

Process for Making Rule Changes or Creating New Rules

Origin of Change

Rule changes can be requested by any entity at the university. Likewise, requests for new rules may originate anywhere. However, it is typical for requests for rule changes or new rules to originate in a Senate committee. In the old days (pre-electronic), the rule change would be sent directly to the Secretary of the University Senate and he or she would send it around to all committees or groups who might be impacted by the rule change. The list of people who are consulted varies with the rule change but will always include Rules, Faculty Council and Steering. In theory, Rules is the only committee that must vote on the acceptability of the rule change. However, Steering, as the committee on committees, needs to know what rule changes are pending and often will have ideas about who should be consulted. In addition, Faculty Council will often have ideas about the disparate impact a rule change may have on various parts of campus. Thus, Rules, Faculty Council and Steering will receive all prospective rule changes early in the process.

Proposals to amend or create rules must be accompanied by a “Whereas Statement.” The Whereas Statement should describe the motivations for bringing the proposal to the Senate. Any contentious topics and their solutions should be discussed in the Whereas Statement. The end of the Whereas Statement should always contain the same clause:

LET IT THEREFORE BE RESOLVED that the revisions to <Insert Rule Number> that will <amend, create or eliminate> the <subject of rule> be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Below is an example of a Whereas Statement for the elimination of Rule 3335-5-483, University Bookstore Committee:

WHEREAS the University Bookstores are now owned and operated by a company, Barnes and Noble, external to The Ohio State University; and

WHEREAS Barnes and Noble is not obliged to seek or follow University Senate recommendations regarding its policies, procedures, or business operations, suggesting that the Senate Bookstores committee is not an appropriate oversight body; and

WHEREAS Barnes and Noble has expressed interest in faculty, staff, and student advice and feedback; and

WHEREAS the University Business Operations has developed a proposal to establish a Bookstores Advisory Committee (See attached);

LET IT THEREFORE BE RESOLVED that the revisions to 3335-5-483 that will eliminate the Senate Bookstores Committee be approved by the University Senate and

respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

The text for all rules is available on the Board of Trustees website; electronic versions are also available from the Office of the University Senate. When making changes to the rule, please ~~strikeout~~ the text that you wish to remove and underline any new text that is added. Please do not track the changes through Word.

Consultation

As indicated above, the list of groups that are consulted about a particular rule change will vary according to the rule change and who will be impacted. The Secretary of the Senate has been the coordinator for this activity in the past. But with the ease of electronic communication, requests for rule changes are increasingly being sent by the originator of the request directly to Rules, Steering and Faculty Council. The Secretary requests that he or she be copied but when this doesn't happen, he or she must track the rule change down and make sure that the proper people are being consulted. In addition, the Secretary has the unenviable task of nagging respondents who have not responded in a timely fashion. This part of the process can certainly use some fine-tuning.

After responses to the proposed changes are received in the Senate office, the responses will be forwarded to relevant committees. Negotiations on the proposed changes will then ensue among relevant parties. Changes may be made to the rule. If several parties agree upon the changes, the revised rule change must be circulated to everyone who has an interest in the rule. After consensus is obtained from all parties, co-sponsors for the rule change will be sought and a final whereas statement is written for the rule change and it is sent to the Senate for a final vote.

Senate Approval

The rule change will be presented to the Senate by a committee chair or someone intimately involved in making the rule change. Following ratification by a majority vote of the Senate, the rule change will be sent to the Board of Trustees for final approval before being filed downtown.