

**Annual Report of the
COMMITTEE ON UNIVERSITY GOVERNMENT
For Presentation to the Faculty Council on
March 16, 2012**

Current Members:

Jo Anne Earp, Health Policy and Management (2014)
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 (2014)
Melissa Saunders, School of Law (2012)
Vincas Steponaitis, Anthropology (2013), chair

Annual Report prepared by: Vincas Steponaitis, chair. This report covers the period from January 2011 through February 2012.

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 18, 2011, the committee presented to Faculty Council two resolutions:

- * On Amending the Faculty Code of University Government to Provide Voting Representation for Retired Faculty (Resolution 2011-1), and
- * On Amending the Faculty Code of University Government to Allow Fixed-Term Faculty to Vote in Personnel Matters Affecting Other Such Faculty (Resolution 2011-2).

Both resolutions passed on the first reading, and were adopted by Faculty Council without dissent at its subsequent meeting on March 18, 2011.

Ongoing. Over the past year the Committee continued the discussions that had begun in 2010 on amending the charge of the Administrative Board of the Library to eliminate obsolete provisions and to bring it into line with current practice. These discussions culminated in Resolution 2012-1, which is further described in Appendix 1.

The committee also noted that the Faculty Code lacks a provision for removing elected and appointed members of faculty committees, in cases where such members neither participate in the work of the committee nor resign. Such cases are rare, but it is important to have a mechanism for dealing with them. An amendment that fills this gap in the Code is presented in Resolution 2012-2 and further explained in Appendix 2.

New Business.

Resolutions Presented. The committee presents today the following resolutions:

Resolution 2012-2. On Amending the Faculty Code of University Government to Update the Charge of the Administrative Board of the Library.

Resolution 2012-3. On Amending the Faculty Code of University Government to Provide for the Removal of Committee Members Who Are Repeatedly Absent Without Cause.

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

Respectfully submitted,
Committee on University Government

Appendix 1

Report of the Committee on University Government on Resolution 2012-2.

In February 2010, after lengthy period of consultation and deliberation, the Committee on University Government (COUG) presented a resolution to Faculty Council to streamline the composition of the Administrative Board of the Library (ABL). This resolution ultimately passed. However, at essentially the same time this resolution was presented, the provost announced that UNC's libraries would be re-organized, i.e., that the Health Sciences Library would be brought under the umbrella of the University librarian. COUG therefore decided to take another look at the ABL's composition and charge, to see if any further changes were warranted.

After consulting with University librarian, the head of the Health Sciences Library, the chair of the ABL, and the chair of the Health Sciences Library Advisory Committee (HSLAC), we decided it would be too disruptive at this point to merge the two advisory committees or to alter their composition, although such changes might be appropriate in the future.

In the course of these discussions, however, we did note that certain aspects of the ABL's charge were obsolete, in that they did not conform to current practice. We also noted that the wording of the charge might need some clarification. Resolution 2012-1 addresses both these issues.

If passed, the resolution would do the following:

- * The wording of item 2 would be slightly modified for clarity. The ABL, in partnership with the University Librarian, would formulate "general policies," rather than "basic policies" as in the current Code, to make it clear that the ABL's purview is to focus on the big picture rather than the details of library operations, which are best left to the University Librarian and her staff. In other words, ABL's policy-making role would be at the level of setting the overall strategy, rather than the tactics by which these strategies are implemented.
- * Also in item 2, matters of collections "access" would be added to the committee's policy purview. This change ratifies current practice and encompasses matters that might currently be considered under item 4.
- * Item 3 would be eliminated, because the budgeting mechanism to which it refers no longer exists.
- * Item 4 would be eliminated, because the University librarian now reports to the provost, not the chancellor, and the ABL would still be empowered to advise the University librarian on such matters under the provisions of items 1 and 2 (especially with "access" added to the latter).

Note that the new charge was formally endorsed by the ABL at its February 2012 meeting. Thus, the Committee on University Government strongly recommends that Faculty Council adopt Resolution 2012-1.

Appendix 2

Report of the Committee on University Government on Resolution 2012-3.

The Committee on University Government recently noticed a significant gap in the Faculty Code of University Government, to wit, that there exists no provision for removing a member from a faculty committee for cause, specifically in the case where an elected or appointed committee member chooses not to participate and also fails to resign. Happily such cases are rare, but we can imagine circumstances in which the non-participation of a member on a key faculty committee could have serious consequences. Hence it seems prudent to add language to the Code that would allow the secretary of the faculty to deal with such problems, were they to occur.

The proposed amendment is modeled on language already in the Code, which comes into play if a member of Faculty Council is persistently delinquent. Section 2-6 currently reads: "It is the duty of all members [of Faculty Council] to attend all regular and special meetings of the Council, save for good cause. If any voting member is absent for two successive regular meetings without cause, the Council may declare his or her membership vacant." It has always been the Council's custom that *any* reason for an absence is considered "good cause," so long as it is communicated to the secretary of the faculty or his staff. Removals under this provision have been extremely rare, and we would expect the same to be true under the new language, if it is adopted.

Resolution 2012-2, if passed, would add a new subsection to § 4-1, which deals with the "organizational principles" of faculty committees. This new subsection would mirror the wording of § 2-6 just described, except that the seat would be declared vacant by the secretary of the faculty, "upon referral by the committee's chair and acting with the advice and consent of the Faculty Executive Committee."

This amendment was endorsed by the Faculty Executive Committee at its February 27 meeting.

The Committee on University Government also strongly endorses Resolution 2012-2 and recommends that Faculty Council adopt it.

Resolution 2012-2. On Amending the Faculty Code of University Government to Update the Charge of the Administrative Board of the Library.

The General Faculty enacts that

§ 12-3 of the Faculty Code of University Government is amended as follows (deletions are crossed out, additions are underlined):

§ 12-3. Administrative Board of the Library; duties.

Subject to the power of the General Faculty and the Faculty Council, the Administrative Board:

1. Advises the University librarian on the administration of the University library system;
2. Formulates, together with the University librarian, ~~the basic~~ general policies governing the acquisition of, access to, and use of library collections; ~~of library materials and the use of such materials;~~
- ~~3. Allocates, with the advice of the University librarian, the book funds which are not specifically designated;~~
- ~~4. Submits to the chancellor, through the University librarian, its advice on the establishment or discontinuance of library service units outside of the general library building;~~
- ~~5~~ 3. Reviews the University librarian's budget request; and
- ~~6~~ 4. Makes an annual report to the Faculty Council.

Resolution 2012-3. On Amending the Faculty Code of University Government to Provide for the Removal of Committee Members Who Are Repeatedly Absent Without Cause.

The General Faculty enacts that

§ 4-1 of the Faculty Code of University Government is amended by adding a new subsection as follows:

(d) It is the duty of all members to attend committee meetings, save for good cause. If any elected or appointed member is absent for two successive meetings without cause, the secretary of the faculty, upon referral by the committee's chair and acting with the advice and consent of the Faculty Executive Committee, may declare the seat vacant. In the case of elected committees, the vacancy is filled as provided in § 4-3. In the case of appointed committees, the secretary notifies the appointing officer.