

**THE UNIVERSITY OF TOLEDO**  
**Minutes of the Faculty Senate Meeting of October 09, 2018**  
**FACULTY SENATE**

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

Approved @ FS meeting on 10/23/ 2018

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**Summary of Discussion**

Dr. Andrew Hsu, Provost of the University of Toledo

Free Speech Syllabus Statement

Continuation of the First Reading of Faculty Senate Constitution

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**Note:** The remarks of the Senators and others are summarized and not verbatim. The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

**President Rouillard:** Good afternoon. I would like to call the Executive Secretary, Mark Templin to call the roll.

**I. Roll Call: 2018-2019**

**Present:** Bigioni, Brakel, Chattopadhyay, Compora, Dowd, Edgington, Emonds, Ferris, Frank, Gammoh (proxy for S. Ariss), Gibbons, Gibbs, Gilchrist, Giovannucci, Hall, Hammersley, Heberle, Hefzy, Jaume, Keith, Kistner, Krantz, Lecka-Czernik, Lundquist, Maloney, Menezes, Modyanov, Molitor, Monsos, Niamat, Nigem (proxy for A. Said), Oberlander, O'Donovan (proxy for J. Duggan), Ohlinger, Ortiz, Reeves, Relue, Rouillard, Sabharwal (proxy for W. Lee), Schlageter, Schroeder, Sheldon, Steven, Taylor, Templin, Thompson-Casado, Tiwari, Tucker-Gail, Wedding, Weldy, Woolford

**Excused:** Bouillon, Dinnebeil, Gray, Kippenhan, Van Hoy

**Unexcused:** Bailey, Kovach, Longsdorf, Murphy, Park, Weck-Schwarz, Xie

**II. Approval of Minutes:** Minutes from the Faculty Senate meetings held on September 11, 2018 and September 25, 2018

**III. President Rouillard:** Thank you very much. The first order of business is the approval of Minutes for September 11 and September 25 Faculty Senate meetings. I believe those Minutes were circulated. Is there a motion to approve those Minutes?

**Senator Kistner:** *So moved.*

**Senator Dowd:** *Second.*

**President Rouillard:** All those in favor of approving the Minutes for September 11 and September 25, please signify by saying, "aye." Any opposed? Any abstentions? **Minutes Approved.** Thank you very much.

Next will be the Executive Report, which will be "mercifully" short so that we have more time to discuss constitutional issues.

Executive Report: The Faculty Senate Executive Committee met on Sept. 28 with Dean Heidi Appel and Jon Bossenboek to discuss the Research Intensive Designation. They want to propose a no credit course crn for each student enrolled in a research intensive course to track student engagement. So a student in an RI course would enroll in the discipline-specific course plus a second non-credit bearing course. This designation would also be used to track students who are employed in a research lab. This would allow

the university to better report for liability issues. The rest of the FSEC 9/28 meeting was devoted to screening policies that can automatically renew versus those that will come to FS Academic Regulations and eventually to FS.

I also attended a CIM training/testing session. Cathy Zimmer, Julie Quinonez, and Caryl Liber have been doing a phenomenal job in testing, querying, and revising the interface for this new curriculum tracking system. We will bring them to FS in the near future to give you an idea of what the system will look like and what its capabilities will be.

This is all I have to report, unless anybody from the Executive Committee has anything to add or unless anybody has questions. All right, the first order of business will be a report from the Provost.

