MEMORANDUM

September 3, 2013

TO: Ms. Cynthia M. Sanchez

FROM: Patti Ohlendorf

RE: Faculty Council Legislation: D 9505 – 9509, Proposed Revisions to the Language in the Handbook of Operating Procedures and the Policy Memoranda Regarding No-Protest Procedure

Our office has reviewed Faculty Council Legislation D 9505 – 9509, the Proposed Revisions to the Language in the Handbook of Operating Procedures and the Policy Memoranda Regarding No-Protest Procedure. Our office finds the modifications to be in order for approval. Of course, since the Policy Memoranda have been converted (along with the HOP) the documents will be finalized somewhat differently although the content will remain the same. The clarifications of timelines and various procedures appear workable and in order for approval.

I have been advised by some in our office that it was anticipated that the University Policy Office would provide the documents as HOP drafts for our review and approval rather than having this two step process. Perhaps when Charles Roeckle is back part-time we can get together with him and with Candice Fischbach to be sure we all are on the same page with respect to the most effective approval processes for amendments to the HOP.

Thank you.

PCO/bh

cc: Dr. Charles A. Roeckle
    Dr. Dean Neikirk
    Ms. Debbie Roberts
DOCUMENTS OF THE GENERAL FACULTY

PROPOSED REVISIONS TO THE LANGUAGE IN THE HANDBOOK OF OPERATING PROCEDURES AND THE POLICY MEMORANDA REGARDING NO-PROTEST PROCEDURE

Professor Dean Neikirk (committee chair and professor, electrical and computer engineering) submitted the following resolution on behalf of the General Faculty Rules and Governance Committee recommending changes to the no-protest procedure in the Handbook of Operating Procedures and in the Policy Memoranda. Currently, some no-protest deadlines include “working days” and others “calendar days.” This legislation will bring them all in line as “calendar days,” but excluding University holidays. The legislation also includes some editorial changes, clarification of “circularization,” as well as changes from “UT System Executive Vice Chancellor for Academic Affairs” to “UT System” and from “the UT System Board of Regents” to “Texas Higher Education Coordinating Board.” The Faculty Rules and Governance Committee approved the recommended changes on February 13, 2012.

The secretary has classified this legislation as being of general interest to more than one college or school. The legislation will be presented to the Faculty Council on a no-protest basis. If no objection is filed with the Office of the General Faculty by February 29, 2012, the legislation will be held to have been approved by the Faculty Council. If an objection is filed within the prescribed period, the legislation will be presented to the Faculty Council at its March 19 meeting. The objection, with reasons, must be signed by a member of the Faculty Council. Final approval resides with UT System. Final approval resides with UT System.

Sue Alexander Greninger
Secretary
Faculty Council and General Faculty

Posted on the Faculty Council website (http://www.utexas.edu/faculty/council/) on February xx, 2012.
PROPOSED REVISIONS TO THE LANGUAGE IN THE HANDBOOK OF OPERATING PROCEDURES AND THE POLICY MEMORANDA REGARDING NO-PROTEST PROCEDURE

Handbook of Operating Procedures
Chapter 1: Faculty Governance, Section III: Faculty Council

[No changes to previous sections.]

E. Legislation.

1. The Secretary shall classify proposed legislation as being
   a) of exclusive application and of primary interest only to a single college or school,
   b) of general interest to more than one college or school (but not for submission to the General
      Faculty), or
   c) of major interest (for submission to the General Faculty).
   In addition, any of these three types of legislation may be classified as emergency legislation.
   The Council may, by vote, reclassify any legislation. Specific information on each type of
   legislation shall be included in the By-Laws of the Faculty Council. (See Policy Memorandum
   1.301.)

2. Except in the case of emergency legislation, legislative matters classified as being of general
   interest to more than one college or school (but not for submission to the General Faculty) or of
   exclusive application and of primary interest only to a single college or school shall be presented
   to the Faculty Council for discussion, consideration, or action, providing notice thereof has been
   circulated among its members have been given notification on or before ten seven (40) calendar
days prior to the meeting at which the matter is to be presented, excluding official
   University holidays. The circulation no-protest procedure shall be described in the By-Laws
   of the Faculty Council. (See Policy Memorandum 1.301.)

3. Legislative matters classified as being of major interest may be presented to the Faculty Council
   for discussion or consideration at any time. The Faculty Council shall not take action on such
   legislation for at least twenty-one (21) calendar days after notification its circulation,
   excluding official University holidays, except in the case of legislation classified as emergency
   legislation. The circulation procedure shall be described in the By-Laws of the Faculty
   Council. (See Policy Memorandum 1.301.) Any legislation classified as being of general interest
   to more than one college or school (but not for submission to the General Faculty) and approved
   by the Council, but later declared as being of major interest by the President, shall be resubmitted
   for vote at the next regularly scheduled meeting of the Council, with the resubmission
   notification as provided in paragraph 4 above.

