TO: The Board of Regents

Academic Affairs

MEETING DATE: June 28, 2019

SUBJECT: Revisions to rules and regulations for faculty and student self-government organizations: Revisions to the Constitution of the College of Arts and Sciences at the University of Nebraska at Kearney

RECOMMENDED ACTION: Report

PREVIOUS ACTION: January 10, 2010 – The Board approved an amendment of Section 1.2 paragraph three of the Bylaws of the Board of Regents of the University of Nebraska to revise the process for approval of rules and regulations for faculty and student self-government organizations.

EXPLANATION: The Bylaws of the Board of Regents Section 1.2 as amended on January 10, 2010 state, “In any case where any officer, group or agency has been authorized by these Bylaws to adopt rules or regulations, such rules or regulations, before they may be effective, shall be:

1. considered by the officer, group or agency at a public hearing held after giving reasonable advance public notice thereof;
2. reviewed and approved by the General Counsel for consistency with these Bylaws and applicable policies, laws and regulations; and
3. filed with the Corporation Secretary for report to the Board. The President and cognizant Chancellor are to be timely provided with a courtesy copy of any public hearing notice.”

Consistent with these Bylaws and operating procedures, the following changes have been filed with the Corporation Secretary since the last meeting of the Board:

- Revisions to the Constitution of the College of Arts and Sciences at the University of Nebraska at Kearney

REPORTED BY: Carmen K. Maurer
Corporation Secretary

DATE: April 24, 2019
Constitution of the College of Arts and Sciences
University of Nebraska at Kearney

Preamble:
The faculty of the College of Arts and Sciences are dedicated to the academic mission of the University of Nebraska at Kearney as a foundational institution for the liberal arts and sciences. The faculty are committed to providing students the opportunity for education of the highest quality within the College’s discipline areas. To accomplish these ends the faculty will provide instruction of scholarly and professional excellence at the general studies and advanced levels that illuminates opportunities and limitations of each discipline, encourages application of the methods and findings of the disciplines to the human condition, and prepares students to matriculate as life-long learners who will continue to educate themselves about the role of the liberal arts and sciences in their lives.

Article I: Structure:

a. The College of Arts and Sciences is composed of faculty organized into divisions, departments, programs, and supra-departmental and inter-departmental components. The four Divisions of the College are the following: Natural Sciences, Social Sciences, Humanities, and Communication and Fine and Performing Arts.

b. The departments within each division are the following:


Social Sciences: Criminal Justice, Geography, Political Science, Psychology, Sociology, and Social Work.

Humanities: English, History, Modern Languages, and Philosophy.


c. The following programs are recognized as part of the College of Arts and Sciences International Studies, Women and Gender Studies, Ethnic Studies, and Health Sciences.

Article II: Faculty Governance

a. Governance:

In accordance with Regents Bylaws 2.9, the immediate governance of the College of Arts and Sciences and its constituent components shall be by the faculty of the College.

b. Voting Membership:

Those who qualify as voting members of the Faculty of the College of Arts and Sciences (hereafter referred to as “faculty” or “the Faculty”) must meet the following requirements:
The individual must hold a faculty rank of Lecturer, Senior Lecturer, Instructor, Assistant Professor, Associate Professor, or Professor.

The individual’s employment status with the University of Nebraska at Kearney must include eligibility for 1.0 full-time equivalent (FTE) fringe benefits.

The individual’s non-administrative workload assignment within the College must be equal to or greater than 0.5 FTE.

The individual’s administrative workload assignment cannot exceed 0.5 FTE.

Qualifying individuals with workload responsibilities in more than one UNK college will declare in which college they desire to be a voting member.

Qualifying individuals with workload responsibilities in more than one division within the College of Arts and Sciences will be a voting member in the division with the greatest workload share. If there are equal workload shares in more than one division, the individual will declare in which division she or he desires to be a voting member.

**c. Ex Officio Membership:**

The Dean of the College of Arts and Sciences and such other persons as may be designated by the Faculty shall be *ex officio* members of the Faculty, without voting privileges.

**Article III: College Meetings**

a) Regular business meetings will be held at least once per semester, at a time designated by the Dean with at least a two-week notice given to the Faculty.

b) Special meetings may be called by the Dean of the College. Special meetings must be called by the Dean within ten working days after petition by at least ten Faculty members, by request of the Advisory Committee, or by vote of the Faculty when in regular or special session.

c) Thirty percent of the Faculty constitutes a quorum at any meeting of the Faculty. When voting is conducted via mail, faculty are assumed to be absent unless they cast a vote. In this case, a quorum is met when at least thirty percent of the Faculty cast a vote. In the case of the creation or change of College policy, the quorum and minimum voting percentage threshold is increased to at least 50%.

d) Meetings will be conducted according to Robert's Rules of Order, Newly Revised where not in conflict with the Constitution or Bylaws of the College.
Article IV: Committees

Section 1. Standing Committees.
There shall be four standing committees: the Advisory Committee, the Educational Policy Committee, the Rank and Tenure Committee, and the Oversight Committee.

