

# ***THE CONSTITUTION OF THE MARSHALL UNIVERSITY FACULTY***

## **PREAMBLE**

Universities striving for excellence historically and traditionally have enjoyed the autonomy and integrity necessary to accomplish their mission as institutions of higher learning committed to the search for and dissemination of knowledge and truth—and so it has been, and must continue to be, at Marshall University. It is recognized that the legal authority to guide and regulate the University is vested by the West Virginia Legislature in the West Virginia Higher Education Policy Commission, the Marshall University Institutional Board of Governors and the President of the University. It is further recognized that the West Virginia Higher Education Policy Commission and Marshall University Institutional Board of Governors grant autonomy to the colleges and universities under their jurisdiction. The West Virginia Legislature has also established that each institution of higher education shall have an institutional faculty senate. As a corollary of academic freedom, the faculty has the major responsibility for guiding the scholarly pursuits of the University. To that end, this constitution is established to facilitate meaningful communication throughout the academic community and to assist the University President, the West Virginia Higher Education Policy Commission, and Marshall University Institutional Board of Governors in the development of academic policies and procedures.

## **MISSION STATEMENT**

Faculty Senate acts as a liaison among the faculty, staff, administration, and student body with respect to matters affecting the best interests of each group. We strive to support and strengthen the governance structures of these groups in order to promote and actively participate in shared governance within the institution in order to make Marshall a premier public university.

## **ARTICLE I – THE FACULTY**

The faculty is a legislative body of Marshall University and has the authority to concern itself with topics affecting the whole university. This authority is delegated to the Faculty Senate, which is the representative body duly elected by and from the faculty. The Faculty Senate is empowered to act on behalf of the faculty on questions and issues properly brought before it by the faculty of any college, school, or component of the university. Marshall University is committed to providing equality of opportunity and treatment; therefore, the Faculty Senate and any committee operating under its authority do not discriminate on the basis of race, color, gender, age, religion, national origin, handicap, or sexual orientation.

## **ARTICLE II – THE FACULTY SENATE: PURPOSES—POWERS—FUNCTIONS**

**Section 1.** The Faculty Senate shall take within its province any subject of interest to the faculty, the administration, and the student body. With respect to the general welfare of the university,

the Faculty Senate shall serve as the major legislative, advisory, and review body of the faculty. It shall investigate, debate, and communicate to the faculty those matters deemed to be in the best interests of the university. Academic policy decisions, or matters construed to impinge on the academic decisions, shall be the primary responsibility of the Faculty Senate. The faculty may call a referendum upon any of the actions of the Faculty Senate. Actions of the Faculty Senate shall become the policy of the institution unless for serious and compelling reasons the University President rejects in writing such actions within fifteen working days following submission by the Faculty Senate. All measures receiving presidential approval, or which, are not specifically rejected by the University President, shall be considered binding subject to the final approval, if necessary, of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors.

**Section 2. Legislative Function.** As the faculty legislative body, the Faculty Senate shall exercise authority over all matters that pertain to academic policies of the university, including instruction, research, and continuing education. Affairs of the university which directly and primarily affect the faculty include, but are not limited to, determination of curricula, standards of admission and selection, retention and transfer of students, scholarships and honors, requirements for the granting of degrees, candidates for honorary degrees, instructional standards throughout the university, and matters of the faculty's welfare. The Faculty Senate shall be responsible for developing policy with regard to major issues which affect the institution, such as, change in the mission of the university, addition or deletion of programs, contracts with government agencies, and public questions which affect the role of the institution or endanger the principle of academic freedom. The Faculty Senate shall be responsible for maintaining communications between the faculty and the administration, the student body, and the staff. It shall establish rules and procedures for standing committees and shall be responsible for overseeing the election of Faculty Senate members. All standing committee actions, with the specific exceptions detailed in this constitution shall be subject to review, amendment, approval or rejection by the Faculty Senate.

**Section 3. Advisory Function.** The Faculty Senate shall serve in an advisory capacity to the university community and administration. Matters which directly or indirectly affect the general welfare of the institution include, but are not limited to, student life, such as standards of conduct, living conditions, organizations, intercollegiate athletics, and participation in extracurricular activities; the academic calendar; and university convocations and lectures.

The Faculty Senate shall be available to advise the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors on the appointment of the University President and to advise the University President on the appointment of university wide administrative officials. It shall advise the administration on policies with respect to the preparation of the annual budget and its allocation to operational units; equipment and physical facilities; official university publications, press releases, and radio and television broadcasts, and student academic publications; the academic structure and governance system; and the mission, goals, and objectives of the university.

**Section 4. Review Function.** The Faculty Senate shall be empowered to review all policies and to formulate recommendations with respect to the general welfare of the university.

Matters directly affecting the faculty include, but are not limited to, academic freedom, tenure, and promotions; appointments, reappointments and dismissals; teaching loads; salary schedules or other compensation or benefits; policies governing stability of employment, retirement, sabbatical or other leaves; and the reorganization of academic units.

The Faculty Senate shall also be empowered to review programs of research, experimentation, and instruction; grading systems and trends; instructional evaluation; and policies and administration of the university libraries. It shall also review the academic conduct of students, including means for handling infractions. The Faculty Senate shall be responsible for the investigation and conducting of hearings on grievances from members of the faculty and student body, except for those covered by the various West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors policy bulletins or those under the jurisdiction of other committees; it shall report the findings and make recommendations to the appropriate parties. The representative to the Advisory Council of Faculty to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors (hereafter referred to as "the faculty representative to the ACF") reports on meetings of the ACF to the Faculty Senate and the Marshall University Institutional Board of Governors.

