

**THE UNIVERSITY OF TOLEDO**  
**Minutes of the Faculty Senate Meeting of September 29, 2020**  
**FACULTY SENATE**

<http://www.utoledo.edu/facsenate>

Approved @ FS on 10/27/2020

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**Summary of Discussion**

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**Note:** The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

**President Brakel:** Welcome to our fourth Faculty Senate meeting in the fall semester. At this time I will ask Executive Secretary, Kim Nigem to call the roll.

**Present:** Anderson, Bailey, Bigioni, Brakel, Case, Chaffee, Chaudhuri, Chou, Coulter-Harris, Day, de le Serna, Duhon, Elgafy, El-Zawahry, Garcia-Mata, Gibbs, Giovannucci, Gregory, Guardiola, Hall, Harmych, Heberle, Insch, Jayatissa, Kistner, Koch, Krantz, Kujawa, Lawrence, Lecka-Czernik, Lundquist (substitute for A. Edgington), Metz, Milz, Modyanov, Molitor, J. Murphy, L. Murphy, Niamat, Nigem, Oberlander, Pattin, Perry, Ratnam, Smith, Steven, Rouillard (substitute for S. Barnes), Taylor, Teclehaimanot, Templin, Thompson-Casado, Tiwari, Van Hoy, Wedding, Welsch, Wood (substitute for Pakulski), Zietlow

**Excused Absence:** Duggan, Reeves,

**Unexcused Absence:** Ali, Longsdorf, Stepkowski, Topp

**President Brakel:** Do we have a quorum?

**Senator Nigem:** We do have a quorum, President Brakel.

**President Brakel:** The agenda was sent out. May I have a motion to adopt the agenda?

**Unknown Senator:** So moved.

**Unknown Senator:** Second.

**President Brakel:** The agenda is adopted. Next is *the Executive Committee report:*

The Executive Committee met with Provost Bjorkman on September 17<sup>th</sup>. We discussed the plan to hold the fall commencement in a non-face to face environment which was announced in an e-mail last week, and the cancelling of the Intersession. We also discussed the plans regarding the spring semester calendar – such as would the semester start on time, be pushed back a week, the cancellation of spring break and so on. The plan under consideration at that meeting for the Spring Semester was that the semester will begin on time as scheduled, spring break would be cancelled with selected “reading” days sprinkled throughout the semester. The reading days was preferred by student leaders if spring break was cancelled.

The Executive Committee met on September 18<sup>th</sup> to plan this meeting, discuss the initial draft of the Ohio Faculty Council Reorganization Position Statement, and continue our review of Foundation finances. We also met with Interim President Postal during this meeting. President Postal addressed the university’s budget situation which has improved to a point that the administration is considering reinvesting in to be determined areas ranging from positions to equipment and infrastructure across the university. This budget improvement is due to increased patient volume at UTMC compared to early COVID postponement of procedures, financial sacrifices by some employee groups, a smaller cut than anticipated to the State Share of Instruction (SSI) and the one-time money from federal Cares Act money. He also

mentioned the possibility of implementing some form of responsibility centered management within colleges, departments, etc. With regard to finances, as you are probably already aware, the Board of Trustees approved a 6 month budget at its meeting last week.

President Postal also discussed his thoughts regarding student recruiting which included the need to recruit from outside the greater Toledo area and from other geographic regions nationally. He also discussed plans to address racism, diversity and equity. We also discussed the ProMedica Affiliation Agreement and the potential accreditation issue as it related to the media reports concerning the Dana Cancer Center. At the Board of Trustees meeting, President Postal announced a plan to develop a 2 year strategic plan. At this time, it is not clear what faculty's involvement in the development of this strategic plan will be and we will be following up on this matter.

At last week's Board of Trustees meeting, I provided the Faculty Senate report to the Board. This report included the naming of the Executive Board, the reading of the Faculty Senate Resolution on Racism and Equity, and an update on our Constitution approval process. I also restated that Senate stands ready to assist in the selection of our permanent University President whenever the Board elects to move forward with that search. As was announced by the Board of Trustees, Interim President Postal's term has been extended to December 31, 2022. For the record, the Executive Committee was not consulted on this contract extension to delay the start of the search for a permanent President. The Executive Committee looks forward to working with Interim President Postal in shared governance during his continued service to UToledo.

Faculty Senate President-elect Terry Bigioni continues to represent Faculty Senate on the Rocket Restart Committee. This committee is now only meeting once a week.

After the September 15<sup>th</sup> Faculty Senate meeting discussion concerning Faculty Senate membership, I compiled a document containing language from other state universities within Ohio concerning Faculty Senate membership. This was done to provide a benchmark of what is done at other institutions and I sent the document to Constitution Committee Chair Mark Templin. Chair Templin shared it with the Constitution Committee and asked that it be sent to you for today.

In this WebEx environment, we have been voting on matters routinely by indicating Senator's votes in the chat box and we need to remind everyone that there are other voting options within Robert's Rules of Order. The elections committee met last week to develop the timeline for next year's Senate elections and also discussed the best way to conduct any potential secret ballot voting should the need arise within Faculty Senate meetings. Should a request for a secret ballot be called for under Robert's Rules of Order, that secret ballot would be done using the Qualtrics system. This is the same system that is used to conduct Senate elections. Also as a reminder, a request can be made for a roll call vote in addition to requesting voting by secret ballot for any matter under Senate consideration. We will continue to use the chat box voting unless otherwise called for under Robert's Rules.

This concludes the Faculty Senate Executive report. Does any Executive Committee have anything they want to add?

**Senator Heberle:** I just wanted to add that we agreed that everyone on the Elections Committee would have access to the results of the Qualtrics voting, as opposed to rather than having one person assessing the outcome.

**President Brakel:** Right. Anything else from the other Executive Committee members? Any questions or comments from the floor, from senators? Hearing none. Then let's proceed to the Provost report, Provost Bjorkman.

**Provost Bjorkman:** Yes. Thank you, President Brakel. Let me just confirm that is the process that we are going to go through for spring. We should have that announcement out within this week. We are finalizing it right now, but those details are correct.

I want to begin my remarks by just acknowledging everyone's hard work as we begin our seventh week of instruction here at the University of Toledo. I know you are focused on ensuring the success of our students during this pandemic. Our students are facing a lot of challenges, and I know that many of you are also facing your own professional and personal challenges, and I do recognize that. Since March and continuing throughout the summer months and into the fall, you've been working tirelessly to ensure the continuity of our academic mission. I know that has not been easy. But as a result of your hard work and dedication, I do have some good news to share with you today. Our first and second year retention rates increased this fall semester for the eighth consecutive year and our retention rate is now 78.5%. So that is an increase of 2.1% from our rate last year. We continue to make progress in that area. In addition, our six-year graduation rate continues to climb and is now at a record high of 53.3%. We also have good news on our research and grant awards for the past fiscal year that ended on June 30<sup>th</sup>. Our sponsored awards for FY20 were \$55M, which was 18.5% increase over last year, and an increase of 43.8% over the last five years. This is a great tribute to our faculty who continue to successfully pursue funded research, even in spite of the pandemic. As we continue to monitor the situation on campus, we are also reviewing options in doing the initial planning as President Brakel indicated, for the spring 2021 semester. Our initial plans do include moving forward with a similar mix of class modalities that we have had in place this semester, using the same criteria for making decisions about the modes. Whether it is in person, hybrid, remote, or online, that would be based on things like class size and classroom capacity to allow for social distancing and accounting for accommodations where needed. We've also, as President Brakel mentioned, made the decision to hold a virtual fall commencement ceremony. That will be on December 6<sup>th</sup>. I will say we are making a number of changes and improvements to this virtual ceremony based on feedback we received from students, parents, and faculty about the virtual commencement ceremony in May. We learned a lot from that, and I think we are going to do a much better job in the fall. We've never done that before, but we learned a lot, and we are taking that feedback into account. I will provide you with more information on that as the plans continue to take shape over the next few weeks. Also, I want to provide you with an update on the university strategic planning process. As President Brakel alluded, as you know we are in the third year of the implementation of our five-year strategic plan and we continue to make good progress there. This fall, Interim President Postel has asked us to identify some priority areas of focus within that existing plan. So, this is not scrapping the existing plan, but just pointing out some areas we really need to focus on during his appointment term and to develop this interim strategic plan based on those highlighted areas. You know, with our limited resources due to COVID and declining enrollment, we really need to focus our efforts on areas that are critical to students' success, strategic enrollment management and other priority areas, including [obviously] putting ourselves on a better financial footing. I want to stress that this will not replace our current strategic plan. It will simply be a more focus subset of our primary goals there. In fact, we are continuing to make progress on those and will be reporting to the Board in December. We plan to present this two-year plan from where we are

