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Revisions to Articles I-VI of Otterbein University Senate Bylaws

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Senate Bill 14-15 - _____

Title: Revisions to Articles I-VI of Otterbein University Senate Bylaws

From: Governance Review Commission

For _____ Against _____ Abstain _____

Motion: Revise Articles I-VI of the Otterbein University Senate Bylaws as attached (Appendix A)

Background:

The Governance Review Commission was established in Spring of 2012 with the following functions:

- “Gather information on and analyze various models of academic governance based on the principles of participation, inclusiveness and representation that are affirmed as the core of Otterbein’s system of governance”;
- “Consult with all relevant constituent groups within our community for input on how we want to be governed and what type of governance system would foster the greatest campus transparency”; and
- “Produce a report that recommends key guiding principles and policies for Otterbein’s governance system, [and propose] a revised set of Bylaws” (including an explanation and rationale for each proposed change)

Based on our research, we plan to present two bills to the Senate. The first bill covers the first six articles of the current By-Laws (now five), and primarily concerns changes to the University Senate (as well as some revisions related to membership and election of committee members), The second, which we hope to present at the second meeting of Senate, will detail changes to the committee structure and “constituent assemblies.”

Throughout this process. we have been guided by the following principles: 1) we have sought to maximize input from all constituencies, through open fora, surveys, and straw polls at Senate; and 2) we have worked to create a structure that maximizes participation, inclusiveness and representation from all constituency groups, and works to increase transparency in governance processes.

Our hope is to finalize changes to the Bylaws by the end of Fall Semester, so that we can send these to the Board of Trustees by their _____ meeting, so that we can conduct elections in the Spring of 2015 and implement the model in the 2015-2016. However, we are also committed to a full dialogue and careful consideration of these changes, even if this means that we need to delay implementation until the 2016-17 year or later.

Explanation and Rationale:

The proposed revisions make three significant changes to the Otterbein University Governance Structure, and a number of smaller changes to specific articles and sections of the By-Laws. (The changes and rationales for all of the specific changes are included in a Google Document, available at _____.) The three most significant changes are:

1. A change to a “representative” model for University Senate, with a set of four “constituent assemblies” (Student Senate, Faculty Senate, Administrator Assembly, and Staff Council). Each constituent assembly would elect members to the Senate, who would then be responsible for representing their constituency, and communicating with them. Several constituent assemblies (at this point, Faculty Senate, and Student Senate) have increased authority.
2. A change in the size of Senate, and changes in some of the proportions of representation.
3. A change in the functions of Senate.
4. A significant change in the number of standing committees and subcommittees, and some change in reporting relationship.

For clarity, this section will describe each of these changes in more detail, and provide an explanation and justification for each.

1. A change in model. This actually captures four significant changes: 1) the addition of a student government, with defined responsibilities; 2) a change to a representative system for faculty (students and staff members are already elected from their constituencies); 3) a change in the ways that members of Administrator Assembly are selected (currently all administrative members, including cabinet level administrators and others, are appointed by the President and VPs; in the new system, there would still be some appointed senior administrators, but all other administrators would be elected from the administrative assembly); and 4) an expectation that the constituent assemblies would have control over the processes by which their representatives are selected and that representatives would have responsibility for communicating to and from their constituencies concerning senate actions (as a consequence, we have also changed the deadlines and processes for communicating senate business and agendas to the campus community).

Another related change is to move some responsibilities that fallen under Senate to Student Government and the Faculty Senate. Responsibilities that have been housed in the Student Life Committee to the Student Government, and the model adds responsibility over Student Activity fees to that group. The Faculty Personnel Evaluation Committee (formerly Personnel Committee), Sabbatical Leaves Committee and Faculty Scholars Committee have been moved under the Faculty Senate.

We made these changes for several reasons. First, since early in our process of soliciting ideas for improvement, we have heard multiple calls for reducing the size of Senate, in some cases to increase efficiency, in others to reduce the size of the overall workloads for faculty, in others to reflect the fact that attendance was significantly smaller than membership.