**Section 5. Provisions of the Senate.** The Faculty Senate shall be provided with an appropriate budget, office space, adequate secretarial support, and release time for the Faculty Senate Chair.

### **ARTICLE III – MEMBERSHIP AND ELECTION**

**Section 1.** The Faculty Senate shall consist of one (1) senator for each academic unit, unless otherwise specified, plus one (1) senator for each thirteen (13) full-time faculty members, plus one (1) additional member if the number of full-time faculty in a unit exceeds a multiple of thirteen by seven (7) or more. The School of Medicine and the School of Pharmacy will each have three (3) regular senators and a pool of three (3) senator substitutes. For Faculty Senate meetings, senator substitution from the pool of senator substitutes will be allowed for the School of Medicine and the School of Pharmacy. Ex-officio voting members will be the Graduate Council Chair and the faculty representative to the ACF. The Student Government Association President will be an ex-officio non-voting member of Faculty Senate. The term "academic unit" is defined in Bylaw # 14. Individual constituency numbers for calculating representation shall be based upon the number of full-time faculty presented every second year to the Executive Committee of the Faculty Senate in the fall semester preceding Faculty Senate elections. Census information will be provided by the Office of Institutional Research in collaboration with the Provost, the Vice President of Academic Affairs, and the Vice President for Health Services. In addition, South Charleston faculty will elect one (1) at-large senator.

**Section 2.** For the purposes of this Constitution, unless specifically stated otherwise, the word faculty means all full-time employees who have current faculty appointments, including library track faculty, clinical faculty, associate deans, assistant deans, directors, associate directors, assistant directors, chairs, temporary faculty with one-year appointments, and term faculty. Faculty does not include deans, part-time faculty, and adjunct faculty. All faculty shall be eligible for election to office unless specifically stated otherwise in this Constitution. This

definition of faculty shall be used for apportionment calculations for Faculty Senate representation

**Section 3.** The term of office for a senator shall be two (2) years. Senators can serve no more than four (4) consecutive terms.

**Section 4.** Elections for senators shall occur annually in April of even-numbered years, with the names of the new senators submitted by the Dean or Director of each unit to the Chair of the Faculty Senate by May 1. For the at-large senator for the South Charleston campus the election will be the responsibility of the Executive Committee of the Faculty Senate. Each unit shall conduct its own election according to the bylaws of that unit, providing that all voting shall be by secret ballot.

**Section 5.** If a senator misses more than three (3) regular meetings in any academic year, his/her seat will be declared vacant by the Faculty Senate Chair, who will immediately report the vacancy to the Dean or Director of the appropriate unit. Within two weeks the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat.

**Section 6.** Temporary senators will be elected by a unit if a seat is vacated for one academic year or less due to leaves of absence, sabbaticals, incapacity, or other reason. If a senator will be unable to fulfill his/her responsibilities and duties to the Faculty Senate for longer than one academic year, he/she must resign. Temporary senators will have all the privileges of Faculty Senate membership, though they may serve no longer than one academic year in temporary capacities.

#### **ARTICLE IV – MEETINGS**

**Section 1.** The Faculty Senate shall meet at least quarterly and may meet at such other times as called by the chairperson or by a majority of the members during the regular academic year. Special sessions of the Faculty Senate will be called at the request of ten (10) or more faculty members. Special sessions will be held as soon as practicable within two (2) weeks from the date they are called. The responsibility for notifying senators and faculty members of special sessions shall rest with the Faculty Senate Chair who shall use the most appropriate means available to fulfill this obligation. An announcement of the agenda, time and place of every regularly scheduled Faculty Senate meeting shall be sent to each senator one week in advance of the meeting.

**Section 2.** A quorum shall be a simple majority (50% plus one) of the voting Faculty Senate members.

**Section 3.** A voice vote will be conducted on actions requiring a vote. At the request of any senator for a division of the Faculty Senate, a show of hands or roll call vote will be taken and recorded by the Faculty Senate Recording Secretary.

**Section 4. Minutes.** The minutes of Faculty Senate meetings shall be distributed to each senator and the University President no later than seven (7) working days before the next meeting. Also, the minutes will be available on the Faculty Senate's website.

**Section 5. Rules of Procedure.** The parliamentary authority of the Faculty Senate shall be the latest edition of Robert's Rules of Order.

**Section 6.** Faculty Senate meetings are open to the public except in those cases where executive sessions are permitted by West Virginia statute (6-9A-4). No decision shall be made in any executive session of the Faculty Senate. If any student, administrator or non-senate faculty member wishes to speak to an issue, he/she will be recognized and allowed to speak briefly. If any non-senator wishes to speak for a longer period of time, he/she should request the Executive Committee at its meeting to place him/her on the agenda.

**Section 7.** The University President shall meet at least quarterly with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

**Section 8.** The Marshall University Institutional Board of Governors shall meet at least annually with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

## **ARTICLE V – ADOPTION AND AMENDMENT**

**Section 1.** This constitution shall be adopted when approved by a simple majority of the secret ballots cast by the faculty as defined in ARTICLE III, Section 2 of the current Constitution of the Marshall University Faculty. Upon adoption by the faculty, this constitution shall be made a part of the Marshall University Greenbook, which shall contain the Faculty Senate Bylaws, official policies, procedures, and other information pertinent to the University's operation and internal government.

