

MINUTES OF THE UNIVERSITY SENATE, OCTOBER 8, 2001

The University Senate met in regular session at 3:00 pm, October 8, 2001 in the Young Library auditorium.

Members who were absent or did not sign in are: Charles Ambrose, Ali Amoli, Susan Arnold*, Leon Assael, Robert Baldwin, Rolando Berger, George Blandford, Jack Blanton*, James Boling*, Beth Brady*, Laretta Byars, Ben Carr, Craig Chasen, Michael Cibull*, Joseph Fink, Matt Foltz, Daniel Frank, Richard Furst, John Garen, Beth Garvy, Robert Gewirtz, Tejas Ghadiali, Louise Graham, Victor Hazard, Patrick Herring, Kay Hoffman, James Holsinger, Jean Jackson, Ling Hwey Jeng, Kyle Jewell, David Johnson, Scott Kelley*, Jim Kerley, Kathi Kerns*, Thomas Lester, Pat Litzelfelner*, Keh-Fei Liu, Josh Long, Loys Mather*, Patrick McGrath, William McKinney*, Ralph Miller, David Mohney, Katherine Montague, Angel Moore, Phyllis Nash, Michael Nietzel*, Sue Nokes, William O'Connor, Amanda Perkett, Michaele Pride-Wells*, John Rawls, Kenneth Roberts, Thomas Robinson, Tim Robinson, Edgar Sagan, Margaret Saunier*, Robert Schwemm, David Sloan, Bill Smith, Scott Smith*, Sheldon Steiner, Lee Todd*, Allen Vestal, Brian Wade*, Christopher Waller, Carolyn Williams, Eugene Williams, Paul Willis, Emery Wilson, Don Witt*, Shawn Word, Sadia Zoubir-Shaw*.

* Excused Absences.

Chairperson Bill Fortune called the meeting to order.

There being no additions or corrections, the minutes of the September 10, 2001 meeting stood approved as distributed.

The chair noted that he is serving on the Futures and Health Benefits committees, and that interested faculty members might want to attend the public meetings of one or both of those committees.

The chair introduced Stephanie Schloemer, who will be recording and transcribing Senate meetings, if the Senate approves the expenditure of money for this purpose (Item C on the agenda).

Action items:

Item B: a proposal to delete the "college circulation" rule for course and program changes. There being no objection from the Senate, this proposal was withdrawn by the chair on behalf of the Senate Council to allow the Academic Councils under the leadership of Phyllis Nash to develop a tracking and notification system.

Item D: a proposal to amend Senate Rule 4.3.1 (the late add rule) to shorten the number of days for late adds in the summer from six to two: This proposal was withdrawn by the chair because Rule 4.3.1 was changed in February 2001 to allow the Registrar to shorten the add period for sessions less than 15 weeks.

Item C: a proposal from the Senate Council in response to a petition signed by more than ten senators, which would require the transcription of Senate meetings at an estimated cost of \$150-\$250 per meeting. After discussion, the proposal passed on a voice vote.

Item A: proposals from the Rules Committee and Senate Council to amend the election rules for: 1) faculty members of the Board of Trustees; 2) the Undergraduate Council; and 3) the Senate. For a clear understanding, these proposals are referred to in these minutes (and on the web site) as AA (Board of Trustees), AB (Undergraduate Council) and AC (Senate).

AA (Board of Trustees -- Rule 1.5.2)

The chair noted that the Senate Council made a number of non-controversial changes in the proposal as a result of the discussion at the September 10 Senate meeting and at the September 24 Senate Council meeting. The chair noted that two written proposed amendments by Kaveh Tagavi had been received.

The chair put the first proposed amendment by Kaveh Tagavi on the floor and it was seconded by Hans Gesund. The proposed amendment (attached hereto as AA-1) would eliminate the requirement that faculty members designate a second choice on the final election ballot. The Senate Council recommended approval of this amendment. After discussion, the amendment passed on a voice vote.

The chair then put the second proposed amendment by Kaveh Tagavi on the floor and it was seconded by Hans Gesund. The proposed amendment (attached hereto as AA-2) would change the requirement for a faculty member to serve on the Board of Trustees from "50% or more service, research and teaching" to "more than 50% service, research and teaching." The Senate Council recommended disapproval of this amendment. After discussion, the amendment failed on a show of hands 34-41.

