

**Constitution Committee Agenda  
October 16, 2015  
9:45 a.m. – Tigert 239A**

- 1. Approval of September 2015 minutes**
- 2. Revision of April 2015 minutes, and approval of revised minutes**
- 3. Report on actions approved at September 2015 meeting — David Groisser**
- 4. Placement of paragraph IV(2)(D)(2) in Constitution — David Groisser**
- 5. Omission in Constitution subsection IV(3)(A) — David Groisser**
- 6. Bylaw 20(A)(4)(e) relating to serving successive terms on committees — David Groisser**

**University Constitution Committee Minutes (DRAFT)**  
**September 14, 2015 10:45 AM – 12:15 PM**  
**Tigert 239A**

**Attendees:**

David Groisser (Chair)

Christine Fruin

Angel Kwolek-Folland

Maureen Long

Richard Scholtz

Ana Spiguel

Su Zhong (by telephone)

David Groisser called the meeting to order at 10:47 AM.

**April 16, 2015 Minutes.** The minutes were amended to indicate that Kwolek-Folland was asked to verify the quorum of only the Graduate Council, not all Joint Committees. The minutes were approved as amended.

**Academic Titles .** There is no update at this time. We are waiting on regulatory changes to be submitted and passed. We will respond as needed once those are passed.

**Quorum of Graduate Council.** Kwolek-Folland reported back that the standard practice is a majority (7 of 13 members) present. There was only a general discussion by committee members on the issue of quorums.

**Constitution Article IV(5) Definition of Quorum.** Motion was made and passed to recommend to the Steering Committee that Constitution Article IV(5) language on quorums be changed to match language in Senate Bylaw 4(G)(4). This would necessitate removing the phrase “a majority of” from the constitutional provision.

**Temporary Committee Vacancy Procedure.** Motion was made and passed to request agenda item at October Steering Committee Meeting to discuss the absence in the Constitution and Bylaws of a defined procedure to fill temporary vacancies on committees. Constitution Article V(8)(A) appears to address only permanent vacancies.

**Bylaw 20(A)(4)(e).** Tabled until the next meeting.

Meeting was adjourned at 12:12 PM.

**Re: agenda item 2**

----- Forwarded Message -----

**Subject:**minutes of April 17 meeting

**Date:**Fri, 18 Sep 2015 18:20:07 -0400

**From:**David Groisser <groisser@ufl.edu>

**To:**Alvers,Susan M <salvers@ufl.edu>, Fruin, Christine <christine.ross@ufl.edu>, Holt,Rebecca J <bholt@UFL.EDU>, Kwolek-Folland,Angel <akf@aa.ufl.edu>, LONG,MAUREEN THERESE <longm@ufl.edu>, Mccray,Ileana C <imccray@aa.ufl.edu>, Mitchell, Sandy <sandralmitchell@ufl.edu>, Ray,Heather <hray@phys.ufl.edu>, Scholtz, Richard V III <rscholtz@ufl.edu>, Spiguel, Ana Claudia <spiguela@ufl.edu>, Su,Zhong <zsu@floridaproton.org>

Dear Constitution Committee members and liaisons:

At our Monday 9/14/15 meeting, we "approved as amended" the minutes of the 4/17/15 meeting. The amendments were to replace "joint committees" in two places with "(the) Graduate Council". What I noticed just now, as I was making these changes to the minutes (attached), is that the change to the next-to-last sentence of the "Quorum clarification" paragraph makes the sentence read as follows:

Angel will contact the chairs of the Graduate Council to ask what each considers a quorum.

This seems to need further revision, since the Graduate Council has only one Chair. (I recall that "co-chairs" was mentioned for some committee/subcommittee/council at our meeting, but I don't think this was for the Graduate Council; see p. 27 of the Bylaws, or <http://graduateschool.ufl.edu/academics/graduate-council-membership> . The University Curriculum Committee does have co-chairs; see p. 26 of the Bylaws.) Unfortunately, apparently none of us caught this on Monday.

Also, none of us noticed or remembered that Angel had actually contacted two committees/councils, the Graduate Council and the University Curriculum Committee (see the "Other documents ..." file attached to the 9/14/15 agenda, p. 3), so presumably Sue's original question pertained to both entities. Angel, did you ever hear back from Bernard Mair or his successor on the UCC? Your email to Bernard came just around the time that Bernard was getting ready to leave Gainesville for his new position at Howard University.