**Section 2.** An amendment to the constitution may be proposed by ten (10) percent of the faculty or by a majority vote of the Faculty Senate. All proposed amendments must be submitted to the faculty for its approval. The ratification of an amendment requires the approval of a two-third (2/3) majority of those voting.

**Section 3.** Any proposed amendment shall be distributed to every member of the faculty at least two weeks before a regular or special meeting of the faculty at which the amendment will be discussed. Opportunity for debate shall be provided for every proposed amendment.

## **ARTICLE VI – STANDING COMMITTEES**

**Section 1.** The Marshall University Faculty Senate system shall include, in addition to the Faculty Senate itself, standing committees. One of these is designated the Executive Committee of the Faculty Senate and shall function as part of the Faculty Senate. The other committees work in cooperation with, but are distinctly separate from the Faculty Senate. With the exception of the Executive Committee, the membership, officers, and relationships of the standing committees to the Faculty Senate are as follows:

**Section 2. Membership.** The membership of standing committees, unless otherwise specified,

shall include one senator appointed by the Faculty Senate Chair to serve a two-year term. This member shall be the voting “Liaison.” This appointment may be renewed for one additional consecutive term. Other membership shall consist of one member elected by the faculties of each academic unit as defined in Bylaw #14. One undergraduate student, appointed by the Student Government Association and one graduate student, appointed by the Student Government Association, will also serve with exceptions as noted. This shall be the voting membership of the committees. Ex-officio, nonvoting members will be designated according to each committee's nature and functions. The length of faculty membership on committees shall be four (4) years. Faculty members may serve no more than two consecutive terms on any one standing committee and may not serve on any two standing committees simultaneously.

**Section 3. Officers.** Officers of the standing committees will be a chair and a recording secretary. The chairs of the committees and the recording secretaries will be elected by the voting members of their standing committees. The terms of office shall be one (1) year, and may be renewed up to a maximum of four (4) successive terms (i.e., four years). The committee may remove an officer by a "motion to rescind the election." The successor of an officer removed in this manner shall serve until the next regularly scheduled election for that office. The chair is responsible for establishing the committee's agenda with the assistance of the recording secretary; presiding over committee meetings; and reporting committee actions to the Faculty Senate. The chair shall also notify all committee members of the Faculty Senate's response to committee actions. The chair, with the assistance of the committee's recording secretary, shall prepare an annual report on the committee's work at the end of the academic year and this will be submitted to the Executive Committee to be posted on the Faculty Senate website. The committee's recording secretary will also be responsible for keeping minutes of all committee meetings; for accurately recording and reporting votes of the committee; and for assisting the committee chair in the preparation and submission of the committee's annual report.

**Section 4. A. Committee-Senate Relationship.** Standing committees shall meet of their own accord; or when requested to meet by the Faculty Senate Chair, the Executive Committee, or the Faculty Senate. All actions, with the exceptions as noted in this constitution, taken by standing committees shall be subject to final review and approval by the Faculty Senate Executive Committee. All recommendations, resolutions or other actions as deemed needed by the Executive Committee shall be submitted to the full Faculty Senate for review or decision as judged necessary. In the event the Faculty Senate does not concur with committee actions, a full and detailed text of the rationale must be provided.

**B. Quorum Requirements in Standing Committees.** A quorum shall consist of a simple majority (50% plus one) of the voting members.

**C. Rules of Procedures for Standing Committees.** The parliamentary authority of the standing committees shall be the latest edition of Robert's Rules of Order.

**D. Electronic Meetings.** *Robert's Rules of Order* defines an electronic meeting as any meeting in which one or more members participates from a remote location using telephone or internet technology. Faculty Senate standing committees may hold electronic meetings subject to the following restrictions.

1. A quorum of committee members must be physically present in one location.
2. All members of the committee must be able to communicate, at least aurally, with all other members concurrently.
3. The Faculty Senate Executive Committee may approve and revise, from time to time, specific additional procedures that must be followed in electronic meetings of standing committees.

## **Section 5. The Executive Committee**

**A. The Executive Committee** shall serve as the executive branch of the Marshall University Faculty Senate. It shall function in leadership and advisory capacity but shall not legislate.

**B. Membership.** Except as provided in Article VI, Section 5G, one (1) senator representing each academic unit of the university, elected to the Faculty Senate, shall serve. The term "academic unit" is defined in Bylaw # 14. In addition, ex-officio, voting membership shall consist of the Graduate Council Chair and the faculty representative to the Advisory Council of Faculty (ACF). Ex-officio, nonvoting membership shall consist of the faculty representative to the Marshall University Institutional Board of Governors who may not be serving simultaneously as a faculty senator, and the president of the Student Government Association.

**C. Officers.** The officers of the Faculty Senate shall be the officers of the Executive Committee. These shall be the Chair, Assistant Chair, and Recording Secretary of the Faculty Senate. They shall be nominated and elected by the Faculty Senate by secret ballot at a special spring meeting of the newly constituted Faculty Senate (i.e., those who will comprise the Faculty Senate during the next academic year). Terms of office shall be two (2) years. Officers shall serve no more than two (2) consecutive terms in their respective positions. The Faculty Senate may remove an officer by a "motion to rescind the election." The successor shall be elected by the Senate. The elected successor shall serve until the next regularly scheduled election for that office. No two officers shall represent the same academic unit at any time.

