head or Director, by a council through the Council Chair or by petition of no fewer than thirty (30) members of the ranked faculty. Said appeal shall be made in writing to the Executive Committee of the Faculty Senate. If an appeal is made, the Executive Committee of the Faculty Senate shall place the issue on the agenda for the next Faculty Senate session.

C Disposition of Appeal

An affirmative vote to support the appeal, equal to a majority of the votes cast by the senators present and voting, shall constitute a veto of the Council Action. Since upholding an appeal would constitute a Faculty Senate Action, an upheld appeal is subject to the right of challenge as set forth in Article VII Section 4 below.

SEC 4 Challenge and Veto of Faculty Senate Action

A Right of Challenge

The ranked faculty of the University shall have the inherent right to challenge any Faculty Senate Action. The Chair of the Faculty Senate must be notified of the intent to challenge within five (5) calendar days following distribution of the Faculty Senate Action to the faculty. The full challenge must then be submitted within twenty (20) calendar days following distribution of the Faculty Senate Action to the faculty. In extraordinary circumstances, but not on curricular matters, the challenge period may, by unanimous vote of the Faculty Senate members present when a Faculty Senate Action is made, be reduced from twenty days to a number stipulated by the Faculty Senate.

B Form of Challenge

A faculty challenge of a Faculty Senate Action may be made by no fewer than fifty (50) members of the ranked faculty. Said challenge shall be made in writing and submitted to the Chair of the Faculty Senate, and the challengers shall file a copy of the challenge with the Secretary of the Faculty.

C Disposition of Challenge

The Chair of the Faculty Senate shall send a copy of such a challenge to each member of the faculty, and no sooner than three (3) school days, but no later than six (6) school days after copies of the challenge have been distributed to the faculty, the Chair of the Faculty Senate shall call a session of the ranked faculty for discussion of the challenge. Members of the administration may attend. The president of the university or the president's designee will preside at this session. The Secretary of the Faculty shall attend this session and record arguments for and against the challenge. No later than five (5) school days after the session, the Secretary of the Faculty shall distribute to all ranked faculty members ballots for voting on the challenge. The Secretary of the Faculty's summaries of the arguments for and against the challenge shall be sent with the ballots.

D Vote on Challenge

Voting shall be by secret ballot. Voted ballots must be returned to the Secretary of the Faculty within six (6) school days after the day on which the ballots are distributed. An affirmative vote to support the challenge, equal to a majority of the votes cast by the ranked faculty who are on active duty at the time of the challenge, shall constitute a veto of the challenged Faculty Senate Action.

Proposed Changes to the Bylaws
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A Faculty Senate Actions

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B Resolutions

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Faculty Senate Action to the faculty. The full challenge must then be submitted within twenty (20) calendar days following distribution of the Faculty Senate Action to the faculty. In extraordinary circumstances, but not on curricular matters, the challenge period may, by unanimous vote of the Faculty Senate members present when a Faculty Senate Action is made, be reduced from twenty days to a number stipulated by the Faculty Senate.

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D Vote on Challenge

Voting shall be by secret ballot. Voted ballots must be returned to the Secretary of the Faculty within six (6) school days after the day on which the ballots are distributed. An affirmative vote to support the challenge, equal to a majority of the votes cast by the ~~ranked~~ faculty, **which include ranked faculty as well as those instructors and clinical faculty who have served no less than two consecutive academic years at Missouri State University**, who are on active duty at the time of the challenge, shall constitute a veto of the challenged Faculty Senate Action.

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Issue # 2

Rules Committee Charge pertaining to special rules for a virtual meeting

COVID-19 has forced the need to conduct Faculty Senate meetings in a virtual setting. At the beginning of the September 2020 meeting, special rules were adopted for that meeting only. Even post COVID-19 there may arise necessity for the Senate to meet virtually, and adopting special rules at each of those meetings may lead to inconsistencies of process. Please review the Bylaws and consider putting in place special rules for virtual meeting, independent of the platform used.

Current Language of the Bylaws

SEC 6 Sessions of the Faculty Senate

A Schedule

In addition to the organizational session of the Faculty Senate as set forth above, the Faculty Senate shall be scheduled to meet once a month at a time and place fixed by the Faculty Senate. A specific Faculty Senate session may be omitted if agenda items do not justify a session. The Faculty Senate shall meet at other times (including the summer session) upon the call of the Chair of the Faculty Senate or a Chair designee, upon the written request to the chair of not fewer than ten (10) members of the Faculty Senate, or upon the written request of the president of the university or the Board of Governors. The Chair of the Faculty Senate shall schedule a requested session within five (5) school days after receipt of the request.

B Attendance

Sessions of the Faculty Senate and its established bodies shall be open to members of the Board of Governors, the administration, the staff, the voting and non-voting faculty, the student body, and to others by invitation of the chair of the group affected.

C Time

(1) The time, the date, and the place of all sessions of the Faculty Senate and its established bodies shall be announced on the Faculty Senate web site a minimum of one week prior to the session.

(2) The announcements of all sessions of Faculty Senate bodies shall be made through the Faculty Senate office. The chair of the affected body shall forward to the Faculty Senate office a request for publication of the announcement at least five (5) school days before the date of publication.

D Agenda

(1) A Faculty Senate session agenda shall be sent to each member of the Faculty Senate, academic deans, the Provost, and to each department head for posting at least three (3) school days before each session of the Faculty Senate.

(2) All proposals for Faculty Senate Action shall be distributed to each senator in writing as a part of the agenda.

(3) Proposals for Faculty Senate Action which have not been previously distributed as agenda may be considered at Faculty Senate sessions with an approving vote of two-thirds of the entire Faculty Senate membership.

(4) The agenda of all Faculty Senate bodies shall be submitted to the Chair of the Faculty Senate at the time a request for publication of an announcement of the session is made. Agenda which involve curricular proposals shall also be submitted to the deans of all colleges. These agenda shall be made available to all interested parties.

E Voting

(1) Any member of the Faculty Senate may move for a roll call or ballot vote, and if that motion is supported by twenty percent (20%) of the senators present, the vote by the designated method (roll call or ballot) shall be so taken.

(2) Any person attending a session of the Faculty Senate or any established body of the Faculty Senate may speak with the consent of the chair of the group involved. These persons shall have no vote.

(3) In case of the absence of a member of the Faculty Senate from a Faculty Senate session, a substitution from the same constituency may be made.

F Minutes

(1) The Secretary of the Faculty shall send copies of the unapproved minutes of the Faculty Senate to the faculty and administration within seven (7) school days after each session. This report must contain a record of the Faculty Senate Actions (approved or not) as well as approved resolutions and committee reports.

(2) The Secretary of the Faculty with the knowledge and consent of the Senate Chair, shall place unapproved minutes on the Faculty Senate web site.

(3) A copy of the approved minutes shall replace the unapproved minutes on the Faculty Senate web site within one week after they are approved.

(4) The chair of each Faculty Senate body shall place a copy of the minutes of each session in a permanent file in the Faculty Senate office within one week after the committee session. The minutes shall be available to all interested parties.

Proposed Changes to the Bylaws
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G Special Meetings

Special circumstances may require the Faculty Senate to convene virtually or via some other format. The Senate Executive Committee may enact special rules to temporarily convene the Faculty Senate to conduct business. To the extent possible, these special rules for conducting meetings should follow the provisions for conducting Faculty Senate Meetings described in Section 6 (A-F).