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Revisions to Otterbein University Senate ByLaws

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Appendix A
Revisions to Otterbein University Senate ByLaws

(Deletions are indicated with cross-throughs, additions with italics in red)

Article I. Purpose of Bylaws and General Provisions

Section 1. These Bylaws, with the approval of the Board of Trustees, establish the organization of the University *governance system* and define the governing relationship of the administrators, the faculty, the students, *the staff*, the alumni and the trustees. *The governance system consists of four constituent assemblies (Faculty Senate, Student Senate, Staff Senate, and Administrators Senate); a University Senate, with representatives selected by the four constituent assemblies; a set of standing committees; a set of hearing boards; and the University Board of Trustees.* The Board of Trustees is legally the final authority of the University.

Section ~~6~~-2. The *governance system of Otterbein University is based on the principles of transparency in the policy making process and inclusion, participation, and representation of all constituent groups in the* ~~democratic principle of participation in the~~ creation of University policy ~~is affirmed.~~

Section ~~2~~ 3. These Bylaws may be revised by a vote of the voting members of the University Senate. Such revisions shall be subject to the approval of the Board of Trustees or its Executive Committee.

Section ~~3~~ 4. Proposed revisions of the Bylaws shall be submitted by a member or members of the University Senate in writing in advance of the first University Senate meeting at which the revisions are introduced. The vote on the revisions shall be taken at the meeting following that in which the revisions are introduced, or at a subsequent meeting. Revisions must be considered at meetings in which a majority of the members of the University Senate are present. A 2/3 vote of those present and voting is required for passage.

Section ~~4~~-5. In the event that the Board of Trustees, or the Executive Committee of the Board, on its own initiative, proposes to revise the By-laws, or fails to concur with the recommendations of revision, the Board, or the Executive Committee of the Board, on its own initiative, shall confer with the ~~Administrative Council~~ *Senate* prior to taking final action.

Section ~~5.~~ ~~To the extent that the organization of committees and councils in these Bylaws parallels the organization of Trustee committees, the President shall seek to arrange for joint consultative sessions of the parallel committees during the annual meeting of the Board of Trustees, and at other times when the respective committees shall request such consultation. Prime consideration shall be given to arranging for meetings of the Administrative Council, the Personnel Committee, and the Curriculum Committee with their appropriate counterparts on the Board of Trustees.~~

Section 7.6. Acting under the legal authority of the Board of Trustees, the President can return to the Senate or to the committees for reconsideration of bills or actions which he/she deems to be not in the best interests of the University. A bill or action so returned would go to the committee of origin and would be accompanied by a written statement from the President of the reasons why he/she is requesting reconsideration. If the rationale offered by the President is not accepted by the committee or by the Senate and the bill or action passes a second time, the President would have the alternatives of either permitting it to pass on to the Trustees for their consideration or vetoing it. In the ~~latter case~~ *event the president vetoes legislation*, he/she would send a report of her/his action and the reasons for it to the *Senate. The same report would be sent to the* Board of Trustees, which would review the action at its next regularly scheduled meeting. The Board of Trustees could then either uphold or overturn the veto.

Section 8.7. The Secretary of the University Senate shall transmit its minutes, resolutions, and matters requiring attention to the Board of Trustees in a timely manner.

Section 8. Actions taken by the Board of Trustees during the open meeting shall be reported to the Senate in a timely manner.

Section 9. The agenda *and materials for each regular* of the University Senate *meeting* shall be made available to ~~campus publications~~ *the campus community* at least ~~seventy two hours~~ *one week* prior to Senate meetings. ~~Copies of the m~~ Minutes of the Senate and the Administrative Council *standing committees* shall be placed in the ~~library~~ *university archives*, and *be made available* ~~the minutes of the University Senate and of University committees shall be open to members of the University community via the University or Senate website.~~ The minutes of the University Senate shall be made available for publication in the University newspaper.