**D. Other members.** All other voting members of the Executive Committee shall be nominated and elected by the Faculty Senate at the same special spring meeting of the newly constituted Faculty Senate, after the election of officers. The terms of office shall be two (2) years. No voting member of the Executive Committee may serve more than two consecutive terms. Nonofficers shall be selected so as to represent those academic units not represented by the officers.

**E. Powers and Functions.** The Chair shall preside over Faculty Senate meetings; preside over general faculty meetings; preside over Executive Committee meetings; establish the agenda for Executive Committee meetings in cooperation with other officers; and confer with the University President and other officially designated bodies as the Faculty Senate representative. The Assistant Chair shall assume all duties and responsibilities in the absence of the Chair and assist the Chair in establishing the agenda for Executive Committee meetings. The Recording Secretary shall serve as secretary to the general faculty; serve as secretary to the Executive Committee; and assist the Chair and Assistant Chair in establishing the agenda for Executive Committee meetings. The election of the at-large senator for the South Charleston

campus is the responsibility of the Executive Committee. The Executive Committee creates special committees and appoints such committee chairs; receives reports of ad hoc committees or by the Faculty Senate; receives reports from university wide search committees for information and review; sets agenda for the Faculty Senate and sends on items for consideration and legislation; sets agendas for general faculty meetings; and submits requests for consideration of business presented by faculty members. Any request bearing the signatures and names of ten (10) or more full-time faculty members or five (5) or more senators shall be transmitted automatically to the appropriate Faculty Senate bodies for consideration, except in those cases where deliberation is already guaranteed by policies of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors. Such requests for agenda items must be considered within two meetings. Requests for consideration bearing fewer than ten (10) signatures and names of full-time faculty or fewer than five (5) signatures and names of senators shall be considered at the discretion of the Executive Committee, except in those cases where deliberation is already guaranteed by policies of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors.

Additional responsibilities of the Executive Committee include the areas of commencement and honorary degrees. The Executive Committee shall recommend policies relating to presidential inaugurations and commencement activities, including the selection of a commencement speaker. The Executive Committee shall recommend candidates for honorary degrees. The Executive Committee's recommendations in these matters shall be transmitted to the Faculty Senate for review and its decision. The Executive Committee will collect an annual contribution from the faculty and administration to defray costs of expressions of sympathy, congratulations, and so forth. It will assist in the planning and sponsorship of activities to honor retiring faculty.

The Executive Committee furthermore resolves jurisdictional disputes among committees, oversees and coordinates the preparation and posting of annual standing committee reports in the annual Faculty Senate report, coordinates the faculty role in the Greenbook revision, and shall act for the Faculty Senate during periods when the Faculty Senate is unable to meet. All actions taken by the Executive Committee must be subsequently approved by the Faculty Senate at its next meeting to remain in force. The Executive Committee may not legislate; only the Faculty Senate may do that.

**F. Restrictions.** Members of the Executive Committee are automatically barred from serving on any other standing committee of the Faculty Senate except as ex-officio, nonvoting members as provided by this constitution. Executive Committee members may, however, be appointed to serve on ad hoc or search committees.

**G.** Should the office of Faculty Senate Chair, Assistant Chair, or Recording Secretary become vacant during a time other than the end of a two-year term, the Executive Committee shall call for nominations from the Faculty Senate at its next regularly scheduled meeting. All senators including members of the Executive Committee and officers are eligible to fill the unexpired term of a Faculty Senate officer. Election shall be by the Faculty Senate by secret ballot. Only one senator from a specific academic unit may serve as that academic unit's representative on the Executive Committee. If the election to replace a Faculty Senate officer causes an academic unit to have more than one senator representing that academic unit on the Executive



Committee, the representative of that Academic Unit previous to the election will no longer be on the Executive Committee. If the election or other event leaves an academic unit unrepresented on the Executive Committee, the senators from that academic unit will immediately elect one among themselves to newly serve on the Executive Committee.

## **Section 6. Academic Planning Committee**

**A. Powers and Functions.** The Academic Planning Committee shall serve as the major faculty agency for discussion, review and development of recommendations of undergraduate programs regarding letters of intent to plan new academic programs, degrees, and certificates, academic long range planning (mission statements, five year plans, strategic plans and similar major plans, and the reorganization of any academic unit), academic programs needs assessments, and work directly with the University President and Faculty Senate Executive Committee as requested and appropriate. It shall be the function of the Academic Planning Committee to make recommendations about new academic programs and priorities in relation to available resources, receive Departmental Program Review documents, make recommendations concerning the level of action to be recommended by the institution to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors, and respond when appropriate to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors and/or the University President concerning policies relating to academic planning. The Academic Planning Committee will cooperate with administrative officials, university Deans or Directors, the Provost, the Vice President of Academic Affairs, and the University President on matters relating to academic planning. When appropriate, the Academic Planning Committee may seek external review teams for evaluation purposes for new program proposals.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Provost, the Vice President of Academic Affairs, the Dean or the Director of each college or school, the Vice President for Development, the Director of Institutional Research, and the coordinator of Assessment and Program Review.

