

Suggested changes in the CCSU Faculty Senate Constitution and By-Laws

draft by David Spector

criticisms, comments, additions, deletions, etc., welcome and encouraged

N.B. These changes deal only with "housekeeping" concerns. They include no changes intended to alter in any significant way the membership or functions of the Senate. Those important concerns should be tackled separately.

Both Documents

Article(s): Throughout.

Current text: Varied.

Concerns: The documents are not consistent regarding "Faculty Senate" or "Senate." The documents are not consistent regarding "Senate President" or "President." The documents are not consistent regarding "Central Connecticut State University" or "CCSU." "Faculty" is not defined, which could be a problem, for example, if article 4.1. is invoked to appeal a Senate decision to a vote of the faculty. "Teaching faculty" and "administrative faculty" are sometimes used, especially in relation to committee memberships, but those terms are not defined, and some confusion as to who is permitted to serve on committees has sometimes resulted. Definitions used in contracts should be used when possible.

Proposed solution: Amend the Preamble of the Constitution to add article 1.2.:
"In this Constitution and in the By-Laws of the Faculty Senate the terms "Faculty Senate" and "Senate" shall be considered equivalent, the term "President," unless otherwise specified by context, shall mean the President of the Faculty Senate, the terms "Central Connecticut State University," "CCSU," and "University" shall be considered equivalent, and "faculty" shall refer to all constituencies represented in the Faculty Senate as defined by this Constitution. Except where specifically defined differently, "teaching faculty" shall refer to all individuals who are full or part-time employees represented by AAUP and whose primary job description involves classroom teaching; such an individual shall be considered teaching faculty even if non-teaching reassigned time takes more than half of his or her load credit. Except where explicitly defined differently, "administrative faculty" shall refer to individuals represented by SUOAF-AFSCME."
[The current preamble would become article 1.1.]

Article(s): Throughout.

Current text: "the President of the University"

Concerns: Most cases in which reference is made to the President of the University refer to logistical support for the Senate and its elections, support that is normally provided by the Office of the President rather than by the President as an individual. The President may not be on campus and available at any given time (e.g., to conduct an election within a specified time), whereas the Office of the President is normally staffed. Furthermore, some of the functions assigned to the President can be done by the faculty's own Senate Elections Committee, and other functions assigned to the President (preparation of lists of voters) potentially involve union issues.

Proposed solution: At appropriate places (see specific proposed amendments to the Constitution and By-Laws) change "President" to "Office of the President," add roles for the Senate Elections Committee in conducting elections, and introduce consultation with the unions. Also, the current text uses both "University President" and "President of the University"; this set of revisions moves toward standardizing the latter form, but no amendments are proposed just for this standardization.

Article(s): Throughout.

Current text: varied

Concerns: It is not always clear why an item is in the Constitution rather than in the By-Laws or in the By-Laws rather than in the Constitution. The latest edition of Robert's Rules indicates that most organizations now use one rather than two such documents.

Proposed solution: No proposed change at this time, except deletion of the inappropriate By-Laws article 3.7. (see below). At some time in the future perhaps a commission should be appointed to look at both documents more thoroughly and to propose a rationalization of their organization. Such an effort should wait until after full consideration is given to fundamental issues of the organization (constituencies and functions) of the Senate.

Constitution

Article(s): 2.4.

Current text: Specifies that all committees report to the Senate and that all committees shall submit minutes and reports to the Senate with the following sentences: "Therefore, all of the University's Standing Committees shall report directly to the Faculty Senate. Furthermore, each standing committee shall send one copy of all minutes and reports to the Secretary of the Faculty Senate."

Concerns: Some committees deal with sensitive information that should not be reported. Some such committees can be identified, but other committees that might be come into existence (e.g., a judicial committee that could result from the current discussion of how to deal with academic dishonesty) might also deal with this sort of information, so a description and the general phrase "such as" is included rather than a simple enumeration that would need to be changed with the addition of a new committee.

