



Ohio Administrative Code

Rule 3339-2-02 The enabling act of university senate and faculty assembly.

Effective: March 6, 2015

University senate is the primary university governance body where students, faculty, staff, and administrators debate university issues and reach conclusions on the policies and actions to be taken by the institution. It is the legislative body of the university in matters involving educational programs, requirements, and standards; faculty welfare; and student conduct. The board of trustees delegates to university senate primary responsibility for curriculum, programs, and course offerings and advisory responsibility on all matters related to Miami university.

Faculty assembly is comprised of all members of the faculty who hold tenure or a tenure-track position; all librarians who hold the rank of assistant librarian, associate librarian, or principal librarian; and all members of the faculty who hold the rank of lecturer (including the senior rank) or clinical/ professionally licensed faculty (including the senior rank) (lecturers and clinical/ professionally licensed faculty are members of the faculty assembly for the purpose of qualifying them to serve on the university senate. Membership in faculty assembly does not qualify lecturers or clinical professionally licensed faculty to serve on committees whose membership is restricted to faculty in tenure-eligible ranks). Faculty assembly hears reports from its committees and from the president, the chair of university senate, and university vice presidents. It may propose, debate, and recommend matters for senate consideration or for presentation to other officials or administrative bodies. It may also challenge and refer back to senate any senate action. Faculty assembly has the right of initiative and referendum.

The board of trustees reserves the right to consider, approve, modify, or reject actions taken by the university senate or faculty assembly.

(A) University senate membership

(1) University senate shall comprise sixty-nine voting members and shall have the following composition:



- (a) Ten members of faculty assembly elected by members of faculty assembly, university-wide, by single transferable vote, as specified in the bylaws of university senate;
 - (b) Thirty-four members of faculty assembly apportioned to the college and schools, regional campuses, and library (hereinafter referred to as divisions) and elected by majority vote by members of faculty assembly within those divisions on the basis of representational units as specified in the bylaws of university senate;
 - (c) The provost of the university (who shall be the chair of university senate) and seven other administrators and/or unclassified staff members appointed by the president of the university as indicated in the bylaws of university senate;
 - (d) One classified staff member, appointed by the classified personnel advisory committee and one unclassified staff member, appointed by the unclassified personnel advisory committee;
 - (e) Eleven undergraduate students, one of whom shall be the student body president, and ten of whom shall be selected as provided by associated student government;
 - (f) Two undergraduate students, one each from the Hamilton and Middletown campuses, selected as provided by the Miami university Hamilton student government association and by the Miami university Middletown student advisory council; and
 - (g) Two graduate students selected as provided by the graduate student association.
- (2) Terms of office. All terms of office shall begin on the first day of the first semester of the academic year following the year in which the member is selected.
- (a) The term of office for members of university senate elected from faculty assembly as in paragraph (A)(1)(a) of this rule shall be for three years, all ten terms running concurrently.
 - (b) The term of office for members of university senate elected from faculty assembly as in paragraph (A)(1)(b) of this rule shall be for three years, with approximately one-third of these members elected each year.



(c) The terms of office for members of university senate selected as in paragraph (A)(1)(c) of this rule, with the exception of the provost who serves as a voting ex officio member of senate continually, shall be for one year with the possibility of reappointment.

(d) The terms of office for members of university senate selected as in paragraph (A)(1)(d) of this rule, shall be as specified in the selection procedures approved by senate.

(e) The term of office for members of university senate selected from the student body as in paragraphs (A)(1)(e), (A)(1)(f), and (A)(1)(g) of this rule shall be for one year.

(3) University senate leadership

(a) The provost shall serve as the chair of university senate. The chair of the executive committee shall serve as the vice chair of university senate.

(b) The university senate executive committee shall call senate meetings as needed, set university senate agendas, and generally manage the business of university senate.

(c) The chair of university senate shall designate a person to serve a three-year term without vote as secretary of university senate. This appointment shall be confirmed by university senate.

(B) University senate committee structure

(1) Executive committee of university senate shall manage the business of senate. Membership shall include the provost, three faculty members of senate elected as specified in the bylaws of university senate, the president of associated student government and one graduate student who is a member of university senate. The secretary of university senate shall serve as an ex officio, nonvoting member of the executive committee.

(2) University senate shall create such standing and advisory committees as it deems necessary to carry out its responsibilities as outlined in the introductory article of this rule.



