

TO: Adam Lawrence

FROM: Barbara A. Biesecker, Chair of the Committee on Statutes, Bylaws, and Committees

DATE: Monday, April 3, 2023

RE: Proposed Changes to the UGA University Council BYLAWS (with focus on Membership, Voting Rights, and Chairship) to be Considered by the Executive Committee 4/26/23

The following proposed changes to the bylaws of the University Council's standing committees are recommended by the Committee on Statutes, Bylaws, and Committees. All of the proposed changes aim to: reaffirm the principle of strong faculty, staff, and student governance at the University of Georgia by reportioning the voting power of representatives of the administration to one vote, per issue, per person (administrators with the power to vote on business put before the University Council at its meetings should NOT ALSO vote on such matters as they move through the standing committees); and, insure that persons of appropriate standing are elected to chair each standing committee.

Part I, section I: Executive Committee

Change 1

Current:

Administration: The Senior Vice President for Academic Affairs and Provost, and the Secretary of the Council shall serve as voting members.

Proposed:

Administration: The Senior Vice President for Academic Affairs and Provost, and the Secretary of the Council shall serve as **ex-officio non-voting** members.

Change 2

Current:

Each year the Executive shall choose a new Chair-Elect from among the elected faculty members of the Committee who have at least one year of previous service on the Executive Committee (which could be from a previous term) and at least two years remaining on their committee term.

Proposed:

Each year the Executive shall choose a new Chair-Elect from among the elected faculty members of **academic rank with tenure on** the Committee who have at least ~~one~~ **two** years of previous service on the Executive Committee (which could be from a previous term) **within the past 10 years and will not simultaneously be serving in any administrative position for which they receive compensation or teaching release.** ~~and at least two years remaining on their committee term.~~

Part I, section III: Committee on Intercollegiate Athletics

Change 3

Current:

Committee on Intercollegiate Athletics Chair: The Chair of the Committee on Intercollegiate Athletics shall be elected each year from among the faculty members with academic rank on the Committee. However, the Faculty Athletics Representative appointed by the President is not eligible to serve as Chair.

Proposed:

The Chair of the Committee on Intercollegiate Athletics shall be elected each year from among the faculty members of academic rank with tenure on the Committee. However, the Faculty Athletics Representative appointed by the President is not eligible to serve as Chair.

Part I, section IV: Committee on Statutes, Bylaws, and Committees

Change 4

Current:

The Chair of the Committee on Statutes, Bylaws, and Committees shall be elected each year from among the faculty members with academic rank on the Committee.

Proposed:

The Chair of the Committee on Statutes, Bylaws, and Committees shall be elected each year from among the faculty members of academic rank with tenure on the Committee.

Part I, section V: Committee on Student Experiences

Change 5

Current:

Administration: The Vice President for Student Affairs shall serve as an ex-officio voting member.

Proposed:

The Vice President for Student Affairs shall serve as an ex-officio non-voting member.

Change 6

Current:

The Chair of the Committee on Student Experiences shall be elected each year from among the faculty members with academic rank on the Committee.

Proposed:

The Chair of the Committee on Student Experiences shall be elected each year from among the faculty members with academic rank on the Committee.

Part I, section VI: Curriculum Committee

Change 7

Current:

Administration: The Senior Vice President for Academic Affairs and Provost, or an appointed representative, shall be a non-voting member.

Proposed:

The Senior Vice President for Academic Affairs and Provost, or their appointed representative, shall serve as an ex-officio non-voting member.

Part I, section VII: Educational Affairs Committee

Change 8

Current:

Administration: The Senior Vice President for Academic Affairs and Provost, or an appointed representative, shall be a voting member.

Proposed:

Administration: The Senior Vice President for Academic Affairs and Provost, or **their** appointed representative, shall **serve as an ex-officio non-voting** member.

Change 9

Current:

Faculty with academic rank: Thirteen voting members shall be elected from and by the elected faculty members with academic rank on the University Council.

Proposed:

Faculty: Thirteen voting members shall be elected from and by the elected faculty members with academic, **academic professional, and lecturer** rank on the University Council.

Part I, Section VII: Faculty Admissions Committee

Change 10

Current

Membership Faculty with academic rank: One voting member of the Faculty Admissions Committee shall be elected from the faculty with academic rank of each School or College which enrolls undergraduate students, except for the Franklin College of Arts and Sciences, which shall have three members.

Proposed: Membership Faculty:

Change 11

Current

The Senior Vice President for Academic Affairs and Provost, the Vice President for Instruction, the Vice President for Student Affairs, the Director of Undergraduate Admissions, the Director of the Honors Program, the Director of Institutional Research, and one representative each from Counseling and Psychological Services, University Testing Service, and the Academic Enhancement program shall serve as non-voting members.

Proposed

The Senior Vice President for Academic Affairs and Provost, the Vice President for Instruction, the Vice President for Student Affairs, the Director of Undergraduate Admissions, the Director of the Honors Program, the Director of Institutional Research, and one representative each from Counseling and Psychological Services, University Testing Service, and the Academic Enhancement program shall serve as **ex-officio** non-voting members.

Change 12

Current

The Chair of the Faculty Admissions Committee shall be elected each year from among the elected faculty members on the Committee by those with voting privileges.

Proposed

The Chair of the Faculty Admissions Committee shall be elected each year from among the elected faculty members **with tenure** on the committee by those with voting privileges.

