

**Annual Report of the
COMMITTEE ON UNIVERSITY GOVERNMENT
For Presentation to the Faculty Council on
February 27, 2015**

Current Members:

Bruce Cairns, Surgery, School of Medicine (2015)
Jo Anne Earp, Health Behavior, School of Public Health (term ended June 2014)
Connie Eble, English, College of Arts and Sciences (2016)
Joseph Ferrell, Secretary of the Faculty (ex officio)
Elizabeth Gibson, School of Law (2015)
Suzanne Gulledge, School of Education (2017, term started in July 2014)
Clayton Koelb, Germanic Languages, College of Arts and Sciences (2015)
Michael Lienesch, Political Science, College of Arts and Sciences (2017)
Vincas Steponaitis, Anthropology, College of Arts and Sciences (2016), chair

Annual Report prepared by: Vincas Steponaitis, chair. This report covers the period from January 2014 through February 2015.

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 1 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. The committee presented one resolution at the Faculty Council meeting of January 17, 2014:

- * Amending the Faculty Code of University Government to Enlarge the Faculty Hearings Committee and to Clarify the Duties of its Chair (Resolution 2014-1).

This resolution enlarged the Faculty Hearings Committee from six to nine members, and gave the chair explicit authority to assign members to the panel hearing each case. Full details can be found in last year's report. The resolution passed on its first reading, and was adopted without dissent at a second reading on March 28, 2014.

Ongoing. This year we looked at four different matters pertaining to the Code.

First, at the thoughtful suggestion of David Dill, Professor Emeritus of Public Policy, our committee considered the question of whether the Faculty Code should be amended to provide the College of Arts and Sciences with its own legislative body. In our discussion, we recalled the fact that Faculty Council had recently eliminated the legislative functions of the College's divisions, largely because these divisions had not met in decades. Moreover, we noted that the College's Council of Chairs nowadays meets monthly to discuss policies and operations in the College, is a broadly representative body, is regularly consulted by the deans, and in recent years has passed resolutions on matters of broad concern to the College's faculty. In other words, the College already has an advisory and quasi-legislative body that is doing well on its own, and our committee saw no reason to recommend a change to the Code at this time.

Second, we looked at the mechanics of how seats in Faculty Council are apportioned to the electoral divisions defined in § 2-2(e) of the Faculty Code. Currently, seats are assigned according to a fixed apportionment factor that is explicitly defined in § 2-2(d), and that apportionment factor is revised every five years according to procedure spelled out in § 2-2(g). The five-year span between reapportionments is a relic of a time when compiling a list of all voting faculty was a time-consuming and difficult process. Simply put, it had to be done by hand. Nowadays, with HR processes being fully automated, one can obtain an up-to-date list of all voting faculty with a few clicks of a mouse. It therefore seemed appropriate to revisit how the apportionment process is handled in the Code. These discussions culminated in Resolution 2015-1, which is further described in Appendix 1.

Third, we examined the role of Council Committee on Fixed-Term Faculty (CCFTF), which was established as an ad hoc subcommittee of Faculty Council in 2005 (in resolution 2005-9). We met with the current chair and immediate past chair of CCFTF, and also with the chair of Faculty Welfare Committee (FWC), whose charge arguably overlaps with CCFTF. In our discussions, we learned that the current charter of CCFTF as a subcommittee creates problems, because members are appointed for only a year at a time and must cycle off as soon as they leave Faculty Council, even if they are actively engaged in the subcommittee's work. We also concluded that the roles of CCFTF and FWC are sufficiently distinct, and the workloads are sufficiently great, that merging them would be unwise. The product of these discussions is Resolution 2015-2, the detailed rationale for which is presented in Appendix 2.

Fourth and finally, we met with Joy Renner, current chair of the Faculty Athletics Committee, to initiate discussion of possible changes to her committee's charge. We expect this discussion to continue in coming months.

New Business.

Resolutions Presented. The committee presents today the following resolutions:

Resolution 2015-1. On Amending the Faculty Code of University Government to Change How Elected Seats in Faculty Council Are Apportioned.

Resolution 2015-2. On Amending the Faculty Code of University Government to Establish the Committee on Fixed Term Faculty.

The rationale for each resolution is provided in an appendix that follows.

Respectfully submitted,
Committee on University Government

Appendix 1

Report of the Committee on University Government on Resolution 2015-1.

According to § 2-2(g) of the Faculty Code, Faculty Council's seats are divided proportionally among the various electoral divisions, so that "the number of elected members of the Council is as near 70 as practicable." The seats are re-apportioned every five years and the new apportionment factor (i.e., the ratio of voting faculty to Faculty Council seats) is automatically inserted into the Code as an amendment.

The five-year gap between re-apportionments is a holdover from a time when obtaining an accurate list of the voting faculty was a difficult task, done by hand. Nowadays, with modern automation, the task is much easier. Hence, there is no practical barrier to reapportioning seats in advance of the elections each year, and the Office of Faculty Governance has begun doing so.

If passed, the proposed amendment would codify what has become recent practice by making the following changes to the Code:

- * It reduces the interval of time between re-apportionments from five years to one.
- * It removes the requirement that the new apportionment factor be inserted into the Code, a practice which makes little sense if the factor changes every year. Instead, the new apportionment factor is simply approved by the Committee on University Government.

