

Constitution of the Faculty Council John Carroll University

Approval and amendment timeline

1. Constitution Approved by written ballot of the Faculty, April 2009¹
2. Amended Constitution – approval pending, Sept. 2019

PREAMBLE

Faculty Council is a standing committee of the Faculty, as per the Faculty Handbook.

Principal Responsibilities of the Faculty in University governance: All members of the John Carroll University Faculty on active or visiting status have voting rights and share in the rights and responsibilities of Faculty governance. As described in the Faculty Handbook, the Faculty “have primary responsibility for recommendations on policy in such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, faculty development, and those aspects of student life which relate to the educational process.”

CONSTITUTION

- I. As outlined in the Faculty Handbook, Faculty Council is responsible to the Faculty, and its basic objective is to “carry out such procedural functions as shall be necessary for the efficient operation of the Faculty in all matters where the Faculty shall be called upon to express its opinion or render a decision; and to function as an advisory vehicle for effective interchange of ideas, questions, problems, and/or general information between the Faculty and the President through the exercise of the duties listed below.”
- II. Composition
 - A. Four members of the Faculty from each of four divisions, elected by the Faculty in each division for staggered terms of three years, with terms beginning at the spring commencement.
 - B. Chair, Vice Chair, and Secretary elected by the Faculty at large, for staggered terms of two years, with terms beginning at the spring commencement.
- III. Duties and Responsibilities
 - A. To meet at least once in each full month of the academic year and approximately two weeks before regularly scheduled General Faculty meetings, or more often as urgent business dictates;
 - B. To create standing committees of Faculty Council as appropriate;
 - C. To create ad hoc committees as are deemed necessary, the composition of which should be representative consistent with the purpose of the committee;

¹ For timeline of amendments prior to September 2019, see the archived version of the May 2019 Constitution on the Faculty Council website.

- D. To determine, in consultation with the administration and relevant Faculty, the election and/or appointment of Faculty representatives to University and Board committees;
- E. to determine, in consultation with the relevant body, the disposition of positions on Faculty Council, committees of Faculty Council, and University committees that are left vacant due to faculty leave or resignation from a position;
- F. To generate and receive proposals from members of the University community and refer them to appropriate committees;
- G. To generate and receive proposals from members of the University community and refer them to appropriate committees;
- H. To report recommendations of the Faculty to the President;
- I. To communicate to the Faculty decisions of the President and/or the Board of Directors on Faculty recommendations;
- J. To request information or interpretation of policy in order to promote better Faculty understanding, and to present questions for clarification;
- K. To approve agenda for and to plan and conduct General Faculty meetings as prescribed in Section IX below;
- L. To conduct all elections and other votes (e.g., amendment of the Faculty Handbook) involving the Faculty and to certify the results thereof;
- M. To carry out the selection by lot of members of each Faculty Grievance Committee and Faculty Board of Review as prescribed in the descriptions of those committees;
- N. To distribute minutes of its meetings to all members of the Faculty;
- O. To submit an annual report to the Faculty;
- P. To publish at least annually an official list of Faculty and identify the members having the right to vote;
- Q. To select each year a Parliamentarian from the Faculty;
- R. To perform such other duties as may be assigned to it from time to time or permanently by the Faculty;
- S. To redistribute departments among the four divisions, as appropriate;
- T. To establish and adhere to a timeline for regular review of the Constitution.

IV. Executive Committee

- A. The Executive Committee of Faculty Council will consist of the officers: Chair, Vice Chair, and Secretary.
- B. The Executive Committee will consult with the Provost and Academic Vice President to determine course load reductions (CLRs) or other compensation for members of the Faculty for the time required to carry out their duties related to Faculty Council and its committees. Normally, such compensation will be offered to the Faculty Council Chair and Secretary, as well as to the chairs of heavily-burdened Faculty Council committees. The Chair will announce the recipients of such compensation at the beginning of each academic year.
- C. The Executive Committee will meet regularly with the Provost and Academic Vice President.

