

OHIO STATE UNIVERSITY SENATE ANNUAL REPORT COVER SHEET

Executive Summary

Period: 2023-2024

Current Committee Chair: Jared Gardner

Incoming Committee Chair: Susan Gershman

Committee Members:

<i>Member</i>	<i>Constituent Group</i>	<i>Term</i>	<i>Dot number</i>
Julius McIntyre	USG	2024	mcintyre.268
Ben McKinley	CGS	2024	mckinley.255
Joe Malinger (AU)	IPC	2024	malinge.1
Heath Schintler (SP)	IPC	2024	Schintler.1
Kevin Petrilla	USAC	2025	petrilla.3
Sara Watson	Faculty Council	2024	watson.584
Valarie Williams	Faculty Council	2025	williams.1415
Maria Coyle	Faculty Council	2025	coyle.167
Robert Hughes	Faculty Council	2026	hughes.1021
Susan Gershman	Faculty Council	2026	gershman.6
Ben Givens	Secretary of Senate		givens.7
Brandon Lester	Ex-Officio (non-voting)		lester.173
Helen Malone	Ex-Officio (non-voting)		malone.175
Megan Ferguson	Senate Recording Secretary (non-voting)		ferguson.1070

Meetings:

The committee met 5 times in Autumn and 6 times in Spring

Do you have Bylaws? Yes, attached

2023-24 Rules Committee Report
Jared Gardner, Chair

We covered a good deal of ground in Rules committee this year, including the first significant set of revisions to the 04 process since the major overhaul of that rule in 20/21 and the reintroduction of the Committee for Government Affairs, the predecessor of which had been shuttered in 2014. Below follows a list of our major work for the year:

1. **Attendance rule change for religious accommodations.** As required by the passage of HB 353 effective April 3, 2023, OAA developed a Policy regarding the granting of religious accommodations for attendance in classes. In many cases, the creation of a Policy means there is no reason to create a new Rule, but in this case Ben had noticed that our current language in Rules regarding attendance was in need of revision both to acknowledge this new policy and to clarify that university policies regarding attendance preempts college, department, or individual faculty policies.

The committee worked on the language of a revised attendance rule (3335-9-21) over the course of a few meetings and brought it to a vote in Senate at the November meeting, where it was passed by the full body.

2. **04 Revisions.** We began discussions of a series of revisions to the 04 at our very first meeting of the year, and the task of working through all of it would ultimately consume a great deal of our work together. We brought the series of rule changes to the .04 (and one related change to the .03) to a Senate vote in March, where it was passed by the full body. The changes in this omnibus rule change included
 - a. Adding language spelling out that any 04 proceedings in response to complaints related to the new Free Speech policy will be addressed in 3335-5-04.1 (hereafter, “track 1”).
 - b. Repairing an omission from 20202 revision and clarifying the distinction between tracks 1 and 4 of the 04.
 - c. New language clarifying what happens to an unfinished investigation in tracks 1 and 4 should a faculty member resign and subsequently return
 - d. New language clarifying that in cases of multiple complaints falling under both tracks 1 and 4, there is the option to consolidate processes (not the complaints themselves).
 - e. Revised language clarifying how the role of the department chair in the process will be filled in cases where the college or school has no departments; how it will be managed in the case of investigations of regional campus faculty; and finally how it will be handled in the case of regional campus faculty complaints when the campus dean or director is the one who filed the complaint.
 - f. New language clarifying that chairs can seek advice in navigating a probable cause review process.

- g. Language referencing “counseling” as one possible sanction was replaced with “training and professional development” throughout the 04.
- h. New language clarifying the distinction between the sanctioning committee as a whole and the sanctioning panel assigned to a particular case.