A. The Advisory Committee shall:
   1) Advise the Dean on matters initiated by the Committee or by the Faculty;
   2) Advise the Dean of matters he or she refers to it;
   3) Advise the Dean on implementation of policy;
   4) Review the long term and general aspects of the College's activities, including staff, faculty and facility requirements;
   5) Propose policies for presentation to the Faculty;
   6) Have general review responsibility and make recommendations concerning leave of absence and sabbatical policies within the College;
   7) Advise the Dean on grievances amongst the Faculty.

B. The Educational Policy Committee shall:
   1) Advise the Dean on all matters of educational policy;
   2) Exercise general oversight of the College's academic standards;
   3) Evaluate and may recommend proposals concerning admission and graduation requirements, including changes in degree requirements, new programs, and new degrees;
   4) Be authorized by the Faculty to pass on student petitions for relief from College rules, determine addition of courses, deletion of courses, and changes in course names and numbers. After acting under this authorization, the Committee will circulate its decisions in writing to the Faculty. These decisions will be considered approved unless, within fifteen working days of issuance, action is initiated under Article III, section b and c.;
   5) Serve in an advisory capacity to the Dean for students who believe that evaluation of their academic progress has been prejudiced or capricious. Committee procedures shall provide for changing of a student's evaluation, upon the committee's finding that an academic evaluation by a member of the faculty has been prejudiced or capricious.
C. The Rank and Tenure Committee shall:

1) Ensure that departments comply with Regents Bylaws 4.5 and 4.6 and UNK Guidelines: Evaluation, Promotion, and Tenure, Article IV. 2, which state that each department shall establish a written set of procedures, guidelines, and criteria for evaluation for promotion and tenure.

2) Review departmental rank and tenure recommendations.

3) Work with the Dean to determine rank and tenure recommendations for the College. If the recommendation differs from the Departmental Peer Review Committee or the Department Chair, then a written rationale must be submitted.

4) Advise the Dean on other personnel matters directly related to Rank and Tenure.

If the a recommendation of the Rank and Tenure Committee differs from the department or the Dean's recommendation, the Dean shall so inform the Vice Chancellor for Academic Affairs and the Chancellor.

D. The Oversight Committee shall:

1) Advise the Dean on matters relating to the philosophy of the College as outlined in the Preamble of the Constitution.

2) Exercise general oversight to ensure that the College's policies and procedures adhere to the philosophy of the College.

3) Organize and conduct elections within the College.

4) Review procedures for selection of Departmental Chairs. This may include providing oversight in balloting for reappointment of incumbents.

Section 2. Special Committees.
Special committees for holding elections, resolving grievances, addressing ad hoc issues, etc., may be created by the Dean, by the Faculty, or by the Standing Committees.

Section 3. Committee membership.

1) The Dean is an ex officio member of committees of the College, without voting privileges.

2) The members of the Rank and Tenure Committee will be tenured faculty, excluding Department chairs and College
Assistant/Associate Deans, at the rank of Associate Professor and/or Professor. Members of the committee shall not serve during the academic year they present themselves for promotion.

3) The Advisory Committee, the Oversight Committee, and the Educational Policy Committee will have faculty as members.

4) Means of election and the number of faculty members of the standing committees will be as prescribed in the Bylaws of the College.

5) Two members from each Division shall be elected to each of the standing committees, and no standing committee shall have more than one member from a department. Department Chairs shall be considered members of the faculty, but are excluded from membership on the Rank & Tenure Committee. Terms of service shall be for two years, with staggered terms so that one-half of the faculty membership seats are elected every year. To ensure staggered terms for each College “Division,” the Advisory Committee shall be empowered to set terms shorter than two years; however, incumbent members’ terms shall not be shortened.

6) Faculty members of the Advisory Committee, the Educational Policy Committee, the Rank and Tenure Committee, and the Oversight Committee shall not be eligible for more than two consecutive, 2-year terms, or for membership on more than one standing committee at any given time.

7) In case of a vacancy on a standing committee, a special election will be held for the purpose of electing a replacement.

8) Members of special committees will be appointed by the Dean, unless otherwise determined for special committees created by the Faculty.

Article V: Office of the Dean

Section 1. Responsibilities.

The Dean of the College shall provide educational leadership; be the officer primarily charged with the administration of the College; serve as intermediary between the College and the University; be the presiding officer at Faculty meetings; appoint a parliamentarian after consultation with the Advisory Committee; report to the Faculty at regular business meetings on the status of past College policy; serve to resolve grade appeals with the aid of an appointed appeals committee if deemed necessary.
Section 2. Selection of the Dean, Associate Deans and Assistant Deans.