going to focus our efforts to the Board at the December meeting as well. So as more information is available, I will share it with you and I will certainly be consulting you on this.

Before closing my remarks, I want to make a few brief announcements. First, just a reminder that midterm grades are due by Friday, October 9<sup>th</sup>, for all faculty who teach 1000 and 2000 level courses. Providing those midterm grades reports really help our success coaches and academic advisors to be able to identify at-risk students and intervene with them early in the semester to help these students if needed and as appropriate. If you have any questions or need any information on that midterm grade initiative, please don't hesitate to contact Dr. Denise Bartell, our Associate Vice Provost for Student Success in the Provost Office.

I would also like to remind you that nominations for next year's class of Distinguished University Professors are due by Friday, November 13<sup>th</sup>, so there is some time. Those nominations are somewhat involved, so don't wait until the last minute. The Distinguished University Professor, just to remind you, is the highest permanent honor that the University bestows on a faculty member. The Academic Honors Committee will review those nominations and make recommendations for approval by the Board of Trustees at their December meeting. The selection criteria, nomination guidelines, and the application forms are all available on the Provost Office website. There will be an email going out, if it hasn't already, reminding everyone of that.

Just a reminder that the Distinguish University Lecturer nominations will be due in January. So we will certainly remind you about that later in the semester.

And finally, just to remind you that the University Food Pantry continues to be an important resource for our students, both the pantry on the Main Campus and the Health Science Campus. According to Dr. Cockrell, the student Food Pantry served over 2,300 students between May 18<sup>th</sup> and the start of the fall semester. According to a survey conducted by the American Council on Education, one in five students has experienced food insecurity during this pandemic. The survey results found that rates were higher among graduate and professional students. So please communicate this resource to your students, both your undergraduate and graduate students so they are aware of those resources if they are needed. With that, I thank you and I am happy to answer any questions you may have.

**Senator Smith:** Just a quick question. I am not sure I heard it correctly. Has the winter intersession term been canceled?

**Provost Bjorkman:** Yes, it has.

**Senator Smith:** Okay. I wasn't sure I got that. So, spring semester will start as planned and no spring break?

**Provost Bjorkman:** That is correct. We will be sending those details out, as I said, this week.

**Senator Insch:** Provost Bjorkman, I have a quick question about those reading days. Are they going to be basically Fridays or are they going be---

**Senator Bjorkman:** No. They will all be midweek days with the exception of the two days before final exam week. Those will be at the end of that week because some students will be moving out at the end of the spring semester, so we are designating those two days, because typically students will need a little extra time to study for finals and/or to move out. The ones during the semester will be sprinkled on

weekdays. We've alternated the days so we are not impacting one set of classes more than another, just as we do in spring break. The other piece of that is, we are also going to try to put together some, if you will, enrichment activities for students primarily focused around mental health because these are sort of mental health things in a way. Those will be completely optional, but we just want to make something available for students who might want to partake of those. Thanks for the question.

**Senator Insch:** I just wanted to point out something. For those of us who are teaching modality, we are meeting our students on a Monday or a Wednesday, when you put a holiday in that week, that student misses an entire week of school. It is not the simple one day out of the week; it is pretty disruptive. I know you are doing your best, but now that we are teaching half the class on Monday and half the class on Wednesday, a holiday in that week means I won't see a student for two weeks. This is just a FYI for conversation, I guess. Thank you, Provost Bjorkman.

**Provost Bjorkman:** Well, I appreciate it. Thanks for pointing that out. We will take a look at that.

**President Brakel:** Anything else for Provost Bjorkman? Thank you, Provost Bjorkman. We appreciate it.

**Provost Bjorkman:** Thank you, President Brakel. I appreciate it.

**President Brakel:** All right, that brings us now to our continue reading of the Constitution. So as Constitution Chair Mark Templin take the floor here, from our last meeting, Mark, we had a motion that was tabled. That motion was made by Senator Molitor. He had stated his opposition with regard to a removal of language of assistant deans and associate deans from the proposed language. I'm going to read that motion again because what we have to do from a parliamentary procedure, as I understand it is that we have to have a motion to take this off the floor for further consideration. Otherwise, if it is not, that motion dies. So, the motion was by Senator Molitor and it was seconded by Senator Giovannucci. It was: 'Given my opposition to this change in Article 3, I would move to remove the clause that makes administrators at a rank of assistant dean or above ineligible for election to Faculty Senate, and return to the previous language that administrators at a rank of dean or above ineligible.' So at this point in time, under Robert's Rules, as I understand it, I will entertain a motion to take that off the table.

**Senator Lawrence:** I move to bring it off the table for discussion.

**President Brakel:** I believe that was Senator Lawrence I heard. Is that correct?

**Senator Lawrence:** Yes.

**Senator Molitor:** This is Senator Molitor. I second.

**President Brakel:** So we have a motion on the floor. Any discussion? We now need to vote whether to take that off the table. I'm not hearing a roll call vote. Please vote into the chat box [a] yes or no. I'm just double checking it. It looks like it is an overwhelming yes. I think I only saw five no's that popped through there.

**Senator Molitor:** I saw five or six no's as well.

**President Brakel:** So that motion is off the floor and now available for discussion. So I turn it over to Senator Templin.

**Senator Templin:** Thank you, President Brakel. So, I suppose we should start with Article 3. Again, I sent out a new draft of the Constitution based on what we actually got through last time. Article 3, as it

currently stands still has the term ‘assistant dean and above’ within the Article. The motion, which was tabled was to remove the term ‘assistant dean.’ Senator Molitor, I think it is just the word ‘assistant’ be removed under your motion. Is that correct?

**Senator Molitor:** I believe that is correct. If you look at the current Constitution and you go to the end of the Constitution, there is a clarifying statement approved by the Senate that interpreted Article 3 to mean anybody at the level of dean or higher would not be eligible. So I believe you are correct that removing the term ‘assistant’ would satisfy my motion. I’m trying to find the language from the old Constitution right now.

**Senator Templin:** President Brakel, do you want to conduct that vote? Basically, the motion off the table now is whether to include the word ‘assistant’ in Article 3, as I understand it.

**Senator Molitor:** That is correct. I would move in the current version of the Constitution to remove the word ‘assistant’ from Article 3 and leave everything else as is.