D. The Executive Committee may, at its discretion, forward routine matters to the appropriate committee, notifying Faculty Council at the next Faculty Council meeting.

V. Officer Responsibilities

A. In addition to the duties of the Executive Committee, the Chair will:

1. Prepare agendas for Faculty Council and Faculty meetings in consultation with the Vice Chair and Secretary, and circulate agenda and relevant documents to the Faculty in advance of each meeting;
2. Preside over Faculty Council meetings and General Faculty meetings;
3. Serve as the Faculty representative to the Board of Directors and as ex officio faculty liaison to the Board's Academic Affairs Committee;
4. Serve as Faculty representative to other strategic governing committees, as determined by Faculty Council, with the possibility of the Vice Chair replacing the Chair on one committee, subject to Faculty Council approval;
5. Ensure that Faculty Council appoints a Parliamentarian for the year.
6. Appoint another member of the Faculty to serve as temporary parliamentarian in the case that the Parliamentarian is unable to attend either a Faculty Council or General Faculty meeting;
7. Schedule Faculty Council meetings and General Faculty meetings;
8. Call special meetings of the Faculty as described in Section IX.B.
9. Oversee Faculty governance matters;
10. Receive and respond to faculty comments and concerns that inevitably arise.

B. In addition to the duties of the Executive Committee, the Vice Chair will:

1. Assume the responsibilities of the Chair when the Chair is unavailable;
2. May replace the Chair as representative to a strategic governing committee, subject to Faculty Council approval.

C. In addition to the duties of the Executive Committee, the Secretary will:

1. Take minutes at Faculty Council meetings and at General Faculty meetings;
2. Distribute minutes of these meetings to the Faculty in a timely manner;
3. Maintain the Faculty Council website;
4. Maintain and manage the Faculty Council archive, including the archive of membership of faculty committees.

VI. Responsibilities of Members of Faculty Council

A. Attendance Policy

1. Any Faculty Council member who misses more than three Faculty Council meetings (including any special meetings) in one academic year has officially resigned from Faculty Council.
2. Any Faculty Council member who misses more than three General Faculty meetings (including special meetings) in one academic year has officially resigned from Faculty Council.

- B. Review pertinent documents before each meeting, as circulated by the Chair of Faculty Council.

VII. Meetings of Faculty Council

- A. Faculty Council will meet at least once each September, October, November, February, March, and April, approximately two weeks before regularly scheduled General Faculty meetings. During each regularly scheduled meeting, the Faculty Council will approve an agenda for the upcoming General Faculty meeting. Faculty Council may call additional meetings as necessary.
- B. A quorum for a Faculty Council meeting will be two-thirds of its members. The Executive Committee will determine which agenda items may be acted on in the absence of a quorum.
- C. Meetings of Faculty Council will be open to all faculty members and held in rooms large enough to accommodate all faculty members who wish to attend.
- D. In the event that Faculty business must be carried out remotely or in between regular meetings of Faculty Council, that business will be carried out in such a way that faculty will be notified in advance, will be able to weigh in, and can observe the discussion. A quorum of Faculty Council members must have participated in the discussion before any vote can be held. Such a vote will be valid provided that a quorum of Faculty Council members have voted.
- E. Any faculty member who wishes to present or discuss issues at a Faculty Council meeting may propose an agenda item to the Chair in advance of the meeting.
- F. Faculty Council has the power to vote on any procedural issues affecting Faculty Council business. Substantive issues will be addressed at General Faculty meetings, when Faculty Council votes to advance such issues to the General Faculty meeting agenda. Decisions as to whether a motion is procedural or substantive will be decided by a vote of Faculty Council. Examples of procedural issues are sending proposals to a committee, forwarding proposals for discussion and action, and setting the agenda for a General Faculty meeting. Examples of substantive issues are curricular changes, educational policies, and other items that require the consensus of the Faculty.
- G. Faculty Council meetings will be conducted under the most recent edition of Robert's Rules of Order. The Parliamentarian will advise the Chair and, as requested, other members of the Faculty on procedural issues related to the meeting.