The Senate then approved proposal AA as amended on a voice vote without further discussion.

AB (Undergraduate Council -- Rule 1.3.3.3)

The chair pointed out that the Dean of Undergraduate Education is now the Associate Provost for Undergraduate Education, and, without objection, the proposal was deemed amended to reflect the change in title. Item AB attached hereto reflects the change in title ("Associate Provost" replacing "Dean" throughout).

The Senate approved proposal AB on a voice vote without discussion.

AC (Election to the Senate -- Rule 1.2.2.1)

Bill Thom moved to amend the proposal to delete a Rules Committee interpretation which appears on page 1 of Rule 1.2.2.1. Ruth Staten seconded the motion. That interpretation reads.

Faculty members with administrative assignments of an academic nature which

constitute not more than half of their current duties -- the rest composed of teaching and/or research -- will be construed as meeting the requirements of "full-time faculty." (RC 4/2/76)

After discussion, the amendment passed on a voice vote.

Items AA, AB and AC are effective immediately and the web version of the rules will be changed accordingly.

The meeting adjourned at 3:45 pm

David Durant
Secretary, University Senate

USMin 10.8.01

Item A

Election Rules (Board of Trustees, Undergraduate Council, University Senate)

Item AA--PROPOSED CHANGE IN SENATE RULES RELATING TO ELECTION OF FACULTY MEMBERS OF THE BOARD OF TRUSTEES (Additions are underlined; deletions are indicated with strikeovers) **This document reflects minor changes proposed by the Senate Council as a result of discussion at the University Senate meeting of September 10 and the Senate Council meeting of September 24.**

1.5.2 ELECTION: TWO VOTING UNIVERSITY SYSTEM FACULTY MEMBERS, BoT [See US Minutes: 12 October 1998]

As specified in the *Governing Regulations* (Part II.A.2) there shall be two voting University System faculty members of the Board of Trustees. Faculty members who may vote in the election of the University System Faculty members to the Board of Trustees shall be those in the University System who:

- A have an actual or equivalent rank of Assistant Professor or higher;
- ~~B hold a tenured position or one in which tenure may be acquired, except that untenured members of the faculty whose appointment is specified as ending on a certain date without further notice or as not leading to consideration for tenure shall not be eligible; and (US: 11/12/84)~~
- ~~C are included in the faculty T.I.A.A. C.R.E.F. retirement program (or eligible for such inclusion after one year of University service) or other retirement program approved by the Board of Trustees.~~

Faculty members eligible to serve as an elected member of the Board of Trustees shall be those who meet the voting qualifications and who have a primary assignment in a faculty role (50% or more involvement in teaching, research and/or service). For purposes of this section, assignment as chair of a department shall not exclude one who holds such a position from eligibility to serve as an elected member of the Board of Trustees. Faculty members of the Board of Trustees shall be eligible for re-election. ~~Eligibility under paragraphs a. and b. above shall be certified in the same manner as for elections to the University Senate.~~

(NOTE: GR X-1 states that: Members of the Board of Trustees, except those elected to the Board as faculty, staff, or student representatives, and relatives of any member of the Board of Trustees are ineligible for employment at the University. "Relatives", as used above, include parents and children, husbands and wives, brothers and sisters, brothers- and sisters-in-law, mothers- and fathers-in-law, uncles, aunts, nieces and nephews, sons- and daughters-in-law, and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, including student work-study and graduate assistant programs.)

Elections shall be held only during the academic year. During years when a regular term expires (June 30), the election shall be held during the Fall Semester. If at any time a faculty Board member should become ineligible to serve (i.e., assumption of an administrative title, resignation, official leave which precludes attendance, etc.), the chair of the Senate Council shall declare a vacancy and call for a special election of a faculty member to serve for the duration of the original member's ineligibility.

