

# **Bylaws of the Faculty Senate**

*With Senate approved changes as of May 12, 2010*

*Proposed changes April 6, 2016*

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## **Article I. Faculty Senate Voting Groups**

### **Section 1.**

The voting groups of the Faculty Senate shall be based on reapportionment as defined in the Charter of the Faculty. [Voting groups are listed in the Faculty Senate Procedures Manual.](#)

### **Section 2.**

There shall be two senators-at-large from each of the five academic ranks; full professors (including resident artists), associate professors, assistant professors, instructors, and lecturers. All senators must be full-time faculty as defined in the Charter of the Faculty Senate Article III, Section 3.

### ***Section 3.***

No more than two senators may be elected from any one school, department or division within each voting group or within each of the at-large ranks.

## **Article II. Faculty Senate Elections**

### ***Section 1. Nominations***

Each faculty member may nominate, by secret ballot, one person for each vacancy in his/her voting unit. All qualified faculty receiving two or more nominations for the Faculty Senate positions of their respective instructional groups will constitute the nominees. If there are less than two nominees by the originally specified deadline, the University Elections Committee will issue a second call for nominations with a deadline four weeks following the original deadline. If there is only one nominee by the second deadline, the election ballot shall be issued with the name of the single nominee and a space for a write-in candidate. If a write-in candidate receives a majority of votes in the election, but is unwilling or unqualified to serve, the single nominee will be declared the winner of the election. Otherwise, the standard election and runoff procedures provided for in these Faculty Senate Charter and Bylaws will be followed.

An exception will be made to this nominating process if, after two rounds of nominations, at least one qualified nominee willing to serve has not been selected. In this case a third round of nominations will be called and all qualified individuals willing to serve who receive at least one nomination will now be considered the nominees. Notice of this exception should be included in the third call for nominations. For the election including such nominees, all other standard procedures will be followed.

### ***Section 2. Elections***

The nominees will be listed as candidates on the primary ballot. If no candidate listed on the primary ballot receives a majority of the votes cast in the primary, then there shall be a run-off between the two candidates that receive the most votes in the primary elections. In case of a tie vote among two or more candidates for second place, all candidates tied for second place will be listed on the runoff ballot. In the run-off election, the candidate receiving the most votes cast will be declared the winner. In case of a tie vote in the runoff, the winner will be determined by lot. The election will be by secret ballot.

### ***Section 3. Tabulating Votes***

The University Elections Committee shall announce to each departmental election judge the time and place in which the votes will be counted. The counting of the votes cast may be observed by those departmental election judges who desire to do so.

### ***Section 4. Retention of Ballots***

Ballots must be kept for a period of 30 days in the Faculty Senate Office in a secure manner after the announcement of the voting results.

### ***Section 5. Separate Elections***

Separate elections will be held for senators elected by voting groups and senators elected by the faculty members of the university at large. The same procedures will be used for senators elected by voting groups and senators elected at large.

### ***Section 6. Elections for Vacancies***

**a.** If a senator is on a one-semester leave of absence, it shall be the responsibility of the remaining senators of the voting group of which this senator was a member to caucus (in the case of an at-large senator, the at-large senators shall caucus) at the first Faculty Senate meeting of the semester to determine if there is a need to recommend a temporary replacement and to recommend a replacement if they determine a need.

**b.** If a committee member is on a one semester leave of absence, the chair of the Committee on Committees shall check with the chair of the committee on which the faculty member serves to determine if there is a need for a replacement. If the chair of the committee recommends a replacement, the chair of the Committee on Committees shall notify the chair of the Faculty Senate to declare a vacancy in the membership of the committee. The Committee on Committees shall nominate a replacement in accordance with nominating procedures of the Senate.

**c.** When a vacancy occurs for reasons other than a one semester leave of absence, it shall be the responsibility of the remaining senators of the voting group of which this senator was a member to caucus (in the case of an at-large senator, the at-large senators shall caucus) and recommend to the senate a temporary replacement to serve until the following September meeting. A person selected to fill such a vacancy could be eligible for election to two

consecutive three-year terms in the Senate. The election of the permanent replacement to fill the vacancy shall follow the procedures as specified in Article III, Section 7 of the Charter of the Faculty Senate. If the vacancy occurs in the last semester of a senator's term, a permanent replacement will be elected to fulfill the end of that term and serve through the end of the next three-year term. The person is eligible for a second three-year term.

