

# FACULTY CONSTITUTION

**Preamble** Having been appointed by the President and the Board of Trustees for the conduct of instruction, research, and all other aspects of the academic program, the members of the Faculty of Birmingham-Southern College hereby establish this Constitution for the better discharge of their collegiate functions and responsibilities, as they are indicated by the Charter of the College, delegated by the Board of Trustees through the President, and described by the *Criteria for Accreditation* of the Southern Association of Colleges and Schools.

## ARTICLE I. The Faculty

**Section 1. Voting Members** The President of the College, the Provost of the College, and members of the Faculty on full-time, active service and of the rank of Assistant Lecturer, Associate Lecturer, Senior Lecturer; Assistant Professor of the Library, Associate Professor of the Library, Professor of the Library; Visiting: Assistant Professor, Assistant Professor of the Library, Lecturer; Assistant Professor, Associate Professor, or Professor shall constitute the voting members of the Faculty.

**Section 2. Associate Members** Officers of Administration, part-time and visiting members of the Faculty, and all other persons holding current academic appointments but who do not qualify as voting members of the Faculty shall constitute the Associate Members. They may be invited to attend Faculty meetings, but the privilege of speaking on issues shall extend only to the voting members and to others specifically invited to speak by the presiding officer(s) or a majority of the voting members.

**Section 3. Emeritus Members** The emeritus members of the Faculty shall have the privileges of associate members.

## ARTICLE II. Officers of the Faculty

**Section 1. Presiding Officer(s)** The Provost shall preside at meetings of the Faculty for which minutes are kept and during which votes are taken. In his or her absence, a voting member of the Faculty shall be designated by the Provost or by the President as presiding officer *pro tem*. In the absence of both officers, the voting members shall elect one of their members present to serve as temporary chair.

**Section 2. Secretary of the Faculty** The Provost shall annually appoint a Secretary of the Faculty who shall keep a record of the proceedings, promptly distribute the minutes of each meeting, and attest the accuracy of all actions of the Faculty. The Secretary shall assume office at the first regular meeting of the Faculty in each academic year.

**Section 3. Parliamentarian of the Faculty** The Provost shall annually appoint from the voting members of the Faculty a Parliamentarian who shall advise the presiding officer and members of the Faculty of the proper conduct of Faculty affairs in accordance with this Constitution, Bylaws, and other parliamentary rules as may be adopted. The Parliamentarian shall assume office at the first regular meeting of the Faculty in each academic year.

## ARTICLE III. Conduct of Faculty Business

**Section 1. Regular Meetings** The Faculty shall meet in regular session at least twice in any term of more than eight weeks, upon the call of the presiding officer, with at least three days notice as to time, place, and agenda.

Amendments to Faculty Constitution and Bylaws approved by Faculty, Academic Affairs Committee, and Board of Trustees, May 2019; includes changes voted on in 2005.

**Section 2. Special Meetings** Special meetings may be called by the President, the Provost, or in the absence of both, by the Parliamentarian of the Faculty. Upon the petition of at least ten voting members of the Faculty a special meeting of the Faculty shall be called within two weeks of the date of the petition. Except in case of emergency, notice of at least three days shall be given prior to all special meetings as to time, place, and agenda.

**Section 3. Quorum** In all meetings of the Faculty, a majority of the voting members shall constitute a quorum. For purposes of the conduct of Faculty affairs, the summer term shall be considered a part of the academic year which it follows. All substantive questions at issue except amendments to this Constitution and the adoption or amendment of Bylaws shall be decided by a majority of the voting members present and voting, provided, further, that proposals for revision of the curriculum shall be adopted by a majority of the voting members present and voting in two successive Faculty meetings separated by at least fourteen days. During the summer term, or during those times that lie outside the academic year, votes may be taken by e-mail or on-line forms, provided that adequate notice is given of the vote and that adequate security methods are used in receiving and compiling votes.