**Senator Templin:** Well, I think that motion is already active.

**Senator Molitor:** Okay.

**Senator Templin:** I believe it was seconded last time. Was it not?

**Senator Molitor:** Yes, by Senator Giovannucci.

**Senator Templin:** If you want to conduct a vote on that motion---

**President Brakel:** Well, before we do that. At this point in time, we have that language that is being moved to permit anybody who is below the dean level to be eligible for Faculty Senate. Okay. So that would return the associate and assistant deans back to eligibility for Faculty Senate. Now, is there discussion on that motion?

**Senator Wedding:** Point of Order.

**President Brakel:** Yes, please.

**Senator Wedding:** My first question is, [since] there’s been so much language back and forth, a vote yes is to maintain the word ‘assistant dean’ in there?

**President Brakel:** No.

**Senator Wedding:** Yes, is to take it out?

**President Brakel:** Yes. Yes, is to take it out.

**Senator Wedding:** And no means to leave ‘assistant dean’ in. Okay. My point of order, I am concerned that a Provost Office representative has contacted members of the Faculty Senate for them to vote in favor of the retention of associate dean or in this case, assistant dean in the Senate. This in my opinion is a direct interference by the administration in the affairs of the Senate and is actually a violation of shared governance. It further illustrates to me why we need to keep assistant and associate deans out of the Senate. For three years we have been fighting this battle. Last year the Senate voted to take out assistant dean and above and now the administration, and I consider Senator Molitor and the associate deans to be

part of the administration, are fighting to keep it back in. I think it is a violation of shared governance, this interference and that is all I am going to say on that vote.

**President Brakel:** In response to Senator Wedding, I am not aware of any interference coming from the Provost Office. So, if there is anybody that want to come forward with information about that, I would be glad to hear that, at any point in time, even in a private message.

**Senator Wedding:** Are you saying that you want evidence to our emails? I've seen emails.

**President Brakel:** Okay. I'm just saying I haven't seen that. I'm just trying to make sure that in my role as President, being fair.

**Senator Heberle:** Senator Wedding, this is Senator Heberle. Was it the email from Kristen Keith? Everybody got it, so I don't know why we won't just say it.

**Senator Wedding:** She is a member of the Provost Office.

**Senator Heberle:** Right. So that was the email you're concerned about. President Brakel, I received it, but I don't know if everybody else did.

**President Brakel:** Okay. I thought she had gone back to the faculty.

**Senator Molitor:** If I am not mistaken, I don't believe her appointment was in the Provost Office. I believe it was in the Office of Finance.

**Senator Wedding:** You are incorrect.

**President Brakel:** Alright, so let's return. I'm aware of now what you are referring to. Is there other discussion?

**Senator Pattin:** Hi everyone. This is Senator Pattin here. I am from the Honors' College. Our situation is a little unique. We are an incredibly small college, and excluding assistant deans and associate deans would definitely have an impact on us. So, I am just letting everyone know that I am voting to keep 'assistant' in Article 3.

**Senator Smith:** No, you want to take it out.

**Senator Pattin:** So, therefore I would be voting to keep it in then.

**Senator Smith:** No. If you keep it in you are ineligible.

**Senator Pattin:** Okay. So, I am glad that I spoke up so that I can receive more clarity because I want to vote the right way. I would like for our associate dean to be a voting member of Faculty Senate.

**President Brakel:** Right. In that such a case, you would vote for the motion that is on the floor at this point in time.

**Senator Smith:** Right.

**Senator Pattin:** Got it. Thank you. I appreciate it.

**Senator Molitor:** I just entered proposed language for a ballot in the chat box.

**President Brakel:** Okay.

**Senator Molitor:** I just want to respond to Senator Wedding. I don't know if Kristen Keith's email went to the College of Arts and Letters; I did not receive such an email, nor have I been in any contact with the Provost Office about this issue. Maybe Senator Wedding and others who are opposed to having assistant deans and higher in the Senate would even agree with me on this, but the issue is whether the benefit of having associate and assistant deans in the Senate outweighs the risk? Do you feel that the benefits of having associate deans outweigh the risk, or do you believe that the risk of having associate deans outweighs the benefits? I hope I was able to lay out the case of the benefit that assistant and associate deans provide to this body. Everybody has a conflict of interest here; not just assistant and associate deans. I believe we should give faculty in each college the determination of whether their assistant and associate deans should represent their interests in this body or not.

**Senator Wedding:** I believe there is an inherent conflict of interest for administrators at the assistant dean or above to sit in the Senate. Many of the things that are voted on, or should be voted on, only by the faculty because the administration is on the other side.

**President Brakel:** Before we go much further, as I am referencing the Executive Committee report just as that bench marketing compared to other Ohio state institutions. The other Ohio state institutions only allow Faculty Senate membership from department chairs and below. If they have basically the title of dean or provost in any part of their title, then they were admitted as members of their Faculty Senate. And that is again, only for your reference standpoint there. We can do whatever we want within our Faculty Senate.

**Senator Molitor:** Can I get clarification on that? Are you saying if they had the word 'dean' in their title, such as assistant and associate deans, they are excluded? Because when you say at the level department chair or below, at least in my college, associate deans are on the same level as department chairs.

**President Brakel:** That is the correct interpretation. Basically, all the institutions were allowing Senate membership up to and including the rank/title of department chair. Once you got above that title, then those individuals were excluded. There was one institution in particular, and I don't have that document right up in front of me that very explicitly stated that if there was any part of it where dean or provost was part of that individuals' title, they were excluded. That is only just as a reference point.

**Senator Molitor:** Okay. Thank you.

**Senator Day:** I am wondering if it might be helpful as we consider this, for new senators like myself, if we might throw some examples of the kinds of things that Senate votes on that might be tricky in terms of this conflict of interest, because that might be helpful for some of us. So, a couple of examples.

**Senator Wedding:** I can answer that I believe. We vote on policies. There are policies proposed by the administration, all sorts of them, and we need to vote on those policies independent of the administration.

**President Brakel:** That would be one major example.

**Senator Heberle:** I think another example would be if there's [a] no confidence vote at Faculty Senate. I wanted to respond also to the idea that it is a matter weighing the cost and benefits. I think if you want a university senate, then we should have a university senate. If we want a faculty senate, then we should have the faculty senate. So, if it is going to be a faculty senate then I think it should be faculty members



who vote and others are invited to participate and to wield influence through discourse and debate. They should not have a vote as administrators. So, I just think a faculty senate should be a faculty senate on principal.

**Senator Giovannucci:** You know, I see the value of benchmarking, but I guess I would make issue of the fact that these assistant or associate deans are not faculty. I think they are faculty members as well, and I agree with Senator Molitor in that I think the colleges should be really best equipped to determine who they feel represents them. Hold them accountable. The idea of conflict of interest, I guess I would like to know are there specific examples where these few administrators have actually worked against the interest of faculty? I can't recall any instances in my tenure on Senate, but maybe someone else can. I would like to know are we solving a problem that doesn't exist?

**Senator Wedding:** I would like to answer that. One of my pet peeves [was] where the Senate in the last five years has been a passage of a research misconduct policy that differed drastically from the policies of other institutions – one that is completely devoid of due process and fair play. I have to face that on a regular basis as the grievance officer for the Union. I opposed it and we opposed it on the floor, but we lost. The difference of the vote was the administrators. There were at that time twelve administrators, all associate deans in the Senate. They represented 20%. I think there are other cases coming forward where the administrators or the associate deans will always vote with the administration.

**Senator Molitor:** What was the margin on that vote? Was it the twelve associate deans? I assume some regular faculty approved that motion.

