

TO: The Board of Regents Addendum IX-D-15
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

1 **Constitution of the College of Arts and Sciences**
2 **University of Nebraska at Kearney**
3

4 **Preamble:**

5 The faculty of the College of Arts and Sciences are dedicated to the academic mission of the
6 University of Nebraska at Kearney as a foundational institution for the liberal arts and sciences.
7 The faculty are committed to providing students the opportunity for education of the highest
8 quality within the College’s discipline areas. To accomplish these ends the faculty will provide
9 instruction of scholarly and professional excellence at the general studies and advanced levels
10 that illuminates opportunities and limitations of each discipline, encourages application of the
11 methods and findings of the disciplines to the human condition, and prepares students to
12 matriculate as life-long learners who will continue to educate themselves about the role of the
13 liberal arts and sciences in their lives.
14

15 **Article I: Structure:**

- 16 a. The College of Arts and Sciences is composed of faculty organized into divisions,
17 departments, programs, and supra-departmental and inter-departmental components. The four
18 Divisions of the College are the following: Natural Sciences, Social Sciences, Humanities, and
19 Communication and Fine and Performing Arts.
20
- 21 b. The departments within each division are the following:
22
23 Natural Sciences: Biology, Chemistry, Mathematics & Statistics, and Physics & Astronomy.
24
25 Social Sciences: Criminal Justice, Geography, Political Science, Psychology, Sociology, and
26 Social Work.
27
28 Humanities: English, History, Modern Languages, and Philosophy.
29
30 Communication and Fine and Performing Arts: Art & Design, Communication, and Music,
31 Theatre & Dance.
32
- 33 c. The following programs are recognized as part of the College of Arts and Sciences
34 International Studies, Women and Gender Studies, Ethnic Studies, and Health Sciences.
35

36 **Article II: Faculty Governance**

37 a. Governance:

38 In accordance with Regents Bylaws 2.9, the immediate governance of the
39 College of Arts and Sciences and its constituent components shall be by the
40 faculty of the College.
41

42 b. Voting Membership:

43 Those who qualify as voting members of the Faculty of the College of Arts
44 and Sciences (hereafter referred to as “faculty” or “the Faculty”) must meet
45 the following requirements:
46

47 The individual must hold a faculty rank of Lecturer, Senior Lecturer,
48 Instructor, Assistant Professor, Associate Professor, or Professor.

49
50 The individual's employment status with the University of Nebraska at Kearney
51 must include eligibility for 1.0 full-time equivalent (FTE) fringe benefits.

52
53 The individual's non-administrative workload assignment within the College
54 must be equal to or greater than 0.5 FTE.

55
56 The individual's administrative workload assignment cannot exceed 0.5 FTE.

57
58 Qualifying individuals with workload responsibilities in more than one UNK
59 college will declare in which college they desire to be a voting member.

60
61 Qualifying individuals with workload responsibilities in more than one division
62 within the College of Arts and Sciences will be a voting member in the
63 division with the greatest workload share. If there are equal workload shares in
64 more than one division, the individual will declare in which division she or he
65 desires to be a voting member.

66
67 c. *Ex Officio* Membership:

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

71
72 **Article III: College Meetings**

- 73
74 a) Regular business meetings will be held at least once per semester, at a time
75 designated by the Dean with at least a two-week notice given to the Faculty.
76
77 b) Special meetings may be called by the Dean of the College. Special meetings must
78 be called by the Dean within ten working days after petition by at least ten Faculty
79 members, by request of the Advisory Committee, or by vote of the Faculty when in
80 regular or special session.
81
82 c) Thirty percent of the Faculty constitutes a quorum at any meeting of the Faculty.
83 When voting is conducted via mail, faculty are assumed to be absent unless they cast
84 a vote. In this case, a quorum is met when at least thirty percent of the Faculty cast a
85 vote. In the case of the creation or change of College policy, the quorum and
86 minimum voting percentage threshold is increased to at least 50%.
87
88 d) Meetings will be conducted according to Robert's Rules of Order, Newly Revised
89 where not in conflict with the Constitution or Bylaws of the College.
90
91

92 **Article IV: Committees**

93

94 Section 1. Standing Committees.

95 There shall be four standing committees: the Advisory Committee, the Educational Policy
96 Committee, the Rank and Tenure Committee, and the Oversight Committee.

