Short summary of BFA Bylaws opinion on BFA Executive Committee membership (non-voting) of chairs of faculty governance councils of Boulder campus schools and colleges.

FEBRUARY 15, 2016

Background:
Professor Larry Frey, Communication, contacted the BFA to assert his claim to non-voting membership on the BFA Executive Committee and BFA Assembly by virtue of proposed CMCI Bylaws that were submitted to the Board of Regents as part of the college approval process. Relevant portions of documents are included in this report. Professor Frey, who chairs the CMCI Faculty Council, asserts his claim to non-voting presentation on the BFA and Executive Committee by virtue of acceptance of the proposal to form a new college by the Board of Regents.

Arts and Sciences Council chair:
Currently the chair of the Arts and Sciences Council (ASC), a representative body of the faculty of the College of Arts and Sciences, has a non-voting seat on the BFA Executive Committee (and is a non-voting member of the Assembly). The Bylaws were changed in September 1998 to allow for ASC representation on the Executive Committee.
See item # 2 from this extract from April 1998 BFA meeting:

F. BFA Bylaws
Daily [former BFA chair John Daily] asked the members of the BFA to review the bylaws in order to pass them during the September, 1998 BFA meeting.
Daily pointed out substantive changes:
1. method to elect in case of vacancies
2. language to add the chair of the ASC as a member of the BFA Executive Committee
3. New committee structure
4. Appendix change to allow appendix to be an index for policies formerly not a part of the bylaws.
5. Language about committee on the Presidency

Laws of the Regents regarding faculty governance:


5.E.4 Campus Faculty Senate and Governing Bodies
(A) The campus faculty senates consist of those members of the Faculty Senate whose appointments are seated at the campus in question and such other members of the general faculty as may be made members of that campus faculty senate by the campus faculty constitution.
(B) Each campus faculty senate shall establish a campus faculty senate constitution, which shall be consistent with the Faculty Senate Constitution.
(C) The campus faculty assemblies are the representative governing bodies of the campus faculty senates and consist of members of that senate elected or appointed as may be provided in the campus faculty senate constitution of the campus in question.

Faculty Senate Constitution on faculty governance:

Faculty Senate Constitution: https://www.cu.edu/faculty-council/article-iv-campus-faculty-government
Article IV. Campus Faculty Government

A. Campus Constitution.
Each campus faculty senate shall establish a campus faculty constitution, through an affirmative vote of not less than two thirds of the campus faculty senate members voting on the constitution. That constitution shall be consistent with this University of Colorado Faculty Senate Constitution, the Laws of the Regents, Regent policies and the laws, regulations and constitutions of the State of Colorado and of the United States. The constitution shall establish a campus faculty assembly as the representative body of campus faculty governance and may make such other provisions as the campus faculty senate shall deem appropriate.

B. Campus Faculty Assembly
Membership and Organization. Membership and organization of each faculty assembly shall be described in its constitution and bylaws.

BFA Bylaws

BFA Bylaws: http://www.colorado.edu/bfa/bylaws-boulder-faculty-assembly

ARTICLE IV. The Executive Committee
Section 1. The Executive Committee shall consist of the officers of the Assembly; the two Members at Large who are voting members of the Assembly and are elected at large by the Assembly; the Chairs of the Standing Committees of the Assembly, ex officio with vote; the most recent past Chair of the Assembly, ex officio with vote; and a representative of the Boulder Campus Retired Faculty Association, with vote. If a Standing Committee has co-chairs, the co-chairs shall decide between them which will be the primary representative to the Executive Committee; each Standing Committee is eligible to send only one voting member to the Executive Committee. The Chair of the College of Arts and Sciences Faculty Council shall be a member ex officio without vote. Other representatives may be designated members of the Executive Committee, from time to time, without vote, as provided by the Standing Rules of the Boulder Faculty Assembly.

BFA Standing Rules: http://www.colorado.edu/bfa/bylaws/standing-rules

ARTICLE IV. Executive Committee
[No Standing Rules Section. View Bylaws Article IV]

BFA Bylaws Committee opinion:

It is the opinion of the BFA Bylaws Committee that the Laws of the Regents, which define membership in the Faculty Senate and outline the principals of Faculty Governance, give the individual assemblies the right to determine membership in the assemblies and on committees of the assemblies.

More fundamentally, it is a basic right for a representative body such as the BFA to determine its membership. Since the BFA Bylaws do not include a provision for non-voting membership of a representative from the CMCI executive council, it is the opinion of the Bylaws Committee that the existing BFA Bylaws take precedence. It is the opinion of the Bylaws Committee that inclusion in the
BFA of a non-voting representative from CMCI requires an amendment to the BFA Bylaws. Procedures for the amendment of the BFA Bylaws are described in Article VII.

To remedy this situation and honor the intent by which ASC non-voting representation was established, the BFA Bylaws Committee proposes the following possible revision to the BFA Bylaws:

Amend ARTICLE IV, Section 1 as follows.

The Executive Committee

Section 1. The Executive Committee shall consist of the officers of the Assembly; the two Members at Large who are voting members of the Assembly and are elected at large by the Assembly; the Chairs of the Standing Committees of the Assembly, ex officio with vote; the most recent past Chair of the Assembly, ex officio with vote; and a representative of the Boulder Campus Retired Faculty Association, with vote. If a Standing Committee has co-chairs, the co-chairs shall decide between them which will be the primary representative to the Executive Committee; each Standing Committee is eligible to send only one voting member to the Executive Committee. The Chair of the College of Arts and Sciences Faculty Council shall be a member ex officio without vote. The chair of any representative faculty council within schools and colleges may be eligible to serve as an ex officio member without vote. See Standing Rules for determination of eligibility. Other representatives may be designated members of the Executive Committee, from time to time, without vote, as provided by the Standing Rules of the Boulder Faculty Assembly.

This proposed amendment deletes the language which is specific to ASC (noted with a strike through), substitutes more general language (noted in italics), and provides a mechanism (to be specified in the Standing Rules, see below) for establishing eligibility.

An addition to the Standing Rules will read as follows:

Eligibility for such membership will be determined by the Executive Committee following a review of the bylaws of the faculty governance council in question.