**Senator Wedding:** The vote was less than twelve.

**Senator Heberle:** I don't know that we should be voting on whether or not we've had bad actors in the past who have done 'bad' things because that is not my reason for voting here. I don't think any of the associate or assistant deans, I know, would do things to harm the faculty. That is not my point. My point is that if you should have a faculty senate, we should have a faculty senate. In the future we might have 'bad' actors or we might have people who vote in favor of the administration. So I am not on an 'us' and 'them' kind of thing here. I am simply saying that it is not about whether or not there are 'bad' people out there; it is the matter of principal and what the Faculty Senate represents, which is the faculty. Arguing that associate deans and assistant deans are faculty, that competitive kind of argument is what I am a little sketchy about. I'm just not persuaded that we should be thinking, I think it is important what your title is, but even if you teach a class or two or even if you have administrative demands on your time and you are working to improve administrative lines, that is what you are doing. So, I think that line is a hard one to draw, but I would prefer to draw it on the part of keeping the faculty senate, a faculty senate.

**President Brakel:** Thank you.

**Senator Insch:** I would also vote no on this. I think there are a couple of issues here. The first one is, is that generally your assistant deans or associate deans are more well known, and often times people when they come to a vote they know someone. They also have some influence over what you do as a faculty member and your programming that is a little disconcerting to me. Also, we kind of want to expand the membership and the turnover of the Senate. This is not a reflection of anybody's abilities, but it just seems like if we have more people that could be on it, that haven't been on it for years, that would be helpful, and associate deans have a tendency to stay on it for years. I also know that when I came here

from West Virginia University, when I was in the Senate there, and I got on the Senate here, I was surprised that associate deans and assistant deans are on the Senate. I called my friends back at West Virginia and said “we don’t have them there, do we?” Then I think it is interesting that we just did a poll of all of our competitive schools and none of them have associate deans or assistant deans on the Senate. There is a reason for that. I mean, we are not just this outlier group. There’s seems to be a rationale that is pretty much accepted as industry standard. I am surprised that we are going back to this issue once again, but I would also encourage everyone again to vote no on this amendment and keep assistant dean and above out of this thing. Thank you.

**Senator Anderson:** I was wondering if we could strike the word assistant, and change it to associate where assistant dean overlap. So, it would say ‘any administrator holding the rank of an associate dean and above shall be ineligible.’ To allow assistant deans.

**Senator Molitor:** In the College of Engineering, if you say ‘any administrator holding the rank of associate dean or above,’ then you are also excluding departments chairs because department chairs and associate deans are at the same level.

**Senator Insch:** That is not true, Senator Molitor and you know it. The department chair is not the same thing as an associate dean. Come on. At least be truthful. They may be at the same level, whatever that means in your world, but when it comes to their actual title there is not a department chair whose title is department chair and associate or assistant dean. I don’t believe that.

**Senator Molitor:** Well, if you want to approve the measure to exclude assistant and associate deans, I would encourage you to consider language that ensures department chairs are still able to continue because a future Senate may interpret that department chairs are above the level of assistant dean. So, if your intent is to not exclude department chairs, then you may want to revise this language to exclude associate and assistant deans but not department chairs.

**Senator Insch:** As I understand what is being said here, it is very clear about that chairs are not a part of this. I would also reiterate what I said the last time, is that a chair has direct responsibility to the faculty, but associate deans have direct responsibility to the Dean and the administration of the college. So they have a different responsibility. A chair is looking at and protecting the faculty, where associate deans’ responsibility being hired, and at the discretion of the Dean, is looking at the administrative side of things. So you are creating a straw man here, Senator Molitor and it is inaccurate. There are titles that we know we are not including regardless of how you want to consider your levels; we are not saying that a chair is anyway in form an assistant or associate dean.

**Senator Molitor:** Associate deans and chairs both report directly to the dean, both serve at the pleasure of the dean, and in our college are both subject to review of the faculty.

**Senator Heberle:** Those things that you just said I think in our college, in Arts and Letters, chairs serve at the pleasure of the dean and the associate and assistant deans serve at the pleasure of the Dean and they answer to the Dean, and they are there to advocate. I mean, I don’t understand that.

**President Brakel:** Okay. Any other discussion?

**Senator Heberle:** I would like to Call the Question.

**President Brakel:** Okay, we have that there. We don’t need a second. Correct, Senator Templin?

**Senator Templin:** That is correct.

**Senator Kistner:** Second.

**President Brakel:** Right. We didn't need the second. So, the question has been called.

**Senator Molitor:** If I may put on my hat as Elections Committee Chair. I assume we want to do this by a secret ballot, rather through the chat box?

**President Brakel:** So far a request for a secret ballot has not been asked for.

**Senator Molitor:** Okay. As the Election Committee Chair, I would request a Qualtrics ballot just to make sure we get an accurate count, not necessarily to make it a secret. I would propose if we do that, I will share the results immediately with all the members of the Election Committee for confirmation of the results.

**President Brakel:** Okay. So I believe I need a second on that.

**Senator Van Hoy:** I will second the secret ballot.

**President Brakel:** Okay. So we don't need to take a vote on that. Correct, Senator Templin?

**Senator Templin:** The vote on calling the question, if it is in favor, that ends [the] debate. Then the vote on whether to go with a secret ballot or not would be the next motion after that.

**President Brakel:** Right. And so we have that on the floor. It is not a debatable debate? Correct?

**Senator Templin:** Well, the vote to call the question is not a secret ballot, it would be the vote on the main motion.

**President Brakel:** Okay. I need to make sure we vote on calling the question right now. Correct?

**Senator Templin:** Yes.

**President Brakel:** Calling the Question. Please put yes in the chat box. There was a request for secret ballot and as I understand, it is not a debatable question and that we move toward that. Correct, Senator Templin?

**Senator Templin:** Right. I don't know how that works, like how quickly the Election Committee can get the results of that back.

**Senator Molitor:** I am guessing this will take four or five minutes. I have an email ready to go to everybody. Sara Lundquist asked to clarify again what yes and no mean for the vote. Voting yes means you want to remove the word 'assistant' from the Article 3 language. So voting yes means you want associate deans to serve in the Senate; and voting no mean to keep the language as is and associate deans will not serve in the Senate.

**Senator Wedding:** So vote yes with Senator Molitor, and no with Senator Wedding.

**Senator Molitor:** Yes, that is correct.

**President Brakel:** And Senator Molitor, there is one other proxy that came in right after moving forward, and that is Linda Rouillard for Sharon Barnes.

**Senator Molitor:** Okay. That will take me a minute so that she gets that. Hang on one second.

**Senator Lawrence:** President Brakel. This is Senator Lawrence.

**President Brakel:** Yes.

**Senator Lawrence:** Point of Order. Is it a conflict of interest for Senator Molitor, and I mean no disrespect to him whatsoever, but is there a conflict of interest if he is running this election on a motion that he's put on the floor and he's been a strong advocate for? Is there any other member of the Election Committee that could conduct this vote?

**President Brakel:** Yes, I understand the concern there.

**Senator Heberle:** I'm on the Election Committee and I was just privately chatting with Senator Molitor as to how we can share the results, or how share the burden there. I understand that, but I don't want Senator Molitor to...

**Senator Molitor:** Rest assured I would rather not have anything to do with running this election right now!

**Senator Heberle:** If I could help, just let me know.

**Senator Molitor:** I am going to set this up on Qualtrics. There is a link after the election closes that allows users to download the results. The results will be downloaded as an Excel file. I will send this Excel file to all members of the Election Committee. I will also 'cc' Senator Bigioni and President Brakel. Each committee member will report their findings of that Excel file directly to Senator Bigioni and President Brakel. President Brakel can call the results based on these findings.