## Article III. Officers and Committees of the Faculty Senate

### ***Section 1. Officers***

**a. CHAIR:** In addition to presiding at meetings of the senate, the chair of the senate is a member of the Executive Committee and the Committee on Committees.

**b. VICE-CHAIR:** In addition to presiding in the absence of the chair, the vice chair of the senate shall serve as chair of the Executive Committee and is a member of the Committee on Committees.

**c. SECRETARY:** The Faculty Senate shall elect from among its members a secretary and it is the secretary's duty to write the official minutes of the Faculty Senate. The secretary is also a member of the Committee on Committees and serves as a member of and secretary to the Executive Committee.

### ***Section 2. General Provisions on the Committees of the Faculty Senate***

Standing committees shall be those named in the charter, bylaws, and procedures manual of the Faculty Senate. If a standing committee of the Faculty Senate does not receive a charge from the Executive Committee within a two-year period, the need for that standing committee shall be reviewed by the Committee on Committees. The Committee on Committees shall make a recommendation to the Executive Committee regarding the standing committee. A list of all standing committees and their membership and term requirements shall be located in the Senate Procedures Manual.

Temporary and ad hoc committees may be created by the senate to deal with specific issues. Each temporary or ad hoc committee shall terminate at the

beginning of the following September meeting of the Faculty Senate unless another termination date is specified.

There shall be at least one faculty senator on each standing committee of the Faculty Senate.

Wherever terms of faculty or student members of standing committees are specified only as a certain number of years, such terms shall begin with the September meeting of the Faculty Senate or other time of initial appointment and end at the beginning of the September meeting the specified number of years later. The term of a member appointed to fill a vacancy shall end at the same time that the term of the member being replaced would have ended.

The Executive Committee shall provide the charge for each Faculty Senate Committee, and the chair of each Faculty Senate Committee shall report at least once each semester to the chair of the Executive Committee regarding the business conducted by the Faculty Senate Committee.

Unless otherwise provided for in the bylaws or procedures manual, each Faculty Senate committee shall elect a chair at the first committee meeting following the September meeting of the Faculty Senate. The chair of each Faculty Senate committee shall serve a one-year term, ending at the beginning of the following September meeting of the Faculty Senate.

Committee quorums and vacancies. To conduct business, a Faculty Senate committee must have at least a majority of its full nominal membership, excluding ex officio members, (that is, vacancies on the committee must not exceed fifty percent of the nominal membership). For meetings of Faculty Senate committees, a quorum shall consist of at least half of the filled committee seats (that is, of the committee seats without vacancies), so long as that number is not less than half of the full committee's nominal seats. It shall be the responsibility of committee chairs to monitor their committee membership's status and any vacancies (whether occurring by repeated absence, leave of absence, resignation or retirement), and promptly to report any occurring vacancies to the Senate leadership. It shall be the responsibility of a Senate committee member promptly to advise the committee chair and Senate leadership of his/her resignation from the committee or inability to serve as a working member.

Electronic Meetings. If the Faculty Senate, including the Senate Executive Committee and other Faculty Senate committees, finds it necessary or convenient to conduct its business by electronic correspondence, its reports

and actions can contain only what is agreed to by a majority of the members. In the case of such electronically conducted meetings, it shall be the responsibility of the committee's chair to consult with all members on business, to verify that a majority concurs with decisions and recommendations, and to keep appropriate records of votes and decisions conducted electronically. The conduct of business by electronic correspondence shall be recorded according to the committee's normal practices, and shall be reported in the committee's reports to the Faculty Senate.

### ***Section 3. Committee on Committees***

**a. FUNCTIONS.** The committee shall nominate members of other Faculty Senate committees and shall appoint members of administrative committees when requested by the university administration, subject to the approval of the senate. The Committee on Committees shall nominate representatives of the Faculty Senate to administrative councils of the university. Nominations to senate committees may also be suggested for consideration to the Committee on Committees by senators who are not themselves members of the Committee on Committees. In addition to nominees brought forward by the Committee on Committees, other nominations to senate committees and for appointment to administrative committees may be made from the floor of the senate during its meetings.

