

Constitution Committee
Monday, Aug. 29, 2011

Paul Ortiz, Chair
Tace Hedrick
Jill Herndon
Angel Kwolek-Folland
John Leavey
Patricia Morgan
Margaret Temple-Smith

The Chair called the meeting to order at 3:35.

The Committee agreed that the Oral History conference room in Pugh Hall will be our meeting venue. At the end of the meeting, the Committee agreed on the following schedule for our remaining fall meetings:

Monday, Oct. 3 from 3:00-4:30
Monday, Oct. 31 from 3:00-5:00
Monday, Dec. 5 from 3:00-4:30

During the course of the meeting, the Committee concluded that it should either revive the wiki that was created for the Constitution Committee by former member Cathleen Martyniak (cathy@uflib.ufl.edu) or else request that Susan Alvers, the Senate secretary, set up a new wiki. At the wiki, we should store agendas, minutes, documents in process, and a copy of the Constitution and by-laws.

At the previous Senate meeting (May 2011), committee member John Leavey raised constitutional objections to the amendments to the by-laws regarding the composition and duties of the General Education and University Curriculum Committee. During the Constitution Committee's meeting, he explained his objections. The language to which he objected was as follows:

The Vice-President of Student Affairs shall appoint to the committee two non-voting student members who are selected by Student Government. (General Education Committee)

The Vice-President of Student Affairs shall appoint to the committee two non-voting student members who are selected by Student Government. (University Curriculum Committee)

Specifically, he objected to the language suggested by the Steering Committee, pointing out that it differed from the language voted on by the Constitution Committee (which did not propose or vote on the language regarding the role of the Vice-President of Student Affairs). Based on the legislative history of the by-laws, he questioned the constitutionality of the provisions.

The Committee considered a change to the language recommended following the May meeting by Dr. Bernard Mair. Dr. Mair suggested that the language be amended to read as follows: "Student Government shall elect two non-voting members." Because student members are chosen by a procedure determined by Student Government, the Committee modified the suggested language to read as follows:

"Student Government shall **select** two non-voting members."

The Committee approved the suggested change with this modification for both the General Education and the University Curriculum Committees.

Dr. Mair also suggested an amendment to the language governing the selection of a co-chair for the University Curriculum Committee. The current language states:

"The Committee shall select a co-chair from the members who are elected by the Senate."

Dr. Mair proposed the following amendment to this language:

"A co-chair who shall have the right to vote shall be elected by and from the senate representatives."

The Committee noted that Dr. Mair's proposed amendment would make the language in the UCC provision parallel with language that appears in the provision relating to the General Education Committee. The Committee agreed that the language in the two provisions (General Education and UCC) should be parallel and that the language should make it clear that 1) only committee members elected by the senate are eligible to vote for the co-chair and 2) the co-chair must be a senate representative who is on the committee.

The committee adopted the proposal with the following modification:

"A co-chair who shall have the right to vote shall be elected by and from the **Committee** senate representatives."

The Committee unanimously agreed that both the General Education and the University Curriculum Committee provisions should be amended as necessary to reflect this change.

Barbara Wingo then notified the Committee of a pending issue: the growing trend for the Councils to select co-chairs to assist the council chairs. The Committee needs to update the Constitution and By-laws to reflect this practice. The Constitution does not authorize co-chairs except for the Constitution and the University Curriculum Committee.

Since the chair of each council is a member of the Steering Committee and there can be no proxy voting under the Sunshine Law, any policy authorizing co-chairs must clarify voting rights on the Steering Committee. The chair who is a member of the Steering Committee would have voting rights; the co-chair who is not would not have voting or debating rights, but could report to the Committee in the voting chair's absence.

Barbara Wingo suggested that an alternative system in which the chairs were assisted by an "assistant chair" with no formal status as co-chair might be preferable. John Leavey suggested that the policy question be referred to the Committee on Committees. At

the September 1, 2011 Steering Committee meeting, the Chair will report the problem to the Steering Committee with a request that the matter be referred to the Committee on Committees. Since the use of co-chairs on councils is growing in popularity, a policy needs to be developed.

Barbara Wingo then updated the Committee on the status of the pending regulations. For the benefit of our new members, she explained the regulation process. She informed the Committee that the only Board of Trustees meeting this fall besides a conference scheduled for September 6 is in December. She will bring the proposed changes to the Committee in late October or early November so that we can assign lights to the regulation and make sure that Senate members are aware of them. As set out above, the Committee agreed to meet on October 1 to review the regulations.

Barbara Wingo also updated the Committee concerning the status of the regulation concerning leaves and answered questions concerning its effects. The Board of Trustees will make a decision concerning this provision at its September 6 conference.

Following this discussion, the committee set meeting times (listed above) for Fall 2011.

There being no further business, the Chair adjourned the meeting at approximately 4:40.