## **Section 7. Budget and Academic Policy Committee**

**A. Powers and Functions.** The Budget and Academic Policy Committee shall assume the primary responsibility for the development of policies that contribute to the maintenance of academic standards in the university. The committee's responsibility shall include, but not be limited to, policies affecting the university calendar, the university budget, library budgets, academic honesty, class attendance, grading and examinations. The committee shall process student academic appeals.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex-officio, nonvoting members of this committee shall be the Provost, the Vice President of Academic Affairs or his/her designee, the Senior Vice-President for Finance & Administration, and one (1) Classified Staff Council representative.

## **Section 8. Athletic Committee**

**A. Powers and Functions.** This committee shall consider policies relating to the maintenance and development of the intercollegiate athletic program, eligibility of athletes, budgets, and athletic staff personnel. It will monitor the maintenance and development of the intercollegiate athletic program in conformity with the policies, goals, and standards of the NCAA, conference, and Marshall University scholastic standards. It will be responsible for ensuring that eligibility requirements for athletic competition are in compliance with NCAA, conference, and Marshall University scholastic standards. It will review the Department of Athletics' budget in terms of its suitability to both short term and long term objectives and priorities of the Department of Athletics and Marshall University. The committee shall review all policy matters relating to the athletic program of the university as requested by the faculty, the Athletic Director, or the University President. The committee shall receive position requirements prior to public notice of vacancies. The committee shall be represented on all Department of Athletics' search committees to fill vacancies.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Voting membership shall also include the faculty representative to the NCAA, and a representative of the Student-Athlete Advisory Committee. Ex-officio, nonvoting members of this committee shall be the Senior Vice President for Finance & Administration, the Dean of Student Affairs, the Athletic Director, the Associate Athletic Director for Compliance, one (1) representative from the Big Green Scholarship Foundation, one (1) Alumni Association representative, and one (1) Classified Staff Council representative.

## **Section 9. Curriculum Committee**

**A. Powers and Functions.** The Curriculum Committee shall be responsible for assisting undergraduate college/school curriculum committees in their activities such as approving undergraduate course and other curriculum changes, as well as approving the addition or deletion of undergraduate programs.

**B. Membership.** Committee membership shall include one representative from the college curriculum committee of each academic unit listed in Bylaw #14 that has undergraduate programs, and one representative from the Marshall University Libraries. This committee does not have a graduate student representative. Ex-officio, nonvoting members shall be the Provost, Vice President of Academic Affairs, and the Dean or the Director of each undergraduate college or school.

## **Section 10. Faculty Personnel Committee**

**A. Powers and Functions.** At the request of the University President or Faculty Senate Chair, using appropriate Series/Rules and the 1986 AAUP Recommended Institutional Regulations on Academic Freedom and Tenure as guidelines, the committee shall write, alter, or rewrite policies relating to academic rank, salary, tenure, promotion, teaching and non-teaching load, retirement, sabbatical, and other matters which affect the well-being of faculty. The Faculty Personnel Committee shall study and evaluate policies and procedures relating to the hiring of faculty, which includes a yearly review of salaries, and review and recommend sabbatical leave requests. The committee shall act as an advisory panel for all faculty members initiating grievances in

accordance with Series 9. The committee shall address all faculty grievances except those involving dismissal, termination due to reduction of or discontinuance of an existing program, termination due to financial exigency, or a faculty member desiring to appeal a decision of the University President on non-retention or promotion. The committee shall refer to the Hearing Committee those grievances involving a number of persons. Chapter 29B. Freedom of Information Act of the West Virginia code provides that "Every person has a right to inspect or copy any public record for a public body in this state, except as otherwise expressly provided by Section Four of this article." Under Exceptions in Section Four the code reads, "Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy..." When the committee handles matters of a personal nature, it will not share its findings with the Faculty Senate. Hence, in this function it remains exempt from those conditions outlined under the section entitled "Committee-Senate Relationship" in this document.

**B. Membership.** Committee membership shall be consistent with that of all regular standing Committees. This committee does not have undergraduate and graduate student representatives. Ex-officio nonvoting members shall be the Provost, Vice President of Academic Affairs, and the faculty representative to the ACF.

### **Section 11. Library Committee**

**A. Powers and Functions.** The Library Committee shall advise the Dean of Libraries on matters of library policy; review the administration of the libraries; carry out studies relating to library functions; and serve as a liaison between the faculty at large, the Faculty Senate, and the university libraries.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex-officio, nonvoting membership shall be the Assistant Vice President for IT/Online Learning & Libraries, the Director of Library Operations, the Director of Morrow Library, the Director of South Charleston Library, Director of Health Science Libraries, the Acquisitions Librarian/Technical Services Team Leader, Digital Learning Librarian/Reference & Instructional Services Team Leader, and the Head of Archives & Special Collections.

### **Section 12. Physical Facilities and Planning Committee**

**A. Powers and Functions.** The Physical Facilities and Planning Committee shall consider policies relating to the maintenance, utilization, and improvement of existing facilities; to planning for existing and anticipated needs, including priority of major capital improvements in accordance with the university's mission statement; to review and revise policies related to campus parking regulations; and to the performance of such duties as the University President and/or the Faculty Senate Chair may assign.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees plus a representative from Classified Staff Council. The ex-officio nonvoting member shall be the Senior Vice President for Finance & Administration.

