

**Annual Report of the
COMMITTEE ON UNIVERSITY GOVERNMENT
For Presentation to the Faculty Council on
February 18, 2011**

Current Members:

Connie Eble, English (2013)
Joseph S. Ferrell, Secretary of the Faculty (ex officio)
Elizabeth Gibson, School of Law (2012)
Clayton Koelb, Germanic Languages (2012)
Michael Lienesch, Political Science (2011)
Melissa Saunders, School of Law (2012)
Sally Stearns, Health Policy and Management (2011)
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Annual Report prepared by: Vincas Steponaitis, chair. This report covers the period from January through December 2010.

Committee Charge. The Faculty Code of University Government reads as follows:

“§ 4-19. Faculty Committee on University Government.

“(a) The Faculty Committee on University Government consists of seven members appointed by the chancellor. The secretary of the faculty serves as an ex officio member.

“(b) The committee is concerned with the continuing development, adaptation, and interpretation of The Faculty Code of University Government. Subject to the powers of the University's Board of Governors and president, and of the Board of Trustees and the chancellor of the University of North Carolina at Chapel Hill, the Code represents legislation enacted by the faculty regarding forms of internal organization and procedures at this institution which are deemed necessary for its fair and effective operation.

“(c) The committee periodically reviews the existing Code and solicits suggestions for its improvement. Based on its review, the committee recommends appropriate amendments in the Code for consideration and vote of the General Faculty. As provided under Article I of the Code, the committee considers and reports on other proposals to amend the Code and also periodically makes appropriate adjustments of the elective representatives in the Faculty Council. The committee considers and reports on special questions of University governance which are referred to it by the chancellor or members of the faculty. The committee is especially concerned with maintaining internal forms and procedures of academic administration which reflect principles of democracy and equity, vision and adaptability, and quality and responsibility, toward achieving the intellectual aims of the University.”

Report of Activities.

Resolutions Presented and Adopted. On February 26, 2010, the committee presented to Faculty Council a resolution entitled, “On Amending the Faculty Code of University Government to Change the Composition of the Administrative Board of the Library” (Resolution 2010-1). The resolution passed in its first reading, and in the second reading was amended to provide a roadmap for how the transition to the Administrative Board’s new structure would be handled. The amended version was adopted by Faculty Council without dissent on March 19, 2010.

Ongoing. Over the past year the Committee continued the discussions that had begun in 2009 regarding proposals to give retired UNC faculty a greater involvement in faculty governance. These discussions culminated in Resolution 2011-1, which is further described in Appendix 1.

The committee also took note of concerns that the Faculty Code is inconsistent with current policies and practices across the campus regarding the participation of fixed-term faculty in votes on personnel matters. This inconsistency was an inadvertent byproduct of the broad amendments to the Code that were passed by Faculty Council in 2007. After examining the matter in detail, the committee decided to recommend a change to the Code to bring it into line with current practice. This amendment is presented in Resolution 2011-2, and further discussed in Appendix 2.

New Business.

Resolutions Presented. The committee presents today the following resolutions:

Resolution 2011-1. On Amending the Faculty Code of University Government to Provide Voting Representation for Retired Faculty.

Resolution 2011-2. On Amending the Faculty Code of University Government to Allow Fixed-Term Faculty to Vote in Personnel Matters Affecting Other Such Faculty.

The rationale for each of these resolutions is presented in the appendices that follow.

Respectfully submitted,
Committee on University Government

Appendix 1

Report of the Committee on University Government on Resolution 2011-1.

During the 2008-09 academic year, a number of issues arose on campus that prompted discussions of the various ways in which retired faculty contribute to the life of our university. Around that time, the Retired Faculty Association was invited to send representatives to Faculty Council, essentially as observers. In light of these developments, in the fall of 2009 our committee began discussing the role that our retired colleagues might have in faculty governance. We were aware that the faculty code at our sister institution, N.C. State University, includes retired faculty as members of their voting faculty, and that retired faculty regularly serve in their Faculty Senate (the counterpart to our Faculty Council). Hence, we focused on the question of whether our retired faculty should be given the opportunity to do the same.

The committee saw two major benefits of answering this question in the affirmative:

- * Adding retired faculty as full-fledged members of Faculty Council would contribute significantly to preserving institutional memory, which is very important in faculty governance.
- * If we view the university as a community of scholars, we must recognize that our retired colleagues are important members of this community. Giving such colleagues representation in Faculty Council acknowledges this fact without in any way compromising the ability of the currently employed faculty to set the university's course.

Two potential disadvantages also came up in our discussions. One was the added time and effort that would be required to include retired faculty in the elections process (i.e., it's not as easy to keep track of retired faculty as those currently employed at the university). We felt that this would not be a major obstacle, especially if we required that retired faculty register to vote. Another potential problem was violating the general principle that an institution's course should be set by its current employees, not by those who have retired. The committee acknowledged the importance of the latter principle, but felt that giving retired faculty two votes in a legislative body of about 70 members would not cause any serious difficulties in this regard.

By the end of 2009, we were moving in the direction of proposing that retired faculty be given voting representation on Faculty Council, with two members elected by a new electoral division consisting of retired UNC faculty who choose to participate by registering to vote. But before we moved any further down this road, we decided to take the matter to the Faculty Executive Committee (FEC), in order to get their advice. We presented the idea to FEC at their January 2010 meeting. After considerable discussion, looking at all the pros and cons, FEC endorsed the idea enthusiastically and without dissent.