**b. COMPOSITION.** The Committee on Committees shall consist of one senator from each of the nine constituency groups of the senate, elected by fellow senators in that group, plus the chair, vice chair and the secretary of the senate. Each May following the election of new senate officers, the committee shall elect a chair from among its continuing members to serve a one-year term that begins immediately upon election.

**c. TERMS.** The term of each elected member of the Committee on Committees shall be two years from their election to the committee in September and shall continue until the beginning of the September meeting two years later. The members' terms should be staggered so that no more than half the members rotate off at a given time. Upon first (or subsequent) implementation of the staggering of committee members' terms, the allocation of one year and two year terms shall be conducted by lot .

### ***Section 4. Executive Committee of the Faculty Senate***

**a. FUNCTIONS.** The Executive Committee shall perform the following functions: serve as an advisory board and meet regularly with the president and provost to discuss matters of mutual concern and to propose resolution of problems and differences with the university administration; prepare an agenda for Faculty Senate meetings as provided in Article V, Section 2 of these bylaws; and serve as an Executive Committee for the Faculty Senate. The Executive Committee shall have the authority to speak for the senate in emergency matters that are limited to: (1) the approval of members of a committee recommended to it by the Committee on Committees, when that committee has need to begin functioning immediately or needs new members to continue to function; (2) the drafting and release of public statements or positions on matters involving breaking news; and (3) the consideration of requests for immediate and emergency action made in writing by the president of the university. Action on all of the above matters must be approved by the senate at the following senate meeting or through an electronic vote.

All actions of the Executive Committee in the role of Executive Committee must be by votes of at least two-thirds of the members of the committee.

The Executive Committee shall provide the charge for each Faculty Senate committee and shall receive at least one report each semester from the chair of each Faculty Senate committee regarding the business conducted by the Faculty Senate committee.

**b. COMPOSITION.** The Executive Committee shall consist of one senator elected by senators in each of the voting groups. The chair, vice chair and the secretary of the senate and the immediate past chair of the senate shall also serve as members of the Executive Committee. The vice chair of the Senate shall serve as chair of the Executive Committee.

**c. TERMS.** The terms of each elected senator will end at the completion of his/her present three-year senate term. The past senate chair shall serve a single one-year term that shall end at the beginning of the September meeting of the Senate one year after his or her term as Senate Chair shall have expired.

**d. MEETINGS.** All meetings or sessions of the Executive Committee shall normally be open to the public for all business. Executive session (closure of the proceedings to persons not members of the Executive Committee) may be invoked only for discussions and business related to the consideration of candidates for honorary degrees by the university, and/or matters related to Senate administrative personnel (staff).

## ***Section 5. Faculty Grievance Committee***

**a. FUNCTIONS.** The Faculty Grievance Committee (FGC) hears appeals of the faculty of the University of North Texas on grievance concerns including issues such as tenure and promotion decisions, adjudicates complaints of academic freedom issues, and makes recommendations to the president of the University concerning such appeals and grievances.

**b. COMPOSITION.** The FGC shall be comprised of 13 members comprised of the following members. One tenured associate or full professor committee member shall be elected by the full-time faculty in each of the eight (8) Faculty Senate voting groups. Five (5) tenured full professor members shall be elected at large by the tenured or tenure-track full-time faculty. No more than two (2) of the thirteen (13) members shall be from the same Faculty Senate voting group.

**c. TERMS.** One-third of the FGC members shall be elected each year. Lots shall be drawn for terms of one, two or three years as needed to maintain regular rotation because of resignations.

**d. MEETINGS.** The FGC shall meet at least once each regular fall and spring semesters in order to address any issues that may arise. These meetings may be facilitated online, if appropriate. The FGC shall be empowered to conduct official business at meetings other than formal appeal hearings as long as at least seven members (a quorum) are present.