Section 10. Administrative personnel who are members of Senate, faculty members of Senate, and all students are eligible for committee membership. Unless otherwise specified, membership on committees and councils will be from July 1 to June 30.

Section 11. The procedures of Robert's Rules will be followed. A quorum for the Senate and its *standing* committees and councils is ~~forty~~ *fifty* percent of the respective memberships, fractions being disregarded unless otherwise indicated in these Bylaws.

Section 12. In order to render judgments that are perceived as fair and without prejudice, individual members of University Senate, the constituent assemblies and committees are to recuse themselves from voting in specific cases when a conflict of interest exists. Examples of possible conflict of interest include, but are not limited to: the committee member being from the sponsoring department or the committee member has a close family, personal, or financial relationship with the individual(s) directly influenced by the proposal.

Article II. Membership of the University Senate

Section 1. The *voting members of the* University Senate shall be composed of representatives of administrators, administrative officers, faculty, and students, as follows:

A. *Sixty faculty members selected according to procedures developed by the Faculty Senate.* Faculty members who at the beginning of a given semester are under a full time teaching contract are members for that semester. For purposes of these Bylaws, a full time teaching contract is one which obliges the faculty member to assume a full teaching load in keeping with accepted departmental practice for a period of not less than an academic semester, or in lieu thereof, to undertake sabbatical duties with a view to continuing full-time teaching. Full-time librarians with faculty status shall be faculty members of Senate. The list of those meeting these qualifications shall be certified by the Vice President for Academic Affairs at the beginning of the spring semester. A supplemental list shall be certified at the beginning of the fall and winter semesters as needed.

B. *Sixty students, selected according to procedures developed by the Student Senate.* Students enrolled at Otterbein University are eligible to serve in the University Senate and on its committees. The student representation shall consist of one student representative elected by the majors in each department, and an additional number to balance the number of faculty Senators certified by the Vice President for Academic Affairs at the beginning of the autumn semester. Upon taking office, student trustees shall also become members of University Senate for the duration of the term as trustee. The two student trustee positions shall be counted toward the total number of student senators. The balance of student senators shall be elected at large from candidates who have indicated their interest in writing, at an election in the autumn semester before the first meeting of Senate. The candidacy forms shall be provided by the Elections Subcommittee of the Governance, Bylaws, and Communication Committee. Each student shall cast a ballot for a maximum of fifteen candidates, and the candidates shall be ranked according to the number of votes received, and in cases of ties, according to tie-breaking rules established by the Senate, until the number of vacancies shall be filled. If the eligible number of students is not elected, those interested in serving as at large senators may submit their names for consideration to the Administration Council when it meets prior to the first Senate meeting of each semester. If approved at that time, students will serve the remainder of the year on Senate. The nominating procedures and other details connected with at large student elections shall be governed by resolution of the University Senate.

C. *Twenty-two members of Administrators Senate, selected according to procedures developed by the Administrators Senate.* The administrative members of the University Senate shall consist of a number of administrators which is not fewer than thirty percent of the number of faculty members and not more than forty percent of the number of faculty members. The number of faculty members used to determine the number of student senator positions in a given school year shall also be the number used to determine the number of administrative senator positions for that same school year. The administrative members shall

~~include the President of the University and each Vice President. All additional administrative members shall be designated by the President after consultation with the Vice Presidents.~~

D. Eight members of Staff Senate, selected according to procedures developed by the Staff Senate. ~~The Otterbein University Support Staff Council shall appoint two staff representatives for terms of one year, subject to the tenure limits given in these Bylaws~~

E. The President of the University, the Provost of the University and four additional senior administrators, selected by the President

F. The chairs of the standing committees of University Senate.

Section 2. Membership in the University Senate shall extend from July 1 to June 30. Elections to the Senate *and committees* will be held during the *Spring semester* ~~in the Fall and elections to committees and councils of the Senate shall be held during the spring semester.~~

Section 3. *The following procedures shall govern the treatment of absences of senate members.*

A. After an elected member misses two meetings in an academic year, the Senate Secretary shall notify his/her constituency of the absences. That constituency may vote to replace the member or continue his/her membership.

