

Summary of Amendments to the Constitution and By-laws of the Faculty Senate  
to be presented to the Senate for vote at its meeting November 1, 2005

In January this year, Linda Pike, chair of the Senate Council appointed the following committee with the charge to examine the Constitution and By-laws of the Senate and recommend changes:

Martin Israel, Professor of Physics, chair of the committee.  
Randall Calvert, Professor of Political Science  
Joseph O’Sullivan, Professor of Electrical and Systems Engineering  
Jane Phillips-Conroy, Professor of Anatomy  
Margo Schlanger, Professor of Law

After soliciting suggestions from the Senate broadly, the committee formulated three resolutions. Resolution A makes a number of minor, and non-controversial, technical changes. These first two pages summarize highlights resolutions B and C. The next two pages give additional detailed explanations of all three resolutions.

Resolution B deals with the composition of the Faculty Senate Council.

The current Constitution calls for nine divisional representatives on the Council, elected by and from the faculty of individual schools – one each from Art, Architecture, Business, Engineering, Law, Medicine, and Social Work; and two from Arts & Sciences. Recognizing that Art and Architecture are now two units within the newly formed School of Design and Visual Arts, and that this new school has a total number of faculty members similar to the number in the next smallest school, Social Work, under Resolution B this new school would have just one divisional representative. At the same time, recognizing that the School of Medicine has substantially larger number of faculty than any other school, Medicine, like Arts and Sciences, would have two divisional representatives. Thus the number of divisional representatives would remain at nine.

Currently the five at-large members of the Council are elected by vote of the entire Senate to two-year terms. Resolution B would change their terms to three years, to improve continuity on the Council. (The other Council members already have three-year terms.) Also to improve institutional memory, under this resolution if the elected term of the immediate past Chair of the Senate Council has expired, he or she would remain on the Council *ex officio* (without vote) for one year.

Resolution B includes a more fundamental change in the procedure for electing the five at-large members of the Council. Currently, nominees for at-large seats come from all the schools, and the vote is by the entire Senate. The result has been almost invariably that the at-large members come only from Medicine and Arts & Sciences. Usually three of the five are from Medicine and two are from A&S. Once in the past dozen years, a faculty member from Engineering served a single two-year term. Never in the memory of anyone around has there been an at-large member from any of the other schools.

In addition to their roles on the Senate Council, the at-large members have another role, established by the Policy on Academic Freedom, Responsibility, and Tenure (the “tenure document”). They serve as the Advisory Committee on Tenure and Academic Freedom. This Advisory Committee hears complaints regarding decisions not to reappoint a tenure-track faculty member and complaints of infringement of academic freedom of any faculty member; the Committee tries to settle the matter by informal methods before it goes before the separately elected Hearing Committee.

Particularly in view of this Advisory-Committee role, it seems advisable that the at-large members be distributed more widely among the schools. Under Resolution B candidates

for election to two of the at-large seats would be from and nominated by the Medicine faculty, candidates for two other seats would be from and nominated by the A&S faculty, and candidates for the fifth seat would be from and nominated by the other five schools. Election would still be “at-large” in the sense that each seat would be filled by vote of the entire Senate from among the nominated candidates.

Considering that the at-large members in the past have typically been three from Medicine and two from A&S, the total representation on the Senate Council from each of these schools would remain unchanged at four; and the total representation from the sum of all the schools other than Medicine and A&S would also remain unchanged at six.

Resolution C deals with procedures for Senate votes on resolutions:

A vote at a meeting of the Senate is the only mechanism under the current By-laws by which the Senate can act to modify the Constitution or By-laws. For changes to the tenure document there are no written procedures anywhere in the Constitution, the By-laws, or the tenure document itself. The procedure that has been used has been the same as for the Constitution, and thus requires a vote at a meeting of the Senate.

It has been argued that requiring attendance at a meeting effectively disenfranchises some members of the faculty, for example medical faculty with clinical obligations at the time of the meeting. On the other hand, it has been argued that permitting mail balloting encourages uninformed voting, and opens the door to easily packing a vote particularly by the faculty of one large school.

Resolution C would require vote by mail ballot on changes to the Constitution, By-laws, or tenure document, and other items at the discretion of the Senate Council. In addition, if an item is scheduled for vote at the meeting, rather than by ballot, but an amendment from the floor renders it substantially different from its description in the notice of the meeting, the Chair of the Senate Council may substitute the ballot procedure for a floor vote. In any event, balloting would always occur after the issue has been discussed at a Senate meeting, and minutes of that discussion would accompany the ballots when they are distributed. Matters voted by ballot would require for passage both a majority of all votes cast by all members of the Senate and a majority of votes cast by members of at least two of the schools. (It would be left to the discretion of the Senate Council whether ballots are paper or electronic.)

The question has arisen whether a resolution can reach the floor of the Senate without the approval of the Senate Council. Under Resolution C only the Senate Council calls meetings of the Senate and sets the agenda of Senate meetings, but the Council would be required to call a special meeting if petitioned to do so by twenty-five members of the Senate, and the Council would be required to include on a Senate-meeting agenda any item proposed by signed petition of at least twenty-five members of the Senate. (In using the word "item" rather than "resolution", what is intended is to preserve the traditional role of the Senate Council of working to perfect the wording of proposed resolutions before they reach the floor of the Senate.)

