

To: Faculty Senate
From: Howard Tolley, Chair Ad Hoc Bylaws Committee
Date: 4/8/09
Re: Proposed Bylaws Amendments on Electronic Voting and Filling Vacancies

In response to its charge from Faculty Chair Marla Hall, a sub-committee on the University Faculty Bylaws of the Ad Hoc Bylaws Committee recommends the accompanying amendments for adoption at the May 14 All University Faculty meeting. The proposals were first submitted by a FS Committee on Committees sub-committee chaired by Chalee Engelhard. Former CoC chair Andrea Kornbluh serves on the Bylaws Committee and Parliamentarian Debbie Page also attended our committee discussions. Committee members and former FS chairs David Lee Smith and Bob Faaborg contributed significantly as did Gary Dick and the current FS chair.

The accompanying proposals have received top priority for adoption this Spring based on the proponents' concern about unworkable procedures that have impaired Senate's ability to select faculty representatives to all university shared governance committees and to fill vacancies in elected FS offices. The Bylaws Committee is continuing work on other recommendations for additional proposed amendments to be considered at the October 2009 All University Faculty Meeting.

In order to be approved at the May 14 All University Faculty meeting, proposed Amendments must be circulated by April 30,

Rationale for Proposed Amendment on Filling Vacancies:

Currently the bylaws require that vacancies in the positions of secretary of the university faculty, faculty representative to the board of trustees, or at-large faculty senator be filled in the same manner as the original election by the all university faculty; too often vacancies go unfilled. All university special faculty elections are costly and time-consuming, whether electronic or paper ballots are used. All these positions are critical and should be filled in the most expeditious manner. The current by-laws allow the chair to appoint someone to fill a vacancy in the office of secretary. Authorizing FS, a representative body, to fill the positions by election will strengthen faculty governance that suffers when those slots remain vacant.

Proposal:

The faculty senate cabinet may by majority vote recommend a faculty member to fill a vacancy in the office of secretary of the university faculty, representative to the board of trustees, or at-large faculty senator. At its next regularly scheduled meeting the faculty senate will consider the recommended individual as well as any other candidates nominated at the meeting before electing the new officer. Any individual elected during the first year of a term will stand for election to the second year at the next regularly scheduled annual elections.

Rationale for Proposed Amendments on FS Selection of Representatives to Committees:

In January 2007 the administration launched a framework for “Integrated University Decision-Making” with a number of new All University Governance Committees that include faculty representatives. The bylaws currently give the Committee on Committees responsibility for providing FS with a list of nominees, but also allows FS to direct the CoC on its own to designate faculty representatives to all university committees (Article II. Section 11. Committees a. Standing Committees i Committee on Committees. The CoC chair has discretion to have a sub-committee act in place of the full committee).

Problems and Proposals:

1. The CoC needs an accurate membership roster for identifying candidates, but does not receive timely information from represented units each Spring reporting the names of newly elected Senators.

Proposal: No later than one week before the last Faculty Senate meeting of spring term each year the second year senator of each represented unit shall forward the name of each newly elected faculty senator to the chair of the faculty senate.

2. The Bylaws provide for FS to elect faculty representatives to Senate Committees as well as to all university shared governance committees in fall. Members for both types of standing committees need to be chosen earlier in order to begin work at the start of the academic year.

Proposals:

For Faculty Senate Committees: At the final spring term meeting of the faculty senate, the senators shall vote for members of the standing committees. Newly elected committee members will begin their terms the first day of the month when fall term begins.

For All University Standing Committees with FS elected representatives. (i) Faculty elections for members selected to the standing all-university committees (those with fixed terms) each spring shall follow the procedures outlined for faculty senate standing committees with staggered terms as appropriate.

3. The administration continues to create ad hoc committees (such as collegiate restructuring, semester conversion) and occasionally seeks faculty representation on short notice for initial meetings convened before an opportunity to elect members at a regular FS meeting. At the All University Faculty Meeting In October 2007 a bylaws amendment was approved to allow FS to select faculty representatives using electronic ballots and some elections were held without a regular meeting. The Parliamentarian concluded that the Bylaws Article III Sec. 6 provision restricting voting rights to those present at a meeting trumped the amended Article III Sec. 4 language allowing an electronic rather than a paper ballot.

Proposal: (ii) For newly created all university and ad hoc governance committees the Committee on Committees will solicit nominations for election either at the next senate meeting or, if Cabinet approves, by electronic balloting when necessary to select representatives prior to a meeting.

Proposal: If using a paper ballot, voting by faculty senators shall be conducted at faculty senate meetings in conformance with parliamentary procedures and the bylaws of the university

faculty. If using electronic ballots, all members shall be eligible to vote. After the call for nominations, faculty shall have three working days to submit nominations and statements of interest. Faculty Senate members will then have three days to submit additional nominations. Electronic voting by the members shall be completed within three working days of electronic distribution of the final ballot. Balloting shall be under the general supervision of the committee on committees.

Discussion:

There has been disagreement among FS leaders over whether Cabinet can/should schedule FS electronic voting for faculty representatives to committees without discussion and an opportunity for additional nominations from the floor at a FS meeting.

A) Some favor the current practice that only allows electronic voting to elect committee members after an opportunity to make nominations from the floor at a regular monthly FS meeting. They reason that electronic voting would exacerbate attendance problems and that face to face participation leads to more informed voting.

B) Proponents of the recommended change want to have the option of proceeding with an electronic vote as soon as Cabinet and others have had time to make nominations and candidates had an opportunity to circulate/post position statements. Presence at a meeting would no longer be required for voting to elect faculty members to serve on committees, but attendance would still be required to vote for all other FS business.

The IT Committee and Parliamentarian continue their research and testing for secure electronic balloting technology. As noted above, the bylaws allow FS to delegate some appointments to the CoC without elections, an option with growing appeal given the proliferation of shared governance committees, including some with limited responsibility.

Rationale for Technical Adjustments:

The former University Faculty Grievance Committee UFGC has been replaced in the AAUP contract and a proposed amendment refers to the newly constituted Grievance Committee Faculty Panel.