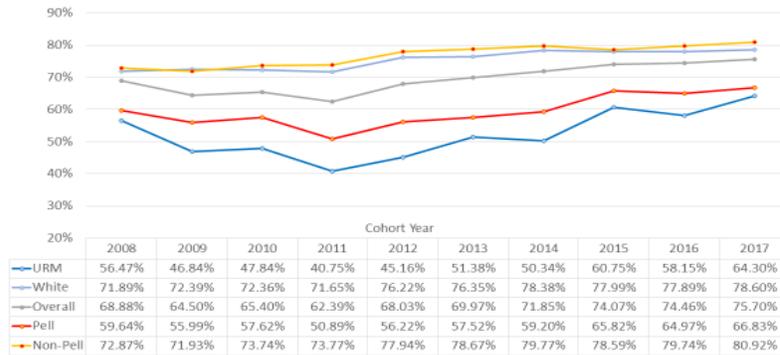
**Provost Hsu:** Thank you, Linda. I hope mine is as “merciful” as yours [laughter]. First, I want to take this opportunity to thank all the faculty members who have served or are serving on the statewide committees. I understand there are at least five or six of you in this body who serve on various statewide committees: TAGS, OTM, OTTP, and other course and program review panels. These panels help us to set directions and identify courses that would be approved for statewide transfers as well as for curriculum and so forth. Those are very important to the University of Toledo. In the past I understand that our participation was relatively low and now we have 50 of our faculty members participating. I understand it is a lot of time, but it is very helpful to both the state and the University. I want to thank those of you who have served on these committees.

Secondly, I want to give you a little information about something that I have discussed before. Last year Linda brought information here and we were soliciting proposals through the deans on a program to provide funds in support of projects related to academic excellence. I am happy to report that we received 40 proposals and we selected 15. For those people who were not funded, I encourage you to continue. I know some of the proposals were very good and I hope we will be able to fund additional projects in the future and I encourage collaboration on projects. The 15 that were selected are primarily in the area of helping improve student success, retention, and reducing the DFW rates for graduation. Two projects are within our focus on recruitment. I know a lot of the colleges are saying that the central enrollment offices does not help recruit specifically for our college, and so we funded two projects that are specific efforts for the colleges.

I’ve talked about retention a lot and I am going to talk about it one more time. I reported progress that we made in terms of retention and graduation—our retention went up 1.3% and our graduation rate went up 5.5% last year. I want to show you some data that would tell us where we are still needing more work and what we are going to focus on. This is where we need your help because without faculty help, we can’t really do anything about the improvement of graduation.

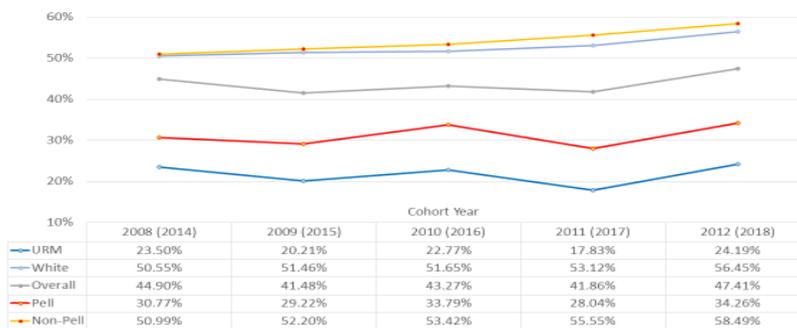
This chart is our retention rate. The grey means overall, which is the third line on the top. You can see our overall retention is doing well. Where we are not doing very well is with our Pell-eligible students, which is the red line, and our URM, which are our minority students. And even though we are narrowing the gap, our retention rate of Pell-eligible students and URM students is relatively low so we want to further narrow that gap.

Figure 3 : First-Year Retention Rates 2008-17 - Combined



On the next chart we are not seeing the result of improvement on retention yet. Retention is only one-year and this is six years of graduation rates. There's a five-year lack. You can see that our six-year graduation rate of the URM, the blue line, and the Pell Grant eligible really needs improvement. So every faculty member who realizes that we are not doing very well here, we need all of your help. We need you to go back to your departments and talk to your colleagues and let them know that this is what we are going to focus on in the next three to four years. We are also going to work on the overall population. If we can move these two curves up, you can see that our graduation rate will be way up.

Figure 6 : Six-Year Graduation Rates by Cohort - Combined



**President Rouillard:** Do you by any chance know what the latest national rate is and what our state rate is?

**Provost Hsu:** I think the national graduation rate is less than 50%, so we are probably right in the national average range. But remember, the national average includes all sort of institutions. It includes the student who attends community college etc. I don't think we would aspire to be average in that sense, but our aspirational peers are those that are in the top 100 public institutions. If we compare our numbers to our peers who are in the 90-100 range among public institutions, we really need to get this six-year graduation rate to about 60% and the first-year retention rate to 85-87% and that is our aspirational goal. However, we are doing fine with the national average.

