

THE UNIVERSITY OF NORTH CAROLINA ASHEVILLE
FACULTY SENATE

Senate Document Number SD4221S
Date of Senate Approval 04/01/2021

Statement of Faculty Senate Action:

EC 4: Proposed Faculty Senate Constitution Revision

Summary: This proposal aligns the voting procedures of the UNC Asheville Faculty Senate Constitution with The North Carolina Open Meetings Law which is codified as Article 33C of General Statutes Chapter 143 beginning at G.S. 143-318.9. This law disallows the practice of written and secret secret ballots.

Rationale:

The UNC System's current interpretation of G.S. 143-318.10 is that each of its seventeen Faculty Senates is a "public body" that "exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function." As a public body in the UNC System, UNC Asheville is to be in compliance with the 143-318.13 subsection b in that we may not vote by secret ballot. Our UNC Asheville constitution currently conflicts with this subsection and this proposal removes all references to secret ballots. General Counsel brought this conflict to the attention of the 2019-2020 Executive Committee. In Spring 2020 the Faculty Senate ceased the practice of secret ballots.

The North Carolina Open Meetings Law Section regarding secret ballots
Reference link: *(last Retrieved: March 4, 2021)*

https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_143/Article_33C.pdf

143-318.10. All official meetings of public bodies open to the public

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body"

means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

....

(b) Written Ballots. – Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Timeline of Process to revise UNC Asheville Faculty Senate Constitution:

1. March 4, 2021: The document EC 4: Proposed Constitution Revision added to Senate Agenda for first read. The Senate Chair will send an email to all Faculty regarding this proposal and will solicit feedback.
2. April 1, 2021: The document EC4: Proposed Constitution Revision added to Senate agenda for second read. The Senate Chair will send an email to all Faculty regarding this proposal announcing a senate vote.
3. April 2, 2021: The Senate Chair will send an email to all Faculty regarding the results of the Senate Vote.
4. April 19-26, 2021: All faculty vote. The constitution revision successfully passes with a two-thirds of the votes cast provided that at least a simple majority of faculty vote.
5. April 27, 2021: The Senate Chair announces results of vote to all faculty.

Revised Constitution: The changes are listed in red.

**CONSTITUTION OF THE FACULTY SENATE
OF
THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE**

The faculty of the University of North Carolina at Asheville as hereinafter defined, having responsibility for the academic program of the institution, establishes, for the purpose of regulating the conduct of its business and deliberations, this constitution. This is done in full awareness that all procedures must be compatible with acts of the legislature, rulings of the Board of Governors and the Board of Trustees, and rules established for the University as a whole. Nothing in this constitution shall abrogate the Chancellor's final authority over policies and procedures at the University of North Carolina at Asheville.

ARTICLE I

Definition of Faculty and Those Eligible to Vote and Stand for Election

The faculty shall be composed of all persons having academic rank at the University of North Carolina at Asheville , the Chancellor of the University, the Provost and Vice Chancellor for Academic Affairs, and the Assistant or Associate Provosts. The ranks are Professor, Associate Professor, Assistant Professor, Senior Lecturer, Lecturer, and Instructor. Eligibility to vote and stand for election will be based on the requirements defined in Section 10.2 of the Faculty Handbook.

ARTICLE II

Section 1

Powers and Duties

1. The Senate shall exercise the legislative powers of the faculty.

2. The Senate shall:

- (a) Provide for such standing and special committees that the Senate may deem necessary;
- (b) Establish, review, evaluate and restructure the boards and committees established by the Senate;
- (c) Act on reports and recommendations from the boards and committees;
- (d) Approve the academic calendar for the University;
- (e) Promote high educational standards at the University;
- (f) Approve the general University degree requirements;
- (g) Recommend the establishment or discontinuation of degrees and programs;
- (h) Approve all curricular changes;
- (i) Approve policies and regulations governing the conditions under which the instruction of students takes place;
- (j) Advise members of the administration regarding standards of admission to the university including but not limited to academic standards;
- (k) Advise members of the administration on matters pertaining to the level and use of tuition and fees;
- (l) Establish reappointment, promotion and tenure policies and regulations;
- (m) Review policies and regulations pertaining to appointments, faculty development, teaching and research;
- (n) Advise the administration regarding faculty salaries, faculty workload, compensation and benefits;
- (o) Review and recommend policies governing educational functions of the University;
- (p) Participate in institutional development by providing input into the ongoing planning and budgetary process;
- (q) Maintain and promote the welfare of all members of the University community;
- (r) Advise and counsel the administration upon any matters that the administration or the Senate may wish to present and to act upon any matters presented by the administration when action is appropriate.