In any case, it looks to me like we'll have to revise and re-approve the 4/17/15 minutes again at our next meeting. If anyone has a better idea, please let me know.

Best,  
David

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**Re: agenda item 4**

**Constitution Article IV: THE FACULTY SENATE**

**Section 2. MEMBERSHIP**

(D) Responsibilities of Members

2. Members of councils, standing committees and joint committees are expected to attend all regularly scheduled meetings during the academic year and to make every effort to attend special meetings. Unexcused absence from three consecutive council or committee meetings constitutes resignation from the council or committee, except that a member whose term is interrupted by a temporary absence may be replaced on a temporary basis during that absence.

**Summary of issue and argument:** Article IV of the UF Constitution is entitled “The Faculty Senate”. Article V is entitled “Councils and Committees”. But paragraph IV(2)(D)(2) of Article IV is entirely about members of councils and committees, even though these persons need not be members of the Senate. The contents of this paragraph belong in Article V. Currently, a person looking for the Constitution’s rules pertaining to councils and committees would expect to find all such rules in Article V (except perhaps for some rules concerning the Steering Committee, because of its unique relation to the Faculty Senate), and cannot reasonably be expected to drill deep into Article IV and thereby discover paragraph IV(2)(D)(2). The misplacement of this paragraph makes the faculty’s self-governance rules less transparent.

**Expanded version of issue and argument:** As noted above, Constitution Article IV is entitled “The Faculty Senate”, while Article V is entitled “Councils and Committees”. With the exception of the Senate Steering Committee, no councils or committees are specifically mentioned in Article IV. The unique relationship of the Steering Committee to the Faculty Senate makes it impossible to *omit* mentioning the Steering Committee in Article IV.

Given the titles of Article V (“Councils and Committees”) and IV (“The Faculty Senate”), one does not expect to find rules pertaining *solely* to members of councils and committees, *including non-members of the Senate*, anywhere in Article IV (let alone in a section purporting to be about membership in the Senate). Article IV Section 2 is entitled “Membership”. The placement of this section in Article IV, “The Faculty Senate”, implies that this section is entirely about membership *in the Faculty Senate*. This logical interpretation is supported by (among other things):

- the wording of the first three paragraphs of Article IV Section 2 (which carry no subsection-letter);
- the title and content of subsection A (“Voting members”, which is about voting members *of the Senate*);

- the title and content of subsection B (“Non-voting members”, which is about non-voting members *of the Senate*); and
- the fact that subsection C (“Faculty Senate administrative liaison personnel”) is entirely about liaisons *to the Senate*.

Subsection D is entitled “Responsibilities of Members”. The logical expectation is that “Members” here refers to “Members *of the Senate*”, the purported subject of the entirety of Article IV Section 2. Rules pertaining *solely* to members of councils and committees, including non-members of the Senate, simply do not belong anywhere in Article IV (in the Constitution Committee Chair’s opinion), especially when there is an Article V entitled “Councils and Committees”. A reasonable person looking to find the Constitution’s rules pertaining to councils and committees would expect to find all these rules in Article V (except perhaps for some rules pertaining to the Steering Committee, because of its unique relation to the Faculty Senate). It is not reasonable to expect anyone looking for all these rules to find rules that are buried in one of several sub-items of Article IV (“The Faculty Senate”), Section 2 (“Membership”), subsection D (“Responsibilities of Members”).

Outside of paragraph IV(2)(D)(2), there is only one other item in Article IV that mentions a rule pertaining to members of all Senate-associated committee or councils: Section 8, “Voting Privileges”. This section reads, in its entirety, “Any member of the faculty shall have the right to attend meetings of the Senate, but shall not be entitled to a vote or to have the floor unless reporting at the request of the Senate. Members of committees elected by the Senate, but who are not members thereof, may have the privilege of the floor, but shall not vote.” The reference to members of committees is secondary to the purpose of Section 8, which is to address the question of whether non-members of the Senate may vote at Senate meetings. A reasonable person looking for the answer to “Who may vote at Senate meetings?” is likely to look in the “Faculty Senate” article, rather than the “Councils and Committees” article. So, in the opinion of the Constitution Committee Chair, the mention of committee members in Section IV(8) does not provide any defense for placing rules concerning committee or council members, other than rules referring to the conduct of Senate meetings, inside Article IV and not in Article V.