**Senator Heberle:** I just wanted to know if you can send us these charts so we can talk to other faculty?

**Provost Hsu:** It is in the Faculty Senate Office and they can send it out.

**President Rouillard:** Yes, and it will be in the Minutes.

**Senator Heberle:** Thank you.

**Senator Dowd:** With regards to taking this back to our faculty to continue the discussion of these issues, what are you asking us to ask them in terms of how can an individual faculty member influence the university retention rates and the six-year graduation rates? It is one thing to have a conversation and it is a very important conversation to have because it is quite important for the institution, but are you looking for us to say, okay, here are some actions that were discussed at Faculty Senate that could take place?

**Provost Hsu:** I think it will make sense for me to bring my experts. I can't pretend that I know all the actions that we can take. Certainly, there are a lot of best practices around the country and we don't pretend to know all the answers, right? Perhaps a faculty member would be able to propose things. Certainly, we know individual attention should go to the students who are Pell-eligible, or first generation and/or URM, but how do you identify them and so forth? We do have a new associate vice provost for student success who has been tremendous in terms of bringing in the expertise that is needed in this area. We are going to have a discussion at our Academic Leadership Team (ALT) meeting next week with the deans, associate deans, and chairs, and she is going to make a presentation there. It would be very helpful if this body would invite her to give her presentation here.

**President Rouillard:** Absolutely.

**Senator Dowd:** Just a follow-up question. Will resources follow this issue? Meaning, resources would follow down to colleges, down to departments, and down to individual faculty.

**Provost Hsu:** The 15 grants that we gave out for these types of activities are actually flowing directly to the faculty who are doing things. If you are in a discussion and faculty propose something, then certainly we would try to fund them with the caveat that we have limited resources and we have to prioritize and make sure that we put money where it might have the greatest impact.

**Senator Dowd:** Thank you.

**Senator Lecka-Czernik:** Does these statistics include medical students and nursing?

**Provost Hsu:** It includes nursing, but not the medical school.

**Senator Lecka-Czernik:** Wouldn't it be more helpful if this is break-down by colleges?

**Provost Hsu:** Certainly. I believe we do have that data and we can distribute it.

**Unknown Speaker:** Is it possible to share the university analysis of this by comparing our results to benchmarks at other institutions? Whatever analysis that has been done that you can share would be helpful, just so we don't reinvent the wheel.

**Provost Hsu:** We do have the national studies and perhaps Denise can bring that too.

**President Rouillard:** The thing that I find most compelling about this chart is the difference between the graduation rate of Pell-eligible students and the graduation rate of non-Pell-eligible students—that makes it very evident that affordability is very often the big key. The thing that puzzles me is that in the popular media, I just saw an article in the Washington Post yesterday that stated higher education is broken and higher education needs to be fixed. We can do things differently, but I think what really needs fixed is the

funding of higher ed. and that can't be done on the backs of our students. It seems to me, that kind of data should be persuasive data for legislatures.

**Provost Hsu:** I think certainly all 14 universities in Ohio are trying to talk to their local representatives and we are all hoping that in November we will select a governor that is more supportive of higher education.

**President Rouillard:** I find those numbers quite striking.

**Provost Hsu:** Right. Well, thank you for the useful discussion.

**President Rouillard:** Thank you for coming.

**Provost Hsu:** I apologize for taking up so much of your time, but may I make two quick announcements?

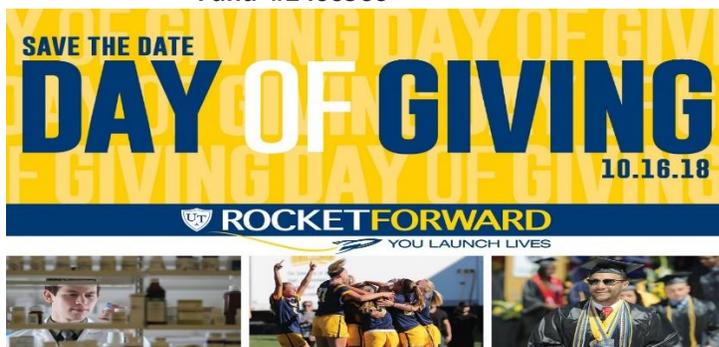
**President Rouillard:** Absolutely.