## **Article IV. Procedures Manual of the Faculty Senate**

The Procedures Manual of the Faculty Senate was developed to remove procedural items from the Senate Charter and Bylaws. Changes to the Procedures Manual can only be made with a 2/3 vote of the Faculty Senate Executive Committee. Changes will go into effect immediately subject to a confirmation majority vote at the next regularly scheduled Faculty Senate meeting.

## **Article V. Meetings and Procedures of the Faculty Senate**

## ***Section 1. Meetings***

- a. Faculty Senate meetings will be held regularly from September through June of each year, with the exception of January.
- b. A special meeting of the Faculty Senate may be called by the chair or by petition to the chair of at least one-third of the membership of the Faculty Senate. Written notice must be given the senators at least three class days in advance of any special meeting of the Faculty Senate.

## ***Section 2. The Agenda***

The Executive Committee shall prepare an agenda for each regular meeting of the Faculty Senate.

The agenda shall be distributed to all senators and the chair at least five days in advance of each regular meeting. The agenda for any special meeting shall be given in the notice of the meeting.

## ***Section 3. Recognition of Guests***

Faculty members and other guests attending Faculty Senate meetings may seek recognition by a Senator or the chair to be heard upon matters and issues pertinent to the senate's discussions and debates. The chair may recognize such faculty members at a time that is consistent with the senate's published agenda.

## ***Section 4. Quorum***

Regular meetings of the Faculty Senate shall not transact official business without the presence of a quorum. A quorum shall consist of 50% + 1 of those Senators eligible to vote. The count of eligible Senators does not include those on medical or development leave. When the absence of a quorum is suggested by a member of the senate, the secretary of the senate shall call the roll and announce to the chair the presence or absence of a quorum. Subject to Article III, Section 2 of the Faculty Senate Bylaws, business needing a timely resolution may be conducted through an electronic vote and is subject to the quorum rules. Senators knowing they will be missing a Senate meeting where an item of a time sensitive nature is being discussed for a vote may submit a yea or nay vote to the Faculty Senate Office prior to the missed Senate meeting, and these votes will count towards quorum.

## ***Section 5. Parliamentary Procedures***

The meetings of the Faculty Senate shall be conducted according to Roberts Rules of Order.

### ***Section 6. Senate Voting***

- a.** All matters brought before the Faculty Senate that require a vote, with the exception of the elections of officers, shall be decided by open vote, i.e., voice vote, show of hands or roll call, as determined by the presiding officer, or by electronic voting in matters of a time sensitive nature. Electronic voting quorum follows the 50% +1 rule established in Section 4 based on the number of Senators voting within the designated time frame for the item.
- b.** A roll call vote may be ordered upon the vote of at least one-fifth of the senators present.
- c.** In the election or removal of Senate officers, a secret ballot shall be conducted upon the request of any Senator.

## **Article VI. Procedures of the Faculty Grievance Committee**

### **Section 1. Procedure for Review of a Grievance other than Promotion and Tenure**

- 1.** An appellant must conform to the requirements of Article II, Section 1 of this charter. An appeal must be initiated within six months following the judgment to be appealed.
- 2.** The chair of the FGC shall upon receiving a request for review of a grievance assign a case number and create a file. In all references to the case, other than internal FGC discussions, the case number should be used.
- 3.** The primary responsibility for developing a brief and other evidence in support of the case rests on the appellant. Access to necessary information shall be supported by the FGC.
- 4.** No more than ten (10) academic days of a full fall or spring session after receipt of a request for review of a grievance, the chair shall appoint a sub-committee charged with investigating and presenting the case to the full committee. The sub-committee shall be composed of three members of

the FGC who are not in the appellant's academic unit. The efforts of the sub-committee shall be directed to fact-finding, mediation and, if possible, a voluntary settlement of the dispute at the appropriate administrative level. Investigations and hearings shall include the involved administrators, committees and faculty members, as well as the appellant. The sub-committee shall prepare its report and present it to the full FGC within 20 business days of a regular fall or spring session from the date of appointment.

5. A quorum of the full FGC will hear the report of the sub-committee. The FGC shall vote on the report and render a final decision that shall be communicated to all parties, including university administration, or refer the grievance to the sub-committee for further investigation.
6. The time limit guidelines detailed above are created in the interest of a timely resolution of each grievance and should be adhered to whenever possible. Exceptions to the timelines require approval from a majority of the FGC eligible to hear each grievance.