Proposed solution: Amend Article 2.4 by modifying the third sentence of the article (the second in the quote) to read as follows (new portion is in bold): "Therefore, all of the University's Standing Committees shall report directly to the Faculty Senate. Furthermore, each standing committee, except those dealing with individual personnel or individual student issues (such as the Mediation, Termination, Promotion and Tenure, and Grade Appeals committees), which shall follow any reporting procedures specified by their committee by-laws, shall send one copy of all minutes and reports to the Secretary of the Faculty Senate."

Article(s): 3.1.1.

Current text: "The Faculty-Senate shall be composed of one faculty member for every fifteen members, or fraction thereof, elected from each academic department. For the purposes of computing senatorial constituencies all full-time faculty member within a group shall be counted. No department chairperson shall be eligible to vote for, or serve as, a senator from their department."

Concerns: A) The hyphen in "Faculty-Senate" is not consistent with usage elsewhere in the document.

B) "shall be composed of" does not seem to allow other members of the Senate, which now includes a variety of representatives who are not elected from academic departments.

C) The wording does not distinguish between full-time and part-time faculty.

D) Elsewhere in these proposals a rare exception is suggested regarding counting all full-time faculty members (the case in which someone is elected as part-time faculty Senator and then takes a temporary full-time position), and other exceptions may be made in the future.

E) The current wording does not explicitly address the question of whether a chair can be an alternate or whether an interim chair appointed from outside a department may serve as a Senator or Alternate in either his or her home department or the department where he or she serves as interim chair(both of these questions have recently arisen).

Proposed solution: Amend Article 3.1.1. to read: "The Faculty Senate shall include one faculty member for every fifteen full-time members, or fraction thereof, elected from each academic department. For the purpose of computing senatorial representation, all full-time faculty members within a group shall be counted, except as may be specified elsewhere in this Constitution. No department chairperson or interim chairperson shall be eligible to vote for, or to serve as, Senator or alternate from any department."

Article(s): 3.1.2., 3.1.3., 3.1.4., 3.1.5., and 3.2.1.

Current text: 3.1.2. specifies representation for part-time faculty, and 3.1.4., 3.1.5., and 3.3.1. all specify that "non-teaching" librarians, coaches, trainers, and administrative faculty have their own representation. 3.1.3. specifies representation for counselors without mention of teaching status.

Concerns: A) "Non-teaching" is not specified for counselors (3.1.3.).

B) Some librarians, coaches, trainers, and administrative faculty occasionally or regularly teach courses. The constitution seems to require that these people be considered part-time faculty for purposes of representation in the Senate, thus requiring them to be represented for their part-time rather than their full-time work identities.

C) Part-time faculty have fixed representation, whereas the other groups have proportional representation, so that moving individuals from their full-time constituency to their part-time constituency reduces representation in the Senate.

D) Keeping track of when an individual teaches an occasional course and adjusting Senate representation accordingly could be logistically difficult.

Proposed solution: Amend as follows:

Amend 3.1.2. to insert "this or" after "at" in the first sentence, which would then read, "There shall be three Senators and three alternates who are part-time faculty at CCSU and are not full-time employees at this or any other institution of higher education."

Amend 3.1.4., 3.1.5, and 3.2.1. to delete "non-teaching" and associated commas.

Article(s): 3.1.2.

Current text: Representation for part-time faculty.

Concerns: Long-term part-time faculty sometimes serve temporarily as full-time faculty for a semester to two years at a time. In at least one recent case a Senator elected to represent part-time faculty took a temporary full-time position and was allowed to continue as Senator representing part-time faculty. Such an individual could wind up voting in two Senate constituencies, thus having double representation, if he or she voted for both departmental and part-time Senators.

Proposed solution: Amend 3.1.2. by inserting the following sentence after the first sentence: "A Senator elected as a representative of part-time faculty may continue to serve as a Senator notwithstanding temporary full-time appointment, and such a Senator shall not vote in or be counted as part of a departmental constituency."

Article(s): 3.2.2. and 3.4.

Current text: 3.2.2. specifies that President of the University, Provost, and Deans are non-voting members of the Senate. 3.4. specifies that the President is a non-voting member of the Senate.

Concerns: **A)** 3.2.2. concerning non-voting representation by senior administrators is in the same larger section (3.2.) as voting representation by unionized administrative faculty.

B) The President of the University is redundantly made a member of the Senate twice.