~~Elections shall be by secret ballot and shall be conducted by the Secretary of the University Senate from rosters prepared and certified as specified above. The Secretary shall submit to the eligible voters a complete list of members eligible for election together with a nominating ballot on which a member may nominate one or two eligible members. Nominations may be submitted to the Secretary of the University Senate in writing or by fax, or e-mail, and need contain only the name(s) of the nominee(s) and the nominator. All candidates so nominated shall be placed on a first election ballot, on which each member shall vote for one candidate. The five candidates receiving the highest number of votes will be placed on a second election ballot. A short biographical sketch of each candidate shall accompany the second election ballot. If no person receives a majority vote on the second ballot, the Secretary of the Senate shall place on a third ballot the names of the three individuals who received the highest number of votes on the second ballot. In the event of a tie for fifth place on the first ballot or a tie for third place on the second ballot, the names of all persons receiving the same number of votes for that place shall be placed on the subsequent ballot. (US: 10/12/98)~~

Elections shall be conducted by the Secretary of the Senate as follows.:

The Secretary shall solicit nominations by a method calculated to provide reasonable notice to the faculty. Nominations shall be submitted to the Secretary in writing or by fax, and must contain the names and signatures (submitted together) of 10 or more nominators, all

of whom are eligible to vote. Forms may be provided for this purpose. The nomination letter shall indicate that the nominee is willing to serve if elected and that he or she is qualified to serve;

If more than three persons are nominated, the names of all nominees shall be placed upon a ballot sent to all eligible faculty voters. The ballot shall contain the College and department or other subunit affiliation, if any, of each nominee. The election shall be by secret ballot and voters shall vote for only ONE nominee. If one nominee receives a majority of the votes, that person shall be declared to be elected. Otherwise, the three nominees receiving the highest number of votes (including ties for third place) shall be placed upon a second ballot.

If three or fewer persons are nominated there shall be only one ballot.

The second ballot (or the first if three or fewer persons are nominated) shall contain a brief biographical sketch of the candidates and may contain a brief statement by the candidates. The election shall be by secret ballot. Each voter shall be required to indicate a first and second choice. All of the first choice ballots will be counted, and any person who receives a majority of votes will be elected. If no one receives a majority, a choice will be made between the two candidates with the largest number of votes. The second choice votes of the remaining candidate (or candidates) will be added to the first choice votes received by the top two candidates, and the person with the larger number of votes will be elected. (In the event of a tie at that stage, the candidate with the larger number of first choice votes will be elected or by lot if both receive the same number of first choice votes.) (Revised:10/1/80; Senate Rules Committee; US: 1/18/88; US: 10/12/98)

Item AB--PROPOSED CHANGE IN PROCESS FOR ELECTING MEMBERS
OF THE UNDERGRADUATE COUNCIL
(Additions underlined; deletions are indicated by strikeovers)

1.3. UNDERGRADUATE COUNCIL

1.3.3.3 Election. Faculty members who are eligible to vote or and be elected to the University Senate shall be eligible to serve in and vote for all elected members of the Undergraduate Council. ~~other than the faculty representatives from the Community College System. If an elected member of the Council should at any time during his or her term become ineligible to serve, a vacancy shall be declared. To fill each vacancy, the Undergraduate Council shall appoint that member from the eligible faculty who at the last election received the highest number of votes without being elected to serve for the duration of the elected member's ineligibility.]~~

Election for membership on the Undergraduate Council shall take place during the spring term and the newly elected members shall assume their seats on August 16 of the same year. (US: 10/12/87) (US: 1/18/88)

The Dean of Undergraduate Studies shall be responsible for administering the elections. The Dean's Office will prepare lists of faculty members eligible to vote and serve. For each college or group of colleges in which there is an election to be held, the Dean's Office will notify and solicit nominations from the faculty members by a process designed to give adequate notice of the election. It will particularly solicit nominations from department Chairs and Directors of Undergraduate Studies. The Dean's Office will ascertain the willingness of the nominees to serve and will conduct the election by a process designed to inform voters of the qualifications of those nominated. The person receiving the highest number of votes for a given vacancy will be elected. Ties will be decided by lot.