**Senator Heberle:** So, Senator Molitor, you are just kind of flipping a switch to start us? You are not running anything?

**Senator Molitor:** That is correct. I just need to indicate on the email list that I am replacing Sharon Barnes with Linda Rouillard. If there are any other substitutions that I need to know about, please let me know. I believe Brandon Wood is serving for Lori Pakulski. Is that correct?

**President Brakel:** That is correct.

**Senator Molitor:** Since it will take a few minutes to conduct this ballot, I would propose that Senator Templin continue with the next Article until the results of this ballot are ready.

**Senator Templin:** That is what I was thinking. I would like to just keep going with the other Articles for now and we can come back to the instructions for the vote.

**President Brakel:** But, before we proceed, I want to make sure that Senate is comfortable with what we've talked about since Senator Lawrence has raised that issue.

**Senator Bigioni:** Can I ask a quick question to that point? Senator Molitor, what would it take to get Senator Heberle able to flip that switch for you? Could that be done during today's meeting? If we are

going to postpone the vote a little bit, why not postpone it toward the end of the meeting when it can be setup independently and get rid of all these concerns?

**Senator Molitor:** I don't know Senator Heberle's comfort level with Qualtrics.

**Senator Heberle:** I don't have a comfort level with Qualtrics. I know that Senator Molitor has made the motion and that he has argued vigorously for a position, but so have I. It could have been me making the motion and arguing vigorously differently, and so I am not personally all that concerned with Senator Molitor flipping the switch and sharing it with us. I just wanted to make sure that Senator Molitor caught Sara Lundquist's replacement with Tony.

**Senator Molitor:** Yes. I have three replacements. I have Sara Lundquist for Tony Edgington, Linda Rouillard for Sharon Barnes and Brandon Wood for Lori Pakulski.

**President Brakel:** Okay.

**Senator Heberle:** I mean, to say that I was the final word on conflict of interest – no, I don't know how to use Qualtrics yet. We did talk about it and we will by the next meeting.

**Senator Molitor:** I don't know if this would be ready by the next meeting, but hopefully soon.

**Senator Heberle:** Knowing me, it will be the end of the year.

**President Brakel:** We need to get back on task. So, Senator Lawrence, since you raised the point of order, are you okay with that now?

**Senator Lawrence:** Yes. I don't have any concerns. I was just raising it as a point for discussion. As I mentioned before, I have no concerns or conflict of interest that Senator Molitor would have. I just wanted to see if this was an issue with others. I have no problems moving forward as we are moving forward.

**President Brakel:** All right. I don't hear anybody else raising that so we will move forward there. Go ahead, Chair Templin.

**Senator Templin:** Sure. So, Article 4 deals with the Executive Committee. Basically, it specifies who the Executive Committee is. In the Constitution, as it exists right now, Article .4 would then go into officer responsibilities for each officer. So that's been moved to the Bylaws. This just says basically we are going to have an Executive Committee and that is a constitutional matter. There are reasons why you would want to keep the Executive Committee as a recognized entity within the Constitution, because sometimes the Executive Committee has to meet over the summer when Senate itself is in recess, so you want them to have constitutional authority to be a recognized entity by Faculty Senate. Any discussion there? Hearing none.

Article 5 deals with the Faculty Senate Bylaws and Rules. Basically it says, again, we are going to have bylaws and rules and it is constitutionally divided into five paragraphs. The first paragraph says "*Faculty Senate shall have bylaws and rules.*" The second paragraph deals with how do we adopt the bylaws and rules, and that is by 2/3rds, a majority vote. The third paragraph deals with how we do we change bylaws and rules. So, how do we amend them once we adopt them? That is by simple majority vote which a quorum is present at the time of the vote. And then the fourth paragraph says, "*Except where bylaw or rule provides specific instruction to the contrary.*" So, in other words, if we have some special things in

there that aren't really part of Robert's Rules, we are going to keep those things, but in everything else we are going to follow the latest version of Robert's Rules in conducting our business. And then finally, the last paragraph deals with, Legal wanted us to include language about the Board of Trustees Bylaws and sort of their oversight. So that has to do with how our Bylaws and Rules are subject to provisions of the Board of Trustees through those sections of Ohio law.

**President Brakel:** Just a pause for a moment. Everybody should have received now their ballot link for Article 3. You can check your email for that. Please proceed Chair Templin.

**Senator Molitor:** And just confirm that Sara, Brandon and Linda received the ballot links. Senator Wedding, I updated your email address, which should go directly to the email that you use now.

**Senator Templin:** Any discussion on Article 5?

**Senator Heberle:** Can we hold off a minute while people vote?

**Senator Templin:** Sure.

**Senator Heberle:** Okay, thanks, Senator Templin. Multitasking is getting so overwhelming.

**President Brakel:** Again, "yes" for assistant and associate deans to be members of Senate; "no" means they are not members of Senate.

**Senator Molitor:** That is correct. So far I have 38 responses. President Brakel, please let me know when you want to cut off the vote. I received a message from Senator De la Serna. She did not receive the email with the link. Hang on Senator De la Serna, let me check your email address. I just confirmed with Senator De la Serna she just received the link. Thank you. We have 53 responses.

**President Brakel:** I am going to leave it open.

**Senator Nigem:** President Brakel, Senator Wedding has not received his ballot.

**Senator Molitor:** Let me check on the email address. Senator Wedding, did you receive the ballot? I have 54 responses. Senator Wedding, did you receive the ballot?

**Senator Nigem:** He hasn't received the ballot, Senator Molitor.

**Senator Molitor:** Okay. I sent it to [DonWedding@Toast.net](mailto:DonWedding@Toast.net). Is that the email address?

**Senator Nigem:** That is the correct email.

**Senator Molitor:** Did he check his Spam filter?

**Senator Nigem:** I advised him to do so, but he still has not found it.

**Senator Bigioni:** Can I propose that we just move on with the reading and come back to the vote a little later to give time for votes to come in?

**President Brakel:** That would be fine. I was just thinking the same thing. We will revisit this at 5:15 p.m. to see if we got it all done.

**Senator Molitor:** Okay.

**President Brakel:** Go ahead, Senator Templin.

**Senator Templin:** So once again, Article 5 is split into five different paragraphs. The first paragraph says we are going to have some bylaws. The second paragraph deals with how we adopt the bylaws and rules. The third paragraph deals with how we change them once they are adopted the bylaws or rules. And then the fourth paragraph says, for the most part we are going to follow Robert's Rules, unless there are special provisions in the bylaws and rules to the contrary. Then the fifth paragraph has to do with the bylaws and rules being subject to the revisions of the Board of Trustees through Ohio law. I had just gotten to the point, I think, of asking for any discussion on Article 5.

**Senator Anderson:** Just kind of curious. It takes 2/3rds to adopt and create a bylaw, but just simple majority vote to make amendment to it.

**Senator Templin:** Right. That is consistent with Robert's Rules itself because you are adopting an entire sentence so the standards are higher, where in an amendment situation, you are just changing one little provision typically. So, it is a lower bar.

**Senator Anderson:** Okay.

**Senator Templin:** Any other question for Article 5?

**Senator Molitor:** Senator Templin, nothing has been changed in Article 5?

**Senator Templin:** Not really. It's a clarification of, we've gone through several iterations and it has to do we represent Robert's Rules as the standard for conducting of business. So, Paragraph 4 of Article 3 seems to be the best that we've been able to come up with.