### **Section 13. Research Committee**

**A. Powers and Functions.** The Research Committee shall be concerned with the promotion of faculty research, publications, and other creative activities. It shall aid the appropriate administrators in the search for funds and advise in administering available funds. The committee shall act as a review board for the university-funded research proposals.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Provost, the Vice-President for Health Sciences or his/her designee, the Dean of the Graduate College, and the Director of MURC.

### **Section 14. Student Conduct & Welfare Committee**

**A. Powers and Functions.** The Student Conduct and Welfare Committee is concerned with the responsibility for the general and specific well-being of students. It shall be the function of the committee to consider and recommend policies relating to the coordination and regulation of student organizations, social events, and other related activities; academic conduct of students; advisory and counseling program; health services; financial aid, including loans and scholarships; student housing; orientation and new student program; student development program; and student academic publications. It shall also strive to protect the rights of students. It is the responsibility of the committee to maintain and improve an atmosphere conducive to the pursuit of academic goals.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Also, voting membership may include up to five (5) additional undergraduate students and one (1) additional graduate student appointed by the Student Government Association. Ex-officio nonvoting members shall be the Dean of Student Affairs, and one (1) Classified Staff Council representative.

### **Section 15. Legislative Affairs Committee**

**A. Powers and Functions.** This committee will develop an annual faculty legislative agenda in general consultation with, but independent of other constituencies on this campus. The committee will serve as the liaison with the faculty on all legislative matters and report to the Faculty Senate on a regular basis regarding all actions contemplated or required in executing its responsibilities. This committee will disseminate (in a timely fashion) information regarding legislative issues, upcoming elections and referenda that pertain to issues affecting the welfare of public higher education. The committee will inform the Advisory Council of Faculty of its legislative agenda and promote the Marshall University faculty's legislative agenda with the legislative and executive branches of state government. This committee will not engage in partisan politics of any kind. This committee will not take stands on issues unrelated to the welfare of public higher education.

**B. Membership.** Committee membership shall be consistent with that of all other regular standing committees with the exception that student representatives will be nonvoting members of the committee. Other ex-officio, nonvoting members of this committee shall be a Presidential

Legislative Liaison, the faculty representative to the ACF, the faculty representative to the Marshall University Institutional Board of Governors, one (1) at-large faculty member from the South Charleston campus, and one (1) Classified Staff Council representative. The Legislative Affairs Committee chair shall serve as liaison to any universitywide legislative committee.

## **Section 16. Faculty Development Committee**

**A. Powers and Functions.** The Faculty Development Committee shall be concerned with the promotion and coordination of faculty development activities. It shall develop comprehensive policy, make program recommendations, and provide program oversight in the area of faculty development. It may assist and advise appropriate administrators in establishing programs such as video conferences, workshops, seminars, and speakers to enhance instructional and research skills as well as curricular, organizational, and leadership development. It shall aid the appropriate administrators in the search for funds and develop policies for the administration of available funds. It shall determine the allocation of funds for all faculty development programs not specifically assigned to other units of the university. It shall establish or oversee subcommittees involved in selection of faculty development awards for teaching and service and shall create or encourage faculty exchange programs with other institutions. Also, the committee shall provide oversight to the various committees dealing with endowed faculty gifts.

**B. Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Dean of the Graduate College, the Associate Vice President for Academic Affairs and the Director of the Center for Teaching Excellence.

## **ARTICLE VII – GRADUATE COUNCIL**

**Section 1.** The Marshall University Faculty Senate system shall include, in addition to the Faculty Senate itself, the Graduate Council. The Graduate Council has certain separate functions and works in cooperation with the Faculty Senate on other matters. The Graduate Council shall meet of its own accord, elect its own officers, determine its own committee and subcommittee structure(s), and have authority over other such matters as relate to its operation.

**Section 2. Powers and Functions.** The primary responsibility of the Graduate Council is to make policy recommendations with respect to the graduate education mission of the university to the University President or the President's designee. Specific functions include the facilitation of long range planning for graduate education at Marshall University, the recommendation of new programs, degrees, certificates and courses, the evaluation of existing programs and courses, the facilitation of graduate accreditation, the recommendation of promotion and tenure policies related to graduate education, and the recommendation of approval of graduate faculty to the University President.

**Section 3. Membership.** Voting representation on the Graduate Council shall include one Faculty member from each academic unit as defined in Bylaw # 14, one librarian with faculty rank, four at-large members elected from the South Charleston campus, the Faculty Senate Chair and one graduate student representative selected by the Graduate Council Executive Committee.

Ex-officio, nonvoting members include the Dean of the Graduate College, the Provost, the Vice President of Academic Affairs, and the Vice President of Research. The Graduate Council Chair, as a member of the Faculty Senate, acts as a Senate liaison, and will report to the Faculty Senate as described in the Faculty Governance Flow Chart found at the end of the Faculty Senate Bylaws.

**Section 4. Elections and Terms.** Each voting Graduate Council member's term (other than the graduate student representative) shall be four years. Elections for voting members (other than the graduate student representative) shall occur in the spring of even-numbered years to coincide with Faculty Senate elections. The graduate student representative shall have a one-year term with election each spring. Voting members may serve no more than two consecutive terms. The bylaws of the Graduate Council determine additional procedures and policies as needed regarding elections, terms, attendance requirements, interim members, standing committees, vacancies, and so forth, and may be revised and clarified as needed by the Graduate Council.