~~The nomination for the membership on the Undergraduate Council shall be carried out by the office of Secretary of the Senate, at the same time, and following the same procedures, as in the nomination of senators, except as indicated below. In addition to the general announcement, notices urging nominations shall be sent to each chair and director of undergraduate studies (but not each director of graduate studies). If fewer than three times the number of persons to be elected from any unit are nominated and are willing to serve, the Dean of the College or Colleges involved shall call a meeting of an appropriate group to nominate the necessary number of persons. (US: 1/18/88)~~

~~Once the nomination process has been completed, ballots will be sent out containing the names of all those nominated. Each person shall vote for as many candidates as there are vacancies to be filled. The person or persons receiving the largest number of votes will be elected. (US: 1/18/88)~~

Item AC--PROPOSAL TO AMEND THE RULES PERTAINING TO ELECTION OF FACULTY MEMBERS TO THE SENATE (Additions are underlined; strikeovers indicate deletions)

1.2.2.1 Elected Faculty Membership The 94 elected faculty seats shall be apportioned each spring among the colleges and the University Libraries according to the following two equally weighted factors based on data for the preceding fall semester: (1) the number of the following individuals, all of whom shall be considered "faculty" for purposes of this Rule: (a) full-time faculty with the rank of assistant professor or higher, (b) full-time faculty appointed in the extension, librarian, research, and clinical title series, and (c) full-time lecturers and instructors; and (2) the number of full time students enrolled in the college, computed so that students enrolled in the Graduate School shall be assigned to the college in which they are pursuing their studies. (US: 10/12/81 and BofT: 4/6/82; BofT: 12/11/84; US: 10/11/99 BoT:) Ideally, the fraction of the total faculty Senate seats which would be apportioned to an academic unit would be obtained by using the following formula:

$$1/2 (Fu/Fe + Su/Se)$$

where Fu and Su are respectively the number of eligible faculty and the number of full-time students in the unit, and Fe and Se are the total eligible faculty and students, respectively, in all units. Usually the portion of the total faculty seats which would be ideally assigned to a unit will not be a whole number. For each unit a certain inequity will result, this being the non-negative deviation of a unit's actual percentage from its ideal percentage of the seats. The seats shall be apportioned to the units in a manner which minimizes the total inequity, subject to the condition that each unit gets at least

one seat. (If two units have identical ideal percentages and the minimum would be attained by giving them different representations, then the extra seat shall be allocated to one of them by a random process.) An administrative title below that of Dean shall not automatically make the holder ineligible.

- * Faculty members with administrative assignments of an academic nature which constitute no more than half of their current duties--the rest composed of teaching and/or research--will be construed as meeting the requirements of "full time faculty." (RC: 4/2/76)

~~**A** — **Eligibility:** At the time of the election to the Senate, the chief administrative officer of each specified academic unit shall be responsible for submitting a list of eligible faculty to the Secretary of the Senate for certification and determination of the number to be elected. The Secretary shall rely on the lists so provided, and in case of any dispute, the Rules Committee shall be responsible for certification of eligibility. Eligibility shall be determined as of the time of conduction of the election. (US: 10/12/98)~~

- ~~* — The chief administrative officer, in submitting a list of eligible faculty, should specify which faculty members with administrative assignments are eligible because they spend at least half time on teaching and/or research. (RC: 12/18/86)~~

- ~~* — Although Senate Rule 1.2.2.1 (A) says that "Eligibility [for election to the Senate] shall be determined as of the time of conduction of the election," the rule further states that "If a member of the Senate should at any time during his or her term become ineligible to serve..." This latter phrasing indicates that a member can become ineligible to serve and the examples cited in the parenthetical expression that follows (e.g., by reason of assuming an administrative title of Dean or above, resignation, official leave which precludes attendance, or failure to attend Senate meetings) are not meant to be mutually exclusive but merely to serve as examples. Therefore, when a faculty member's appointment has changed from a position in which he or she was eligible to be elected to one in which he or she is ineligible for election, he or she is no longer eligible to serve and a vacancy should be declared. (RC: 12/13/95)~~

~~**B** — **Election:** The faculty of the academic units represented in the Senate shall determine whether their representatives shall be elected at large or apportioned among their sub-units. The elections shall be conducted during the second semester by the Secretary of the Senate, with those elected assuming office at the September meeting of the Senate.~~