Proposed solution: Amend by deleting the current wording of 3.4. and moving the current wording of 3.2.2. from its current position to 3.4.

Article(s): 3.3.

Current text: "Each voting district "

Concerns: Some Senators are elected by groups (e.g., departments) reasonably denoted by "district," but other Senators are elected at-large from University-wide groups (part-time faculty, administrative faculty) that are not divided into districts.

Proposed solution: Amend 3.3. to substitute "constituency" for "voting district."

Article(s): 3.5.1. and 3.5.2.

Current text: Specifies terms and term limits.

3.5.1.: "The term of office for a Senator"

3.5.2.: "A member of the Faculty Senate"

Concerns: The President of the University, Provost, and Deans are members of the Senate, and these articles could be construed as imposing term limits on those administrators!

Proposed solution: Amend 3.5.1. by inserting "voting" prior to "Senator."

Amend 3.5.2. by inserting "voting" prior to "member."

Article(s): 3.5.5.

Current text: "As departments, schools, or administrative offices become eligible for additional representation"

Concerns: Senators are elected from a variety of constituencies that are not well-described by the current wording, and future amendments may add or modify the constituencies represented in the Senate.

Proposed solution: Amend 3.5.5. to read "As constituencies become eligible for additional representation"

Article(s): 3.5.3., 3.8. 3.9, and 3.10.

Current text:

3.5.3. Specifies that President or Vice President can complete a two year term, even if that extends past normal eligibility for Senate membership.

3.8. and 3.9. Specify that the President and Vice President serve for two years.

3.10. "The Faculty Senate shall elect a Secretary from among its members annually."

Concerns: The Secretary should be treated the same as the President and Vice President and elected for a two-year term. With election late in the Spring semester, by which time course scheduling is set for the Fall semester and well underway for the subsequent Spring semester, a Secretary serving for one year may be unable to use reassigned time while serving, thus defeating the purpose of the reassigned time.

Proposed solution: Amend 3.5.5. to replace "Presidency or Vice-Presidency" with "Presidency, Vice-Presidency, or Secretaryship."

Amend 3.10. to replace "annually" with "to serve for two years."

Article(s): 3.8., 3.9., 3.10.

Current text: Specify the "release time" received by officers.

Concerns: Language should be consistent with the AAUP contract, which uses "reassigned" rather than "release," and should acknowledge the possibility of a part-time faculty member, a non-teaching AAUP member, or a SUOAF-AFSCME member serving as an officer. The proposed provision that a part-time faculty member be paid for service as an officer is cost-neutral, given that part-time faculty are hired to cover the courses not taught by full-time faculty members given reassigned time.

Proposed solution: Amend the second sentences of 3.8., 3.9., and 3.10. to read as follows:

3.8. "The President of the Senate for his or her duties shall receive three hours of reassigned time per semester if a full-time teaching faculty member, pay for three hours per semester if a part-time faculty member, or similar reduction in work load if a member of another employee category."

3.9. "The Vice President of the Senate for his or her duties shall receive one and a half hours of reassigned time per semester if a full-time teaching faculty member, pay for one and a half hours per semester if a part-time faculty member, or similar reduction in work load if a member of another employee category."

3.10. "The Secretary of the Senate for his or her duties shall receive three hours of reassigned time per semester if a full-time teaching faculty member, pay for three hours per semester if a part-time faculty member, or similar reduction in work load if a member of another employee category."

Article(s): 4.1.

Current text: Allows petition to appeal an action of the Senate to the entire faculty and specifies roles for the President of the University in the process.

Concerns: 1) In recent years the actions of the Senate most likely to have been appealed to the faculty concerned faculty perception of the President of the University, who might thus be put in the potentially difficult position of facilitating an election regarding criticism of himself or herself. History, including recent events in places such as Illinois and Thailand, suggests that embattled leaders don't always act with the grace that others might wish to see. Regardless of the probity of any given President of the University, concern for confidence in the process of such an election suggests that the President of the University should not have unique power in such an election. There is no way to guarantee that a controversial election will be conducted and conducted properly, but removing responsibility from one individual and giving it to an office and a relatively large committee, likely to have members on different sides of a controversial issue, may increase confidence in the process.

