

University Constitution Committee Minutes
October 16, 2015
9:45 AM – Tigert 239A

Attendees:

David Groisser (Chair), Maureen Long, Heather Ray, Richard Scholtz

David called the meeting to order at 9:52 a.m.

September, 2015 Minutes. The minutes were approved as written.

Revision of April 2015 minutes. David gave a recap of our September discussion regarding April 2015 minutes. We had approved some changes to draft-minutes, but these changes led to some inaccuracies discovered after the meeting, necessitating that the April minutes be revised and reapproved. New draft of April minutes includes sentence "Angel will contact the chairs of the Graduate Council and the University Curriculum Committee." Committee tabled approval of the April minutes until Angel is present to verify or help correct this statement.

Report on actions approved at September 2015 meeting. On David's behalf, Paul Davenport presented to the Steering Committee the two recommendations we approved at our September meeting: (1) that the Steering Committee address the Constitution's and Bylaws' lack of a procedure for selecting a temporary replacement for an elected Senate committee/council member who intends to return to duty after a temporary absence; and (2) that the three words "a majority of" be struck from Constitution Article IV Section 5. The Steering Committee will have the Committee on Committees review the temporary-replacements issue and recommend a course of action; we will wait to hear back. Regarding the second recommendation, the Steering Committee agreed to allow the Constitution Committee to continue to evaluate wording-issues in the Constitution and to recommend corrections, and agreed (as David and Paul had previously) that it would be preferable to present all our recommended wording-changes at a single Senate meeting rather than at several. When we have completed our wording-change recommendations, the Steering Committee will review them.

Placement of paragraph IV(2)(D)(2) in Constitution. Article IV, "The Faculty Senate", contains Section 2, "Membership", which contains subsection D, "Responsibilities of Members". Paragraph (D)(2) states attendance-responsibilities of members of councils and committees, but committee members do not have to be members of the Senate. Content of this paragraph is not included under "Councils and Committees", Article V.

All present thought that paragraph IV(2)(D)(2) should be moved to an appropriate place in section V.

Richard made motion to move content of IV(2)(D)(2) to V(7) as follows: retitle (7) to "Membership" (current title is "Membership Eligibility and Nomination Process", and insert IV(2)(D)(2) as new item V(7)(D). Motion was approved.

There was additional discussion of whether some items in Article IV giving duties of the Steering Committee should be mentioned in Article V. Heather proposed to reference IV(3)(B)(5) and IV(6) at the end of the first and second paragraphs of V(2)(A), respectively. Maureen proposed to effect

Heather's proposal by simply inserting "[Ref: IV(3)(B)(5)]" at end of first paragraph of V(2)(A), and "[Ref: IV(6)]" at end of second paragraph.

Motion was made to recommend that "[Ref: IV(3)(B)(5)]" be inserted at end of first paragraph of V(2)(A), and "[Ref: IV(6)]" at end of second. Motion was approved.

Omission in Constitution subsection IV(3)(A) . First sentence of IV(3)(A), "The Faculty Senate officers shall be ...," does not mention "Parliamentarian", but Parliamentarian is included on the subsequent list of officers, as well as in Section IV(3)(B) (Terms of Office and Selection of Officers) and in the list of Senate officers on Senate website.

David proposed adding Parliamentarian to list of officers in IV(3)(A), to match with it being included under IV(3)(A)(4) and IV(3)(B).

Maureen proposed that we ask Senate for clarification: Is the Parliamentarian an officer? If yes, then we should proceed with proposal above. If not, we should recommend putting Parliamentarian in a separate section (removing all mention of Parliamentarian under IV(3), which is explicitly titled "Officers").

Motion was made to ask Senate to either tell us whether the Parliamentarian is an officer, or ask us to interpret whether the Parliamentarian is an officer. Our findings at meeting indicated that in other parliamentary bodies, Parliamentarian is generally not considered an officer, but rather an advisor (Webster's New World Robert's Rules of Order Simplified and Applied: Third Edition).

After further discussion, a motion was made to table the preceding motion until the next meeting, when Ana Spiguel (Senate Parliamentarian as well as an administrative liaison to this committee) is expected to be present and may be able to shed light. Motion to table was approved.

Bylaw 20(A)(4)(e) relating to serving successive terms on committees. Current bylaw reads: "Unless otherwise provided, Senate and Joint committee members may be elected for successive terms when their experience or special talents make reappointment advantageous to the University, but as opportunity offers, changes should be made in the elected personnel of every Senate and Joint committee."

Wording raises several questions that Constitution Committee felt should be asked of the Steering Committee or Senate: (1) Is the Nominating Committee aware of Bylaw 20(A)(4)(e)? (2) Are voters (i.e. senators) aware of it? (3) Is this bylaw being followed? (4) Who determines when "experience or special talents make reappointment advantageous to the University"?

Committee members were concerned that current wording creates a loophole that could be used to circumvent the spirit of the "as opportunity offers, changes should be made in the elected personnel ..." part of the bylaw.

Committee members felt that if current wording is kept, measures should be taken to ensure that voters are made aware of Bylaw 20(A)(4)(e) and of which candidates are running for a successive

term. However, it was noted that recommending such measures does not seem to be within the Constitution Committee's purview.

Motion was made to bring to the Steering Committee a recommendation that in Bylaw 20(A)(4)(e), all words prior to "as opportunity offers" be struck. New wording of bylaw would be: "As opportunity offers, changes should be made in the elected personnel of every Senate and Joint committee." Motion was approved.

Meeting was adjourned at 11:26 a.m.