**Provost Hsu:** We have two events coming up and I want everyone to help us disseminate the information. We have flyers. We are going to have a de-escalation training on October 16, 2018. If you have staff members, faculty members, or department chairs who often have angry students and/or parents at their door, this training teaches them how to de-escalate the situation and resolve the issues. In fact, we are going to have a police officer from the University of Toledo Police Department come and talk to us.

The second item, I want to make an announcement about the Day of Giving. I mentioned that student success is important to us and we are doing a lot to try to support and improve student success. An example of that is in the summer we had a summer early arrival bridge program. In fact, we now have the fall-to-fall retention numbers. The University College in the past for that type of student had a 47% retention rate. However, the group that went through the summer early arrival summer bridge program had a 66% retention rate, which is a 19% increase for that particular college. Even compared to the overall university population, those are most likely the URM students as well as the Pell grant eligible students. That comparison is 66% vs. 57%. So even with the general population that are in Engineering, Nursing and so forth, there is still a 9% increase in retention, and that is why we want to do some fundraising to support these type of programs. Here is a website. If you go to this website, you will be able to donate directly. If you can't find that website, there is a fund number there also. Hopefully, that information is already on the Provost's Office website. With that said, thank you again.

**Student Success Fund – Office of the Provost**

**Fund #2400960**



[www.givecampus.com/schools/UniversityofToledo/provost-s-student-success-fund](http://www.givecampus.com/schools/UniversityofToledo/provost-s-student-success-fund)

**President Rouillard:** Thank you, Provost Hsu. Next on the agenda we have a statement on free speech. This is an optional statement that faculty choose or not to include on their syllabus. This was brought to us by Dr. Flapp Cockrell. We wanted to bring it to Faculty Senate to get your thoughts and to see if you wanted to endorse this. But understand, this is strictly an optional statement that you can use on your syllabus or not. I am hoping that everybody can see it:

“The University of Toledo is committed to free speech and providing an environment where students are encouraged to exchange ideas and viewpoints. The University urges every student, faculty member and staff member to respect others in the campus community while allowing for differing opinions to be shared. For information, please review the UT Policy 3364-5-14 – Expression on Campus. Disciplinary sanctions may be imposed on students based on their behaviors, but not their viewpoints. Non-academic misconduct is outlined in UT Policy 3364-30-04 – Student Code of Conduct. In the event you have questions regarding these policies, please contact the Office of Student Conduct and Community Standards at (419) 530.1258.”

**President Rouillard cont’d:** Are there any comments? Would Faculty Senate like to endorse this and if so, would somebody like to make a motion to endorse this optional syllabus statement?

**Senator Hammersley:** *I move to endorse it.*

**Senator Dowd:** *Second.*

**President Rouillard:** Is there any discussion? All those in favor of endorsing this endorsement on free speech, please signify by saying, “aye.” Any opposed? **1.** Any abstentions? **1.** ***Endorsement Passed.*** Thank you.

All right, so that brings us to the main business of the day, which is to continue our first reading of the proposed Faculty Senate Constitution. I will call on Mark Templin to come up and lead us with the discussion.

**Senator Templin:** I think we got to Article V. the last time. We are going to start with VI. Article VI. has to do with special meetings of the faculty.

**Senator Molitor:** I’m sorry, but before we move on, could you summarize for everyone where we stood on the five articles from the previous meeting where we went through it article-by-article?

**Senator Templin:** I sent the committee the draft Minutes from the last meeting. I have not gotten around to drafting new language yet, but they are...We got the short week this week. I am going to try to call a meeting next week and get changes to where there were lots of discussion and we are going to try to talk about that as a committee.