We also heard a call for a “representative model” in order to improve communication with constituencies. The argument was made that, because senators don’t represent constituencies, they don’t feel a need to communicate with the other members of their constituencies. For example, because all faculty are members of Senate, those faculty who do attend meetings don’t feel a responsibility to communicate with colleagues who were not in attendance; in fact, they may not even know that those colleagues were not present. Therefore, it was argued, a constituent model would increase transparency and communication.

We discussed and tested these arguments in multiple forums, surveys and at multiple Senate meetings, and the general sense from those sessions and surveys was to favor a “representative” Senate with approximately 150 members.

In addition, we are convinced that it is important for members of Administrative Assembly to be elected by the assembly rather than appointed. This increases the authority of that assembly and should lead to increased transparency and an increased sense among the members of that assembly of representation and inclusion in the governance process.

We also believe that a representative model better meets the goals of transparency and accountability for all members and that streamlining the system will increase clarity.

Finally, it is clear from previous attendance patterns that a significant number of eligible senators do not attend meetings (see Appendix B), and we believe that a representative model comes closer to mirroring historical attendance patterns and the call to the committee.

2. A change in size. The proposed model sets the Senate size at 160: 60 faculty, 60 students, 22 elected members of Administrators Assembly, 8 members of Staff Council/Senate, 6 “senior administrators (the President, Provost, and four “senior administrators selected by the President”), and the chairs of the [five] Standing Committees of Senate (the President, three faculty members, and the University Chaplain). This compares to the maximum possible under the bylaws of 446 (185 faculty, 185 students, 74 administrators, and 2 staff members), the actual current membership of 344 (185 faculty, 94 students, 63 administrators and 2 staff members) and the average attendance size of approximately 140-180 (there were 169 senators at the February 19, 2014 meeting, when we surveyed constituencies: 62 faculty, 53 students, 52 administrators, and 2 staff).

We propose an overall size of 160 because it mirrors recent polling at Senate, reasonably mirrors attendance, and is large enough to assure representation. The proposed representation from constituencies reflect the following principles and goals: 1) that the number of student senators should be equal to the number of faculty senators (an assumption of the current governance system), 2) that there should be additional senators from staff council (supported in numerous surveys and forums), 3) that the number of elected administrators plus staff members should be 50% of the number of faculty senators and the number of student senators (the number of elected administrators is 36.7% of the number of faculty) 4) that it is important that senior administrators are members of Senate in order to assure that these voices are heard and encourage communication between the Senate and cabinet (the total number of administrators is 28 or 46.7% of the number of faculty and students), and 5) that the chairs of subcommittees should be members of senate, in order to assure effective communication between the Senate and its standing committees (this effectively increases the number of faculty to 63). This also reduces the number of appointed administrators.

3. A change in functions of Senate.

(These changes are described in greater detail in the Google document.) These changes take four different forms. First, two functions have been moved to Student Government: 1) the development of policies and regulations affecting students from Senate to Student Government, and 2) approval of original charters and changes to charters for student

organizations. University Senate would retain the authority to approve all changes in policies and regulations and serve as an appeal to any decisions of Student Government about student organization. We recommend this change because it is our sense that these are powers that should, reside in Student Government (and traditionally are a part of their functions on other campuses) and because it can free time in Senate for other matters.

Second, two functions have been eliminated: 1) the authority to establish and review policies affecting social activities, and 2) the responsibility to “superintend the annual review of social regulations of the University.” These functions have not been exercised by Senate for some time, and seem to be inappropriate in the current structure. If needed, they can be placed under the authority of Student Government, and Senate may consider them under the “welfare of the University” function (Section 1, I).

