Final Code Changes

We heard back from the administration this summer about the new Faculty Code we passed in May. They requested three changes. Because these seem like relatively small technical changes that do not alter the meaning and intent of the original, and because we anticipate the Chancellor’s approval after having made them, the Faculty and University Senate Presidents agreed that the changes would be acceptable, pending FacEx approval.

But because this is such an important document, I did want to explain carefully.

1. **Article V Title**

   **Article V. Administrative Leave Without Pay**

   In the final May version, we substituted the current Administrative Leave without Pay policy for KBOR’s. Since the latter is initiated by the faculty member, not the administration, it isn’t really “administrative.” So we struck that word from the title of Article V.

2. **Article VI: inserted phrase**

   **Article VI. Sanctions.**
   . . . As stated in Article III.7 of this code, sanctions may not be imposed upon a faculty member without notice of the charges against him or her and **the opportunity for a hearing** or appeal before the Judicial Board or the Faculty Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is a “warning” or “restitution.” The Faculty Rights Board shall have jurisdiction in all other cases. If the faculty member requests a hearing, the University will stay imposition of the sanction pending disposition of the request. Sanctions of censure, suspension, or dismissal shall be applied only after **the faculty member has the opportunity for** a hearing before the Faculty Rights Board.

Article VI grants an accused faculty member the right to the opportunity for a hearing, but it gives the faculty member the choice of whether or not to take that opportunity [see underlined phrase, above]. However, the last sentence originally read: “Sanctions . . . shall be applied only after a hearing before the Faculty Rights Board,” implying that there would be a hearing, regardless of whether or not the faculty member in question wanted it or not. So, we simply inserted the phrase used earlier: “**the opportunity for** a hearing.”
3. “Policy Owner” and Contacts

| Policy Owner | Faculty Senate and  
Office of the Provost and Executive Vice Chancellor  
Faculty Code for the Lawrence Campus |
| Contact | Faculty Senate President  
Governance Office  
785-864-5169  
govern@ku.edu  
Vice Provost for Faculty Development  
785-864-4904  
provost@ku.edu |

This is from the “boilerplate” at the end of every draft policy at the University. In the Code we passed in May, we had listed both the Faculty Senate and the Provost’s Office as joint “Policy Owners,” given that both are jointly responsible for the Code. However, within the Policy Library, there is only one “Policy Owner” listed for any given policy, and the Administration wanted to make the Code consistent with that practice. Well, what about simply cutting any mention of a “Policy Owner”? Fine in principle, and possibly more accurate than joint owners; but given the way the software is written, something has to go in that field in order to post it to the Policy Library. So we inserted a placeholder: “Faculty Code for the Lawrence Campus.”

We switched the contact from the Faculty Senate President to the Governance Office, given that the President changes every year, whereas the staff of the Governance Office (hopefully) does not. They answer routine questions about governance-related policies, they have a publically-listed phone number, and they know where to find the current Faculty Senate President if a question or concern should be addressed by her or him.

Procedure for Changing the May Draft Code Text

One of the positive innovations of the new Code is that it contains instructions on how to change it. Currently, no such instructions exist, in the Code or anywhere else.

However, the University Code allows FacEx to make technical changes to those portions of it that deal with the Faculty Senate – as well as to the Faculty Senate Rules and Regulations. The University Code defines “technical changes” as “non-substantive revisions” that improve accuracy and clarity (XVII.2). Because the changes to the Faculty Code requested by the Administration seemed to fall pretty squarely within this category, FacEx could take the principle to apply to the Faculty Code, as well, and so approve them.