

POLICY MANUAL

AUTHORITY AND AMENDMENTS

Number 202

Subject: Authority and Amendments: Faculty Policies (Section 400)

Covered Employees: Faculty

Effective Date: January 24, 1997

202.1 AUTHORITY AND VIOLATION

1.1 Authority of the Policy

This policy is subordinate to the Code of Policies and Procedures of the Board of Regents' of the Utah System of Higher Education (hereafter Regents' Code) ~~Code of Policies and Procedures~~, and the authority of the Board of Trustees and the President. ~~They~~ supersede all previous University codes or policies and procedures affecting faculty and staff of the University, and take precedence over executive memoranda and other policy directives affecting the provisions of this policy. If executive memoranda or policy directives are issued which conflict with existing policy, the memoranda or policy directives will take precedence until action is taken to reconcile them with policy.

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Comment [JK1]: Level 2: What does 'they' refer to? Since the policy is subordinate (refer to first sentence) is it now redundant to then say "they supersede...?"

1.2 Violation of Policies

Any faculty or staff employee or any group of faculty or staff employees shall have the right to grieve any alleged violation of the policies. A faculty or staff employee may be sanctioned for violations of these policies as provided herein. (Section 407)

202.2 PROCEDURES FOR AMENDING SECTION 400

2.1 Proposal Process

Proposals for amendments to this section may only ~~be~~ made by faculty members who hold tenured, tenure-eligible, or term appointments and members of the Faculty Senate.

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(1) Proposals for amendments by individual faculty members.

Proposals for amendments to this code by individual faculty members shall be submitted in writing to any faculty senator(s). ~~The faculty senator(s) may submit the proposal for amendment to the Executive Committee of the Senate for inclusion on the agenda of the next regularly scheduled meeting of the Senate.~~ Individual faculty members may also communicate their interest in general or specific changes to the policies directly to the Professional Responsibilities and Procedures Committee (PRPC) which will take such communications under advisement.

Comment [JK2]: Level 3: The concern is that one person should not have the right to tie up the Senate. Is this really an issue if the Exec. Committee has the responsibility for setting the Senate agenda?

(2) Proposals for amendments by members of the Faculty Senate.

Proposals for amendments to these policies by members of the Faculty Senate shall be presented to any regularly scheduled meeting of the Senate. The PRPC shall consider proposals for policy amendments upon the formal action of the Senate. ~~Members of the Faculty Senate may also communicate their interest in general or specific changes to the policies directly to the PRPC which will take such communications under advisement.~~

Comment [JK3]: Level 3: Should PRPC be given the discretion to make a judgment about the code without Faculty Senate approval. Could this question be resolved by simply adding the words "before reporting back to the Faculty Senate"?

(3) Proposals for amendments by petition of the faculty.

Any 25 or more faculty members who hold tenured, tenure-eligible, or term appointments

may directly petition the Senate for consideration of a proposal for amendment to the policies at any time. Such a petition shall be presented in writing to the secretary of the Senate who shall then give notice of the proposal to the Executive Committee of the Senate at its next regularly scheduled meeting. In turn, the Executive Committee of the Senate shall schedule the proposal for amendment as an action item to be presented at the next regularly scheduled meeting of the Senate.

Comment [JK4]: Comment: This is where not just one person is involved, should this be the policy. If 25 people are involved this make more sense to go to the Senate. Perhaps this is a nonissue if we want to ensure that the Exec. Committee has the responsibility for setting the agenda for Senate meetings.

(4) Forwarding of proposals to the PRPC.

Upon favorable formal action by the Senate on any proposal to amend the code, the proposal to amend shall be forwarded to the PRPC for drafting of the proposed amendment.

2.2 Proposed Amendments to Section 400

(1) Drafting of proposed amendments to the section.

The drafting of all proposed amendments to Section 400 shall be performed by the PRPC. The draft of the proposed amendment shall be forwarded to the Senate no later than the second regular meeting of the Senate after receipt of the proposal for amendment by the PRPC. This time limit may be extended by majority vote of the Senate.

(2) Proposed amendments originated by the PRPC.