Third, three legislative responsibilities have been added: 1) “to make recommendations to the Board of Trustees concerning honorary degrees,” 2) “to approve the basic framework of the academic calendar (e.g., the number and length of academic terms),” and 3) “to approve annually the academic calendar.” The first additional function is implied by the current Bylaws language that makes a function to Administrative Council “to recommend to Senate those who should be awarded honorary degrees” and recognizes that Senate’s role is to advise the Board of Trustees. It also reflects current practice. The second additional function reflects the recent actions which brought to Senate review of the change from a quarter-based to a semester-based calendar and review of the Interterm. It also reflects our sense that changes to the “basic framework of the academic calendar” have important impacts on the curriculum of the University (a responsibility/authority defined in Section 1,C) and should be a matter for Senate deliberation. The third addition (annual approval of the academic calendar) was a function of Senate in the past and, we believe, provides a valuable opportunity for communication. In addition, we believe it is important to have Senate (and the constituents) included in these discussions.

Finally, two additional, non-legislative functions have been added: supervision of committees and responsibility for developing and maintaining communication channels and processes. The first, we believe is implied in any governance system. The second is aimed at defining this responsibility, in an effort to assure transparency, inclusion, and participation in governance.

4. Revised committee structure.

This proposal will be presented in detail in our next bill, but essentially, it does four things: 1) reduces the number of standing committees to five (from seven), 2) reduces the number of standing subcommittees specified in the ByLaws, 3) moves some committees and subcommittees from Senate to constituent assemblies, and 4) moves some subcommittees out of the Senate structure to an “operational” role.

In our study of committee structure, we were guided by two overarching goals: 1) to reduce the complexity of the current system and clarify the functions of committees, and 2) to make a distinction between committees and subcommittees with a “governance” function (contributing to the development of policy) and those committees and subcommittees with an “operations” function (those that advise administrative units – including departments -- and serve to implement policy). So, for example, the Teacher Education Committee advises the

teacher education program, which we would label an “operational” function, while Curriculum Committee proposes changes in majors, courses, etc., which we would label a “policy” function.

We were also guided by the goal of reducing the number of standing committees. This does not, in itself, reduce the number of available slots for “university service,” although we also hope that this review contributes to that process.

In addition to these “major changes,” the changes to Articles I-VI make a number of other changes (these are detailed and rationale provided in the Google document at _____):

5. Article I, Sections 1 and 2 have been revised to include a general description of the overall structure and operating principles for the Governance system.
6. Article I, Section 5 has been revised to transfer the location for discussions with the Board of Trustees concerning bylaw changes from Administrative Council to the Senate.
7. Article I, Section 6 has been revised, primarily for clarity and to assure that the President also informs Senate if s/he vetoes Senate legislation.
8. Article I, Section 8 has been added to specify that actions by the Board should be reported to the Senate. This complements Section 7 (which requires communication from the Senate to the Board), reflects current practice, and is consistent with the efforts to assure transparency.
9. Article I, Section 9 and Article IV, Section 3 have been revised to increase the lead time for communication of Senate business from 72 hours to one week. This is important to assuring that constituents and senators have time to communicate about upcoming Senate business.
10. Article I, Section 11 has been revised to change the quorum for Senate and standing committees to 50%. This seems important with a representative system.
10. Article I, Section 12 has been added to present a conflict of interest policy.
11. Article IV, Section 3 establishes a minimum number of meetings rather than specified dates for meetings.
12. Article IV, Section 8 has been revised to place the responsibility for removal of committee members to the committees (as opposed to Administrative Council) and to place the authority for replacement with the constituent assemblies, rather than Administrative Council). We have also added a provision to cover leaves for committee members,
13. Article IV, Section 9 has been added to formalize the position of Senate Parliamentarian.
14. The current Article V has been deleted. We view it as unnecessary and unrelated to governance processes.
15. The current Article VI becomes Article V and has been simplified and revised to place responsibility for elections in the constituent assemblies, while Senate has responsibility for approval of initial procedures and changes.