Can the fact that a small number of duties of the Steering Committee (and no other committees or councils) appear in Article IV be taken as justification or precedent for placing in Article IV, and not in Article V, rules concerning all Senate-associated committees and councils? Again, the opinion of the Constitution Committee Chair is that the answer is “No.” As mentioned above, the Steering Committee, which is the only Senate-associated council or committee whose elected members have to be members of the Senate, is also the only council or committee specifically mentioned in Article IV. These mentions are limited to items related to membership in the Faculty Senate, the conduct of Senate meetings, and the identification of Faculty Senate Officers and their duties. Specifically, the references to the Steering Committee in Article IV are:

- in the portion of Section 1 stating that “The Senate agenda prepared by the Senate Steering Committee shall consist of three parts ...”;
- in Section 2(B), which states that the non-elected Steering Committee members are non-voting members of the Senate ex officio;
- in Section 3(A)(1), which lists the officers of the Senate, of whom three (the Chair, Past Chair, and Chair Elect) are named as members of the Steering Committee;
- in Section 3(B)(5), “The Senate Steering Committee shall appoint a Senate Secretary,” the Secretary having been referred to in Section 3(A); and
- in Section 6, “The Senate Steering Committee shall be responsible for establishing the procedure for voting.”

Of these five references, the only ones that concern rules or responsibilities of the Steering Committee members (qua Steering Committee members) are the first, fourth, and fifth. The responsibility implied in the first reference, preparation of the Senate agenda, is explicitly laid out in Article V (“Councils and Committees”) as well; someone looking to find the duties of the Steering Committee would find this one in Article V. The responsibilities mentioned in the fourth and fifth references—appointing the Secretary and establishing the procedure for voting at Senate meetings—are not mentioned in Article V. Perhaps they should be mentioned in Article V *as well as* in Article IV; however, their presence in Article IV is justifiable on the grounds that they address questions *directly* related to Article IV: (i) How is the Secretary, a Senate officer named in the previous subsection, IV(3)(A), selected? and (ii) What is the voting procedure at Senate meetings? There is no analogous justification for placing the contents of paragraph IV(2)(D)(2) in, and *only* in, Article IV. Thus the Article-IV references to the Steering Committee do not appear to provide any basis for an argument that Article IV is a reasonable location for rules pertaining to other Senate-associated committees (other than in the context of Senate meetings, as in Section 8).

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**Re: agenda item 5**

**Constitution Article IV: THE FACULTY SENATE**

**Section 3. OFFICERS**

(A) The Faculty Senate officers shall be the Chair, the Chair Elect, the Past Chair, and the Secretary.

1. Chair. [...]
2. Chair Elect. [...]
3. Past Chair. [...]
4. Parliamentarian. [...]
5. Secretary. [...]

**Issue and argument:** The first sentence of IV(3)(A) does not mention “Parliamentarian” as an officer, but Parliamentarian is included on the subsequent list of officers. The oversight appears to be in the first sentence, rather than in the listing of “Parliamentarian” as an officer. Section IV(3)(B), “Terms of Office and Selection of Officers”, again refers to Parliamentarian in paragraph 4. The list of Senate officers on the webpage <http://fora.aa.ufl.edu/FacultySenate/Senate/Faculty-Senate-Officers> also includes Parliamentarian. Easy solution: insert “the Parliamentarian” in the first sentence of IV(A)(3).

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**For agenda item 6**

**SENATE BYLAW 20: University Committees**

- (A) Senate Organization and Procedure: University Committees
  - (4) Council and Committee Membership

(e) 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.

**Constitution Article V: COUNCILS AND COMMITTEES**

**Section 7. MEMBERSHIP ELIGIBILITY AND NOMINATION PROCESS.**

- (B) The Senate Nominating Committee shall serve as the nominating committee for all Senate Policy Councils and Senate Committees and for elected members of Joint Committees. The nominating process is intended to insure that all University faculty have the opportunity to recommend themselves or others for committee service and that council and committee elections for each academic year can be completed to assure all councils and committees are in operation at the start of each fall semester. The process will be determined by the Senate and set forth in the Bylaws.

**Issue:** Bylaw 20(A)(4)(e), by itself and in accompaniment with Constitution Article V(7)(B), raises some questions that will be discussed at the meeting.