B. Senate members who will be on leave for any reason (e.g. sabbatical, medical leave, class or work conflict) shall notify their constituency may vote to replace the member or continue hi/her membership.

C. In the event of a replacement, the chairs of the respective constituent assemblies shall notify the secretary of the University Senate

Article III. Functions of the University Senate

Section 1. The University Senate shall act as a legislative body in such affairs as are delegated to it by the Board of Trustees. These shall include, but not be limited to, the following:

A. to assist in establishing the educational aims and purposes of the University;

B. to establish, subject to the approval of the Board of Trustees, academic standards and policy for the admission, retention, and graduation of students;

C. to make recommendations to the Board of Trustees concerning the awarding of honorary degrees.

D. to establish, subject to the approval of the Board of Trustees, the curriculum necessary to achieve the educational aims of the University, as well as to review periodically that curriculum;

E. to approve the basic framework of the academic calendar (e.g., the number and length of academic terms).

F. to approve annually the academic calendar.

~~G. to establish, subject to the approval of the Board of Trustees, policies and regulations affecting student welfare such as housing, food, health, dress, general behavior, the Campus Center and bookstore~~ *review recommendations from Student Senate regulations and make recommendations to the appropriate administrators or the Board of Trustees.*

~~H. to approve the original provisions and the amendments of charters for campus organizations;~~ *review appeals from Student Senate concerning*

~~E. to establish, subject to the approval of the Board of Trustees, policies affecting social activities on campus such as traditional events, cultural events, exhibitions and all-campus events;~~

~~G. to superintend the annual review of the social regulations of the University;~~

I. to make recommendations for consideration by ~~to~~ the appropriate *Councils, Committees,* administrative officer(s), or the Board of Trustees, concerning ~~other~~ *any* matters relating to the welfare of the University.

Section 2. In addition, the University Senate supervises the work of standing and ad hoc committees of the University Senate.

Section 3. The University Senate also has responsibility to develop and maintain channels and processes for communication between the University Senate and other components of University governance: the Board of Trustees, the standing and ad hoc committees of University Senate, and the various constituencies of the University Senate, including faculty, students, administrators, and staff.

Article IV. Organization of the University Senate

Section 1. The presiding officer of the University Senate shall be the President of the University or in the President's absence the *Provost and* Vice President for Academic Affairs and then successively the Vice President for Student Affairs, the Vice President for Business Affairs, the Vice President for Institutional Advancement, and the Vice President for Enrollment. If a special meeting of the Senate is requested by a petition of ten or more voting members of the University Senate under the provisions of section 3, and if none of the appropriate presiding

officers under this section are able to convene the requested meeting, the petitioners may select one of themselves to convene the meeting. If a quorum is present, the Senate shall immediately act to select one of its own members to preside over the business brought before the Senate.

~~Senators who have a scheduled class during the Senate meeting time may request, prior to the first Senate meeting of the semester, an excused absence for that semester only and thus not be counted in the number required for quorum.~~

Section 2. There shall be a ~~trained~~ Secretary of the University Senate, not necessarily a member, appointed by the President of the University. The Secretary shall be responsible for preparing agenda of meetings and communicating such agenda and proposals to the University Senate members in advance of meetings. The Secretary shall supervise the taking of minutes and shall codify University Senate actions. He/She shall keep the records in such a manner that they can be readily inspected by members of the University community. The Secretary shall assist those preparing resolutions in determining how such resolutions would be affected by previous actions recorded in the University Senate code.