3. Senate actions are subject to faculty review as follows: The Senate shall promptly distribute a written report of its actions and recommendations to all members of the faculty. The faculty, in general meeting, may discuss, amend, endorse or veto any Senate action, provided that at least one week in advance of the meeting the faculty is given written notice of the issue to be raised and the action to be proposed. A quorum of the faculty (50% +1) must be present at such a meeting where amendment or veto shall be by two-thirds majority of

those voting. Because of this provision the Senate must report actions within two weeks via faculty mail or electronic mail so that any faculty member may initiate discussion of Senate actions.

The faculty may refer appropriate concerns to the Senate for investigation, clarification, discussion and debate. The Third Vice Chair of the Senate shall issue an agenda to all faculty members prior to each Senate meeting. Meetings of the Senate shall be open to all members of the faculty; visitors may participate in Senate debate by majority consent of the members present.

4. Actions and resolutions of the Senate shall be forwarded, as appropriate, to the Chancellor and Provost and/or Vice Chancellor of Academic and Student Affairs.

5. The Senate may, at its own discretion, seek the advice and counsel of any member of the faculty.

Section 2

Composition of the Senate

The Senate shall be composed of eighteen elected faculty members. The Provost and Vice Chancellor for Academic Affairs shall serve as an ex officio, non-voting member of the Senate. The Senators shall hold three year terms of office from May 5 through May 5 of each succeeding year. Terms of office shall be phased so that six members are elected to new terms each year.

Senators will regularly attend Senate meetings and Senate committee meetings. When a Senator cannot attend a regular meeting of a Senate committee or the Senate, she/he should inform in advance the appropriate chair and specify her/his reasons. A Senator missing more than three meetings of either the Senate or a Senate committee will have her/his Senate membership reviewed by the Executive Committee of the Senate.

Section 3

Election of Senators

Each year the faculty shall vote for six Senators. One Senator each shall be elected from each of the broad academic areas: Social Sciences, Natural

Sciences, and the Humanities. The highest vote recipient in each area shall be elected. Three Senators shall be elected at large, being the next three highest vote recipients over all. All elected representatives shall represent the faculty as a whole and not solely the exclusive academic area in which they teach. (In the first election following the approval of this Constitution, five Senators shall be elected at large.)

In each election, three alternates, being the next highest vote recipients from each of the three divisions after the above Senators are designated, shall be elected for two year terms. The alternates shall attend Senate meetings with voice, but without vote. Should a vacancy occur for any reason, the Senate shall elect one of the alternates to assume the full duties of that position for the duration of that vacancy. Should a vacancy occur after all alternates are in place, a special election shall be called to fill the vacancy, unless the vacancy occurs within 45 days prior to the next regularly scheduled election, in which case the position will remain vacant.

Section 4

Officers of the Senate

The officers of the Senate shall be elected annually by the Senate membership for a term of one year. They shall serve on the Executive Committee of the Senate. The elections shall be held in the spring of each year at the first meeting of the new Senate. The officers of the outgoing Senate shall convene the new Senate and hold the election of the new officers. ~~The election of officers by the Senate shall be by secret ballot;~~ a majority of the senators voting shall be necessary for election. Nominations shall be made from the floor of the Senate and can be made by any member of the faculty eligible to vote or serve on the Senate.

The officers shall be:

The Chair, who shall normally preside at Senate meetings, shall chair the Executive Committee of the Senate and serve as the official spokesperson of the Senate. The Chair normally attends the Board of Trustees meetings and may respond to Trustee questions and/or give reports at the discretion of the Chair of the Board of Trustees.

The First Vice Chair, who shall preside in the absence of the Chair of the Senate and chair the **Academic Policies Committee**.

The Second Vice Chair, who shall preside in the absence of the Chair of the Senate and the First Vice Chair and chair the **Institutional Development Committee**.

The Third Vice Chair, who shall preside in the absence of the Chair of the Senate and the First and Second Vice Chair and chair the **Faculty Welfare and Development Committee**.