The process involved not only extensive deliberation and revision within the committee, but also consultation and listening sessions with concerned faculty. But the end result is a much stronger 04 that will better serve all involved in these processes in the future

3. **Changes to Faculty Titles.** Following up on the work of an OAA taskforce, Rules was asked to consider revising 3335-5-19 to eliminate the negatively defined category of “non-tenure track faculty.” Rules followed the recommendations of the taskforce, in which Sara Watson had participated, and rewrote 3335-5-19 to shift the definition from two categories (tenure track vs. non-tenure track) to five categories of faculty: tenure-track, clinical/teaching/practice, research, associated, and emeritus (with associated faculty being subdivided to include the titles of clinical practice faculty, visiting, faculty, adjunct faculty, and lecturer). This rule change was passed at the April Senate meeting.
4. **Changes to committee memberships.** The changes described to 3335-5-19 impacted rules governing committee membership for two standing committees which had specified roles for “non-tenure track faculty.” In the course of making those changes, and in consultation with the committee chairs, some related changes were identified as desirable, recognizing changes to administrative structure and titles that had led to some confusion or redundancy in membership as the rules were written. In the end, changes were made to the membership rules for the Research Committee (3335-5-48.14), the Committee on Intellectual Property, Patents, and Copyrights (3335-5-48.19), the Committee on Academic Technology (3335-5-48.3). These changes were passed at the April Senate meeting.
5. **New Government affairs committee.** Senate leadership had been in discussion since 2022 regarding the possibility of launching a new Government Affairs Committee. Events in the spring of 2023 galvanized the desire for such a committee, and as chair of Rules I worked on developing a proposal and discussing the role for a new committee with the university’s Office of Government Affairs, sharing ideas and seeking input from Faculty Council, Senate Cabinet, and Steering Committee. In the end there proved strong support, including from the Office of Government Affairs. This new rule constituting the new senate committee was passed at the April senate meeting.
6. **Clarification of 03.** In the process of consulting about the proposed changes to the 04, it was suggested that an edit in the .03 was called for to clarify that any switch

from tenure-track faculty to clinical/teaching/practice faculty will always be voluntary. This change was passed at the April senate meeting.

In addition to work on these rules, the committee consulted regarding potential rule changes for the coming year, reviewed committee bylaws when requested, as well as the draft for a senate resolution from the Council on Enrollment and Student Progress for an asynchronous day of learning on election day 2024.

One important task we did not get to work on this year is “housekeeping,” the reading of sections of the Rules with an eye out for language in need of editing and clarification. The committee will hopefully have time to work this back into the regular schedule in 24/25.

As chair I was extremely fortunate to work with Sara Watson, chair for the previous two years; Ben Givens, who has served on the committee for the past 8 years; Megan Ferguson, the recording secretary, who has been a dedicated and invaluable member of the committee for four years; and Brandon Lester, representative from Legal, and Helen Malone, representative from OAA, both of whom have been on the committee for 6 or more years. The depths of this experience is invaluable on a committee with such a high learning curve. Next year, Rules will no longer have Sara, Ben, and Megan, a loss that will be deeply felt. However, Brandon and Helen will be staying on in their current ex-officio roles, and I will be stepping in as secretary of the senate following Ben’s retirement.

We are very fortunate to have welcomed a terrific new committee member this past fall, Susan Gershman, and she has agreed to step in as Chair in 24/25. As a faculty member on a regional campus, I do worry about her high service load outside of this committee. In my new role as senate secretary, I will work to support her in any way I can during the coming year.

Rules Committee Bylaws

Article I. Authorization

Section 1. University Rule

The Rules Committee is one of two organizing committees of the University Senate per 3335-47 and authorized under 3335-5-47.1.

Section 2. Subordination

All activities of the Rules Committee are subject to the University Rules. These Bylaws are likewise subject to, and must be consistent with, the University Rules. Where these Bylaws may differ from the University Rules or such policies, the University Rules or policies will govern.

In questions of procedure and organization which are not specifically covered by these Bylaws or by the Rules, then the current edition of Robert's Rules of Order, will govern.

Article II. Charge.

Section 1. General Charge.