#### **Section 4. Powers and Duties of the Faculty**

**A. Role in the Academic Program** The corporate Faculty, having been entrusted with the conduct of the academic program of the College, has primary responsibility for all matters directly related to the curriculum, subject matter and methods of instruction, research, Faculty status and welfare, and the academic aspects of student life. Faculty status and related matters are primarily a Faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. In such matters, the power of review or final decision lodged in the Board of Trustees or delegated by it to the President should be exercised adverse to a determination by the Faculty only in exceptional circumstances, and for reasons communicated in writing to the Faculty. Following such communication, the Faculty shall be privileged further to transmit its views to the President and to the Board of Trustees.

**B. Awarding of Degrees** The Faculty shall establish the requirements for all degrees offered in course or for honorary causes, determine when the requirements have been met, and recommend to the President and the Board of Trustees the granting of the degrees thus to be awarded.

**C. Consultative Role** The Faculty shall enjoy the privilege of consultation on all matters indirectly but substantially related to those areas in which the Faculty has a primary responsibility or a vital concern, as in the selection of the President of the College and the Provost, the formulation of the annual budget of the College, and the establishment of administrative policy.

#### **ARTICLE IV. Committees**

**Section 1. Committees of the Faculty** By adoption of Bylaws, the Faculty may delegate to committees of itself cognizance over any category of affairs pertaining exclusively to its powers and duties, but such committees shall have only that authority expressly granted to them. Committees of the Faculty may be elected or appointed, but only elected committees shall exercise delegated authority to act in lieu of the Faculty. Except in matters of privileged confidentiality, committees of the Faculty shall report in full to the Faculty, which retains the right of review and revision respecting acts of any committee created by its authority.

**Section 2. Committees of the College** The President or the Provost may appoint members of the Faculty to serve upon committees of the College in areas of authority and responsibility shared by the Faculty, students, and administration, but in no case shall the Faculty membership of such a committee be in the minority. Committees of the College shall be chaired by a voting member of the Faculty, be advisory only, and report to the Faculty. Faculty members and chairs of committees of the College shall rotate in service, giving due regard for personal interests and the best interests of the Faculty and College.

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**Section 3. Joint Committees** By parallel action with the Student Government Association, the officers of administration, and the Board of Trustees, the Faculty may authorize the establishment of joint committees with cognizance over matters of joint and primary interest to any three or more of such constituent bodies. The number of Faculty members of each such joint committee shall be equal to the largest representation from any other single constituency, and all such joint committees shall be advisory only and shall report to their several constituencies. Faculty members of all joint committees shall be elected by the voting members of the Faculty from their own numbers.

**Section 4. Referral to Committee** Except as the Faculty shall order otherwise by a two-thirds vote, all proposals requiring Faculty action shall be made in writing and shall be referred to an appropriate committee of the Faculty, committee of the College, or joint committee prior to its consideration by the Faculty.

**Section 5. Membership of Committees** Faculty members of all committees shall be elected or appointed in conformity with the following principles:

- A. No member shall serve concurrently on more than one committee, elected or appointed.
- B. Members of the Faculty in their first year of service shall be ineligible to serve on any committee, elected or appointed.
- C. Members of elected committees shall be nominated and elected by the voting members of the Faculty from their own numbers, but no member shall be eligible to serve simultaneously on more than one elected committee, nor shall any member be eligible for election or re-election to any elected committee for one year following the expiration of a previous full term.
- D. Members of appointed committees shall receive the concurrence of an elected committee specifically authorized so to act, or of the Faculty itself, prior to entering upon such committee service.
- E. Faculty elected to committees as sabbatical replacements shall serve for one full-year term. These Faculty members are eligible for election or re-election to committees following the expiration of their one-year terms.
- F. Officers of the College may only serve as *ex-officio* members of elected committees and may not serve as chair.

**Section 6. Election and Term of Service on Elected Committees** Members of elected committees shall be elected by majority vote in secret ballot during the spring term. Members shall serve from August 15 after the date of their election. Special elections may be held at any time to fill vacancies.