**Section 2.** Procedure for filing an appeal relating to Reappointment, Promotion and Tenure

1. An appellant must conform to the requirements, of the FGC Charter/UNT Policy 15.0.8.00000 [to be changed to correct number upon finalization of policy] (Hearing by the FGC) of the Policy on Faculty Appointment and Granting of Tenure and Promotion.
2. An appeal must be initiated in writing within 10 calendar days following written notification from the Provost of a negative tenure, promotion, or reappointment decision.
3. The appeal initiation must be made concurrently to the President of the University and the Chair of the FGC.
4. The Chair of the FGC has ten (10) academic days of a full fall or spring session in which to start the appeal process.

**Section 3.** Acceptance of Appeal relating to Reappointment, Promotion and Tenure

The chair of the FGC shall immediately, upon receiving notification of a request for review of an appeal, assign a case number and create a file. In all references to the case, other than internal FGC discussions, the case number must be used.

**Section 4.** Documentation for an Appeal relating to Reappointment, Promotion and Tenure

The primary responsibility for developing a brief and other evidence in support of the case rests on the appellant. Access to necessary information shall be supported by the FGC.

**Section 5.** Procedures for Appeal Hearings for Reappointment, Promotion and Tenure

1. A hearing before the FGC shall be scheduled at a time suitable to all parties concerned, within a period of no later than 30 calendar days (under normal circumstances) after the FGC receives notification from the president that a request has been made by an appellant.
2. Ordinarily, the full FGC shall hear appeals (to the extent that members' schedules permit). If the FGC determines by majority vote that it would be expedient (e.g., in the case of several appeals needed to be heard in a short time frame, or because of difficulty in finding convenient meeting times for FGC members, appeal parties, and witnesses) to form sub-committees for appeal hearings, then the eligible committee members will be selected to form a subcommittee of seven (7) members of the available members for a hearing. In circumstances where it is impossible to convene a sub-committee of seven (7) members, a sub-committee of no fewer than five (5) will be convened. A quorum of the full FGC will hear the report of the sub-committee. The FGC shall vote on the report and render a final decision that shall be communicated to all parties, including university administration, or refer the grievance to the sub-committee for further investigation.

The chair will endeavor to split the workload of service on the sub-committees equally among all FGC members.

3. The appellant and the appellee (i.e., the administration) shall be afforded not less than 10 calendar days' notice of the date of the hearing.

4. The chair of the FGC should notify the appellant and appellee of the time and place of the hearing and provide them with an outline for the structure of the hearing.
5. The appellant and the appellee must exchange their respective documents within seven (7) calendar days of the hearing.
6. The appellant and the appellee are each responsible for notifying their witnesses of the scheduled date and time anticipated for testimony. If both parties want the same individual as a witness, each party is independently responsible for notifying that individual and ensuring that she or he is on call for the hearing. It is not the responsibility of the FGC chair to notify potential witnesses.
7. The hearing shall be restricted to the principals, their advocates, the witnesses called by the parties, and such observers as the FGC may specifically invite. The witnesses will be present only for the duration of their testimony.
8. Each of the principal parties is entitled to invite a non-participating observer from a recognized education agency to attend the hearing.
9. The parties may be represented by academic advocates of their own choosing.
10. Each party must provide written documents deemed pertinent (e.g. briefs, expert opinions, witness list, and other evidence) to the FGC and to the other party. Sixteen copies of all documents to be used in the hearing, must be provided at least seven (7) calendar days prior to the hearing. An electronic copy of the material in Adobe Acrobat PDF format will be provided to the chair. The chair of the FGC shall distribute the copies.
11. Both parties shall have the right to confront, cross-examine, and rebut all witnesses.
12. Faculty members shall not be required to testify against themselves.
13. Only relevant but full and uninterrupted argument by the parties shall be allowed.
14. A verbatim record of the hearing will be taken by a qualified recorder,

as arranged and provided by the office of the provost and vice president for academic affairs. A typewritten (word processed) copy, which includes the conclusions and recommendations of the FGC, together with minority opinions, shall be made available to the appellant without cost, at his or her request.