~~For each academic unit or sub-unit where there is an election to be held, the office of Secretary of the Senate will prepare the lists of faculty members eligible to vote and those eligible to serve. The office will send a list of those eligible to be elected to those persons eligible to vote, who will be invited to nominate as many eligible persons as there are vacancies for the Senate. Nominations may be submitted to the Secretary of the University Senate in writing or by fax, or e-mail, and need contain only the name of the nominee and the nominator. In addition, each chair (or dean) and each departmental or college director of graduate studies and director of undergraduate studies will be urged to submit nominations by letter. The Secretary of the Senate will ascertain the willingness to serve of those nominated. If fewer than twice the persons to be elected from any unit or sub-unit are nominated and are willing to serve, the Dean of the College shall call a meeting of an appropriate group to nominate the necessary number of persons. Each college shall notify the Secretary of the Senate in advance whether it will use for that purpose a College Council, a meeting of department chairs, or a full meeting of the College faculty. (US: 1/18/88; US: 10/12/98)~~

~~Each person must vote for as many persons as there are vacancies to be filled. If the number of persons nominated is no more than three times the number of vacancies to be filled, the persons receiving the largest number of votes shall be elected. Should there be more than three times as many nominees as there are vacancies, and should the number of persons receiving a majority of votes be fewer than the number of vacancies, there shall be a second ballot containing twice as many names as there are vacancies to be filled. (US: 1/18/88; US: 10/12/98)~~

~~*In the elections to the Senate, as well as to other offices, the ballots shall not be opened until after the deadline for their receipt. (RC: 3/30/81)~~

~~If any election should result in a tie vote affecting the outcome of the election, the election will be repeated with respect to the candidates with tied votes. If a tie results a second time, the winner will be chosen by coin toss or similar random process. (US: 10/12/98)]~~

A Election: The faculty of the academic units represented in the Senate shall conduct elections for vacancies in the second semester of the academic year, with the persons elected taking office on August 16 of the following academic year.

GB **Terms; Vacancies:** As specified in the *Governing Regulations*, each elected faculty member shall serve for a term of three years. Ideally, the terms of the representatives of each academic unit or sub-unit should be staggered so that one-third of them will be elected at each election. To this end the faculty of the academic unit represented, may, for any election, specify that a number of representatives be elected for two-year terms. If such action is taken, the dean of the academic unit involved shall notify the Secretary of the Senate of such intent in advance of the upcoming election. When more than one number is to be elected from a unit or sub-unit, those receiving the greater number of votes will serve three-year terms and those elected receiving the lesser number of votes will serve two-year terms.

BC Each elected representative shall be eligible for reelection for a second consecutive term, but ineligible for further reelection until one year has elapsed.

CD If a member of the Senate should at any time during his or her term become ineligible to serve (e.g., by reason of assuming an administrative title of dean or above, resignation, official leave which precludes attendance, or failure to attend Senate meetings), a vacancy shall be declared by the administrative head of the group represented, and that member of the eligible faculty who at the last election received the next highest number of votes shall serve for the duration of the elected member's ineligibility. If that person (or those persons in case of a tie) declines or is no longer eligible, the unit shall within thirty days select a replacement by an election process. A student member shall become ineligible to serve on purgation from the Student Senate. The Secretary of the Senate shall maintain attendance records and shall notify the administrative head of a unit when a representative of that unit has been absent without explanation from three meetings of the Senate during any one academic year. (US:3/12/79)

~~* In the case of a vacancy, if none of the other persons receiving votes at the most recent election is available to serve, the Rules Committee may select the person at the most recent election with the next largest number of nominations, or the person receiving the next highest number of votes at the election preceding that. (RC: 11/17/86)~~

~~* If a senator is purged during his or her first term, he/she would not be eligible to stand for election until the end of that term. If elected then, the senator would be considered to be serving a second consecutive term. If a~~

~~senator were purged during the second of two consecutive terms, he/she would not be eligible to stand for reelection until one year after the expiration of that term. (RC: 1/12/71)~~

Members of the Senate Council shall be voting members of the Senate until the end of their terms on the Senate Council. They will not be counted as part of the quota for the academic unit that they have represented nor of the maximum membership of the Senate after the expiration of their elected membership.