#### **ARTICLE V. Academic Freedom and Tenure**

Birmingham-Southern College having previously endorsed the 1940 Statement of Principles and Academic Freedom and Tenure agreed upon by the American Association of University Professors and the Association of American Colleges, the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, and the 1964 Standards for Notice of Non-reappointment, the Faculty joins the College in guaranteeing to, and assuming for, its members the protections and obligations contained in these statements as if they were repeated and incorporated here verbatim and in their entirety. By the adoption of appropriate Bylaws, the Faculty shall insure the observance and implementation of these principles in this College.

#### **ARTICLE VI. Bylaws**

Bylaws and amendments thereto for the conduct of Faculty and committee affairs may be adopted by a two-thirds vote of the voting members present and voting.

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**ARTICLE VII. Continuity**

All Faculty action taken prior to the adoption of this Constitution and not in conflict with it is hereby confirmed until altered by formal action taken under the terms hereof.

**ARTICLE VIII. Amendments**

A majority vote of the Faculty shall be sufficient to submit proposed amendments to this Constitution to a secret ballot, which shall be held not earlier than fourteen days following submission. Two or more proposals submitted at the same time shall be voted upon separately. Any proposal receiving a two-thirds vote of the voting members of the Faculty shall immediately become effective as an amendment to this Constitution.

**ARTICLE IX. Ratification**

When this Constitution shall, by a majority vote of the Faculty, be submitted to the voting members for ratification in a secret ballot held at least fourteen days following submission, and when this Constitution shall have received a two-thirds vote of the voting members, it shall immediately become effective.

**ARTICLE X. Review by Trustees**

Immediately upon ratification of this Constitution and all amendments hereof, such action shall be transmitted to the Board of Trustees for review. The Trustees may suspend the operation of any provision of the Constitution or of any amendment upon a finding, communicated in writing, of a conflict between this Constitution and the vested rights and authority of the Trustees or any other constituency of the College.

# FACULTY BYLAWS

## ARTICLE I. Conduct of Faculty Meetings

**A. Agenda** The agenda of each regular meeting and, if possible, for each special meeting shall be distributed in advance to all members of the Faculty. Any proposal involving considerable detail shall be presented in writing and in sufficient time to the Presiding Officer for it to be distributed prior to the meeting in which it is to be considered. A proposal made without notice, however, may be moved and seconded by voting members.

**B. Parliamentary Authority** *Robert's Rules of Order (Revised)* in its latest edition shall govern the conduct of meetings in all cases to which it can be applied and in which it is consistent with the Faculty Constitution or these Bylaws.

## ARTICLE II. Powers and Duties of Committees

**A. Faculty Elected Committees** Each elected committee shall function with the authority of the Faculty when making decisions appropriate to the duties of the committees and within the framework of policy established by the Faculty. The elected committees shall generate, discuss, and formulate new policy, which shall be brought to the Faculty for adoption. Only the corporate Faculty has the authority to establish new policy within the area of the powers and duties reserved to it by the Faculty Constitution. Only the corporate Faculty shall have the authority to recommend, in the name of the Faculty, the adoption of new policy by the administration. Should any elected committee deem it necessary to institute or recommend new policy without prior approval by the corporate Faculty, that committee shall be guided by what it believes to be the will of the Faculty, and in such cases the committee shall submit its action to the Faculty for ratification at a special meeting called within ten days after such action. Moreover, in such cases the committee shall circulate a written summary of its minutes prior to the Faculty meeting in which its action shall be reviewed.

**B. Non-Elected Committees** to which members of the Faculty are appointed to serve shall not be regarded as either legislative or administrative bodies. They shall, however, formulate and review policies, standards, and objectives for the area of institutional operation included within their scope. They may offer advice and recommendations and propose legislation to the Faculty, but no action or recommendation made by a non-elected committee to any component of the College shall be considered as an action or recommendation of the Faculty until it has been reviewed and adopted by the corporate Faculty.