97 A. The Advisory Committee shall:

98 1) Advise the Dean on matters initiated by the Committee or by the
99 Faculty;

100

101

102

103

104

105

106

107

108

109

110

111

112

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.

113

114 B. The Educational Policy Committee shall:

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

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.

137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158

159

160
161
162
163
164
165
166

167
168
169
170
171
172
173
174
175

176
177
178
179
180

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~~ a 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

181 Assistant/Associate Deans, at the rank of Associate Professor
182 and/or Professor. Members of the committee shall not serve
183 during the academic year they present themselves for promotion.
184

- 185 3) The Advisory Committee, the Oversight Committee, and the
186 Educational Policy Committee will have faculty as members.
187
- 188 4) Means of election and the number of faculty members of the
189 standing committees will be as prescribed in the Bylaws of the
190 College.
191
- 192 5) Two members from each Division shall be elected to each of the
193 standing committees, and no standing committee shall have more
194 than one member from a department. Department Chairs shall be
195 considered members of the faculty, but are excluded from
196 membership on the Rank & Tenure Committee. Terms of service
197 shall be for two years, with staggered terms so that one-half of
198 the faculty membership seats are elected every year. To ensure
199 staggered terms for each College "Division," the Advisory
200 Committee shall be empowered to set terms shorter than two
201 years; however, incumbent members' terms shall not be
202 shortened.
203
- 204 6) Faculty members of the Advisory Committee, the Educational
205 Policy Committee, the Rank and Tenure Committee, and the
206 Oversight Committee shall not be eligible for more than two
207 consecutive, 2-year terms, or for membership on more than one
208 standing committee at any given time.
209
- 210 7) In case of a vacancy on a standing committee, a special election
211 will be held for the purpose of electing a replacement.
212
- 213 8) Members of special committees will be appointed by the Dean,
214 unless otherwise determined for special committees created by
215 the Faculty.
216

217 **Article V: Office of the Dean**

218 Section 1. Responsibilities.

219 The Dean of the College shall provide educational leadership; be
220 the officer primarily charged with the administration of the College;
221 serve as intermediary between the College and the University; be the
222 presiding officer at Faculty meetings; appoint a parliamentarian
223 after consultation with the Advisory Committee; report to the
224 Faculty at regular business meetings on the status of past College policy;
225 serve to resolve grade appeals with the aid of an appointed appeals
226 committee if deemed necessary.

227 Section 2. Selection of the Dean, Associate Deans and Assistant Deans.
228 Appointment of the Dean, Associate Deans, and Assistant Deans shall be
229 recommended to the President and the Board of Regents by the
230 Chancellor, following procedures specified in the Bylaws of the Board of
231 Regents. At least every third anniversary year of appointment, the
232 Advisory Committee shall make recommendations to the Chancellor or
233 designated representative concerning continued appointment of the Dean,
234 Associate Dean, or Assistant Dean.
235

236 Section 3. Temporary vacancy.
237 In case of incapacitation or other temporary vacancy in the office of the
238 Dean, the Advisory Committee shall confer with the Vice Chancellor for
239 Academic Affairs on the appointment of an Acting Dean.
240

241 **Article VI: Departments**

242 Section 1. Definition

243 A department is an academic community of a professional discipline and interest
244 and an administrative unit of the College. Subject to the jurisdiction of
245 institutions that have overall responsibility for the University of Nebraska at
246 Kearney and in conformity with the policies of the College of Arts and Sciences,
247 a department shall determine its policies and programs through means adopted by
248 the department. The Chair of the department or the departmental staff may make
249 recommendations to the Dean and Faculty of the College concerning the welfare
250 of the department or its relations to other departments. Before making such
251 recommendations the Chair of the department shall consult with the departmental
252 faculty. Where the recommendation of the Chair differs from the advice given by
253 the departmental faculty, the Chair shall so inform the Dean. Meetings of the
254 departmental staff may be called by the Chancellor, the Dean, the chair, or
255 by a majority of its members.
256

257 Section 2. Chair.

- 258 1) The Department Chair shall be responsible to the Dean for departmental
259 administration; be the department's official representative in all matters
260 except those delegated to other members of the department; and serve as
261 intermediary between the department and other individuals and units of
262 the University.
263
- 264 2) Chairs shall be appointed by the Board of Regents, upon recommendation
265 of the Dean, after appropriate consultation with the departmental faculty
266 and concurrence by the Chancellor and the President, for a term not
267 exceeding five years but eligible for reappointment. Prior to
268 recommending the reappointment of a chair, the Dean shall take a closed
269 ballot of the department members on the question of reappointment of the
270 incumbent.
271

272 3) In case of a vacancy existing or pending in a department chair, the Dean
273 will request the department to provide suggestions and the name or names
274 of candidates, a request which shall be fulfilled through means adopted by
275 the department.