2) The current wording gives a deadline to "call" a meeting of the faculty but not necessarily to hold such a meeting within that time, there is no deadline specified for holding an election, and no flexibility is given if a petition is delivered at the end of a semester.

3) If we are to amend this article we can take the opportunity to rewrite the weak beginning of the article, and to clean up other details (e.g., an unnecessary hyphen, inconsistency between "President of the University" and "University President").

Proposed solution: Amend article 4.1. to read as follows: "The Faculty Senate derives its powers from the faculty, and therefore any decisions of that Senate may be reviewed and reversed by a vote of the faculty. If twenty-five or more faculty members so petition, the Office of the President of the University or the Senate Elections Committee upon receipt of such petition shall, within three calendar weeks hold a Special Session of the faculty to consider the items contained in the petition. The Office of the President of the University or the Senate Elections Committee upon receipt of such a petition shall notify the President of the Faculty Senate what matters have been cited in the petition and indicate that all action on these matters shall be suspended pending disposition by the faculty. The Office of the President of the University and the Senate Elections Committee shall ascertain the validity of the signatures on any petition so submitted. The final decision on petitioned items shall be made, subsequent to the Special Session, by a majority of those voting in a secret ballot of the entire faculty to be completed within two weeks of the Special Session. If a such a petition is delivered within one month of the end of a semester, the Senate Elections Committee shall have authority, after consultation with the Senate President and the Office of the President of the University, to decide either to complete the process of Special Session and vote before the end of that semester, or to delay the process until the first three weeks of the subsequent semester."

Article(s): 4.2.

Current text: "The agenda and minutes of all Faculty Senate meetings will be communicated to each faculty member"

Concerns: "Communicated" is ambiguous, no timing is specified, no individual or entity is made responsible, and the ability to send e-mail easily to the entire faculty is not available to all faculty members.

Proposed solution: Amend article 4.2 to read "The agenda of each Faculty Senate meeting shall be made available to each faculty member by an e-mail message from the Senate Secretary at least five calendar days before the meeting, and the minutes of the previous Faculty Senate meetings shall be made available at the same time and in the same way. Such an e-mail message may either contain the agenda and minutes or refer faculty to postings of the agenda and minutes on the Senate website or other readily accessible electronic location. The Office of the President of the University shall assist the Secretary in making such e-mail contact with the entire faculty possible."

Article(s): 4.5.

Current text: "Each department shall adopt a procedure for the recall of its Senators and submit a copy of these procedures to the Secretary of the Senate."

Concerns: **A)** The provision is limited to departments.

B) The provision is limited to Senators, whereas all representatives of the faculty on any committee might be expected to be subject to recall if those members are indeed representative of the constituencies that elect them.

C) The requirement that departments adopt by-laws multiplies the effort involved in enforcing this requirement.

D) The provision has not been enforced, and not all departments have had recall provisions.

E) Some constituencies (e.g., part-time faculty) may not have by-laws or convenient means for developing recall procedures.

F) The right of constituencies to adopt their own procedures should be respected, so any University-wide procedure should be pre-empted by local rules.

Proposed solution: Amend article 4.5. to read, "Any Senator or alternate, or member of any faculty-wide, University-wide, or Senate committee may be recalled by a majority vote of the constituency that elected that Senator, alternate, or committee member; such a recall vote shall be initiated by a petition of any five members of that constituency. If the bylaws of a constituency has a provision for recall of a Senator or committee member that differs from the procedure described in the preceding sentence, the constituency's bylaws shall take precedence."

Article(s): 3.8., 3.9., 3.10., and 4.5.

Current text: Provisions are made for three Senate officers, President, Vice President, and Secretary, and provision is made for constituencies to recall their Senators.

Concerns: Although the principle of constituent right to recall is asserted for Senators, no provision is made for removal of unsatisfactory officers. On the other hand, to avoid the possibility of a sudden move to remove officers, perhaps with a bare majority of a bare quorum (i.e., about 26% of the Senate) at the end of a long meeting, some delay seems appropriate to allow widespread discussion of such a serious move.