**Senator Molitor:** Thank you

**President Brakel:** Okay. Any other questions?

**Senator Templin:** Moving on to Article 6. In red are the words, "...*shall preside.*" Before I take this out, I wanted to talk about this. Basically where it is starting on page 3 here where it says, "*The University President may preside at such a meeting or may delegate the role to President of the Faculty Senate.*" Now, in the original language it said the "*President of Faculty Senate shall preside,*" but the Board of Trustees representative and Legal said no, it has to be 'the President may preside and may delegate the role to Faculty Senate at such a special faculty meeting under the aegis of the Faculty Senate.' In the event of the University of Toledo President's refusal and inability to call a special meeting upon the requests of Senate, "*The President of Faculty Senate may call or preside at such a special meeting upon the request of Faculty Senate. The President of Faculty Senate may call the role or preside at such a special meeting under the aegis of Faculty Senate.*" The first step would be, in order to call a special meeting— this would be a special meeting of the entire faculty- you would ask the University President to call the meeting and preside over it, then that would be the choice of the University's President. sThen in the event that the President refuses such a meeting and the faculty still wants such a meeting, then they would turn to the Faculty Senate President to call the meeting and preside over it. Any questions there?

**Senator Insch:** I have one. It just doesn't read like English.

**Senator Templin:** Right. So right now it would---

**Senator Insch:** I think you need a 'who' in front of the 'shall' and a 'the' in front of 'President.' So, it would read: 'role to the President of the Faculty Senate, who shall preside at such a faculty meeting. That's all.'

**Senator Anderson:** I agree. I think that fixes it.

**Senator Templin:** I am writing it down.

**Senator Insch:** I don't need to make that a motion, do I?

**Senator Templin:** That is a friendly amendment, no.

**Senator Insch:** Thank you.

**Senator Templin:** Any other questions or comments on Article 6?

**Senator Molitor:** I have 5:15 p.m. on my computer. I am going to download the results and send the results to all members of the Election Committee and ask them to report their final findings to Senator Bigioni and President Brakel

**President Brakel:** Hang on one moment there, Senator Molitor. Senator Wedding had not received that email, but he did call me and requested that I inform [Senate] that he is voting no and requests that his vote be counted in that tally.

**Senator Molitor:** Okay. You can add that to the results that the committee sends you then.

**President Brakel:** Okay. Thank you.

**Senator Molitor:** An email is just about to go out to all members of the Election Committee, and I know there are several of you in this meeting. A Microsoft Excel file is attached to this email. President Brakel and Senator Bigioni, you are also receiving a copy of this email. I would ask all Election Committee members who are in the meeting to review the spreadsheet and then send their findings to Senator Bigioni and President Brakel.

**President Brakel:** I am just waiting for verification from the Election Committee. I do have tentative results here. Election Committee members, have you completed your tabulation?

**Senator Heberle:** I am just sending mine over, President Brakel.

**President Brakel:** Okay. Thank you.

**Senator Heberle:** Who else am I sending it to besides President Brakel?

**President Brakel:** Senator Bigioni.

**Senator Molitor:** I also think Senator Nigem is an Election Committee member as is Senator Garcia-Mata. I don't know if Senator Garcia-Mata is in the meeting.

**Senator Tiwari:** This is Senator Tiwari. I sent my results to President Brakel and Senator Bigioni.

**Senator Molitor:** Thank you.

**Senator Garcia-Mata:** This is Senator Garcia-Mata. I have already sent my results.

**President Brakel:** Yes, I see it. It is already in the chat box. So do I have all the Election Committee members that have---?



**Senator Heberle:** I sent mine by email.

**President Brakel:** Right. I'm looking for it in the chat and my following email.

**President Brakel:** As I see it, and including Senator Wedding's vote, there are twenty-two yeses and with Senator Wedding's vote would be thirty-three nos. So, the motion does not pass. The proposed language as it came from the Constitution Committee regarding membership of Faculty Senate stands. *Motion Denied.* So, please proceed Senator Templin.

**Senator Templin:** I need to insert those words in Article 6. Any other questions or comments about Article 6?

**Senator Smith:** I have one. What is meant by the "*President's capability to call a special faculty meeting*?"

**Senator Templin:** So, special meetings are in there for times when things really busted loose. It could be, I don't know, a hurricane hits Toledo, Ohio and we need to figure out how to put the tower back up - something like that. The president may not be hospitalized, but may be incapable of presiding at a meeting. That may be physically incapable. You know, this article is there for if something really, really bad happens or something really, really significant that the faculty need to talk about it, like right away when it happened. So, this is kind of like an emergency article.

**Senator Smith:** I assumed that is what it meant. Is there any timeline on the calling of that special faculty meeting? I mean, is there any need to have some kind of a timeline?

**Senator Templin:** Historically, the language hasn't been. Hopefully, whatever delegation from the faculty want to call this meeting, presumably it would be within several days at the most. But I don't know that we could put a timeline on it because it depends on the circumstances under which a special meeting is called, and I don't know that we can know that.

**Senator Smith:** Okay. Fine. I just wasn't quite sure what the protocol is here, how long the University of Toledo President has to refuse or be unable to call a meeting and if that passes to the Faculty Senate President.

**Senator Templin:** Right. Unfortunately, I don't think we can be clearer. We can't foresee all the circumstances that this might be used. I don't know that it ever has been used actually. Maybe it has, but not since I've been on the faculty, I don't think.

**Senator Smith:** All right. Thank you.

**Senator Insch:** Are there conditions to call a faculty meeting that is not [a] special faculty meeting? Isn't any general university faculty meeting a special faculty meeting?

**Senator Templin:** I think that was Legal and the Board of Trustees representatives' issue because it is a Board of Trustees Bylaw issue as well. So, I have that language in there up front on this. One example, and I don't know if it covers or not, would be every time we inaugurate a new president, the inauguration is actually a special meeting of the faculty in theory. Now, the question is, is it under the aegis of Faculty Senate? There are two parts to it. It is a special meeting of the faculty and it is under the aegis of Senate. The UT President can call a special meeting using the Board of Trustees Bylaws. That is just part of their Bylaw language. The issue is under aegis of Senate.

**Senator Insch:** So let me ask you this question, because I was actually at a place where they did this. The faculty called a faculty meeting to have a vote of no confidence in the president. How would that happen? Would that happen under this Article?

**Senator Templin:** Well, if the UT president refused then that group of faculty would turn to the president of Faculty Senate to have that meeting.

**Senator Insch:** Okay. So to clarify, this is the Article that would govern a special faculty meeting if we were going to do a vote of no confidence or something of that sort?

**Senator Templin:** Yes, I would think so.

**Senator Insch:** I guess this is where the timing comes in because the president could say I am going to get to it and then set a meeting on May 22<sup>nd</sup>, when nobody is around.

**Senator Smith:** That was my point.

**President Brakel:** I was going to say that we'd met twice this summer, which I felt was very important given the budget situation and the COVID reopening plans. Those are technically special meetings that have a special focus. They were really called by myself. So, not really the [University] President was involved in that.

**Senator Templin:** There are special meetings of the Senate, and so the summer meetings we had would be covered under what is now in the Bylaws. But,, this is special meetings of the faculty as a whole.

**President Brakel:** Okay.

**Senator Templin cont'd:** And the problem is, let's just say if randomly we have two-thousand faculty. We are going to need something like Savage Hall to hold two-thousand people, or a giant Webex. I don't know, either way. But under the circumstances, if a tornado has gone through and Savage Hall doesn't exist, it is hard to know what the timeline would be on calling that meeting. So, if it is just simply a vote of no confidence, you know, I would see that a President would be reluctant to do that. You know, in that case you just do what is reasonable I would think.