VIII. Voting Rights

- A. All elected members of Faculty Council, except the Chair, have voting rights at all Faculty Council meetings.
- B. The Chair will vote only to break ties. This ensures that the Chair serves a primarily executive role by running meetings and representing the will of the Faculty.
- C. Each member of Faculty Council will have one vote at Faculty Council meetings. Proxy voting is not allowed.

- D. The Parliamentarian has voting rights at Faculty Council meetings only if they are an elected member of Faculty Council.
- IX. General Faculty Meetings
- A. In accordance with the Faculty Handbook, meetings will ordinarily be held monthly during the Academic Year, with a minimum of one meeting per semester. Procedures for General Faculty meetings will be in accordance with the Faculty Handbook, which discusses quorum and voting procedures.
- B. The Chair of Faculty Council may call a special meeting at any time and must call a special meeting upon written request from any ten members of the Faculty or at the request of the President.
- C. Substantive issues, as described under the section on meetings of Faculty Council, are normally considered at a General Faculty meeting after study by a standing committee or an ad hoc committee of Faculty Council. Proposals to be considered by the Faculty should be sent to Faculty Council, through the Chair of Faculty Council, so that they may be studied by the appropriate committee of Faculty Council prior to consideration at a General Faculty meeting. Any member of the Faculty may put forth a proposal in this way. There may also, from time to time, be the need for the Faculty to consider substantive issues without first having a committee conduct hearings and present a report. Such issues may be placed by Faculty Council on the agenda for a General Faculty meeting, or may even be raised at a General Faculty meeting, should the occasion warrant immediate action.
- D. All members of the Faculty are members with full rights and votes, except as noted in Part I, Section II of the Faculty Handbook.
- E. General Faculty meetings will be conducted under the most recent edition of Robert's Rules of Order. The Parliamentarian will advise the Chair and, as requested, other members of the Faculty on procedural issues related to the meeting.
- X. Standing Committees of Faculty Council: Faculty Council has the authority to create standing committees of Faculty Council as appropriate. Because the standing committees may be changed by Faculty Council, they are listed in an appendix rather than in the Constitution itself.
- XI. Bylaws of the Faculty Council
- A. As stated in the Faculty Handbook Part One, IV.A.3: Faculty Council members are elected by the Faculty in each division; no more than two non-officer members may come from the same department; representatives are elected for staggered terms of three years.
- B. Faculty members may serve no more than seven consecutive years on Faculty Council.²

² Rather than stipulating no more than two consecutive full terms, we are suggesting no more than seven consecutive years to allow for someone to serve the final year of a term and then two full terms, or for someone to serve an additional year if there is an appropriate candidate who could run in a year's time.

- C. Faculty members may serve on no more than two standing committees of Faculty Council, including Faculty Council itself.
- D. Members of the university community who are not members of the Faculty may attend General Faculty or Faculty Council meetings as observers without the right of voting. The Chair may accord observers the privilege of speaking.
- E. Before presenting final reports and recommendations, committees of Faculty Council will solicit feedback from the Faculty in a forum that is accessible to all faculty members.
- F. Reports on issues requiring Faculty action will include the following, as appropriate:
 - 1. A concise statement of the problem.
 - 2. If appropriate, recommendations, preferably in the form of a motion.
 - 3. A summary of feedback received from faculty.
 - 4. Analysis of any alternatives to the recommended motion.
 - 5. Results expected of following the recommendations.
 - 6. Any other information the committee deems relevant.
- G. Changes to the Faculty Council Constitution of Bylaws that are not impacted by the Faculty Handbook will be handled as substantive issues in General Faculty meetings. Therefore, amendment requires approval by a majority of faculty members voting on the issue.