Currently, a quorum for meetings of the Senate is defined as twenty-five percent of the Senate membership. (Total Senate membership today is about 2200.) *De facto* the “quorum” has been whatever number is in attendance at a properly called meeting, the only exception being one time a number of years ago when a member rising and questioning a quorum stopped consideration of a resolution. Resolution C would remove the quorum requirement except for meetings called in extraordinary circumstances, in which case quorum would be ten percent of the membership.

Further explanatory notes on Resolution A

Currently the constitution makes deans ineligible for election to the Senate Council. In the spirit of that prohibition, this resolution extends the prohibition to include vice chancellors.

Since the Secretary of the Senate also serves as a member of the Senate Council, this resolution requires the Secretary to be a person who would be eligible for election to the Council.

The current Constitution designates the Secretary as Council member *ex officio*. Since the term *ex officio* has been used in other contexts to indicate a person who meets with the Council but does not have a vote, this resolution deletes the words *ex officio* so it is clear that the Secretary is a voting member of the Council. (It has been the practice to consider the Secretary to be a voting member.)

The tenure document refers in its Article X to an Executive Committee of the Senate Council (as the body responsible for appointing replacements on the Advisory Committee when elected members are unable to serve), but nowhere in the Senate Constitution or By-laws is the Executive Committee defined. The proposed item simply formalizes what has been the practice – that the Executive Committee is the Council Chair, the Secretary, and two other Council members selected by the Council.

The resolution recognizes that there is no longer an individual with the title “University Registrar”. Instead it refers to “an appropriate university administrative official designated by the chair of the Senate Council”.

The resolution recognizes that it has often been impossible for the newly elected Senate Council to find a meeting date in June as currently required, so it formalizes what has been the practice – that the first meeting takes place in either June or July.

(Further notes on Resolution B are on the following page.)

Further explanatory notes on Resolution C

Most of this resolution implements the voting changes described in the summary above.

In connection with the new requirement that resolutions submitted to mail ballot must have majority acceptance in at least two schools (in addition to majority of all votes cast), it has been pointed out that if there were poor participation in the vote in a small school, a majority could be found in a vote of, say, two in favor and one against. To avoid this situation, the resolution requires that for a school’s favorable majority to count as one of the two required, at least six positive votes must have been cast in that school. To be sure, six is an arbitrary number, but it was chosen as follows: If a small school had about forty Senate members, and if a quorum were thought of as twenty-five percent or ten members, then a majority vote with a bare quorum would be six.

Amendments: Currently there is no written procedure for amending the tenure document. Only the By-laws describe amendment of the Constitution or the By-laws. The By-laws may be amended by action of the Senate alone, but amendment of the Constitution requires action of the Senate and approval of the Chancellor and the Board of Trustees. The proposed resolution places the amendment procedure for the Constitution and the tenure document into the Constitution. It also requires that the vote of the Senate on amendment of any of these documents be by ballot, rather than vote at a meeting.

Further explanatory notes on Resolution B

The resolution specifies the method for filling the positions of Secretary or Council Chair if they become vacant: For Secretary, the Senate Council appoints an interim secretary until the next meeting of the Senate. For Council Chair, the Council elects a replacement to fill the remaining term.

The resolution establishes the voting procedures to implement the proposed Constitutional changes in the election of members of the Senate Council. It also establishes the transition rules for elections in a way that permits all current members of the Council to complete the terms to which they were elected and moves to a situation, beginning with the spring 2007 elections, where five of the fifteen council members will be elected each year.

The at-large representative from the schools other than Medicine and A&S would be elected from among several nominees; this resolution replaces the previous plurality-rule election procedure with an instant-run-off procedure. Instant-run-off is a relatively simple method for considering voters' second choices in case no candidate gains an outright majority of voters' first choices.

The following table shows the composition of the Council in the current (2005-06) academic year, and the composition in future years assuming that this resolution is adopted in time for the spring 2006 elections.

	2005-06	2006-07	2007-08	2008-09	2009-10
Divisional	Bailin (A&S)	New A&S	A&S	A&S	New A&S
Divisional	Rollins (A&S)	Rollins (A&S)	New A&S	A&S	A&S
Divisional	Woodard (Med)	Woodard (Med)	Woodard(Med)	New Med	Med
Divisional	Mumford(Arch)	New Med	Med	Med	New Med
Divisional	Leax (Art)	Leax (Design)	New Design	Design	Design
Divisional	Appleton (Law)	Appleton(Law)	Appleton(Law)	New Law	Law
Divisional	Hamilton (Bus)	Hamilton (Bus)	New Business	Business	Business
Divisional	Zayas (SW)	Zayas (SW)	Zayas (SW)	New SW	Social Wk
Divisional	O'Sullivan(Eng)	NewEngineering	Engineering	Engineering	New Eng
At-large	Pike (Med)	New Other Sch	Other School	Other Sch	New Other
At-large	Morrison (Med)	New Med (2yr)	Med	New Med	Med
At-large	Rotroff (A&S)	New A&S (2yr)	A&S	New A&S	A&S
At-large	Stenson (Med)	Stenson (Med)	New Med	Med	Med
At-large	Moley (Med)	Moley (Med)	New A&S	A&S	A&S
Secretary	McCarthy(A&S)	New Secretary	Secretary	Secretary	New Secy
	<i>5 newly elected</i>	<i>7 newly elected</i>	<i>5 newly elected</i>	<i>5 newly elec.</i>	<i>5 new.elec.</i>

“New” indicates a newly elected member. The “New” member is elected to a three-year term in every case except for the 2006 election of New At-large from Med and A&S who are elected for two-year terms. The at-large member designated “Other School” refers to the person elected from Business, Design, Engineering, Law, or Social Work.