**Senator Heberle:** Hey, Senator Templin.

**Senator Templin:** Yes.

**Senator Heberle:** This says, "*The request of Faculty Senate, especially all faculty meetings can be called.*" Can the Faculty Senate not just call it all faculty meeting if we want to have that kind of no confidence vote? Right? So this is something the Faculty Senate making a deliberate decision to ask the President to call a meeting of the faculty. It wouldn't be something about the faculty acting on its own terms, if you know what I mean. So, is there any mechanism that has to be written down that says, you know, the Faculty Senate may or may call [an] all faculty meeting for something like that?

**Senator Templin:** Well, I think Faculty Senate can call a Faculty Senate meeting. If the Faculty Senate wants to call a special meeting of the faculty, then Article 6 here applies. So as senators we can get together whenever we want - Article 6 doesn't apply to that. This would be if we wanted to call a meeting for all faculty.

**Senator Heberle:** I know, that is my question. Why would our ability to call a meeting for all faculty rely on us having the president call it?

**Senator Templin:** Well, that is where the word in red, ‘*shall preside*,’ because the language we were trying to go for was that the Faculty Senate president could do just that. But, in Legal it became clear that there are Board of Trustees Bylaws that basically say something different, and it is written there, 33.64-1-7B3. So, the opinion of Legal was that it is the University’s president that has that right first and then Faculty Senate must defer to the president’s wishes first.

**Senator Heberle:** Well, I figure if we were in a condition where we wanted to call the faculty together to have a no confidence vote, that would be like a state of exception anyway and our Constitution doesn’t really matter. So, I guess this is just sort of, for formal purposes we are just sort of asking the president to call a meeting of the faculty and that is what all this is about. So, no big deal.

**Senator Templin:** Yes.

**President Brakel:** Senator Templin, would the title of this article might be best served as saying ‘special meetings of the faculty of the whole?’

**Senator Templin:** It could, or ‘special meetings of the faculty under the aegis of Senate.’ I think it is specifically under the aegis of Faculty Senate, because the President can call a special meeting of the faculty, there’s no doubt about that.

**Senator Jayatissa:** Please read all the comments in the chat box.

**President Brakel:** Yes, I’m trying to keep up with those.

**Senator Jayatissa:** Don’t neglect them. Please consider them also.

**President Brakel:** Yes, I am trying to keep up with those. Thank you. We do have a couple here, again, where Senator Jayatissa says, what about the case such as if both president and provost have resigned?

**Senator Heberle:** We will have to call ‘Nancy Pelosi’ <laughter>.

**Senator Templin:** Well, that may be one of these cases where the president of Faculty Senate would call a meeting.

**President Brakel:** Right. The next question there is, is it a special meeting case? I am assuming that is referring to if both the president and provost have resigned. The next question is, is the Faculty Senate able to question the president? I assume you are talking about the president of the University, Senator El-Zahawry?

**Senator El-Zahawry:** Yes, that is correct.

**Senator Templin:** I suppose we can ask questions, but the president of the University probably don’t have to answer.

**President Brakel:** Right. I think I caught all those now. Any other discussion on this Article?

**Senator Templin:** Hearing none. Moving on to Article 7. Article 7. deals with non-member rights. So, these would be non-members of the Faculty Senate. These would be community members, administrators, anybody, and members of the faculty who are not senators. So, people who generally don’t join us each meeting. “*They shall have the right to attend meetings of the Senate and shall be privileged to speak in regard to matters before the Senate subject to bylaws of Faculty Senate.*” But, “*they shall be without the right to vote.*” And that is, I believe, what is always been. I don’t think there are any changes there from what we have in the current Constitution. So, [it is] a longstanding tradition, people can come to Senate and talk with us. Any discussion there?

**President Brakel:** And you are right. You will note that in this Webex environment, I've been trying to make sure that we send out the invitation to all faculty who want to attend.

**Senator Templin:** And I've been watching the total number of people on the Webex meeting, and it exceeds the number of senators. So we do have non-members joining us each meeting. Moving on. Article 8 deals with shared governance, and it starts off with the relevant bylaws sections. It says, "*Each college, including the university libraries shall establish a governance body in accordance with its provision set forth in the bylaws of Faculty Senate. Such bodies must operate in coordination with the Faculty Senate. Such bodies as well as all committees of the faculty shall route proposals, requiring faculty actions to the Faculty Senate. So far as those proposals come within the jurisdiction of Faculty Senate as prescribed in Article II of this Constitution.*" So, that puts shared governance as a constitutional issue. Any questions there?

**President Brakel:** I think you can move on.

**Senator Templin:** Article 9 is Amendment of the Constitution. That is different from the previous article, which is Amendment of the bylaws and rules. So subject to the oversight described. This is the University of Toledo's Bylaws first. "*A resolution to amend the Constitution, maybe adopted in a general meeting of the faculty.*" That is one way we could have...the Constitution. "*Faculty Senate may also adopt such a resolution during its regular business procedures. The Constitution may be amended by 2/3<sup>rd</sup> affirmative majority of the return votes of the faculty.*" So, this is not just Senate; this is the whole faculty. "*The vote will be conducted and tallied by the Senate Committee on Elections in accordance with Faculty Senate Bylaws and Rules, and verified by the Executive Committee of the Faculty Senate.*" Then the second paragraph is, you know, for minor changes. So, for personal title and institutional title only, "*Faculty Senate may amend the Constitution by 2/3<sup>rd</sup> affirmative majority of Faculty Senate members, present and voting at a regularly scheduled Faculty Senate meeting, which a quorum was present at the time the vote was taken.*" So, in other words, if the provost becomes vice president for something and no longer has the title 'provost, well, we would need to change that in the Constitution. Basically, the second paragraph says, Faculty Senate can do that itself. It doesn't have to go back all the way to the faculty to get 2/3rds majority. Any questions or comments on Article 9?

**President Brakel:** Hearing none.

**Senator Templin:** Article 10 was actually used earlier. Basically, this deals with "*interpretation in the event of ambiguity in the interpretation of any provision of this Constitution, its bylaws or its rules. The meaning of such provision shall be determined by simple majority of Faculty Senate members, present voting at a regular scheduled Faculty Senate meeting, which the quorum was present at the time of the vote.*" So, if something is unclear, and it just says Faculty Senate in one of its meetings shall decide which way it want to proceed. Any questions or comments there? Is it okay to proceed?

**President Brakel:** It is okay to move on.

**Senator Templin:** Article 11 is reconsideration and this means, Faculty Senate has taken a vote and wants to reconsider something that it did previously. So "*any action taken by the Faculty Senate in the name of the faculty may be reconsidered by the faculty in accordance with the reconsideration procedure established by the Faculty Senate in its Bylaws.*" "*To establish reconsideration, simple majority of the faculty who are present voting at the special meeting is required.*" So, this works in coordination with what Article 6, Special Meetings of the Faculty.

**Senator Molitor:** Should you insert language to refer directly to Article 6 in this clause to indicate that you are talking about special meetings of the faculty, not the Senate?

**Senator Templin:** It might not be a bad idea. I will send this to the Constitution and Bylaws Committee and we will see what we can do to add Article 6 into this one.

