PROPOSED AMENDMENT TO THE CHARTER OF THE UNIVERSITY SENATE

MEDIATION COMMITTEE

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

1. That the Senate Charter be amended to include a new standing committee of the Governance Council as follows.

   SX.1.6. Committee on Mediation

   SX.1.6.1. The Committee shall be activated whenever an individual, and/or a unit, and/or a governance body bring(s) a dispute concerning actions or inactions of any governance body to the Governance Council. The Committee shall mediate between the parties of the dispute.

   SX.1.6.2. The Committee shall consist of 3 members of the Governance Council and no more than 2 members representing each of the parties involved in the dispute, to be chosen by the parties. The Chair of the Governance Council shall serve as Chair of the Committee. The 2 additional members from the Governance Council shall be elected by that Council from a pool of nominees.

   SX.1.6.3. If the parties have not come to an agreement within a period of 60 days, the Committee shall submit a written report summarizing the dispute and its own recommendation to the Governance Council, which shall then transmit the matter to the full Senate for final disposition.

3. That this be forwarded to the President for approval.

4. That this change take effect immediately upon approval.
Background and Rationale:

Senate legislation in the Fall of 2004 created a joint working group with representatives from the Governance Council and the College of Nanoscale Science and Engineering (CNSE) to address issues surrounding governance procedures for CNSE. In the course of discussions of graduate curriculum, the working group determined that the interests of CNSE could be best served and coordinated with the interests of other units through changes to the Senate Charter that apply to academic units and Senate Councils generally.

Article II.5.2 of the Faculty Bylaws charges the Governance Council to “seek to improve governance and enhance consultation among administration, governance bodies and their constituencies.” In partial fulfillment of this charge, the Council proposes to establish a mechanism to assist in mediating between the parties whenever differences arise concerning the operation of any governance body.

The current language of the Senate Charter is explicit about the procedures through which Councils transmit to the Senate proposals that have been approved by the respective Councils. However, the language does not specify formal procedures for addressing concerns about proposals that result in a negative assessment or that are not acted on by Councils (see, for example, SX.3.4.2 and SX.4.6.2 pertaining to proposals for new undergraduate and graduate programs). The amendment creates a mechanism that allows for mediation of disputes concerning decisions of governance bodies and that retains authority in the University Senate for final disposition.

The Governance Council has unanimously approved this amendment.