Part 1, Section XVI Strategic Planning Committee

Change 13

Current

The Vice Provost for Academic Affairs shall be a voting member.

Proposed

The Vice Provost for Academic Affairs shall be a **non-voting** member.

Change 14

Current

The Chair of the Strategic Planning Committee shall be elected each year from among the faculty members with academic rank on the Committee.

Proposed

The Chair of the Strategic Planning Committee shall be elected each year from among the faculty members with **tenure** on the Committee.

Part 1, Section XVIII University Promotion and Tenure Appeals Committee

Change 15

Current

A. Membership Faculty with academic rank: One voting member of the University Promotion and Tenure Appeals Committee shall be elected by the tenured faculty of each School or College. Faculty elected shall be tenured and hold the rank of Professor. Faculty shall serve three-year terms. While serving on this committee, faculty cannot serve on other promotion and tenure committees at the School, College, or University levels.

Administration: The Senior Vice President for Academic Affairs and Provost shall serve as a non-voting member of the University Promotion and Tenure Appeals Committee.

University Promotion and Tenure Appeals Committee Chair: The Chair of the University Promotion and Tenure Appeals Committee shall be the Senior Vice President for Academic Affairs and Provost.

B. Duties

1. To conduct all their deliberations in confidence; they may not discuss an appeal with anyone who is not a member of the committee. An exception to this confidentiality relates to discussions with staff assisting the committee.

2. To review the dossiers that are required to come before the committee and advise the Senior Vice President for Academic Affairs and Provost in accordance with the University's Guidelines for Appointment, Promotion and Tenure.

Proposed

A. Membership

Faculty with academic rank: One voting member of the University Promotion and Tenure Appeals Committee shall be elected by the tenured faculty of each School or College. Faculty elected shall be tenured and hold the rank of Professor. Faculty shall serve three-year terms. While serving on this committee, faculty cannot serve on other promotion and tenure committees at the School, College, or University levels.

~~Administration: The Senior Vice President for Academic Affairs and Provost shall serve as a non-voting member of the University Promotion and Tenure Appeals Committee.~~

University Promotion and Tenure Appeals Committee Chair: The Chair of the University Promotion and Tenure Appeals Committee shall be the immediate past Chair-Elect of the University Promotion and Tenure Appeals Committee. Each year the University Promotion and Tenure Appeals Committee shall choose a new Chair-Elect from among the elected faculty members of the Committee who have at least two years of previous service on the University Promotion and Tenure Appeals Committee within the past six years (which could be from a previous term) and will not simultaneously be serving in any administrative position for which they receive compensation or teaching release and at least two years remaining on their committee term.

Change 16*

Current
Duties

1. To conduct all their deliberations in confidence; they may not discuss an appeal with anyone who is not a member of the committee. An exception to this confidentiality relates to discussions with staff assisting the committee.
2. To review the dossiers that are required to come before the committee and advise the Senior Vice President for Academic Affairs and Provost in accordance with the University's Guidelines for Appointment, Promotion and Tenure.

Proposed:

C. Procedures (Copied and Pasted verbatim from *The Guidelines for Appointment, Promotion and Tenure of Academic Rank Faculty*, last revision Spring 2020, University of Georgia, Provost's Website)

1. The responsibility of the University Appeals Committee is to make its best judgment as to (1) the existence of material failures, inaccuracies or procedural irregularities; (2) whether or not these failures, inaccuracies or irregularities significantly impaired an appropriate review of the candidate's qualifications for promotion and/or tenure. At its option, the committee may interview the candidate, the PTU head or the dean, as well as any other individuals who are in a position to provide useful information about the review.

2. *Voting Procedures for University Appeals:* Faculty from the candidate's PTU will refrain from participating in any form of evaluation at all higher levels of review.

Quorum - Consists of at least two-thirds of the membership. State that a quorum was present in the cover letter.

Abstentions - No abstentions are allowed. Once a quorum is declared, all members in attendance must vote. Any ballot not clearly marked approve or deny will be considered a "NO" vote.

Recusal – Only allowed if a conflict of interest exists. Faculty members who recuse themselves are not considered eligible voters and may not participate in the discussion or consideration of the candidate’s dossier.

Absentee Ballots – No absentee ballots are allowed.

Recommendations – A simple majority vote of eligible voting faculty members present at the meeting. A tie vote of eligible voting members present at the meeting is considered a negative recommendation.

By a simple majority vote of eligible voters present at the meeting, the University Appeals Committee will advise (with supporting rationale) the Senior Vice President for Academic Affairs and Provost on the following:

1. Whether or not material failures, inaccuracies or irregularities existed for a given candidate; and if so
2. Whether or not these failures, inaccuracies or irregularities appear to have interfered with an appropriate vote on the performance record.

*Justification/Warrant for changes to the University Promotion and Tenure Appeals Committee: Per the American Association of University Professors’ *Recommended Institutional Regulations on Academic Freedom and Tenure*,

“Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail (emphasis added, <https://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>).”

According to current University of Georgia University Council Bylaws, the University Promotion and Tenure Appeals Committee makes *its* recommendation (the recommendation of the voting faculty) in any given case *to* the Senior Vice President for Academic Affairs and Provost (administration). Therefore, the Senior Vice President for Academic Affairs and Provost should neither be a member (even if non-voting) nor chair of the committee but, instead, receive the faculty’s recommendation.