

**Annual Report of the
COMMITTEE ON UNIVERSITY GOVERNMENT
For Presentation at the Faculty Council Meeting of
January 22, 2016**

Current Members:

Bruce Cairns, Surgery, School of Medicine (2018)
Connie Eble, English, College of Arts and Sciences (2016)
Joseph Ferrell, Secretary of the Faculty (ex officio)
Elizabeth Gibson, School of Law (2018)
Suzanne Gullede, School of Education (2017)
Clayton Koelb, Germanic Languages, College of Arts and Sciences (2018)
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 February 2015 through January 2016.

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 two resolutions at the Faculty Council meeting of February 27, 2015:

- * 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 first resolution reduced the interval for reapportioning seats in Faculty Council from five years to one and removed the requirement that the new apportionment factor be inserted into the Code (a practice that makes little sense if the factor changes every year). The second one changed the status of the Committee on Fixed-Term Faculty from an ad hoc to a standing committee and placed this committee's charter in the Faculty Code.

Full details on both resolutions can be found in last year's report. Both passed on their first reading, and were adopted without dissent at a second reading on March 20, 2015.

Recommendation on Resolution 2015-5. At its meeting of February 27, 2015, the Faculty Council referred Resolution 2015-5 to the Committee on University Government for further study. This resolution, if passed, would have enjoined our committee to prepare an amendment to the Faculty Code "to ensure that a majority of the elected members of the Faculty Athletics Committee come from the College of Arts and Sciences." After considerable deliberation, our committee presented a report to Faculty Council on September 22 in which we recommended that Faculty Council reject Resolution 2015-5. The Council followed our advice and voted against the resolution.

Interim and Vacancy Appointments. Our faculty chair's recent illness drew our attention to the fact that the Faculty Code has no provisions for filling permanent vacancies in any faculty office, and no provisions for interim appointments in any office except the chair. We decided to remedy this situation by drafting Resolution 2016-1, which amends the Code to add such provisions (see Appendix 1).

Faculty Athletics Committee. The Faculty Athletics Committee asked us to prepare an amendment to the Faculty Code that would clarify their charge and increase their members. In October we met with Joy Renner and Kim Strom-Gottfried, FAC's chair and vice-chair, to consider these changes. The result is Resolution 2016-2 (see Appendix 2).

Faculty Grievance Committee. In December we met with Anna Beeber and Christopher McLaughlin, co-chairs of the Faculty Grievance Committee, to discuss ways in which that Committee's work could be facilitated. One outcome of this meeting was Resolution 2016-3 (see Appendix 3).

Changes to the Names of Schools and Departments. Under § 2-2(h) and § 8-1(c) of the Faculty Code, the Committee on University Government may make minor amendments to the language of the Code necessitated by changes in the University's organization. Such changes must be approved by the chancellor, but do not require a vote in Faculty Council. We have amended § 2-2(e) and § 8-1(a) accordingly to accurately reflect the new names of various schools and departments. These amendments are shown in Appendix 4 and are effective immediately.

Chancellor's Working Group on Policies and Procedures. During the past fall semester, the Committee's chair met twice with representatives of the Chancellor's Working Group on Policies and Procedures to provide feedback on their fact-finding and preliminary recommendations.

Apportionment Factors in Faculty Council Election. Each year, in advance of the faculty elections and with the approval of the Committee on University Government, the secretary of the faculty reapportions the seats on Faculty Council according to the provisions in § 2-2(d) and § 2-2(g) of the Faculty Code. For the 2016 election, the apportionment factors (i.e., the number of voting faculty per seat on the Council) are 66 for the School of Medicine and 47 for the other electoral divisions. The first factor is higher because of § 2-2(d) in the Code, which states that "no college or school is represented by more than one-third of the elected members."

Other Matters. Our committee, in consultation with Steve Matson, Dean of the Graduate School, is currently looking into the history and function of the Faculty Code's Appendix C ("Status of Graduate Students Involved in Instructional and Research Programs"), which was adopted in 1969 and has been superceded in various ways by more recent administrative policies and procedures. Once our due diligence is completed, we will return to Faculty Council with a recommendation on whether this appendix should be amended or dropped.