APPENDICES

Appendices are not part of Faculty Council Constitution, nor the Faculty Handbook, and therefore may be modified by Faculty Council as it deems necessary and appropriate.

APPENDIX A: Divisional Structure of the Faculty

The number of divisions of the Faculty is specified by the Faculty Handbook and, therefore, the Faculty Council Constitution. However, the distribution of departments among the divisions of the Faculty is not specified by the Faculty Handbook and may be modified by the Faculty Council, if it is deemed necessary.

Option A	Option B
<u>Division I:</u> Accounting Economics and Finance Management, Marketing, and Supply Chain Military Science <u>Division II:</u> Biology Chemistry Exercise Science and Sports Studies Mathematics and Computer Science Physics	<u>Division I:</u> Accounting Economics and Finance Management, Marketing, and Supply Chain Military Science Library <u>Division II:</u> Biology Chemistry Exercise Science and Sports Studies Mathematics and Computer Science

Psychology <u>Division III:</u> Art History Education and School Psychology History Library Political Science Sociology <u>Division IV:</u> Classical and Modern Languages and Cultures Communications Counseling English Philosophy Theology and Religious Studies	Physics Psychology <u>Division III:</u> Art History Education and School Psychology History Political Science Sociology <u>Division IV:</u> Classical and Modern Languages and Cultures Communications Counseling English Philosophy Theology and Religious Studies
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APPENDIX B: Standing Committees of Faculty Council

A. Committee on Academic Policies (CAP)

1. Composition:
 - a. Four divisional representatives
 - b. One at-large member
 - c. Committee chair elected at large
2. Duties:
 - a. Evaluate all proposed new degree programs.
 - b. Conduct review of existing curricula, as directed by Faculty Council
 - c. Review and recommend policy on other aspects of the academic experience, such as requirements for degrees, standards of admission, and grading.
 - d. Investigate other appropriate matters referred to it by Faculty Council.
 - e. Report its findings and recommendations Faculty Council for possible action by the Faculty.
 - f. Submit an annual report of its activities to the Faculty.

B. Committee on Policies for Rank, Tenure, and Promotion (RTP)

1. Composition:
 - a. Four divisional representatives
 - b. Committee chair elected at large
2. Duties:
 - a. Review and recommend policy on appointments, promotions, and tenure.

- b. Before making any recommendation, RTP will consult with a wide range of faculty and faculty groups, such as the Committee on Gender and Diversity and the Untenured Faculty Organization.
- c. Investigate other appropriate matters referred to it by Faculty Council.
- d. Report its findings and recommendations Faculty Council for possible action by the Faculty.
- e. Submit an annual report of its activities to the Faculty.

C. Committee on Elections and Nominations

- 1. Composition:
 - a. Four divisional representatives
 - b. Committee chair elected at large
- 2. Duties:
 - a. Review and recommend policies for university elections and referenda.
 - b. Maintain and update a list of positions to which faculty must be elected.
 - c. Prepare a slate of nominations for elected positions held by faculty representatives. This includes faculty committees as specified in the Faculty Handbook and Faculty Council committees.
 - d. Conduct elections on faculty positions and proposals. Faculty Council shall determine how to resolve any tied result.
 - e. Notify successful candidates and the conveners of committees of results of elections.
 - f. Investigate other appropriate matters referred to it by Faculty Council.
 - g. Report its findings and recommendations Faculty Council for possible action by the Faculty.
 - h. Submit an annual report of its activities to the Faculty.