(3) Ad hoc committees shall be created by university senate as needed for particular purposes if there is not an appropriate standing committee for that issue or purpose.

(4) So far as is possible, all university-wide matters upon which the ad-vice and/or action of faculty, administrators, and students is to be sought should be referred to the committees of university senate.

(5) All actions of the committees of university senate shall be reported to senate.

(6) Operating rules and procedures of committees may be formulated by university senate and promulgated in its standing rules, subject to the limitations in the descriptions of the committees in the bylaws.

(C) University senate legislative procedures

(1) A quorum for conducting business of university senate is forty- six. A main motion is considered to have passed or failed upon the affirmative or negative vote of a simple majority of the members present.

(2) Meetings are ordinarily called by the executive committee of university senate. Additional meetings shall be called by the chair of senate upon the written request of any ten members of senate.

(3) The actions of university senate become final with the approval of the minutes at the next meeting of senate or by mail or electronic ballot.

All passed final actions of university senate upon a main motion and roll-call votes on these final actions upon a main motion shall be included in the summary of each senate meeting which is reported in the Miami matters (i.e., the daily electronic newsletter of Miami university), or any such regular university publication distributed to the Miami university community as approved by senate, which will reach all members of faculty assembly and other interested members of the university community.

(4) The effective date of any final action of university senate upon a main motion which alters the status quo shall be no earlier than the tenth class day following the distribution of the summary of



senate action indicated in paragraph (C)(3) of this rule. In extraordinary cases where an action must be put into effect before the elapse of ten class days, as attested by an affirmative vote of at least two-thirds of the members of senate, the action becomes effective immediately.

(5) During the ten class days after distribution of an action, if at least twenty-five members of faculty assembly file a petition so stating with the office of the provost, an action of university senate shall be considered challenged and its implementation suspended (see paragraph (F) of this rule).

(6) After a final action of university senate is effective, the chair of university senate or, at the request of the chair, the vice chair, shall represent the position of the action to other bodies, including the board of trustees.

(D) Faculty assembly membership

(1) Faculty assembly is chaired by the president of the university, who has responsibility for the preparation of the agenda for meetings.

(2) Faculty assembly is comprised of all members of the faculty who hold tenure or a tenure-track position; all librarians who hold the rank of assistant librarian, associate librarian, or principal librarian; and all members of the faculty who hold the rank of lecturer (including the senior rank) or clinical/ professionally licensed faculty (including the senior rank) (Lecturers and clinical/ professionally licensed faculty are members of the faculty assembly for the purpose of qualifying them to serve on the university senate. Membership in faculty assembly does not qualify lecturers or clinical professionally licensed faculty to serve on committees whose membership is restricted to faculty in tenure-eligible ranks).

(E) Faculty assembly committee structure

(1) The committee of faculty rights and responsibilities is a standing committee of faculty assembly, composed of eight tenured members of the faculty without official administrative appointment who may not serve concurrently on university senate. The term of membership is three years, with election accomplished as set forth in paragraph (E)(2) of this rule.



The committee is charged to do the following:

- (a) Formulate and recommend standards defining the professional rights and responsibilities of the faculty, and propose legislation and/or procedures appropriate to their enforcement.
 - (b) Conduct grievance and disciplinary hearings as outlined in the Miami university policy and information manual.
 - (c) Consider and, at its discretion, report to the president and the provost alleged infractions of faculty rights and responsibilities.
 - (d) Act as a continuing advisory body to the president on matters of university policy and operation that affect the professional rights and responsibilities of the faculty.
 - (e) Review the Miami university policy and information manual on matters pertaining to faculty rights and responsibilities, and recommend changes, as appropriate, to the president.
 - (f) Review departmental and divisional definitions and elaborations of university promotion and tenure criteria, when requested to do so by a faculty member, in order to decide whether those departmental and divisional policies are consistent with all-university policy.
 - (g) Report annually to faculty assembly on matters considered by the committee.
- (2) The chair and individual members of the committee are available to any member of the university community who wishes to discuss aspects of faculty rights and responsibilities in general or as related to his or her personal situation, or who wishes to report alleged infractions or to file a grievance or complaint through the Miami university policy and information manual.
- (3) Faculty assembly expects all members of the Miami university community to cooperate with the committee on faculty rights and responsibilities in the discharge of its mandate from faculty assembly and the board of trustees, including meeting reasonable requests for information relevant to general issues and specific cases before the committee, meeting with the committee at mutually convenient times and places to discuss general issues and specific cases and to respond to reasonable



questions relating to matters before the committee. Incidents of refusal to cooperate shall be reported by the committee to faculty assembly for its consideration and action. While reasonable requests for information should be honored, the committee shall be given access to the relevant contents of faculty personnel files only when such access is necessary to conduct a disciplinary hearing under the Miami university policy and information manual, to process a formal grievance under the Miami university policy and information manual, or to resolve an informal complaint or problem brought to the committee.