Proposed solution: Amend by adding an article 3.11. to read "Officers are elected by the Senate to serve the Senate and may be removed from office by a majority vote of the Senate. A motion to remove an officer may be made as part of the ordinary course of business of the Senate, but a vote on such a motion shall not be held until the first Senate meeting after the meeting at which the motion is made. The motion to remove an officer shall be the first order of business after the vote on approval of minutes."

Article(s): 4.6.1., 4.6.2, and 4.7.

Current text: Provisions for amendment of the Senate Constitution.

Concerns: **A)** 4.6.1. says that the Senate may initiate amendments "and subject to consideration at a Special Session of the faculty." This provision is not clear. Is a Special Session of the faculty required, or is this provision simply repeating article 4.1. that any action of the Faculty Senate is subject to review by a Special Session of the faculty?

B) 4.6.1. seems to allow members to propose amendments to the Constitution without a requirement that the motion be seconded.

C) 4.6.2. allows a Special Session to initiate an amendment, but there is no provision in 4.7. requiring a vote on an amendment initiated outside of the Faculty Senate.

D) 4.7. gives full authority to the Office of the President of the University for conducting the ballot on an amendment, without any provision for involvement of the Senate Election Committee.

E) 4.6.2. is not clear on how a Special Session of the faculty is to be initiated, called, or conducted, but in the absence of some provision for initiating amendments to the Constitution outside of the Senate the Senate would have a lock on the Constitution.

F) A combination of petition initiation of amendments coupled with the provisions of article 4.1. would allow faculty to amend the Constitution despite opposition by the Senate.

Proposed solution: Amend articles 4.6. (including 4.6.1. and 4.6.2.) and 4.7. by replacing them with the following:

"4.6. Amendments to this Constitution of the Faculty Senate shall be voted on by the Faculty Senate after initiation by recommendation of the Committee on Constitution and By-Laws, by a motion by an individual Senator according to the ordinary rules of procedure of the Senate, or by petition to the Senate by 15 or more members of the faculty.

4.7. An amendment to this Constitution of the Faculty Senate shall go into effect immediately on passage by a vote of the majority voting in a secret ballot of the entire faculty. This secret ballot shall be conducted by the Senate Elections Committee with assistance from the Office of the President of the University. This secret ballot shall be conducted within 14 calendar days of the passage of an amendment by the Senate or, if a proposed amendment is not passed by the Senate and is subject to a petition, in accordance with article 4.1. of this Constitution concerning the right of the faculty to reverse Senate decisions."

By-laws

Article(s): 1.1. and 1.2.

Current text: "1.1. In the spring of each academic year, the President of the University shall require from each voting district a certified list of its unclassified, full-time membership. This list shall include all members of the unit irrespective of the term of their employment or whether they are on leave or not. It shall not include part-time members nor members who have not yet assumed their duties at the University."

"1.2. The President of the University shall return these countersigned lists to the units with number of Senators due the unit correctly note in time for elections."

Concerns:

- a) The terms "voting district" and "unit" do not seem to be the best terms to describe University-wide constituencies.
- b) The Administration and the unions are more able than are many constituencies (e.g., part-time faculty) to provide lists of voters.
- c) The article needs to be updated to include part-time representation.
- d) Infelicities of language include the "not . . . nor" in the last sentence of 1.1.

Proposed solution: Amend by replacing articles 1.1. and 1.2. with the following:

"1.1. In the Spring of each academic year, the Office of the President of the University, in consultation with the unions representing Faculty Senate constituencies, shall prepare lists of eligible voters and convey those lists by March 15 to those responsible for conducting elections in each constituency, including department chairs and the Senate Elections Committee."

"1.2. Voting eligibility and the calculation of the number of Senators for constituencies shall be according to the following rules:

1.2.1. Individuals are counted as voting members of a constituency regardless of term of employment or leave status.

1.2.2. Prospective employees who have not yet started their employment at the University are not counted as voting members of any constituency.

1.2.3. An individual may vote in no more than one constituency.

1.2.4. An individual who is a full-time employee of the University in one constituency represented in the Senate and who is a part-time employee of the University in another constituency represented in the Senate shall be eligible to vote and be counted in the calculation of Senate representation only as a member of the full-time constituency.