Note: If approved, the proposals to change the Board of Trustees and the University Senate elections will be forwarded to the Provost for appropriate administrative action.

Implementation: Upon passage.

Item A-1

Proposed Amendments to the proposal to change the election process for faculty members to the Board of Trustees

Amendment #1: [last paragraph, 3rd sentences should read] Each voter **may** indicate a first and a second choice....

Rationale of person proposing the amendment: To avoid forcing faculty members to vote for individuals against their wishes. Right now, if a vote is cast for the first choice but is left blank for the second choice will be discarded. It is true that making the voting for a second choice optional may cause having an eventual winner with less than a majority vote. However this is a price worth paying in order to avoid forcing faculty members to vote for individuals against their wishes. Additionally the policy as proposed does not guarantee that we would always have a winner with a majority vote anyway.

On September 24, the Senate Council considered this amendment and voted to recommend approval.

Amendment #2: [the paragraph below item C, line 2] Switch "50% or more" to "more than 50%".

Rationale of person proposing the amendment: it seems the intent of the original statement has been to ensure that those who are elected as representative of the faculty are assigned more faculty duties than administrative duties. This change, which closes a gap of one percent, ensures just that.

On September 24, the Senate Council considered this amendment and voted to recommend disapproval because department chairs and faculty members with part-time administrative appointments often have 50% administrative duties on the DOE; those persons would be ineligible to serve under this proposal.

tapes of the Senate meetings. The outcome is that for the past academic year, the official Senate minutes prepared and posted are essentially only the motions and votes on action items, with no 21st century, information-age web posting of Senate minutes that show the discussions by the various Senators.

URGENCY. The above outcome has resulted in the informational disenfranchisement of the 1500+ University faculty and ca. 30,000 students, who have now lost the time-efficient web access of the debates and discussions of their Senate representatives. The only recourse during the past year was for the 2000 faculty and 30,000 students to each individually walk to the Senate Council Office to listen to each meeting tape (which has not been the resort for over 30 years). That this resort is untenable in a top-20 aspiring University is further exemplified by that you have informed me that to your understanding, the tapes of all of last year's Senate meetings are in fact not available, having been destroyed in the fire at the Administration Building. Thus, the University faculty who are now subject to, for example, post-tenure review have no written minutes or tape access to last year's Senate discussions that preceded the vote that would reveal *why* the policy took the final form that it did. Similarly, students subject to educational policies adopted last year have no access to a record of the intent of the policies that would be much revealed by the debates and discussions that preceded their adoption. Both the voting faculty and voting students have also lost their ability to determine the level and quality of contribution of their Senate representatives to the discussions that lead to the finally adopted policies. In addition, in the absence of the written record of our Senators' debate and discussion, hearing impaired students and faculty constituents will be denied access to the information that is on the tape. I am sure you agree that the current situation is not acceptable, especially with the appointment of President Todd, who has expressed support for a strong and substantive governance role for the Senate that we have not enjoyed for nearly a decade. It is crucial that interested faculty and students be able to empower themselves with the easy access (that we had prior to last year) to web-posted text of their Senate representatives' discussions that precede the final Senate votes.

SOLUTION. Toward providing yourself and the Senate Council with a clear mandate for your leadership on this matter, I and other concerned faculty have prepared a petition signed by over 70 faculty, from 11 colleges, 21 departments, and signed by 11 Senators (copy forwarded to you here). This petition, states:

"...We request to the Senate and Senate Council that the preparation and web posting of these full minutes be restored beginning with the current academic year, and that if additional funding is needed to support preparation of these full minutes, that a request be submitted to President Todd for such funding."

*I have been informed that commercially available transcription services can attend a meeting and using its own equipment prepare a stenographic record of it from tapes for about \$125 per meeting (this means an entire year of Senate meetings for ca. \$1000, i.e., for just a few cents per student/faculty constituent). Given the widespread support by the University faculty, and **given that 11 Senators through signing this petition request that the above quoted item be acted on by the Senate and Senate Council, I ask that you please act on this mandate to bring the matter promptly to the Senate for its positive action and then its transmittal to President Todd.***

Cc: President Lee Todd (excluding the signature list)

Signature list available upon request

Item D - Withdrawn