4. Proposed legislation may be initiated for consideration in the Faculty Council by written petition
   addressed to the Secretary by twenty-five (25) or more voting members of the General Faculty.

5. In an emergency, a matter may be brought before the Council without prior notice if a majority
   of those voting consents.

6. On matters within the province of UT Austin authority, the actions of the Faculty Council and of
   the General Faculty constitute recommendations to the President. All such matters shall be
   presented and discussed at an Executive Committee meeting with the President. Should the
   President be inclined to disapprove Council legislation, or to approve it only with substantive
   change, the matter will be returned by the President to the Council so that the Council will have
   an opportunity to consider the objections and to modify, withdraw, or reaffirm the original
   legislation before the President acts on it. Within a reasonable time, the President will inform
   the Council of the review that the matters have been given and of the disposition that has been
   made of each recommendation. The President shall also consult with the Faculty Council (or its
   Executive Committee) whenever the administration proposes to take action that significantly
   affects the faculty or the University's educational mission so that the Council has opportunity to
   respond prior to such action being taken.

7. Should the President object to any recommendation of the Faculty Council or of the General
   Faculty that requires the approval of the UT System Executive Vice Chancellor for Academic
   Affairs, and, if necessary, the UT System Board of Regents Texas Higher Education
Coordinating Board, he or she shall make those objections known either directly to the Council or through the Executive Committee so that the objections may be answered and the Council may have an opportunity to modify, withdraw, or reaffirm the proposed legislation before it is transmitted by the President to the UT System Executive Vice Chancellor for Academic Affairs. The final version of the legislation that is approved by the Faculty Council or by the General Faculty shall be transmitted by the President to the UT System Executive Vice Chancellor for Academic Affairs and, if necessary, to the UT System Board of Regents Texas Higher Education Coordinating Board, along with such recommendations as the President and, if necessary, the UT System Executive Vice Chancellor for Academic Affairs may choose to make. At each meeting of the Council, the President, either directly or through the Secretary, shall report on all actions of the Council and General Faculty transmitted to the UT System Executive Vice Chancellor for Academic Affairs and to the UT System Board of Regents Texas Higher Education Coordinating Board and the action, if any, taken on each. Differences, if any, between what the Council or General Faculty recommend and what the UT System Executive Vice Chancellor for Academic Affairs or the UT System Board of Regents Texas Higher Education Coordinating Board approve shall be noted and explained by the President.

Policy Memorandum 1.301
SUBJECT: BY-LAWS OF THE FACULTY COUNCIL
Memoranda

Chapter 1, part III of the Handbook of Operating Procedures contains information regarding the Faculty Council. The following rules and regulations constitute the By-Laws of the Faculty Council.

[No change to previous sections.]

5. Legislation.
   a. The notice advising members of the Faculty Council of a matter to be discussed, in addition to stating in substance the motion, if any, to be offered, shall include a summary of data, which, if studied before the meeting, will contribute to a more intelligent understanding and analysis of the issues involved. The Secretary shall use the following form in sending out documents for the consideration of the Council:
      (1) Caption, descriptive of content.
      (2) Classification and notice of procedure.
      (3) The report, which is to consist of:
         (a) date of adoption by recommending body, if any;
         (b) if a catalog change is being proposed, citation of catalog with page(s) and line(s) to be changed if change is being proposed;
         (c) the recommendations;
         (d) the reasons for the proposal.
      (4) A statement of the protest procedure, if appropriate in the case of legislation being acted on by circulation.
      (5) Date of filing the report or recommendations with the Secretary.
      (6) Date of distribution.
   b. Proposed legislation shall be classified by the Secretary for handling as follows:
      (1) When circumstances warrant, any of the three types of legislation described below may also be classified as emergency legislation. Except for legislation that is also classified as major [see section (4) below], emergency legislation approved by the Council may be sent directly to the President, the UT System Executive Vice Chancellor for Academic Affairs, and, if necessary, the UT System Board of Regents Texas Higher Education Coordinating Board for adoption without first being presented to the members of the General Faculty except as information. It shall be put into operation immediately upon approval by the Faculty Council, but the President shall have veto power over all such legislation. Should emergency legislation later be disapproved by the UT System
Executive Vice-Chancellor for Academic Affairs or the UT System Board of Regents Texas Higher Education Coordinating Board, it shall cease to be in operation.