New Business.

Resolutions Presented. The committee presents today the following resolutions:

Resolution 2016-1. On Amending the Faculty Code of University Government to Provide for Vacancy Appointments for Faculty Officers.

Resolution 2016-2. On Amending the Faculty Code of University Government to Enlarge the Faculty Athletics Committee and to Clarify its Charge.

Resolution 2016-3. On Amending the Faculty Code of University Government to Enlarge the Faculty Grievance Committee.

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 2016-1.

Article 3 of the Faculty Code, titled “Officers of the Faculty,” currently establishes the following roles and defines their duties: chair of the faculty, secretary of the faculty, faculty marshal, faculty athletics representative, and the faculty assembly delegation. Except for giving the Advisory Committee the authority to fill “interim vacancies” in the office of faculty chair, the Code is silent on what happens when unexpected vacancies arise in any other office. With respect to the faculty chair, the current language also makes no distinction between temporary vacancies (such as the one we recently experienced) and vacancies in which the incumbent is not expected to return (as with an early resignation). Resolution 2016-1 is designed to fill these gaps.

Section 1 of the resolution deletes the current provision for interim appointments in the office of faculty chair, in order to make room for the more comprehensive language proposed in section 3.

Section 2 moves the language that deals with the Faculty Assembly Delegation from Article 3 (“Officers of the Faculty”) to Article 4 (“Committees”). The delegation’s composition and duties remain unchanged. The only practical effect of this move is that vacancies in the delegation are covered by § 4-3(d), the subsection that governs replacements in all other elected faculty committees. The process is simple: when a vacancy occurs, the secretary of the faculty invites candidates who ran in the previous two cycles but were not elected to fill the vacancy, approaching them in order of the number of votes received. This process makes sense for the Faculty Assembly Delegation, especially given the fact that the “losing” candidates are now routinely asked to serve as informal alternates who attend Faculty Assembly meetings anyway. We also note that the Faculty Assembly Delegation formerly resided in Article 4, until it was moved to Article 3 in 2004 as part of a comprehensive review of the Code. Our resolution simply undoes this change, and puts this language back where it previously lived.

Section 3 adds new language to the Code that spells out, in a general way, how vacancies in the offices remaining in Article 3 are to be filled. Vacancies in which the incumbent is not expected to return are covered by § 3-5(a), and temporary vacancies are handled by § 3-5(b). The former are filled by carrying out the normal election or appointment procedure “as soon as practicable” — which for elected offices will usually mean the next, regularly scheduled round of faculty elections. The latter are filled by either the Advisory Committee or the chancellor, as the case may be. The Advisory Committee makes sense as the appointing body for the chair of the faculty and the secretary of the faculty, as this committee normally vets and nominates the candidates for election to these two offices. And it makes sense for the chancellor to appoint an interim faculty marshal or interim faculty athletics representative, as these officers are appointed by her in the normal course of events.

We strongly recommend that the General Faculty adopt these changes by passing Resolution 2016-1.

Appendix 2

Report of the Committee on University Government on Resolution 2016-2.

The Faculty Athletics Committee is currently charged with “informing the faculty and advising the chancellor on any aspect of athletics” — a very broad portfolio. Nine of its members are faculty who are elected, and the tenth is the faculty athletics representative who serves *ex officio*.

This committee has taken on a very heavy workload in recent years, a reaction to the athletics-related scandals the university has faced. In order to better handle this workload, the committee wishes to increase its size. Section 1 of the resolution therefore increases the number of elected members from nine to twelve, a size the committee itself identified as appropriate.

Section 1 also amends the language of the charge in ways that the committee has requested. These changes are meant to clarify the committee’s role in not only keeping the faculty informed, but also actively representing faculty interests and concerns. The new language also focuses the committee’s attention on matters pertaining to varsity athletics, rather than ancillary matters such as operations at The Farm.