**C. Committee Reports** In order that members of the Faculty may vote intelligently on all matters that require their approval, copies of committee recommendations shall be disseminated at least one week prior to the Faculty meeting in which they are to be considered. When matters of policy or legislation are to be submitted to Faculty action, the chair of each committee shall insure that each member thereof shall have presented to him or her the majority and minority reports (if any), and all such reports shall be presented to the Faculty.

### **ARTICLE III. Faculty Advisory Committee**

**A. Establishment** There is hereby established a Faculty Advisory Committee consisting of six voting members of the Faculty. Members shall serve staggered terms of three years with two members being elected each year. No more than two non-tenured members of the Faculty may serve at any one time.

#### **B. Functions and Duties**

1. Serve as a general liaison between the Faculty and other components of the College community.
2. Consult with the Faculty and communicate with the Administration through periodic meetings with the President, Provost, Faculty, and others, regarding general matters affecting the well being of the faculty and the College. Among other matters, throughout the decision-making process, the Administration shall consult with and seek the advice of the Committee, and may consult with other constituencies of the College, regarding matters affecting the overall academic program, such as budget of the College, and additions or deletions of entire programs.
3. Address issues raised by members of the Faculty.
4. Perform all duties required of the Committee under the Faculty Handbook, Constitution, and Bylaws.
5. Communicate with the Board of Trustees as needed, in consultation with the Faculty and with the knowledge of the President.
6. Assure Faculty and Administration adherence to the Faculty Constitution, Bylaws, and Handbook.
7. Evaluate annually and, if necessary, propose revisions of the Faculty Constitution, Bylaws and Handbook and maintain an updated version of the Faculty Handbook.
8. Provide procedures for the election of the elected committees, and otherwise assist those committees upon their request.
9. Assist the President in administering a periodic evaluation of the Provost by the Faculty.
10. Ensure the periodic survey of faculty morale.
11. Maintain minutes of Faculty Advisory Committee meetings and regularly report on the work of the Committee to the Faculty.
12. Collaborate with the Provost in the appointments of members and chairs of non-elected Committees of the College.
13. Each year, the Committee will collaborate with the President and Provost on the selection of one Faculty member to serve on the Fringe Benefits Committee. To gain additional perspective about the range of individual concerns among the Faculty and be a better advocate for them, the Faculty representative may share those issues with the Committee while discussions are ongoing. However, no further communications beyond the Committee are permitted. The Faculty representative is responsible for submitting reports about benefits at Faculty Meetings.
14. Annually elect a chair or co-chairs and secretary from among the members of the Committee.

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## **ARTICLE IV. Faculty Committee on Promotion and Tenure**

**A. Establishment** There is hereby established a Faculty Committee on Promotion and Tenure consisting of seven tenured members of the Faculty. Members shall serve staggered terms of three years with two, or if appropriate three, members being elected each year. No more than two members from an academic area (Behavioral and Social Sciences, Business, Education, Fine and Performing Arts, Humanities, Library and Information Services, Science and Mathematics) may serve on the Committee at the same time.

### **B. Functions and Duties**

1. The Faculty Committee on Promotion and Tenure shall review and provide advice and/or recommendations to the Provost regarding original appointment, promotion, granting of tenure, non-reappointment, and dismissal or separation for cause of all tenured Faculty and those eligible for promotion as outlined in the Faculty Handbook.
2. The Committee shall follow these guidelines as stated in the Faculty Handbook, Section III.B. regarding matters of promotion, tenure, and non-reappointment, and dismissal for cause.
3. The Committee shall annually elect its own Chair or Co-Chairs from the members of the Committee.