D. Committee on Faculty Compensation

- 1. Composition
 - a. Four divisional representatives
 - b. One at-large member
 - c. Committee chair elected at large
- 2. Duties
 - a. Review and recommend policies for promoting and supporting competitive compensation (e.g., salary and fringe benefits) and equitable working conditions and expectations (e.g., advising load and course load reductions).
 - b. When appropriate, coordinate with the Faculty Handbook Committee on compensation issues that are addressed by the Handbook.
 - c. Annually, request and receive reports from the administration on the distribution of faculty salaries in relation to our peer institutions. The reports are to be due every October 15 and are to include:
 - 1) Current benchmark data by rank and discipline;
 - 2) Current data on the distribution of JCU faculty salaries by rank.
 - d. Investigate other appropriate matters referred to it by Faculty Council.
 - e. Report its findings and recommendations Faculty Council for possible action by the Faculty.

- f. Submit an annual report of its activities to the Faculty, including a summary and analysis of the data received from the administration.

E. Committee on Gender and Diversity

1. Composition

- a. Three members elected at large
- b. Two members appointed by Faculty Council to ensure an appropriate balance of diverse and inclusive viewpoints
- c. Committee chair elected at large

2. Duties:

- a. Review and recommend policies for promoting and supporting equity and diversity on issues relevant to the Faculty.
- b. Coordinate with other campus groups, particularly the university-wide Diversity, Equity, and Inclusion Committee.
- c. Consult with Faculty Council concerning faculty appointments to University committees that deal with issues of gender and diversity.
- d. Provide an informal venue for faculty to voice concerns regarding equity and diversity.
- e. Investigate other appropriate matters referred to it by Faculty Council.
- f. Report its findings and recommendations Faculty Council for possible action by the Faculty.
- g. Submit an annual report of its activities to the Faculty.

APPENDIX C: Meeting agenda templates

A. Faculty Council meetings

Faculty Council Meeting

[date]

AGENDA

Quorum for FC meetings in [Fall/Spring YEAR] semester: [number]

- 1) Chair's Announcements
 - Minutes of the [previous] Council meeting (posted on the Faculty Council website)
- 2) Executive Committee Report
- 3) Items for Business
- 4) Committee Reports
 - RTP – [chair]
 - RSFD – [chair]
 - Gender and Diversity – [chair]

- Elections – [chair]
 - Compensation – [chair]
 - CAP – [chair]
- 5) Agenda for [next] Faculty Meeting
 - 6) New Business
 - 7) Adjourn

B. General faculty meetings

General Faculty Meeting

[date]

2:00PM – 3:15PM

Donahue Auditorium

AGENDA – DRAFT

Quorum for General Faculty meetings in [Fall/Spring YEAR] semester: [number]

- I. Chair’s announcements
 - a. Minutes of [previous] faculty meeting – posted on the Faculty Council website
 - b. Important dates
 - c. Additional announcements, reminders, or reports from Executive Committee
- II. Item of business
- III. Additional item of business
- IV. Call for nominations – where appropriate
 - a. Faculty Council
 - i. Position (year of term end)
 - b. Standing Committees of Faculty Council
 - c. Standing Committees of the Faculty
 - d. University Committees
- V. New Business
- VI. Adjourn

APPENDIX D: Protocols for Treatment of Changes in Benefits (Faculty Council should discuss how, or even whether, to amend this appendix.)

Adopted by Faculty Council, May 2012

1. During the Spring Semester of each academic year, the VP for the Business Office and the Director of HR (or their representatives) will meet with the FC Compensation Committee to

review benefits and to discuss possible changes that may be brought about by the efforts of the Business Office to entertain bids during the summer from new and current providers. Any bids that are then tentatively accepted by the Business Office will be submitted to the review process described below. The purpose of holding this annual discussion in the Spring Semester is to allow the Compensation Committee and the other relevant faculty representatives to accomplish the protocols outlined below, including, if necessary, to prepare a proposal for Faculty consideration early in the ensuing Fall Semester.