1.2.5. An individual who has been a part-time faculty member who becomes a full-time faculty member shall be counted as a full-time faculty member for purposes of voting and calculation of Senate representation unless such an individual is serving as a Senator or alternate representing part-time faculty."

Article(s): 1.3.

Current text: "Within five days of the completion of the election, the voting unit's administrative officer shall notify the President of the University of its senatorial representation for the coming year."

Concerns: "Administrative officer" is not defined, and notification should also go to appropriate faculty representatives.

Proposed solution: Amend by replacing 1.3. with the following:

"Within five days of the completion of an election of a Senator or Senators, the committee, individual, or office responsible for conducting the election shall notify the Office of the President of the University, the President of the Faculty Senate, and the Senate Elections Committee of the Senator or Senators and alternate or alternates elected."

Article(s): 1.4.

Current text: "The President of the University shall publish the membership of each year's Senate before the beginning of each academic year."

Concerns: The President's Office can handle this matter without direct presidential involvement.

Proposed solution: Amend the article to read "1.4. The Office of the President of the University shall publish the membership of each year's Senate before the beginning of each academic year."

Article(s): 1.5.

Current text: " Elected alternates shall be certified according to 1.3."

Concerns: Certification but not election is specified. Article numbering may change.

Proposed solution: Amend article 1.5. to replace the existing text with "Elected alternates shall be elected by the same procedures used for election of Senators."

Article(s): 2.1.2.

Current text: "During the Spring semester of even numbered years, the Senate shall solicit nominations for the Presidency and Vice-Presidency from its existing Senators. Annually in the Spring semester, the Senate shall solicit nominations for the Senate Secretary. The election of officers shall occur in at the first regularly scheduled Senate meeting in April."

Concerns: A) If the Constitution is amended to specify two-year terms for the Secretary, this article needs to be amended to match.

B) "Even numbered years" has two meanings at CCSU.

C) There is a redundancy of in preposition use in the last sentence.

D) There is lack of parallelism in reference to the offices ("Presidency" and "Secretary").

Proposed solution: Amend article 2.1.2. to read "During the Spring semester of even numbered calendar years, the Senate shall solicit nominations for President, Vice-President, and Secretary from its existing Senators. The election of officers shall occur at the first regularly scheduled Senate meeting in April."

Article(s): 2.3.7. and 2.4.1.

Current text: 2.3.7. " Tenure of office shall cease upon the first meeting of the Fall semester in odd numbered years "

2.4.1. " . . . the Fall semester in odd numbered years "

Concerns: The current cycling of Senate Presidents and Vice Presidents is such that new presidents assume duty in the Fall semester of even numbered calendar years.

Proposed solution: Amend the start of the second sentence of 2.3.7. to read "Tenure of office shall cease upon the first meeting of the Fall semester in even numbered calendar years "

Amend 2.4.1. to read " . . . the Fall semester of even numbered calendar years "

Article(s): 2.6., 2.7., 2.8., 2.9.

Current text: Regarding committees and elections.

Concerns:

- A) The Senate has required that membership in committees be limited to six years, but that limitation is not included in the Constitution or By-Laws.
- B) The Senate has from time to time suspended the six-year rule and allowed individuals to continue on committees for more than six years.
- C) The Senate has from time to time temporarily enlarged committees to allow interested individuals to serve.
- D) The Senate officers and/or elections committee have from time to time been approached about allowing someone not eligible to serve on a given committee to serve.
- E) The above concerns address fundamental issues of representation and should not be treated lightly or in an ad hoc manner.
- F) Exceptions should not be made for the Senate itself or for committees with contractual obligations (especially if activities of those committees might result in legal actions).

Proposed solution: Amend the By-Laws by adding the following articles:

"2.10.1. To allow access to committee service and to prevent undue accumulation of individual power, elected, non-ex-officio membership in committees described in these By-Laws shall be limited to no more than six consecutive years at a time, with at least a one year gap in service before being allowed to serve on the same committee again, except where otherwise specified in these By-Laws.

2.10.2. The Senate may, on a case by case basis, for stated cause, by two-thirds vote, permit individuals to remain on a committee for additional terms up to eight years total continuous membership. This provision to extend terms shall not apply to the Senate itself, to the Promotion and Tenure Committee, to the Mediation Committee for Instructional Faculty, or to the Termination Appeals Committee for Instructional Faculty.