Appointment of the Dean, Associate Deans, and Assistant Deans shall be recommended to the President and the Board of Regents by the Chancellor, following procedures specified in the Bylaws of the Board of Regents. At least every third anniversary year of appointment, the Advisory Committee shall make recommendations to the Chancellor or designated representative concerning continued appointment of the Dean, Associate Dean, or Assistant Dean.

Section 3. Temporary vacancy.

In case of incapacitation or other temporary vacancy in the office of the Dean, the Advisory Committee shall confer with the Vice Chancellor for Academic Affairs on the appointment of an Acting Dean.

Article VI: Departments

Section 1. Definition

A department is an academic community of a professional discipline and interest and an administrative unit of the College. Subject to the jurisdiction of institutions that have overall responsibility for the University of Nebraska at Kearney and in conformity with the policies of the College of Arts and Sciences, a department shall determine its policies and programs through means adopted by the department. The Chair of the department or the departmental staff may make recommendations to the Dean and Faculty of the College concerning the welfare of the department or its relations to other departments. Before making such recommendations the Chair of the department shall consult with the departmental faculty. Where the recommendation of the Chair differs from the advice given by the departmental faculty, the Chair shall so inform the Dean. Meetings of the departmental staff may be called by the Chancellor, the Dean, the chair, or by a majority of its members.

Section 2. Chair.

1) The Department Chair shall be responsible to the Dean for departmental administration; be the department's official representative in all matters except those delegated to other members of the department; and serve as intermediary between the department and other individuals and units of the University.

2) Chairs shall be appointed by the Board of Regents, upon recommendation of the Dean, after appropriate consultation with the departmental faculty and concurrence by the Chancellor and the President, for a term not exceeding five years but eligible for reappointment. Prior to recommending the reappointment of a chair, the Dean shall take a closed ballot of the department members on the question of reappointment of the incumbent.
3) In case of a vacancy existing or pending in a department chair, the Dean will request the department to provide suggestions and the name or names of candidates, a request which shall be fulfilled through means adopted by the department.

Section 3. Council of Department Chairs and Directors.

1) The Council of Department Chairs shall consist of Deans, Assistant and Associate Deans, Chairs and Directors of all departments and programs of the College. The Dean and Assistant and Associate Deans of the College, and the Directors of divisions or programs administered by the College, shall be non-voting members of the Council. In the event a member must be absent from a Council meeting, a representative to the Council meeting may be appointed by the absent member.

The Council shall:

a.) Advise the Dean in matters relating to administrative policies and procedures within the College of Arts and Sciences and its departments or other administrative units. These advisory duties shall not supersede those delegated to the Advisory and Educational Policy Committees as defined in Article II, Section 1.

b.) Make recommendations to the Dean in matters relating to University administrative policies and procedures which affect the College of Arts and Sciences and its departments or other administrative units.

c.) Provide a forum for discussion of mutual problems and concerns relating to the administration of departments or other units within the College of Arts and Sciences.

2) The Council shall convene at regular intervals to be determined by the membership at the beginning of each academic year. Any member may request the presiding officer to include an item in the agenda of a regular meeting. Special meetings of the Council may be called at the request of the Dean, the Vice Chancellor for Academic Affairs, the Chancellor, or any member of the Council.

3) The Dean is the presiding officer of the Council. In addition to chairing meetings of the Council, the Dean shall be responsible for:

   a) Establishing a meeting time for the Council and calling special meetings at the request of the Vice Chancellor for Academic Affairs, the Chancellor, or Council members.
b) Receiving agenda items for Council meetings and distributing agendas to Council members.

Article VII. Supra-Departmental or Inter-Departmental Units.
Supra-Departmental or Inter-Departmental units, such as schools, divisions, and interdisciplinary programs, may be established. Channels of administrative communication shall be defined when such units are created.

Article VIII. Amendments.
Section 1. Proposal of Amendments.
Amendments to the Constitution or Bylaws of the College may be proposed by the Advisory Committee, or by at least twenty Faculty members who provide the amendments to the Advisory Committee. In either case, amendments must be provided to the Faculty no later than ten working days before a regular Faculty meeting or a special Faculty meeting.

Section 2. Approval of Amendments.
 a) Proposed amendments to the Constitution will be circulated in writing to the Faculty by the Advisory Committee at least five working days prior to the next regular Faculty meeting or a special Faculty meeting. Voting will be by distributed ballot either at the meeting or by subsequent paper mail or electronic mail, as determined by the Oversight Committee. A simple majority approval of the Faculty voting on the question will be necessary for resolution of the question.

 b) Proposed amendments to the Bylaws will be circulated in writing to the Faculty by the Advisory Committee at least five working days prior to the next regular or special Faculty meeting. Voting will be by distributed ballot either at the meeting or by subsequent paper mail or electronic mail, as determined by the Oversight Committee. A simple majority approval of the Faculty voting on the question will be necessary for adoption.