2. Before those changes resulting from the annual Spring Semester meeting or any other changes to Faculty fringe benefits are implemented, any proposed change is to be communicated to the Chair of Faculty Council and, if not a result of the annual Spring Semester meeting described in the first plank, to the Chair of the FC Compensation Committee by the VP for Business or other relevant party.
 - a. A change in benefit includes any change to benefits initiated by the University--even a change that has no apparent impact on the "benefits booklet" (as it is labeled in the Faculty Handbook).
 - b. A change in benefit includes even those changes regarded to be an increase in level of benefit.
 - c. A change in benefit includes any change in, or to, "certificate(s) of coverage." However, as it is beyond the knowledge (as well as the control) of the University, it will not include a change in a benefit provider's change in coverage related to whether a prescription medication is treated as preferred or not preferred (or "formulary" or not).
 - d. A change in benefit includes all changes in language--even if intended to be only for clarification--to the benefits booklet.
 - e. A change in benefit includes those that are beyond the control of the University, including those changes that are the result of a government mandate as well as a change or discontinuation of third-party coverage.
3. Each notification of change received by the Chairs of FC and the Compensation Committee is to be reviewed by them in consultation with the other FC Officers, and the Chair of the Faculty Handbook Committee. They are to include representatives from HR or other relevant University office for clarification of the proposed change and calculations of costs.
 - a. The purpose of this review is to determine whether or not the proposed change falls into a category that obviates the need to seek Faculty approval of the change by putting it to a vote of the Faculty.
 - b. Categories that would obviate need for further consideration by the Faculty:
 - i. The proposed change is merely a change in language to the benefits booklet that clarifies the existing and unchanged nature of a particular benefit.
 - ii. The proposed change is of little or no substantive change to an existing benefit--e.g., a change in dental insurance carrier with no change to coverage.
 - iii. The proposed change results from a change over which the University has little or no control (such as vendor rate increase) and the proposed change is the University's effort to minimize the impact of the external change, through, for example, a proposal to replace a benefit that is no longer available with an equivalent benefit.

- iv. The proposed change does not involve the addition of a benefit that would result in an overall increased cost to others who do not opt for that benefit.
 - v. The change clearly does not have any impact on the benefits described in the benefits booklet that would diminish or reduce those benefits.
4. If the proposed change is determined by at least 2/3rds of the three FC Officers, the Chair of the Compensation Committee and the Chair of the Faculty Handbook Committee to fit into one of the categories described above, then the FC Chair will write a brief report detailing the proposed change with an explanation as to why the proposed change did not merit further evaluation and consideration by the Faculty. (Two thirds of five equals four.) That report shall be announced at the next Faculty Council and Faculty meetings and be made part of the record-- e.g., posted by the Secretary on the Reports Page and made part of the minutes for the relevant Faculty Council and Faculty Meetings at which the decision is announced. Unless there is a demand by a majority vote of FC or a majority of faculty in attendance at the next Faculty meeting for the proposed change to be put to a vote of the full Faculty, the proposed change shall then be implemented.
5. If the proposed change is pertinent to an ongoing discussion of benefits or salary, the Chair of the Compensation Committee may, during or as a result of this review, decide to bring the proposed change directly to the consideration of the Compensation Committee so that the proposal might be included as part of the committee's ongoing review or evaluation of a previous proposal for change in benefit or set of benefits. The fact that the proposed change has been taken up by the Compensation Committee is to be announced and made part of the minutes of the next meeting of the FC.
6. If the proposed change is determined by the FC Officers, the Chair of the Compensation Committee and the Chair of the Faculty Handbook Committee to merit further consideration, and it is not relevant to an ongoing review of the Compensation Committee, then the proposed change is to be made an item of consideration at the next FC meeting where it can be referred to the Compensation or other FC committee for study; or, if no further study is deemed necessary by FC, the proposal shall be brought to a meeting of the Faculty for its consideration and, if adopted, to a vote of the full Faculty.
7. Resolutions in support of a proposed change in benefit brought to a vote of the full Faculty as described in plank six (above) shall be considered to be approved by the Faculty if the resolutions is supported by a majority of those eligible to vote. (This needs to be changed to reflect the new Handbook amendment on voting thresholds.)