2.11. The Senate may, on a case by case basis, for stated cause, by two-thirds vote, temporarily enlarge a committee or permit individuals not eligible to serve on a committee to serve on that committee. This provision to allow special membership on a committee shall not apply to the Senate itself, to the Promotion and Tenure Committee, to Mediation Committee for Instructional Faculty, or to the Termination Appeals Committee for Instructional Faculty."

Article(s): 3.3.

Current text: " New Business. The President of the Senate may use his or her discretion as to the participation of non-Senators and the attendance of students, guests, and witnesses. Faculty Senate meetings are open to all CCSU faculty members."

Concerns: A) Committee chairs should be allowed participation when making reports and/or when a motion concerning their committees is under consideration, regardless of discretion of the President.

B) We are probably legally required to hold open meetings, but those represented in the Senate should have priority in attendance if there is limited space (as happened at one Senate meeting several years ago).

C) The period before "New Business" should be a comma.

Proposed solution: Amend 3.3. to read " . . . , New Business. A committee chair shall have the right to participate in Senate discussion when making a report to the Senate or when business is before the Senate that affects the operation of his or her committee. The President of the Senate may use his or her discretion as to the participation of non-Senators in discussion. Faculty Senate meetings are open, and the Steering Committee should make efforts to see that meetings are held in a way to accommodate those interested in attending. When, despite such efforts, space is limited, priority attendance should be given to members of constituencies represented in the Senate."

Article(s): 3.4.

Current text: Specifies that a roll call vote may be required.

Concerns: Roberts allows secret ballots, which can be demanded by a majority of the body, and it is not clear whether the intent of 3.4. is to eliminate the possibility of a secret ballot. Several years ago the Senate voted on its opinion of a President of the University with senior administrators watching as both tenured and non-tenured Senators cast their votes in public. There is a tension in the role of Senator in a representative body within a workplace: a Senator is both a politician answerable to a constituency and an employee subject to tenure, promotion, and other decisions by the Administration.

Proposed solution: Amend 3.4. by inserting the following sentence after the third sentence: "A majority of the Senate may require any vote to be taken by secret ballot."

Article(s): 3.7.

Current text: Requires a 2/3 vote of the Senate to bring an amendment to the Constitution to the faculty.

Concerns: A) Such a provision, concerning amendment to the Constitution and effectively amending the Constitution, belongs only in the Constitution. Indeed, this provision of the By-Laws might not stand if challenged on those grounds.

B) There seems to be a concern that a bare majority of the Senate might pester the faculty with many silly amendments; this seems to be an unlikely concern, but if it is widely held, then an amendment to the Constitution to require a 2/3 vote would be in order.

Proposed solution: Amend the By-Laws by deleting 3.7.

Article(s): 4.1.

Current text: Allows suspension of By-Laws in same article that specifies procedures for amendment. : " These By-Laws may be suspended according to the latest edition of Robert's Rules of Order and may be amended by a majority vote. A copy of any proposed amendment to these By-Laws must be circulated to every Senator at least seven days in advance of the meeting at which the amendment will be considered, and notice of it must appear on the meeting agenda. "

Concerns:

A) Suspension and amendment are fundamentally different and should be separated.

B) The permission to suspend is apparently broad, contradicting Robert's Rules, which is referenced, suggesting a conflict between this provision and Robert's Rules.

C) Specific permission to suspend rules related to committee terms and membership is proposed above.

Proposed solution: Amend the By-Laws by breaking the article in two (with a resulting change in numbering of the subsequent article) and clarifying, in accord with the principles expressed in Robert's Rules and the principles of democratic representation, the rules that may be suspended:

"4.1. Provisions in these By-Laws pertaining to the conduct of a meeting and not pertaining to the rights of Senators or to the representation of faculty may be suspended for all or a portion of a meeting by majority vote.

4.2. These By-Laws may be amended by a majority vote. A copy of any proposed amendment to these By-Laws must be circulated to every Senator at least seven days in advance of the meeting at which the amendment will be considered, and notice of it must appear on the meeting agenda.