(4) Election of members of the committee on faculty rights and responsibilities

(a) Eligibility to serve on the committee on faculty rights and responsibilities:

(i) All tenured members of the faculty except department chairs are eligible to serve on the committee on faculty rights and responsibilities.

(ii) A faculty member may not serve concurrently on both university senate and the committee on faculty rights and responsibilities.

(b) Nominations

(i) All incumbent members of the committee on faculty rights and responsibilities who are eligible for the committee shall have their names automatically placed in nomination.

(ii) Other tenured members of the faculty may be nominated, to bring the total number of nominations to seventeen, by a university-wide nomination election which uses the method of the single trans-ferable vote.

(iii) All members of the tenure-eligible ranks are eligible to vote in the nominating election.

(5) All-university faculty committee for the evaluation of administrators

(a) An all-university faculty committee for evaluation of administrators shall review the provost, all academic deans, the associate provost for research and dean of the graduate school, the dean and



university librarian, and the university director of liberal education in years three and five of their five-year administrative appointments.

(b) Committee reports are intended to serve two functions:

(i) To guide the professional development of the individuals; and

(ii) To record part of the evidence upon which future personnel decisions may be based.

(c) The committee shall consist of eight members of faculty assembly: one to be chosen by each division for a total of five; one to be chosen by the library faculty; one to be chosen by the Hamilton campus; and one to be chosen by the Middletown campus. The committee shall elect one of shall elect one of its members to serve as chair. Members of the committee who are on probationary status (i.e. nontenured or who do not hold continuing contract status) are not eligible to serve as chair of the committee.

(d) The members of the committee shall be elected by the faculty with election procedures to be set by university senate. The library faculty as well as the faculty of the regional campuses shall not be eligible as nominees or electors in the election of divisional representatives.

(e) Each member shall serve a nonrenewable, three-year term beginning July first of each year. The terms shall be staggered so that one-third of the committee is elected each year.

(f) Each fall semester, the committee shall prepare a questionnaire for the evaluation of each administrator it is scheduled to evaluate during the academic year. Administrators in year five of their five-year administrative appointment will be evaluated in the fall of the evaluation year. Administrators in year three of their five-year administrative appointment will be evaluated in the spring of the evaluation year. The committee shall distribute the questionnaire to members of faculty assembly assigned to or served by the administrators unit, and it shall prepare an evaluation report to be submitted to the administrators supervisor.

(6) In the event of the resignation of a member of the committee on faculty rights and responsibilities or the all-university faculty committee for the evaluation of administrators before the end of his or



her term, that seat shall be filled by the candidate (who had not been previously elected) who received the largest number of votes when the ballots are retabulated after the votes for the person who has resigned have been deleted. In the event no such candidate is available, a new election will be held for the vacated seat.

(F) Faculty assembly legislative procedures

(1) A quorum shall be twenty-five per cent of the membership of faculty assembly. This number shall be determined by the office of the provost and announced at the first meeting of the assembly each year. The number constituting a quorum shall be the same for every meeting during an academic year.

(2) Faculty assembly normally meets in the fall. Additional meetings may be called upon request of fifty members of faculty assembly filed with the office of the provost or upon the call of the president. The exact time and location of the meetings will be determined by the president.

The first meeting of faculty assembly in the fall shall be designated and announced as a business meeting at which assembly shall vote to confer degrees for the winter, spring, and summer commencements for that academic year.

(3) The agenda shall be mailed to each member of faculty assembly at least seven class days prior to the meeting and shall provide sufficient detail for reasonably clear identification of the nature of the items.