**Section 5. Graduate Council-Senate Relationship.** All actions taken by the Graduate Council with respect to the functions specified in ARTICLE VII, Section 2 shall be submitted directly to the University President or the President's designee for a decision. All such actions shall be communicated to the Faculty Senate. On matters not related to those functions, the Graduate Council and Faculty Senate will work collaboratively in whatever format is deemed appropriate by the respective Executive Committees. Refer to the "Faculty Governance Flow Chart" at the end of the Bylaws Section.

## **ARTICLE VIII – POWERS OF THE FACULTY**

**Section 1.** The faculty of Marshall University, acting as a body, shall retain final authority over policies governing the Faculty Senate and the faculty. Recognizing the powers the faculty has entrusted to the Faculty Senate, the Senate shall not act in a capricious or arbitrary manner regarding actions and legislation it undertakes.

**Section 2. Meetings.** There will be at least two meetings of the general faculty per year. Under the emergency powers of the faculty there may be additional faculty meetings not later than ten (10) days from the time they are requested. The Faculty Senate will call for faculty meetings upon the petition of ten percent (10%) of the full-time faculty. The Faculty Senate may call for a meeting of the faculty at the request of two-thirds (2/3) of the voting Faculty Senate members present. The Executive Committee of the Faculty Senate may call for an emergency meeting of the faculty. The University President may call for a meeting of the faculty.

**Section 3. Officers.** The officers of the Faculty Senate shall preside and function at meetings of the faculty.

**Section 4.** The faculty's actions are the highest order. In case of any conflict between actions of the faculty and the Faculty Senate, the faculty shall prevail. However, to override the Faculty Senate actions there must be the approval of a simple majority of the faculty voting, with one-third (1/3) of the faculty eligible to vote participating.

**Section 5.** Either the faculty or the Faculty Senate may present referenda for faculty consideration and vote. The voting process shall be the same as outlined in Bylaw #1.

## **ARTICLE IX – BYLAWS**

The Faculty Senate may by majority vote establish bylaws, not inconsistent with this constitution, governing the conduct of the business of the Faculty Senate and of the standing committees and any other matters that may be within its competence.

**Bylaw #1** - The Faculty Senate Recording Secretary, who is also the Secretary of Faculty, will oversee the composition, duplication, distribution, collection, tabulation, and reporting of all universitywide balloting. She/he will follow the procedural guidelines for either Section A – Paper Ballot or Section B – Electronic Ballot as determined by the Executive Committee of the Faculty Senate.

### Section A – Paper Ballot - Passed September 17, 1987, Amended May 7, 2004

1. The ballot will be typed, duplicated and distributed to all faculty by the Faculty Senate Recording Secretary. If a faculty member does not receive a ballot he/she should contact the Faculty Senate office immediately.

2. Ballots may be cast by either:

a. Depositing them in the ballot box in the Faculty Senate office with individual faculty members signing their names on a list located beside the box, or

b. Using two envelopes. Insert the ballot into one envelope then seal, sign, and mark it “Ballot”. Insert the ballot envelope into the second envelope that should be addressed and sent to the Chair of the Faculty Senate.

3. The ballot box will be sealed by the Faculty Senate Recording Secretary when the balloting is complete. The following rules will govern vote tabulations:

a. Tellers or counters will be selected at random from members of university colleges and schools by the Faculty Senate Recording Secretary. On controversial issues, parties with opposing views may be asked to count ballots.

b. Two (2) to four (4) people will be selected as tellers or counters at the discretion of the Faculty Senate Recording Secretary. The number of counters will depend on the length of the ballot.

c. A time for tabulation will be selected by the Faculty Senate Recording Secretary in consultation with the selected tellers or counters.

d. Parties with a vested interest in the election may observe the counting and tabulation in a non-disruptive, non-interruptive manner.

e. All ballots and paper work will be retained for twelve (12) months from the date of the Faculty Senate Recording Secretary reporting the results of the balloting to the faculty. After that date all ballots and paperwork will be destroyed.

4. The Faculty Senate Recording Secretary will report the results of the balloting to the faculty.

#### Section B – Electronic Ballot (E-Voting) – Passed May 7, 2004

1. E-Voting will involve using the campus computer network, which requires a secure login, and secure voting software that is approved by the Faculty Senate. The ballot items shall be developed by the Information Technology staff's E-Voting Administrator, and the Faculty Senate Recording Secretary in consultation with computing services personnel.

2. The E-Voting Administrator will send election announcements and instructions for using the E-Voting system to all eligible faculty. This announcement will include the content of the ballot.

3. The Faculty Senate Chair will determine appropriate parameters for each election.

4. The vote will be cast through the Marshall University computer network.

5. If a voter experiences technical difficulties or needs assistance of any kind, he/she should contact the E-Voting Administrator immediately.

6.- The Faculty Senate Recording Secretary will report the results of the balloting to the faculty.

**Bylaw #2 - Passed October 29, 1987; Amended January 31, 1991:** ARTICLE VI, Section 10A of the Faculty Constitution advises the Faculty Personnel Committee as follows: "When the committee handles matters of a confidential nature, it will not share its findings with the Faculty Senate." This admonition also applies to all Standing Committees who at some time might find themselves discussing matters and making motions of a confidential nature. Concerning such confidential matters the Faculty Personnel Committee or other standing committee will report its discussions and any motions it makes only to the Executive Committee which in turn will determine under the authority of ARTICLE VI, Section 10A whether such motions or recommendations should be presented either to the full Faculty Senate or forwarded directly to the appropriate administrator.