Article IX. Approval of Policy
“Policy” under this Constitution is defined as any substantive rule that governs College operations, arises under the jurisdiction of one or more of the standing committees of the College, and is not normally contained in the College Constitution or Bylaws. Any member of the College with voting privileges has the right to propose policy. In the case of the creation or change of College policy, the quorum to recommend and voting percentage to pass must be at least 50% of the College faculty.

Article X. Acceptance of the Constitution.
Majority approval of the Faculty voting on the question will be necessary for acceptance of this Constitution, which will become effective upon promulgation by the Chancellor of the University of Nebraska at Kearney and the Board of Regents of the University of Nebraska.
Section 1. Election of faculty to standing committees.

The Oversight Committee shall organize, conduct, and/or monitor the election processes of all Standing Committee seats as required by the Constitution and in accordance with the following Bylaws.

A. General: The election of Standing Committee members shall be conducted during spring semester in two steps: division faculty shall nominate representatives in the primary election, and the division faculty shall elect the representative for each division. In the primaries, the Dean or designate shall submit to the faculty members of each division a list of all eligible division faculty members for each committee. This will consist of all full-time faculty members who would be expected to serve the full term of the position (e.g., are not imminently retiring). Any faculty member that has received a nomination and whose willingness to serve has been confirmed by the Oversight Committee shall be placed on the election ballot. The elections shall be conducted in sequence: in even numbered years the Advisory Committee and Rank and Tenure Committee elections will precede, but in odd numbered years the Educational Policy Committee and Oversight Committee elections will occur first.

B. Faculty Residency: For purposes of distributing ballots to eligible voters, a faculty member shall be considered a member of the department in which the larger portion of that person’s teaching load is assigned. Departmental membership, for the purposes of elections, shall be required of all personnel. A faculty member whose load is evenly divided between two departments or whose assignment is difficult to determine because of load fluctuations shall declare department affiliation for purposes of voting and holding office.

C. Nomination Forms: The Oversight Committee shall distribute Nomination Forms to eligible voters providing information regarding eligibility of nominees. The Nomination Form shall provide a space for the written consent of a nominee in order for that person to be included on an Election Ballot. E-mail or other electronic communication may be used in lieu of a written nomination form and nominee consent.

D. Nominees: After the results of the nomination process have been determined, the Oversight Committee shall create and distribute an Election Ballot that lists the names of all consenting nominees as candidates for open seats. In the event that no single candidate receives a majority of the votes cast, a runoff election between the two candidates receiving the highest number of votes will decide the winner. Elected members shall assume their duties at the beginning of the academic year and shall serve for three years.

E. Validity of Election: The Oversight Committee is responsible for ensuring that all elections are fair and valid. Concerns about the validity of an election should be directed to the Oversight Committee. When the validity of an election is challenged, the Oversight Committee shall decide whether the election results should stand or be invalidated.
F. Invalid Election: In the event the Oversight Committee determines that an election is invalid, the faculty members whose Standing Committee positions are being filled by the election will continue to serve until a new election is conducted.

G. Corrective Election: In the event that the Oversight Committee determines that an election is invalid, the Oversight Committee will conduct a new election as soon as possible in accordance with the constitutionally specified procedures.

Section 2. Standing Committee size.

a) The Advisory Committee shall be composed of two faculty members from each division.

b) The Educational Policy Committee shall be composed of two faculty members from each division.

c) The Rank and Tenure Committee shall be composed of two faculty members from each division.

d) The Oversight Committee shall be composed of two faculty members from each division.

Section 3. Committee procedures.

1) Each Standing Committee will have a Chair and a Secretary elected by its members.

2) The Standing Committee Chair will plan and run the meetings, as well as be the spokesperson and contact for the committee.

3) The Secretary of the Standing Committee will take the minutes and report them to the Chair of the Committee.

4) The Standing Committees will only meet and vote on action items if a quorum exists. For the Advisory, Educational Policy, and Oversight Committees, a quorum is defined as 75% of the committee, or 6 of the 8 members. For the Rank and Tenure Committee, a quorum is 100%, or all 8 members must be present.

5) The Chair of the Advisory, Educational Policy, and Oversight Standing Committees does not vote, unless it is to cast the deciding vote. A deciding vote is a vote which breaks or creates a tie; motions require majority votes to be enacted, and thus motions are not enacted when a tie is created.

Draft agreed by voice affirmation at CAS Constitution meeting on November 8, 2018. Compiled by Paul Twigg.
Suggested revisions in this draft recommended by NU General Counsel November 26, 2018.