Our committee strongly recommends that Faculty Council adopt these changes by passing Resolution 2015-1.

Appendix 2

Report of the Committee on University Government on Resolution 2015-2.

In 2005, Faculty Council passed Resolution 2005-9, which established the Council Committee on Fixed-Term Faculty (CCFTF). This resolution stipulated that the committee consist of six members, four fixed term and two tenure track, appointed by the Chair of the Faculty. The members are appointed each year from among the members of Faculty Council. The charge, which was spelled out at length, gave the committee broad authority to address issues relating to the “working conditions” and “status” of fixed-term faculty, whether full time or part time.

This committee has done much important work since it was established and continues to have a very full docket. We do not expect its workload to diminish anytime soon.

From our discussions with the current chair and immediate past chair of CCFTF, we learned of two things that made the committee’s work more difficult: (1) the frequent turnover in the committee’s membership because of year-to-year appointments, and (2) the inability of members to continue serving when they cycled off Faculty Council. It was clear that greater stability in the committee’s membership and the ability to include members from outside Faculty Council would be a great help.

We also considered the scope of the committee’s current charge and the degree to which it overlapped, at least in theory if not in practice, with that of the Faculty Welfare Committee (FWC). After discussing this issue with the current and past chairs of CCFTF, as well as the current chair of FWC, we concluded that it made sense to have a committee that focused on issues specific to fixed-term faculty, even while the FWC addressed issues that affected the faculty as a whole.

Finally, we examined the question of whether CCFTF should continue as an ad hoc committee — essentially a subcommittee of Faculty Council — or whether it should be made a standing committee, with its charter added to the Faculty Code. Our answer to this question stemmed directly from our conclusions on the issues previously discussed. In short, once we decided that the members’ terms should be lengthened, that the constraint of Faculty Council membership should be removed, that the committee had plenty of work to do, and that it made sense to keep this work in the hands of a committee separate from FWC, it was clear to us that CCFTF should become a standing committee.

We have therefore drafted an amendment to the Code that abolishes the CCFTF (by rescinding the Faculty Council action that created it), and creates a new Committee on Fixed-Term Faculty (by adding a new section to the Code). The size and composition of the new committee is the same as that of the old one. The charge has been reworded to make it a bit simpler, but is not different in substance or scope. The new committee would continue to address the same issues as its predecessor, but would do so with the advantage of a more stable membership and a charge spelled out in the Code. All issues specific to fixed-term faculty, whether full time or part time, whether voting or nonvoting, would be well within its purview.

The resolution would take effect on July 1 in order to simplify the transition. The members of the new Committee on Fixed-Term Faculty would be appointed by the Chair of the Faculty (as

before), and their initial terms would be staggered so that only two seats would come up for appointment each year.

The current members of CCFTF all support this amendment.

The Committee on University Government therefore strongly recommends that Faculty Council enact these changes by passing Resolution 2015-2.

Resolution 2015-1. On Amending the Faculty Code of University Government to Change How Elected Seats in Faculty Council Are Apportioned.

The General Faculty enacts that § 2-2 of the Faculty Code of University Government is amended as follows (deletions are crossed out, additions are underlined):

§ 2-2. *Members.*

...

(d) The elected members of the Council are chosen by and from the electoral divisions defined in subsection (e), ~~on the basis of one representative for each 42~~ in proportion to the members of the voting faculty, ~~or major fraction thereof,~~ assigned to the respective divisions, and provided that no college or school is represented by more than one-third of the elected members. In divisions entitled to two or more representatives, members are chosen on the basis of proportional representation of (1) professors, associate and assistant professors with permanent tenure, and librarians, and (2) all other ranks. If there are too few members of the voting faculty in either category to qualify for at least one representative, the two categories are combined. Representation is determined by the composition of the electoral division as of January 1 ~~preceding~~ preceding the date of the election, according to the procedure in § 2-2(g).

...

(g) ~~In 1985 and every five years thereafter, the Committee on University Government~~ Each year, the secretary of the faculty adjusts the apportionment factor so that the number of elected members of the Council is as near 70 as practicable. ~~Such an adjustment is deemed an amendment of subsection (d) and is reported promptly to the secretary of the faculty and by him or her to the General Faculty~~ The results of this apportionment are reported to and approved by the Committee on University Government.

Resolution 2015-2. On Amending the Faculty Code of University Government to Establish the Committee on Fixed-Term Faculty.

The General Faculty enacts that:

Section 1. Faculty Council resolution 2005-9, which chartered the Council Committee on Fixed-Term Faculty, is rescinded.

Section 2. The General Faculty enacts that § 4-14 is added to the Faculty Code of University Government:

§ 4-14. Committee on Fixed-Term Faculty.

- (a) The Committee on Fixed-Term Faculty consists of six members of the voting faculty, appointed by the Chair of the Faculty. Four of the members are fixed term, and two are tenure track.
- (b) The committee addresses concerns and makes policy recommendations on matters specific to fixed-term faculty members, including, but not limited to, working conditions, status, and professional advancement.

Section 3. This resolution is effective on July 1, 2015. The Chair of the Faculty shall stagger the terms of the initial members in a manner consistent with § 4-1(a)(2).