276
277 Section 3. Council of Department Chairs and Directors.

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

285 The Council shall:

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

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

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

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

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

305 a) Establishing a meeting time for the Council and calling
306 special meetings at the request of the Vice Chancellor for
307 Academic Affairs, the Chancellor, or Council members.

308
309
310
311
312
313

314
315
316

317
318
319
320
321
322
323
324
325
326
327
328
329
330

331
332
333
334
335
336
337
338
339
340
341
342
343
344

345
346
347
348
349
350
351
352
353
354
355
356
357
358

- 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.

359 **Bylaws**
360 **UNK College of Arts and Sciences**

361
362 **Section 1. Election of faculty to standing committees.**

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

366
367 **A. General:** The election of Standing Committee members shall be conducted during spring
368 semester in two steps: division faculty shall nominate representatives in the primary election, and
369 the division faculty shall elect the representative for each division. In the primaries, the Dean or
370 designate shall submit to the faculty members of each division a list of all eligible division
371 faculty members for each committee. This will consist of all full-time faculty members who
372 would be expected to serve the full term of the position (e.g., are not imminently retiring). Any
373 faculty member that has received a nomination and whose willingness to serve has been
374 confirmed by the Oversight Committee shall be placed on the election ballot. The elections shall
375 be conducted in sequence: in even numbered years the Advisory Committee and Rank and
376 Tenure Committee elections will precede, but in odd numbered years the Educational Policy
377 Committee and Oversight Committee elections will occur first.

378
379 **B. Faculty Residency:** For purposes of distributing ballots to eligible voters, a faculty member
380 shall be considered a member of the department in which the larger portion of that person's
381 teaching load is assigned. Departmental membership, for the purposes of elections, shall be
382 required of all personnel. A faculty member whose load is evenly divided between two
383 departments or whose assignment is difficult to determine because of load fluctuations shall
384 declare department affiliation for purposes of voting and holding office.

385
386 **C. Nomination Forms:** The Oversight Committee shall distribute Nomination Forms to eligible
387 voters providing information regarding eligibility of nominees. The Nomination Form shall
388 provide a space for the written consent of a nominee in order for that person to be included on an
389 Election Ballot. E-mail or other electronic communication may be used in lieu of a written
390 nomination form and nominee consent.

391
392 **D. Nominees:** After the results of the nomination process have been determined, the Oversight
393 Committee shall create and distribute an Election Ballot that lists the names of all consenting
394 nominees as candidates for open seats. In the event that no single candidate receives a majority
395 of the votes cast, a runoff election between the two candidates receiving the highest number of
396 votes will decide the winner. Elected members shall assume their duties at the beginning of the
397 academic year and shall serve for three years.

398
399 **E. Validity of Election:** The Oversight Committee is responsible for ensuring that all elections
400 are fair and valid. Concerns about the validity of an election should be directed to the Oversight
401 Committee. When the validity of an election is challenged, the Oversight Committee shall decide
402 whether the election results should stand or be invalidated.

403

404 **F. Invalid Election:** In the event the Oversight Committee determines that an election is
405 invalid, the faculty members whose Standing Committee positions are being filled by the
406 election will continue to serve until a new election is conducted.

407
408 **G. Corrective Election:** In the event that the Oversight Committee determines that an election
409 is invalid, the Oversight Committee will conduct a new election as soon as possible in
410 accordance with the constitutionally specified procedures.

411

412 **Section 2. Standing Committee size.**

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

414

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

417

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

420

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

422

423 **Section 3. Committee procedures.**

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

425

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

428

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

431

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

436

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

441

442 Draft agreed by voice affirmation at CAS Constitution meeting on November 8, 2018. Compiled
443 by Paul Twigg.

444 Suggested revisions in this draft recommended by NU General Counsel November 26, 2018.