**President Brakel:** Any other comments?

**Senator Molitor:** Can we go back and revisit Article 3? I am not trying to keep associate deans in; I'm trying to keep department chairs in. The motion has been rejected to remove the word 'assistant,' I would like to propose alternative language. I will put it in the chat box too so everybody can understand what I am trying to do here. By excluding the rank of assistant dean or above, I feel it would also exclude department chairs. So, I would propose removing the sentence and adding a sentence that says 'no administrative faculty, except for department chairs shall be eligible for election to the Faculty Senate.'

**President Brakel:** So that is a motion, correct?

**Senator Molitor:** Correct. I am moving to make that change to Article 3, the last sentence.

**President Brakel:** So that now needs a second.

**Senator Wedding:** Senator Molitor, would you repeat that motion?

**Senator Molitor:** Sure, Senator Wedding. It is 'no administrative faculty, except for department chairs shall be eligible for election to the Faculty Senate.'

**Senator Wedding:** I, personally like that. I will second your motion.

**President Brakel:** We have a motion and it is seconded on the floor. Is there discussion on this motion?

**Senator Insch:** I am just curious why not just put the titles, assistant, associate, or dean? Because that is what we really are looking at, assistant dean, associate dean, or dean and leave---

**Senator Molitor:** What about vice provost and associate vice provost? There are several administrative faculty roles at this University.

**Senator Heberle:** So, the problem that you are facing in your college, Senator Molitor, is that the department chairs and assistant deans might be interchangeable somehow.

**Senator Molitor:** In my College, associate deans and department chairs have the same rank. We don't have assistant deans in the College of Engineering, but assistant deans would presumably be below the level of an associate dean. So you would be excluding department chairs by virtue of excluding assistant deans.

**Senator Heberle:** I am really confused by that. I just don't---

**Senator Molitor:** If you exclude administrators holding the rank of assistant dean and above, then in my College you are excluding department chairs. They hold a rank above assistant dean in my College and they would be excluded from Faculty Senate membership.

**Senator Heberle:** Got it. Thank you so much --a light bulb just went off.

**President Brakel:** Personally speaking from my perspective here as previous President-Elect, and last year's President and watching the election process, I think this motion does make things more clearer to the Election Committee.

**Senator Wedding:** I like it because it removes any confusion about who is or is not above the rank of chair. By limiting this to the chair, I think we have clarified this. I think it is a very good move. I thank you, Senator Molitor.

**Senator Molitor:** My 'departing gift' to the Senate.

**Senator Duhon:** I am in favor of this also, because I was thinking it was really ambiguous, the language that we voted on left a big hole there about what do we do and how do we interpret chairs. And even though chairs do serve at the pleasure of the dean, they really straddle the line between the administration and the faculty.

**President Brakel:** Okay. Thank you. Any further comments?

**Senator Kistner:** President Brakel, this is Senator Kistner, call the question.

**President Brakel:** I saw it in the chat box. The Question has been Called. The language was written in the chat box there. It is 'no administrative faculty, except for department chairs shall be eligible for election to the Faculty Senate.' So that is the motion that is on the floor to be voted upon. I'm not hearing any request for roll call or secret ballot, please vote yes in the chat. Alright, it looks like that motion has passed. *Motion Passed.* Senator Templin, I turn it back to you for a moment.

**Senator Templin:** Senator Molitor, if you could send me that in an email so I can capture it and I will get that in the latest draft. Article 11 is the last article. What is new as well is the amendment history and the current version. This was actually at the suggestion of Mike Dowd a year or two ago, because quite often if you want to go back in time, what we are trying to do is create a trail so that you can follow how things change over time. So, the first Constitution of the new era was adopted in 2007 and then hopefully if we get a current version, that would be placed in. And then we will keep a running tally of previous versions. The date will tell you where to go back in Senate Minutes and find it. That is it for the Constitution. Now, I also sent out Bylaws and Rules. Time is getting short. I don't know if you want to start Bylaws.

**President Brakel:** No, I do not want to start Bylaws at this particular meeting. We will do that on the next meeting. We will have a few other things on the agenda for the next meeting as well, but we would start that process then.

**Senator Templin:** So, where we are at: We've had the first reading. I will send these changes to the Constitution and Rules Committee to get a draft together as a result of the first reading. Then we will come back. Then the second reading, basically at the end of reading each of the articles, we take a vote. So, it is not one vote to accept the Constitution wholesale, it is a vote on each article. If one of the articles gets rejected, then we have to go back and change that article. Constitutions are designed to be hard to change.

**President Brakel:** We also will have to touch base with the Board of Trustees Governance Committee.

**Senator Templin:** Yes. We probably should do that---

**President Brakel:** Yes, before the second reading.

**Senator Templin:** Yes, before the second reading.

**President Brakel:** I am trying my best to bypass Legal because we already contacted Legal last year. But we will see how that goes. All right. So, we had the first reading so we don't need to otherwise do a vote on that. Correct?

**Senator Templin:** No, not at the end of the first reading.

**President Brakel:** That is what I thought. I am just double checking. So, thank you, Chair Templin. We appreciate your efforts for the several years that you've been doing this. Thank you! So that brings us to items from the floor. Is there anything for the good of the cause? Hearing none. Okay, when we do the second reading we can make additional changes at that time. Somebody started to jump in.

**Senator Bigioni:** I am sorry, I wasn't paying attention. Are we wrapped up on the Constitution?

**President Brakel:** Yes. We wrapped up on that right now, and where we are at right are items from the floor. I thought I heard a female voice try to jump in.

**Senator Bigioni:** Well, I would like to make a quick comment. I'm sure lots of people have been paying attention to our COVID numbers and to our general situation on campus. They've been amazingly good, and I want to take the opportunity to acknowledge the role of the students in making sure that our numbers stay down. They are making good decisions. They are outperforming, so to speak, universities in our region and across the nation. I just want to take a minute and really applaud that, and also encourage the rest of you to give them a pat on the back because we are in this for the long haul, this isn't going away anytime soon. They really deserve some recognition in doing what it takes to keep our campus open. So, I just don't want that to go unnoticed.

**President Brakel:** Thank you.

**Senator Thompson-Casado:** Senator Bigioni, thank you for bringing that up. I am teaching face-to-face. The students have been fabulous. They've never once come to class without their masks. They're cleaning their desks and they're trying to be careful, even when they are walking around on campus. So, I am glad you brought this up.

**President Brakel:** Okay. Thank you. Any other things from the floor? Once again, as we conclude this meeting and you know, we are still in this virtual environment, we want to make sure that as an Executive Committee, we represent your concerns. Please always, if you have any thoughts that we should be aware of, reach out to a member of your Executive Committee so we can try to address those concerns. Often times when we are on campus face-to-face, we'll pass somebody and they will mention something in this environment. What may be thought may not be said. Thank you.

**Senator Heberle:** Do you want to just list the Executive Committee again, President Brakel?

**President Brakel:** Yes. Myself as President; Terry Bigioni as President-Elect; Kim Nigem as Secretary; Renee Heberle and Suzanne Smith as the Main Campus representatives, David Giovannucci and Shobha Ratnam as the Health Science representatives; and Ally Day as the Ohio Faculty Council representative. Did I pass the test? <laughter> Okay. Hearing nothing else come from the floor, I need a motion to adjourn.

**Senator Niamat:** So moved.

**Senator Hall:** Second.

**President Brakel:** All in favor say, 'aye.' Any opposed? Any abstentions? Meeting adjourned at 5:54 p.m.

**IV.** Meeting adjourned at 5:54 p.m.

Respectfully submitted,  
Kimberly Nigem  
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard  
Faculty Senate Administrative Secretary