Section 2 staggers the terms of the new members so the same number of committee positions (four) will come up for election each year.

The Committee on University Government strongly recommends that the General Faculty enact these changes by passing Resolution 2016-2.

Appendix 3

Report of the Committee on University Government on Resolution 2016-3.

The Faculty Grievance Committee exists to “hear and advise” with respect to grievances brought by faculty regarding employment conditions, except for matters under the jurisdiction of the Faculty Hearings Committee (such as denial of tenure). Under certain conditions the committee may also hear grievances brought by graduate students, specifically if they involve matters of academic freedom in teaching and no other avenue for remedy exists.

The committee now has ten elected members: three full professors or librarians, three associate professors or librarians, three assistant professors or librarians, and one with a fixed-term faculty appointment. The committee’s co-chairs report that an increasing proportion of the committee’s workload deals with grievances brought by fixed-term faculty. Hence, it would help the committee to have greater representation of fixed-term faculty among its members.

Section 1 of the resolution addresses this problem by adding two new members to the committee, both with fixed-term appointments.

Section 2 is a phase-in provision designed to insure that the terms of the new members are staggered, *i.e.*, so that one fixed-term position comes up for election in each future year.

The Committee on University Government strongly recommends that the General Faculty enact these changes by passing Resolution 2016-3.

Appendix 4

Minor Amendments to the Faculty Code of University Government to Accommodate Changes in the Names of Schools and Departments.

Herewith follow the changes to the Faculty Code made by the Committee on University Government pursuant to § 2-2(e) and § 8-1(a) in the Code. They were approved by the chancellor and do not require a vote of the General Faculty (deletions are crossed out, additions are underlined):

§ 2-2. Members.

(e) The electoral divisions are:

- 1) The Division of Fine Arts of the College of Arts and Sciences;
- 2) The Division of Humanities of the College of Arts and Sciences;
- 3) The Division of Natural Sciences and Mathematics of the College of Arts and Sciences and The Institute of Marine Sciences;
- 4) The Division of Social Sciences of the College of Arts and Sciences;
- 5) The University Libraries;
- 6) The School of Information and Library Science;
- 7) The Kenan-Flagler Business School;
- 8) The School of Education;
- 9) The School of Media and Journalism ~~and Mass Communication~~;
- 10) The School of Law;
- 11) The School of Social Work;
- 12) The School of Government;
- 13) The School of Medicine;
- 14) The School of Dentistry;
- 15) The School of Nursing;
- 16) The Eshelman School of Pharmacy; and
- 17) The Gillings School of Global Public Health.

§ 8-1. Divisions of the College of Arts and Sciences.

(a) The College of Arts and Sciences is organized into the Divisions of Fine Arts, Humanities, Natural Sciences and Mathematics, and Social Sciences. These Divisions comprise the departments and curricula listed below:

- 1) Fine Arts: Art; Dramatic Art; and Music.
- 2) Humanities: American Studies; Classics; Communication ~~Studies~~; English and Comparative Literature; Germanic and Slavic Languages and Literatures; Linguistics; Philosophy; Religious Studies; Romance ~~Languages and Literatures~~ Studies; and Women's

and Gender Studies.

- 3) Natural Sciences and Mathematics: Applied ~~and~~ Physical Sciences; Biology; Biomedical Engineering; Chemistry; Computer Science; Environment and Ecology; Exercise and Sport Science; Geological Sciences; Marine Sciences; Mathematics; Physics and Astronomy; Psychology and Neuroscience; and Statistics and Operations Research.
- 4) Social Sciences: Aerospace Studies; African, African-American, and Diaspora Studies; Anthropology; Archaeology; Asian Studies; City and Regional Planning; Contemporary European Studies; Economics; Geography; History; Global Studies; Latin American Studies; Military Science; Naval Science; Peace, War, and Defense; Political Science; Public Policy; and Sociology.

Resolution 2016-1. On Amending the Faculty Code of University Government to Provide for Vacancy Appointments for Faculty Officers.