Section 3. Regular meetings of the University Senate shall ~~be held on the fourth, eighth and twelfth Thursdays of each semester during the academic year~~ *occur at least three times a semester, the dates of which shall be published concurrent with the academic calendar.* Special meetings of the University Senate may be held during the academic year at the call of the presiding officer or upon the request of ten voting members of the University Senate transmitted in writing to the presiding officer as designated in this Article, Section 1.

Section 4. The agenda and materials for each regular University Senate meeting shall be made available to members ~~via email or intranet seventy-two hours (excluding Saturdays, Sundays and holidays)~~ *at least one week* in advance of ~~prior to~~ the meeting. ~~Proposed legislation beyond fifty pages shall be made available at least one week prior to the next Senate meeting. Paper copies of the agenda and proposed legislation should follow as time permits as requested through the President's Office.~~ The agenda shall contain such items as the campus committees or members of the University Senate shall request the Secretary to include. For any subject requiring a vote, the proponents shall prepare a detailed report for distribution with the agenda, ~~such reports to include~~ *including* proposed resolutions and substantiating statements. The University Senate ~~shall have~~ *has* the right to waive the ~~seventy-two hour~~ *one week* rule by ~~majority~~ *a two-thirds* vote of the members present ~~and voting~~.

Section 5. All standing committees shall submit written reports of their actions to the Secretary of the University Senate ~~and the members of the University Senate, eight~~ *at least ten* days prior to each scheduled Senate meeting. These reports will be included in the Senate ~~agenda packets~~ *materials circulated to the campus community and Senate, as described in Article I, Section 9, and Article IV, Section 4.* In ~~accordance with parliamentary practice~~ *addition*, all committees shall report annually to the University Senate on their activities and shall present special reports ~~when such are requested by it~~ *to Senate upon request*

Section 6. ~~The President shall determine which persons shall occupy committee posts in cases where the occupant is described by administrative or staff function rather than by specific title. The President shall be an ex-officio *non-voting* member of all standing committees and councils *subcommittees*, except the Judicial Council and the Appeals Council *judicial level boards and Personnel Committee*. He/She may appoint another person to serve as her/his representative in her/his absence.~~

Section 7. ~~Students and others~~ *All members of the campus community and invited guests* may attend meetings of the University Senate in the area designated as the gallery, except that the University Senate may bar the presence of visitors by adoption of a motion which substantiates the reasons for declaring that the University Senate shall sit in executive session.

Section 8. The following procedures shall govern the treatment of absences of committee members other than those on approved leaves or off-campus programs:

A. After an elected member misses two meetings, the committee Chair shall notify the member that a third absence may result in removal from the committee.

B. After an elected member misses three meetings in an academic year, the committee Chair shall notify the member that consideration of her/his *may consider her/his* removal, and replacement is being proposed to the Administrative Council, and the member shall be informed of the time and place of the next Administrative Council meeting occurring no sooner than five class days following the time of the notice. ~~At that meeting, or at a subsequent meeting, the Administrative Council shall decide whether the member shall be removed and replaced. A two-thirds vote of the committee members present is required for removal. Upon removal of a member, the committee Chair shall contact the appropriate constituency for replacement.~~

C. *Committee members who will be on leave for any reason (e.g., sabbatical, medical leave, class or work conflict) shall notify their constituency and the constituency may determine an appropriate method for replacement.*

Section 9. *There shall be a Parliamentarian, not necessarily a member, elected by the Senate at the first Senate meeting of the academic year. During Senate meetings, the parliamentarian will carry out his/her duties as described in Robert's Rules of Order: advising the presiding officer and members about matters of parliamentary procedure or related to the Bylaws, advising the presiding officer on rulings related to parliamentary procedure. The president may confer with the parliamentarian before the meetings in order to anticipate any problems that may arise. In addition, anyone who wishes to bring business to the Senate or any of its committees or who seeks advice on parliamentary procedure may consult with the parliamentarian outside of the Senate meetings.*

Article V. Organization of Schools and Departments

Section 1: ~~The University shall be divided into 3 schools: The School of Arts and Sciences, The School of Professional Studies, The School of Graduate Studies.~~