The general charge and responsibilities are authorized and designated under rule 3335-5-47.3 (B). The Rules Committee shall:

1. Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
2. Ensure that all published rules and bylaws within the senate's purview are up to date and recommend their republication at such intervals as may be desirable.
3. Make recommendations for the revision of the procedural rules of the senate.
4. Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
5. Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action

Article III. Membership

Section 1. Membership

According to University Rule 3335-5-47.3 (A), the Rules Committee consists of ten members.

1. Six faculty senators appointed by the executive committee of the faculty council
2. Three student senators
 - a. One Graduate Student
 - b. One Professional Student
 - c. One Undergraduate Student
3. One Administrator, the secretary of the university senate.

There are also three non-voting, ex-officio members (or their designees):

1. Executive Vice President and Provost

2. Senior Vice President and General Counsel
3. Recording Secretary of the University Senate

Section 2. Term of Appointment

In accordance to rule 3335-5-47 (B) (3), terms of appointment are defined as:

- a. Faculty members shall serve two-year terms and are eligible for immediate reelection or reappointment to a second term. Faculty may serve no more than 2 consecutive terms (4 years) on the committee.
- b. Student members shall serve one-year terms and shall be eligible for reappointment

Section 3. Calendar year.

Each term begins on August 15 of the appointment year.

Section 4. Responsibilities.

Members are expected to attend meetings, to contribute collegially to discussions, to send and receive e-mails from the membership and officers, and to study relevant issues or cases which are placed before the committee.

Article IV. Chair

Section 1. Eligibility.

Only faculty members with a minimum one year of Rules Committee experience are eligible to be Chair.

Section 2. Election.

The chair is elected by a recorded majority (6) vote of the voting membership.

Section 3. Term and Schedule.

A Chair is elected every spring to serve as Chair during the following year.

Section 4. Duties of Chair.

The Chair calls and presides over all meetings of the Rules Committee and is responsible for the general direction of the Rules Committee and for setting the agenda of each meeting and assuring that minutes are kept and distributed. The Chair will distribute an agenda prior to each scheduled meeting via e-mail.

The Chair is responsible for complying with all reporting requirements, including the initial drafting of the annual report. At the conclusion of each Academic Year, the Chair ensures that the annual report and an accurate copy of these Bylaws are submitted to the Secretary of the University Senate.

The Chair is responsible for ensuring Whereas statements are written and presented to the Steering Committee. The Chair is responsible for reporting to Steering and representing the Committee before the Senate. Additionally, the Chair serves as a member of the Faculty Cabinet.

Article V. Meetings.

Section 1. Scheduling.

Notice of a meeting must be made via e-mail to all Rules Committee members as early as possible but at least a week in advance of any regular meeting. All meeting announcements must contain a time and

place. All reasonable attempts will be made to schedule meetings of the Rules Committee at a time convenient for the membership.

The Chair will circulate an agenda before the meeting. The agenda will include, among others, the topics to be discussed and the issues to be voted on in the meeting. The Rules Committee will not vote in a meeting on issues that were not included in such agenda.

Section 2. Public.

At regular meetings of the Rules Committee, all members of the University are welcome to attend. The Chair may request non-members to be present at a regular meeting of the Rules Committee.

Section 3. Quorum.

A majority of the voting membership constitutes a quorum. When a quorum is present, the action of the majority of those present shall constitute the action of the entire Rules Committee, except as provided in these Bylaws.

Section 4. Electronic voting.

Business of the Rules Committee may be conducted electronically. Proposal will be sent by the Chair via email containing the text of the proposal and the deadline for voting. The proposal, if approved by a majority of the voting members, will be binding and forwarded to the Steering Committee for review.

A record of all such proposals and the results of such votes will be recorded in the minutes of the next regular meeting of the Rules Committee.

Article VI. Super Majority Votes.

Section 1: Bylaws

Establishment and amendment of these bylaws will require at least 2/3 of the committee membership.

Article VII: Revision History

Revised and approved:

- Nov. 29, 2018