(2) Legislation adopted by a college or school faculty and of exclusive application and of primary interest only to a single college or school shall be classified as exclusive legislation. Exclusive legislation may be approved by the Faculty Council by the circulization no-protest procedure, provided no protest is received from a member within five working seven (7) calendar days after circulization notification, excluding official University holidays. The college or school faculty is the only source of such legislation. The colleges in the arts and sciences area are considered as one college for the purpose of considering legislation affecting the requirements for the B.A. degree.

(a) The form of the notice on the circulization notification for no-protest procedure shall be as follows: "If no objection is filed in the office of the Secretary within five working days of the date of circulization, the legislation proposed above will be held to have been approved by the Faculty Council. If objection is filed within the prescribed period, the proposed legislation will be presented to the Faculty Council at its next meeting."

(b) Should a protest be received, the legislation shall be brought before a formal session of the Council.

(c) Should the legislation be approved by the circulization no-protest procedure, it shall be forwarded to the President, and, if appropriate, to the UT System Executive Vice-Chancellor for Academic Affairs, and the UT System Board of Regents Texas Higher Education Coordinating Board for action without being submitted first to the General Faculty except as information.

(3) Legislation of general interest to more than one college or school (but not for submission to the General Faculty) shall be classified as general legislation. General legislation may be approved by the Faculty Council by no-protest procedure, provided no protest is received from a member within fourteen (14) calendar days after notification, excluding official University holidays.

(a) The notification for no-protest procedure shall include information about deadlines and the procedure for filing objections (e.g., "If no objection is filed with the Secretary within fourteen (14) calendar days from the date of circulization notification, excluding official University holidays, the legislation proposed will be held to have been approved by the Faculty Council. If objection is filed within the prescribed period, the proposed legislation will be presented to the Faculty Council at its next meeting.")

(b) Should a protest be received, the legislation shall be brought before a formal session of the Council.

(c) General legislation approved by the Council may be sent directly to the President, and, if appropriate, to the UT System Executive Vice-Chancellor for Academic Affairs, and the UT System Board of Regents Texas Higher Education Coordinating Board for adoption without first being presented to members of the General Faculty except as information. The President has the power to change the classification from general to major legislation for ten working fourteen (14) calendar days following Council action, excluding official University holidays.

(4) Legislation submitted to the Faculty Council that must subsequently be submitted to the entire General Faculty for adoption before being transmitted to the President, and, if appropriate, to the UT System Executive Vice-Chancellor for Academic Affairs, and the UT System Board of Regents Texas Higher Education Coordinating Board for adoption shall be classified as major legislation. Once the Faculty Council has acted on major legislation, approving it or not, the legislation must be submitted to the General Faculty for final action.
(a) *Major* legislation approved by the Faculty Council shall be sent to the members of the General Faculty with notification by the Secretary with notification that it will be presented to the President, and, if appropriate, to the UT System Executive Vice Chancellor for Academic Affairs, and the UT System Board of Regents, Texas Higher Education Coordinating Board for approval as General Faculty legislation unless signed protests, in writing, with reasons, have been received by the Secretary from twenty-five (25) voting members of the General Faculty within forty working twenty-one (21) calendar days after notification, excluding official University holidays. If sufficient signed protests are received, the legislation shall be presented to the General Faculty for discussion at a meeting, which shall be held as early as practicable, and in no case later than thirty (30) days after the protest has been made.

(b) *Major* legislation not approved or else fundamentally amended by the Faculty Council shall be sent to the members of the General Faculty by the Secretary with notification that if protests of this Council action are received by the Secretary from twenty-five (25) voting members of the General Faculty within forty working twenty-one (21) calendar days after notification, excluding official University holidays, the legislation shall be presented to the General Faculty for a decision at a meeting, which shall be held as early as practicable, and in no case later than thirty (30) calendar days, excluding official University holidays, after the protest has been made.

(c) If legislation is being referred to the General Faculty because of a protest from a qualified group of the General Faculty, the Secretary shall so report and attach to the Council recommendations the statement of the protesting group.

(d) In the event that the protested legislation is not considered at a General Faculty meeting due to lack of a quorum, then the legislation shall be returned to the Faculty Council for action. The decision of the Council will be final. The signed protesters of the legislation shall receive advance notice of this meeting and be given the opportunity to present arguments to the Council. If the Council so chooses, it may call a second meeting of the General Faculty to consider the protested legislation.

(e) Unless it is also classified as *emergency* legislation, major legislation shall *not* be submitted to the General Faculty by the no-protest procedure during the months from June through August.

c. Before it can be presented to the Faculty Council for action, each piece of *non-emergency general and major* legislation must be studied by a body of General Faculty members, and that body must report its findings and/or recommendations to the Council. Legislation that has not previously been studied by a body of the General Faculty will be referred by the Secretary to such a body for study before it is presented to the Council for action.