**Section 6.** Sequence of Events at an Appeal Hearing for Reappointment, Promotion and Tenure before the FGC

- a. The chair of the FGC shall preside over the appeal hearing and is empowered to set time limits for the presentation of each point, at his or her discretion, in the interest of expediency and clarity.
- b. The parties are responsible for having their witnesses available for the hearing. If witnesses are to be on call, the relevant party is responsible for notifying them of when to appear so the hearing proceeds as expeditiously as possible.
- c. The chair shall direct first the appellant and then the appellee to bring forward all challenges to the hearing, witnesses, and evidence to be presented at this time.
- d. The appellant shall deliver a brief opening statement (limited to no more than 10 minutes), outlining the nature of his or her complaint or complaints. Ideally, this statement will be written; however, the form of the opening statement is left to the discretion of the appellant. In the opening statement, the appellant should distinguish charges concerning procedural failures by the appellee, charges concerning substantive issues, or any other relevant issues. Further, the appellant should specify what action or remedy is being requested. FGC members may request clarification of the appellant.
- e. Following the opening statements, the appellant shall present the first item of evidence, along with any witness(s) who could substantiate that evidence, and any accompanying interpretation by the appellant (limited to no more than 15 minutes). After the presentation of the first item of evidence or witness, the appellee shall have the opportunity to challenge the evidence, witness, or interpretation before the appellant proceeds to the second item of evidence (limited to no more than 15 minutes).
- f. Following the challenge by the appellee, members of the FGC shall have

the opportunity to ask questions of the appellant, the appellee, or any of the witnesses before the appellant proceeds to the next item of evidence or witness. This process shall be followed for each item of evidence.

- g. After the appellant's presentation, the appellee shall deliver a brief opening statement outlining his or her position (limited to no more than 10 minutes). Ideally this statement will be written; however, the form of the opening statement is left to the discretion of the appellee.
- h. Following the opening statement, the appellee shall present the first item of evidence, any witness(s) to substantiate that evidence, and any accompanying interpretation by the appellee (limited to no more than 15 minutes). After the presentation of the first item of evidence or witness, the appellant shall have the opportunity to challenge the evidence, witness(s), or interpretation before the appellee proceeds to the second item of evidence (limited to more than 15 minutes).
- i. Following the questioning by the appellant, members of the FGC shall have the opportunity to question the appellee, the appellant, or any of the witnesses before the appellee proceeds to the next item of evidence or witness. This process shall be followed for each item of evidence.
- j. The FGC, through its chair, may call its own witnesses.
- k. After the appellee's presentation, the appellant may present a rebuttal (limited to no more than 10 minutes).
- l. After the appellant's rebuttal, the appellee may present a rebuttal (limited to no more than 10 minutes).
- m. The appellee shall present a summary and concluding statement (limited to no more than 15 minutes.)
- n. The appellant shall present a summary and concluding statement (limited to no more than 15 minutes).
- o. Following the presentation of argument(s) and evidence by the appellant and the appellee, the FGC shall go into executive session for an initial discussion as to the judgment of the appeal. If there is not a unanimous decision, the committee may adjourn for a maximum of 48 hours and resume to render a judgment as soon as is practical after receiving the transcript of the appeal hearing.

- p. At its resumed meeting, the committee will render its judgment. In the formation of its judgment, the committee may confine itself to the question narrowly presented by the appellant; or at its discretion, it may apply principles of equity in order to formulate a judgment other than that requested by the appellant or appellee.
- q. The individual decisions of the hearing committee members will remain confidential.
- r. If the decision is not unanimous, an anonymous minority report will be drafted, circulated, and commented on for accuracy by members of the majority.

**Section 7.** Report of Results from Hearings for Reappointment, Promotion and Tenure

- a. The FGC shall make explicit findings on each of the grounds presented. The chair of the FGC shall submit a written report to the president and to the appealing faculty member simultaneously, with a copy to the provost, no later than 10 calendar days following the closing of the hearing.

No document used in a UPTC appeal hearing shall be included in an appellant's personnel file unless the appellant so requests.