The General Faculty enacts that:

Section 1. The Faculty Code of University Government is amended as follows (deletions are crossed out):

§ 3-1. THE CHAIR OF THE FACULTY

(c) Nominations are made by the Advisory Committee, which announces the upcoming election to all members of the voting faculty and invites recommendations of persons to be nominated. The Committee selects and submits the names of at least two qualified persons. The nominee receiving the highest number of votes in the election is elected, unless he or she has failed to receive a majority of the votes cast. In that event, a run-off election is held between those who received the highest and the next highest number of votes in the previous election, and the person receiving the highest number of votes in the run-off election is elected. ~~Interim vacancies in the office of chair of the faculty are filled through appointment by the Advisory Committee.~~

Section 2. The current § 3-5 of the Faculty Code of University Government, pertaining to the Faculty Assembly Delegation, is moved to Article 4 and renumbered as § 4-12.

Section 3. The following section is added to the Faculty Code of University Government:

§ 3-5. VACANCIES

(a) Should an officer of the faculty resign or be unable to complete a term, the vacancy shall be filled as soon as practicable, following as closely as possible the procedure for election or appointment described in the appropriate section of Article 3.

(b) Should an officer of the faculty become temporarily unable to discharge the duties of the position or a vacancy exist pending an election held under § 3-5(a), an interim officer may be appointed. For the chair and the secretary of the faculty, such interim appointments are made by the Advisory Committee. For the faculty marshal and the faculty athletics representative, interim appointments are made by the chancellor, with the advice of the Advisory Committee.

Resolution 2016-2. On Amending the Faculty Code of University Government to Enlarge the Faculty Athletics Committee and to Clarify its Charge.

The General Faculty enacts that:

Section 1. The Faculty Code of University Government is amended as follows (deletions are crossed out, additions are underlined):

§ 4-7. FACULTY ATHLETICS COMMITTEE

(a) The Faculty Athletics Committee consists of ~~nine~~ twelve members elected by the voting faculty. The faculty athletics representative, if not otherwise an elected member of the Faculty Athletics Committee, is an ex officio member of the committee.

(b) The committee ~~is concerned with informing~~ informs and represents the faculty and advising ~~advises~~ the chancellor on any aspect of athletics, including, but not limited to, the academic ~~experience of varsity athletes, athletic opportunities for members of the University community,~~ and broader University experience for varsity student athletes and the general conduct and operation of the University's athletic program.

Section 2. In the election conducted in 2016, six members shall be elected to the Faculty Athletics Committee. The four members with the highest number of votes shall serve three-year terms; the member with the next highest number of votes shall serve a two-year term; and the member with the next highest number of votes shall serve a one-year term.

Resolution 2016-3. On Amending the Faculty Code of University Government to Enlarge the Faculty Grievance Committee.

The General Faculty enacts that:

Section 1. The Faculty Code of University Government is amended as follows (deletions are crossed out, additions are underlined):

§ 4-8. FACULTY GRIEVANCE COMMITTEE

(a) The Faculty Grievance Committee consists of ~~ten~~ twelve elected members, and is structured to represent faculty of all ranks. Three of the members are elected at the time they hold the rank of professor or librarian, three at the time they hold the rank of associate professor or associate librarian, three at the time they hold the rank of assistant professor or assistant librarian or general librarian, and ~~one~~ three at the time ~~he or she holds~~ they hold a fixed-term appointment. A member's promotion in rank during a term of office does not terminate his or her membership. One professor or librarian, one associate professor or associate librarian, ~~and~~ one assistant professor or assistant librarian or general librarian, and one person holding a fixed-term appointment are elected each year. ~~One person holding a fixed-term appointment is elected every third year.~~

Section 2. In the election conducted in 2016, two additional members holding fixed-term appointments shall be elected to the Faculty Grievance Committee. The fixed-term member with the highest number of votes shall serve a three-year term, and the fixed-term member with the next highest number of votes shall serve a one-year term.