As one of its two principal functions, the PRPC will monitor the language of the policies for congruence of policy language with actual University practices, internal consistency of policy language, and clarity of the meaning of policy language. Where actual practice and the policies differ, the PRPC shall seek resolution either in changed practice, proposed amendments to the policies, or both. The PRPC shall also propose amendments to the policies to increase their clarity and internal consistency.

Amendments to the policies proposed by the PRPC shall be presented in writing to the Senate initially as information items. Major revision of the policies will be undertaken by the PRPC only under the formal instruction of the Senate.

(3) Proposed amendments by the Regents.

While the Regents may amend this code to be congruent with their own Code of Policies and Procedures (201.2.4.4), such amendments shall ordinarily occur as a result of collaborative interactions among the Regents, the University, and the PRPC acting on behalf of the Senate.

2.3 Publication of Proposed Amendments

The language of any proposed amendments to the policies shall be published in the minutes of the Senate meeting in which they are brought forward by the PRPC as information items.

2.4 Ratification of Proposed Amendments

Ratification of proposed amendments to the policies is a four-step process:

(1) Ratification by the Senate.

Approval of a proposed amendment to these policies shall be by a two-thirds majority of a quorum of faculty senators at any regularly scheduled meeting of the Senate where the proposed amendment is on the agenda as an action item, provided that the proposed amendment has been presented for information at a previous regularly scheduled meeting

of the Senate, and provided further that the proposed amendment remains unchanged except for editorial clarifications. Changes in the proposed amendment approved by a simple majority of the Senate during its meeting will result in the postponement of action on the proposed amendment, the re-initiation of the publication process (20+2.2.3), and the rescheduling of action on the proposed amendment for the following regularly scheduled meeting of the Senate.

Comment [JK5]: Level 1 Typo

Comment [JK6]: Level 2: Does this happen just once? Could it happen every single meeting.

Upon approval of the proposed amendment by the Senate, proposed amendments will be forwarded to the President.

(2) Ratification by the President.

Within 30 calendar days of receipt of the proposed amendment, the President will either forward the proposed amendment to the Board of Trustees with a recommendation for its approval, forward the proposed amendment to the Board of Trustees with no recommendation, remand the proposed amendment to the Senate, or inform the Senate of his/her disapproval.

(3) Ratification by the Board of Trustees.

The Board of Trustees will either approve the proposed amendment to the policies and forward the proposed amendment to the Regents, if required, or disapprove the proposed amendment and remand it to the President who will report such action to the Senate at its next regularly scheduled meeting. On specific matters, identified by Regents' policy or request, and pursuant to procedures provided by the Commissioner of Higher Education, the Board of Trustees, in exercising its approval authority, is responsible to review and report to the Regents any policies herein or any proposed policies that are not in compliance with state law and the Regents' rules relating to such matters.

(4) Ratification by the Regents.

Upon approval by the Board of Trustees, a proposed amendment to the policies shall be submitted to the Regents for approval (if required). These policies shall be consistent with the Code of

Policies and Procedures of the Regents. Substantive differences or exceptions of these policies from the Regents' code must be reviewed and approved by the Regents. Once approved, the policies herein will apply, except when they do not address an issue contained in the Regents' code, in which case the Regents' code will apply. Subsequent proposed amendments to already approved policies herein, determined by the Commissioner of Higher Education to represent a substantive change, ~~be substantive~~, must be reviewed and approved by the Regents. If the Regents disapprove of the proposed amendment, they may remand the proposed amendment to the University, and the PRPC acting on behalf of the Senate. At this time the Regents may also propose their own language and negotiate with the University and the PRPC whatever changes they determine are necessary in the proposed amendment to these policies.

Comment [JK7]: Level 3: What does this mean? Could this mean that if the USU Code is silent on an issue and that issue is addressed by the Regents' Code then we follow the Regents' Code? If so, should the language be changed to make this clear?

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Substantive changes to the proposed amendment negotiated by the Regents are brought back to the Senate by the PRPC.

Comment [JK8]: Level 2: Does this mean brought back for approval or brought back to the Senate for reporting. Does the Senate have to accept that change? Probably brought back to the Senate for appropriate Senate Action. Or can a different outcome be negotiated? Would this question be resolved by simply adding the words "for appropriate Senate Action"?