(4) All passed final actions of university senate upon a main motion and roll-call votes on these final actions upon a main motion shall be included in the summary of each senate meeting. The actions of university senate are subject to the authority of faculty assembly to review and refer actions back to senate. Faculty assembly may additionally propose, debate, and recommend matters for senates consideration or for presentation to other administrators or bodies based on votes taken during meetings. (See introductory article of this rule.)

(5) Faculty assembly hears reports from its committees and from the president, the chair of university senate, and other vice presidents. It may propose, debate, and recommend matters for



university senate consideration or for presentation to other officials or administrative bodies. It may also challenge and refer back to senate any senate action. Faculty assembly has the right of initiative and referendum. Such action shall be considered as tantamount to university senate action.

Faculty assembly may raise questions, offer comments, debate, and forward recommendations based on votes taken during meetings or by mail or electronic ballot. It may discuss matters affecting Miami university and its environment.

(6) During the ten class days after distribution of an action, if at least twenty-five members of faculty assembly file a petition so stating with the office of the provost, an action of university senate shall be considered challenged and its implementation suspended. Such a challenged action shall be placed on the agenda for the next regularly scheduled meeting of faculty assembly, where the action may be debated and may be returned to senate for reconsideration of such revisions as the assembly may recommend. A special meeting of faculty assembly for earlier consideration and potential return to senate of a challenged action may be called by university senate or by a petition signed by at least fifty members of faculty assembly filed with the office of the provost.

(7) A quorum must be present in order for faculty assembly to return an action to university senate. If a quorum is not present at a duly scheduled or called meeting of faculty assembly for which a challenged senate action is on the agenda, said action by senate shall be deemed to be sustained.

(8) Voting in faculty assembly is on a motion to refer back to university senate one of its items and to provide opinions to individuals or groups on issues as assembly deems appropriate. The usual method of taking a vote in faculty assembly shall be by voice or by show of hands. Voting shall be by secret ballot if requested by at least ten members of the assembly or by the president with general consent.

(9) The membership of faculty assembly have the right of initiative and referendum according to the following provisions:

(a) A written proposal must be accompanied by a petition signed by at least ten per cent of the membership of faculty assembly and presented to the office of the provost before the proposal shall be considered for initiative or referendum.



(b) Following the receipt of the petition and the proposal, faculty assembly must meet within one calendar month at a regular or called meeting to discuss the proposal. Provided that a quorum is present, faculty assembly may vote to amend the original written proposal.

(c) Following the discussion of the proposal by faculty assembly, within ten working days the office of the provost shall mail a copy of the written proposal to each member of faculty assembly who shall be asked to vote yes or no on a ballot to be returned to the office of the provost within another ten working days.

An initiative or referendum matter presented to the membership of faculty assembly should be framed and worded in a straightforward manner that makes clear and unambiguous the substance of the issue and the meaning of an affirmative or negative vote (e.g., not worded with a double negative; rather worded so that a yes vote means approval of a new or revised policy and a no vote means rejection of a new or revised policy).

Normally initiative proposals shall be provided a forum for discussion by interested parties (e.g., faculty assembly and university senate and its committees such as the academic policy committee would provide such a forum) and, where substantially differing viewpoints exist, opportunity for expression of these viewpoints shall be provided and included with the initiative as distributed for vote.

(d) The proposal shall be considered to have passed if it receives an affirmative vote of a simple majority, provided the said affirmative vote constitutes at least a quorum of faculty assembly. Such action shall be considered as tantamount to university senate action and shall be subject to the limitations specified in the introductory article.

(G) Amendment

(1) A proposal to consider amending the enabling act must receive the affirmative vote of a simple majority of the members of university senate at a duly called meeting, a quorum being present.

(2) At the time of the final approval of such a proposal in the minutes of university senate, a hearing



on the proposal shall be announced for a specified time and place not less than ten class days after the distribution of the summary of senate actions and not more than fifteen class days after the distribution of the summary of senate actions. At least twenty senate members must attend the hearing, at which any faculty member, student, or administrator of Miami university may comment.

(3) At the next meeting of university senate after the senate hearing, a motion to amend the enabling act in accordance with the proposal shall be placed on the agenda. To become effective, the proposal must receive an affirmative vote of two-thirds of the membership of senate. Such action is subject to challenge by faculty assembly as provided in paragraph (F)(6) of this rule.

(4) The procedures of paragraph (F)(8) of this rule may also be used to amend the enabling act.

(5) Amendments to the enabling act of university senate and faculty assembly must be approved by the board of trustees.