**Bylaw #3 – Passed October 29, 1987:** If a member of a standing committee misses more than three (3) regular meetings in any academic year, his/her seat will be declared vacant by the chairperson of that committee, who will immediately report the vacancy to the Faculty Senate Chair. The Faculty Senate Chair will immediately report the vacancy to the Dean or Director of the appropriate unit. Within two weeks the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat. The Dean or Director will then report in writing to the committee chair and to the Faculty Senate Chair the name of the new committee member.

**Bylaw #4 – Passed February 23, 1988; Amended February 28, 1991:** Faculty appointments to



universitywide committees, except those already provided for in the constitution, including but not limited to search committees, and external faculty to college committees shall be made by the Faculty Senate Chair with the advice and consent of the Executive Committee of the Faculty Senate.

**Bylaw #5 – Passed March 29, 1988:** Once a recommendation is submitted to the University President from the Faculty Senate, it must be considered in toto for his/her decision. If any part of the recommendation is not acceptable, the entire recommendation must be returned to the Faculty Senate along with an explanation for its disapproval. The Faculty Senate then has the responsibility to determine subsequent action with regard to the disposition of the recommendation.

**Bylaw #6 – Passed September 8, 1988:** When faculty members are named as acting or interim administrators, except those permitted in ARTICLE III, Section 2, they shall be temporarily replaced on standing committees or in the Faculty Senate for the length of time that they serve in the administrative capacity.

**Bylaw #7 – Passed September 8, 1988:** That the turnover time of the Faculty Senate Chair, standing committee officers, the faculty representative to the ACF and Marshall University Institutional Board of Governors faculty representative will be at the beginning of the Fall semester although they are elected in the Spring.

**Bylaw #8 – Passed September 8, 1988:** When vacancies occur on standing committees, colleges have the option of shifting committee members to find the most appropriate members for that committee and then electing new committee members to fill any vacancies.

**Bylaw #9 – Passed January 25, 1990:** Faculty Senate meetings will be recorded and access to the recordings will be made available to all members of the faculty but only in the Faculty Senate Office. All listening is to be done there.

**Bylaw #10 – Passed March 29, 1990:** When a motion is defeated during a Faculty Senate meeting, it is referred back to the committee or person submitting it with an explanation for its rejection. In addition, a copy of the defeated motion is sent to the University President for informational purposes.

**Bylaw #11 – Passed March 29, 1990:** The following guidelines will govern any open forum in the Faculty Senate.

1. The Executive Committee approves/disapproves any requests to speak made in advance when it sets the Faculty Senate's agenda.
2. The Executive Committee decides the time lengths of all requests to speak and/or sets the parameters for all presentation requests made in advance when it sets the Faculty Senate's agenda.

3. The presiding officer with assistance of the Parliamentarian sets the parameters for presentation requests made from the floor during Faculty Senate meetings.

**Bylaw #12 – Passed February 28, 1991:** The Executive Committee will submit its recommendations for honorary degree recipients and commencement speaker for Faculty Senate consideration at least two (2) months before any commencement.

**Bylaw #13 – Passed January 23, 1992:** The Faculty Senate Executive Committee will be responsible for establishing the standards for decorum and civility during Faculty Senate meetings. The Executive Committee’s recommendations must be approved by a majority vote of the entire Faculty Senate.

**Bylaw #14 – Passed March 28, 2002; Amended May 11, 2010; Amended February 23, 2012; Amended May 3, 2013; Amended January 11, 2022:** The term academic unit is defined as the College of Business, the College of Education & Professional Development, the College of Arts & Media, the College of Health Professions, the College of Engineering and Computer Sciences, the College of Liberal Arts, the College of Science, the Joan C. Edwards School of Medicine, the School of Pharmacy, Marshall University Libraries and the Division of Aviation.

#### **FACULTY SENATE POLICY STATEMENTS:**

1. Recommendation from the Library Committee passed by the Faculty Senate November 17, 1987: The Faculty Senate should have input into any reduction of the budget.

2. Recommendation from Academic Planning Committee passed by the Faculty Senate October 19, 1987: The Faculty Senate does not approve of prearranged, administrative decisions regarding academic matters.

3. Recommendation from the Executive Committee passed by the Faculty Senate March 21, 1991: The budgets of the Morrow Library, the Health Sciences Library, and the University shall be sent to the Faculty Senate Budget and Academic Planning Committee for recommendation.

4. Recommendation from the Executive Committee passed by the Faculty Senate September 24, 1992: Any Faculty Senate recommendation amended by the University President automatically is considered to be disapproved. The recommendation with its recommended amendment(s) from the University President is brought back to the Faculty Senate for its consideration and a second vote if deemed necessary.

#### **Faculty Governance Flow Chart**

The Graduate Council reports to the University President or the President’s designee on matters relating to graduate education as specified in Article VII, Section 2 of The Constitution of the Marshall University Faculty. On all other matters, the Graduate Council works with the Faculty Senate through representation on the Executive Committee and the Faculty Senate.

## Faculty Governance Flow Chart