From that point on, our committee worked on crafting the Code amendment that is presented here as Resolution 2011-1. If passed, this resolution would do the following:

- * A new electoral division would be created consisting of individuals who retired as voting faculty members at UNC, and who register to vote in this division with the Office of

Faculty Governance. The details of the registration procedure are left to the Secretary of the Faculty to determine.

- * Two new seats would be created on Faculty Council, the incumbents of which would be elected by members of this new division. Any member of the division would be qualified to run for these seats. The candidates would be chosen by the Nominating Committee, as with all the other slates.

It is important to note that the proposed language gives retired faculty voting rights *only* for Faculty Council. It does not grant any new rights for retired faculty to serve on other faculty committees or to vote in departmental matters.

In sum, the Committee on University Government recommends that Faculty Council adopt Resolution 2011-1.

Appendix 2

Report of the Committee on University Government on Resolution 2011-2.

The proposed amendment is essentially a correction to the major overhaul of the Faculty Code that was adopted by Faculty Council in 2007. This new amendment brings the Code into line with what is now a common and reasonable practice across the UNC campus, in that it allows current fixed-term faculty to vote in personnel matters affecting other fixed-term faculty. In order to be eligible to vote, a fixed-term faculty member must still meet the criteria for “voting faculty” set forth in § 1-4 of the Code (not a visiting appointment, at least .75 FTE, and a contract or service of at least 3 years duration).

Prior to 2007, section 8-8 of the Faculty Code spelled out the details of departmental governance in the College of Arts and Sciences, but there were no comparable provisions for any of the other schools. This section’s language reflected the traditional College practice that fixed-term faculty did not vote in any departmental personnel matters, period. One goal of the 2007 revision was to standardize the basic governance provisions and make them apply to all schools within the university. Some College-specific provisions that would not work university-wide were left unchanged or dropped, but this particular section was moved to Article 6, thereby making it universal and (inadvertently) putting the Code in conflict with a long-standing practice in many of the professional schools. Recently, even the College adopted a policy on senior lecturers that was in conflict with this provision.

Hence, the Committee on University Government strongly recommends that Faculty Council adopt Resolution 2011-2 in order to eliminate this problem.

Resolution 2011-1. On Amending the Faculty Code of University Government to Provide Voting Representation for Retired Faculty.

The General Faculty enacts that

§§ 1-4, 2-2, and 2-4 of the Faculty Code of University Government are amended as follows (deletions are crossed out, additions are underlined):

§ 1-4. Voting.

“(c) Retired faculty who do not fulfill the requirements of § 1-4(b) are eligible to vote in the elections for Faculty Council, as provided in §§ 2-2(i) and 2-4(d), but are otherwise not considered members of the voting faculty.”

§ 2-2. Members.

“(i) In addition to the electoral divisions established elsewhere in this article, there shall be a division for retired faculty which will elect two members of Faculty Council. These members shall not be considered in the apportionment described in § 2-2(g). Faculty are eligible for election to this division only if they satisfy the requirements for voting in that division, as stipulated in § 2-4(d).”

§ 2-4. Nomination and election.

~~“(c) Members representing the electoral divisions established in § 2-2(e) are chosen by members of the voting faculty whose primary appointments are in schools or departments assigned to that electoral division. Ballots containing the nominations are distributed to the appropriate division by the secretary of the faculty. Elections are determined by a plurality of the votes cast.~~

“(d) Retired faculty are eligible to vote pursuant to § 2-2(i) if they satisfy the following conditions:

- 1) they retired from the University on North Carolina at Chapel Hill as members of the voting faculty and do not currently fulfill the requirements of § 1-4(b); and
- 2) they are registered with the Office of Faculty Governance according to procedures set by the secretary of the faculty.

~~“(d) (e) Ballots containing the nominations are distributed to the appropriate division by the secretary of the faculty. Elections are determined by a plurality of the votes cast. The secretary of the faculty decides tie votes by lot.”~~

In § 2-4, the current subsection (e) is re-lettered as (f).

Resolution 2011-2. On Amending the Faculty Code of University Government to Allow Fixed-Term Faculty to Vote in Personnel Matters Affecting Other Such Faculty.

The General Faculty enacts that

§§ 5-4 and 6-4 of the Faculty Code of University Government are amended as follows (deletions are crossed out, additions are underlined):

§ 5-4. Consultation with respect to full-time fixed-term faculty appointments.

“Chairs or deans making appointments ~~or~~, reappointments, or promotions of persons to full-time fixed-term faculty positions consult with an appropriate faculty committee in the appointing unit.”

§ 6-4. School and departmental faculty meetings.

“The school or department holds regular faculty meetings at least once in each semester. The dean or chair may call special meetings and must do so upon request of one-half of the voting faculty of the school or department. The dean or chair presides at all meetings and ensures that an accurate record of the proceedings is kept. Members of the school or departmental faculty who are members of the voting faculty as defined in § 1-4 of the Faculty Code are eligible to vote in faculty meetings, except that ~~voting privileges with respect to faculty appointments, reappointments, and promotions are limited to members holding tenured or probationary-term appointments~~ fixed-term faculty are not eligible to vote on tenure-track appointments, reappointments, or promotions.”