### **C. Procedures**

1. The Committee meets annually with Department Chairs, who report to the Committee the progress of all Faculty members of their departments who are eligible for promotion, the number and status of Faculty within their departments applying for promotion and tenure, and the status of any Faculty searches within their departments.
2. The Committee meets with the Provost at the beginning of each year to discuss the work for the year and any other issues deemed important.
3. The Committee will meet with the candidates for promotable Faculty appointments who have reached the point of on campus visits. To aid in the Committee's work of evaluation of these candidates, it shall receive from departments conducting the search a copy of the position description and any other addendums to describe the requirements of the position, copies of the vitae, letters of application, statements of teaching philosophy and letters of recommendation for each of the candidates.
4. The Committee will compose a letter of evaluation for each candidate for a promotable Faculty position and send this to the Provost.
5. The Committee will be informed by Department Chairs of the progress of all Faculty members within their departments undergoing mid-probationary review. The Committee will have access to the Provost's written summary letter regarding individual Faculty members' progress towards tenure and / or promotion, referred to in the Faculty Handbook section III.B.1, as part of the promotion and tenure review process.
6. The Committee will have access to all submitted materials of Faculty candidates for promotion and tenure. The Committee will review these materials and then meet to evaluate each candidate's qualifications. The Committee will compose a letter of recommendation for each candidate and send such to the Provost.
7. The Provost's Office will inform the Committee of the final decision regarding each candidate for promotion and tenure prior to the public announcement of such.
8. Should the President pursue an action other than that recommended by the Promotion and Tenure Committee, the President or the Provost acting on the President's behalf will meet with the Promotion and Tenure Committee to discuss the difference. The President will report any disagreements with the Committee's recommendations in writing to the Committee, the Provost and the Executive Committee of the Board of Trustees.

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## **ARTICLE V. Faculty Development Committee**

**A. Establishment** There is hereby established a Faculty Development Committee consisting of five tenured or tenure-track members of the Faculty. No more than two non-tenured faculty members may serve at any one time. Members shall serve staggered terms of three years each, with two, or if appropriate one, members being elected each year. No more than two members from an academic area (Behavioral and Social Sciences, Business, Education, Fine and Performing Arts, Humanities, Library and Information Services, Science and Mathematics) may serve on the Committee at the same time.

### **B. Functions and Duties**

1. Make decisions in consultation with and with the approval of the Provost regarding the distribution of available funds for faculty development opportunities at Birmingham-Southern College including, but not limited to the following:

- a. January Sabbatical
- b. McWilliams Faculty Scholarship Award
- c. Summer stipends for scholarly activity, curriculum development, and/or equipment
- d. Vail Fellowships

2. Make recommendations to the Provost for awarding sabbatical leave.

3. Make recommendations regarding guidelines for faculty professional travel.

4. Inform the faculty about professional development opportunities offered by Birmingham-Southern College.

5. Render advice and judgment on substantive matters concerning faculty development.

6. Perform all duties required of the Committee under the Faculty Handbook, Constitution, and Bylaws.

7. Maintain minutes of Committee meetings and regularly report on the work of the Committee to the Faculty.

8. Annually elect a chair or co-chairs from among the members of the Committee.

## **ARTICLE VI. Faculty Committee on Curriculum and Standards**

**A. Establishment** There is hereby established a Faculty Committee on Curriculum and Standards consisting of seven voting members of the Faculty, one from each academic area (Behavioral and Social Sciences, Business, Education, Fine and Performing Arts, Humanities, Library and Information Services, Science and Mathematics). Members shall serve staggered terms of three years with two, or if appropriate three, members being elected each year. There shall also be two *ex-officio* non-voting members of the Committee: the Provost (or designate) and the Catalog Editor.

**B. Function and Purpose** The Curriculum and Standards Committee shall review and advise the corporate Faculty on proposals for changes to majors, minors, addition of courses, changes to existing courses, addition or deletion of a laboratory, special designations, course prerequisites, or any other curricular changes. Faculty proposing courses may request to attend the applicable Curriculum and Standards Committee meeting to discuss the proposal. Such Faculty members may not be present during committee deliberation and voting. The Curriculum and Standards Committee shall also review and approve or disapprove items not requiring a vote of the corporate Faculty such as course name changes, new course numbering, or changes in College Catalog descriptions for an existing course, and report its decisions to the Faculty.

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