A Senate Officer may be recalled by a **secret** vote of the Senate. Fifteen votes shall be needed for recall.

Section 5

Standing Rules and Rules of Order

1. The Senate shall adopt Standing Rules and Rules of Order for the purpose of conducting its business. Such rules shall be in accordance with this Constitution.
2. The Senate Standing Rules and Rules of Order will be approved every year at the first Senate meeting and may be amended by a majority vote of Senators present and voting. Standing Rules and Rules of Order may only be amended at the first Senate meeting of each year. Proposed Amendments must be received in writing by all Senate members one week (five working days) prior to the first Senate meeting of the academic year. (In the first year after the approval of this Constitution, Standing Rules and Rules of Order shall be approved by October 15.)

3. Any member of the University community may review the Standing Rules and Rules of Order and propose amendments.

4. In all cases not covered by this Constitution or by the Senate Standing Rules and Rules of Order, the procedure in Robert's Rules of Order shall be followed.

Section 6

Standing Senate Committees

The standing committees of the Senate shall be: The Executive Committee, the Academic Policies Committee, the Institutional Development Committee, and the Faculty Welfare and Development Committee.

The Executive Committee shall be composed of the officers of the Senate and shall be chaired by the Chair of the Senate. The Executive Committee shall be concerned with the Senate agenda, the assignment of tasks to the appropriate standing committees, and the yearly review of Senate Standing Rules and Rules of Order.

As the elected leadership of the Senate, the Executive Committee will consult as appropriate with members of the faculty, with Senate boards and committees, with ad hoc committees appointed by the Chancellor, or the office of Provost, and with officers and officials of the University, including the Chancellor, Provost and the various Vice Chancellors. The Executive Committee, the Chancellor and the Provost and Vice Chancellor for Academic Affairs and Student Affairs will consult with one another in the appointment of members of ad hoc committees and task forces.

The **Academic Policies Committee** shall be composed of six voting members: the First Vice Chair of the Senate, who shall chair the Committee, and five members appointed by the Executive Committee. The Provost and Vice Chancellor for Academic and Student Affairs or designee and the Registrar or designee are included as non-voting ex officio members. The Committee shall have the responsibility for developing institutional policy and procedure in

academic matters as specified in Article II, Section 1.2, and shall be available for discussion and consultation with appropriate student groups, as well as with members of the faculty, about academic policy and curricular changes.

The **Institutional Development Committee** shall be composed of six members: the Second Vice Chair of the Senate, who shall chair the committee, and five Senate members appointed by the Executive Committee. The committee shall have concern for all policy, planning, resource use and allocation and initiatives in the area of institutional development as specified in Article II, Section 1.2. This committee shall advise and consult with the Chancellor, the Provost and the various Vice-Chancellors on university planning and use of university resources. The committee shall be responsible for reporting planning activities to the Faculty Senate, with the Senate responding through Senate action where appropriate.

The **Faculty Welfare and Development Committee** shall be composed of five members: the Third Vice Chair of the Senate, who shall chair the committee, and four Senate members appointed by the Executive Committee. The Committee shall study, on an on-going basis, the campus policies affecting faculty welfare as specified in Article II, Section 1.2. It shall initiate changes and/or entertain suggestions and concerns regarding these matters from individuals and groups of faculty members. It shall also draft policy changes and resolutions on issues of faculty welfare for Senate consideration.

Section 7

Senate Meetings

The Senate shall choose a regular time of meeting and shall meet monthly during the academic year. It may be called into special session by the Chair, by concurrence of three members of the Executive Committee, or by petition of twelve Senators to the Third Vice Chair of the Senate. A quorum shall consist of twelve elected members.

ARTICLE III

Section 1

Amending and Revising the Constitution

Provisions outlined in this constitution may be amended by vote of the faculty eligible to serve on the Senate. A two-thirds of the votes cast is required for approval, provided that at least a simple majority of the faculty members vote. At least one month's written notice must be given to the faculty and all changes to the Constitution must be provided at least one month before the vote. ~~The vote shall be by secret ballot~~ which may be conducted electronically. In the event that a future senate shall desire to revise this constitution as a whole, the revised version shall be enacted by the same procedure. A revision is interpreted to be a substantive alteration of the basic structure or charge of the Faculty Senate. The vote ~~shall be by secret ballot which~~ may be conducted electronically.