Section 2: ~~The Deans of the schools shall convene the Schools for the purpose of discussing school matters and other subjects submitted for consideration by the administration or by a member of the school. All full-time faculty are voting members of the School.~~

Section 3: ~~The Dean of each School will coordinate elections for committees and subcommittees that require school representation. These elections must be concluded before the last Senate meeting of the academic year.~~

Section 4: ~~In accordance with the election schedule adopted by the University Senate, the Chair of each department shall coordinate the election of a student Senator to the University Senate and of a student departmental representative to the School. Departmental student representatives shall be entitled to attend school meetings as voting members.~~

Article ~~VI~~ V. Nominations and Elections to Committees.

Section 1. It shall be a responsibility of the University Senate *constituent assemblies* to establish the specific election procedures for electing members to the University Senate and its standing committees. ~~Any recommended changes and the specific election schedule for the next academic year should be concluded no later than the May Senate meeting.~~

~~A. The Administrative Council shall make recommendations for such changes. The current procedures shall be printed in the Campus Life Handbook.~~

Section 2. *All proposed election procedures and changes to those procedures must be approved by the University Senate.* Any recommended changes to procedures and the specific election schedule for the next academic year should be concluded no later than the *final May* Senate meeting *of the academic year.*

Section 2. ~~Elections to standing committees and councils shall be by petition distributed by the elections subcommittee. Faculty and administrators who are members of Senate at the time of the elections and all students are eligible to run for committee membership. Individuals may run for multiple committees but may serve on only one judicial body. With the exception of the President and the Vice President of Academic affairs, individuals may chair only one standing committee. In the case that there is an insufficient number of candidates to fill all positions, the Administrative Council shall appoint all remaining positions.~~

~~A. The Election Subcommittee shall prepare ballots showing the names of the nominees.~~

~~—B. For standing committee and council positions, each Senate member may vote for as many of the nominees as there are numbers of positions to fill on each committee. The nominees shall be ranked according to the number of votes received, and the highest ranked shall be declared elected relative to the number of vacancies on the respective committees.~~

~~—C. In cases of ties, precedence in determining those elected shall be determined by Senate resolution. In each case where there is no contest by reason of the number of nominees equaling the number to be elected, the presiding officer shall declare the nominees elected without it being necessary to cast votes and count the same.~~

Section 3. ~~The Administrative Council shall appoint persons to fill vacancies for unexpired terms on committees and councils described in these Bylaws until the succeeding July 1. Vacancies for the remaining portion of the committee and council unexpired terms extending beyond June 30 of a given academic year shall be filled by the spring Senate elections following the nominating and voting procedures as prescribed in Article IV, Section 5, and Article VI. The Department Chair in every school shall appoint student or faculty replacements for vacancies on the Curriculum Committee. The period of time in which a person serves as a replacement for a vacancy shall not be counted in determining whether he is eligible for continuing service (in that position which is limited as to duration of service) unless the period of replacement exceeds one year. Senate, committee, or council vacancies shall exist whenever a person is removed, resigns from the governance position, changes her/his University status qualifying him for her/his position, or undertakes a leave or off campus program without the expectation or eventuality of returning the following academic semester. Committee or council positions temporarily vacated, presumably for a semester or less, may be filled by the Administrative Council at its discretion, but the Administrative Council shall fill temporary vacancies in the Judicial Council, Academic Council, Traffic Council, and Appeals Council no later than necessary to deal with arising cases. Regular or temporary vacancies in departmental seats of student Senators may be filled by the respective department meetings. Regular vacancies in at-large Senate seats shall be filled by selecting from the at-large election list the next eligible Senator to serve, ties being resolved by the Administrative Council. A member of the Senate, committee, or council, replaced under the condition of a temporary vacancy, shall resume office upon return to campus by appearing at a meeting of the body embracing the office and claiming her/his seat.~~