**Senator Molitor:** Were there any articles that were approved as is?

**Senator Templin:** Well, we haven’t approved anything.

**Senator Molitor:** I meant in terms of the Senate agreeing that those articles could remain as written.

**Senator Templin:** No, because it got to have two readings.

**Senator Molitor:** Okay, I understand.

**Senator Templin:** After we get through with everything, if Senate wants, we can treat the next reading as a consent agenda and any articles that are problematic, we can pull off the agenda and the others are voted on essentially and then [we] deal with the problematic articles.

**Senator Molitor:** Thank you.

**Senator Templin:** So Article VI. has to do with if something happens and the President of the University needs to call a meeting. It says:

**Article VI. Special Meetings of the Faculty**

*At the request of the Faculty Senate, special faculty meetings shall be called by the President of the University for consideration of recommendations or other business of the Senate. In the event of the President's refusal or inability to call a special faculty meeting upon request of the Faculty Senate, the President of the Faculty Senate shall call and preside at such special faculty meeting.*

**Senator Templin cont'd:** That was in the current version of the Constitution that we have, other than a simple striking of "University." We can move on to Article VII.

**Article VII. Non-Member Rights**

*Nonmembers of the ~~University Faculty~~ and members of the ~~University Faculty~~ who are not Senators 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 the Bylaws of the Senate, but they shall be without the right to vote.*

**Senator Templin cont'd:** In other words, people can speak, but not vote here in Senate. Let's go to Article VIII.

**Article ~~VIII~~. Shared Governance**

*Each College, including the University Libraries, shall establish a governance body in accordance with the provisions set forth in the Bylaws. Such bodies must operate in coordination with the Faculty Senate. Such bodies, as well as all committees of the ~~University Faculty~~ shall route proposals requiring ~~University Faculty~~ action to the Faculty Senate, insofar as those proposals come within the jurisdiction of the Faculty Senate as prescribed in Article II of this constitution.*

**Senator Templin cont'd:** Are there any questions on that? It is basically saying the continuity between colleges and the Faculty Senate and that governance is shared at both levels.

**Senator Molitor:** Senator Templin, could you go back? Which article did you remove? There is some re-numbering going on there. Was an article removed?

**Senator Templin:** Yes. I had it as "IV" and somebody caught it. It should be "VIII." My roman numeral was a little off.

**Senator Molitor:** So it was relocated and not removed?

**Senator Templin:** Bylaws is new. It used to be in red and now it says, "Appendix." It is just a simple change to bylaws because we are not going to have an appendix in this version.

**Senator Krantz:** Moving back to article VII. Does the first clause in that mean any member of the university community regardless of status or does it mean anybody from anywhere?

**Senator Templin:** Historically, it has been anybody who wanted to come to a meeting could speak.

**Senator Krantz:** Is there an easier way of saying that? It makes sense that you would specify members of the faculty who are not senators, but the first clause in there essentially could mean any person affiliated with the university or not.

**Senator Templin:** Well, that is historically what we've had. We get speakers who are staff members and PSA people so it just covers anybody who is speaking to that Senate meeting.

**President Rouillard:** Senator Templin, can we move on to Article IX?

**Senator Templin:** I believe so. Amendment, if you look in the current version of the Constitution, there were some special things dealing with the merger. All of that was removed because we are not merging anymore and it is not needed. What remains is this.

**Article IX. Amendment**

*A resolution to amend the Constitution may be adopted at any general meeting of the ~~University Faculty~~ called by the ~~President of The University of Toledo~~. The Faculty Senate may also adopt such a resolution during its regular business procedures. The Constitution may be amended by a two-thirds affirmative majority of the returned votes of the ~~University 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.*

*For personnel and institutional title changes only, Faculty Senate may amend the Constitution by two-thirds affirmative majority ~~vote of those present and voting~~ of the Faculty Senate without the ratification of the ~~University Faculty~~.*

**Senator Keith:** What does that mean, “*personnel and institutional title changes only*?” Can you give us some examples of what that means?

**Senator Templin:** Well, in the existing version of the Constitution there were two provosts. A personnel change will now have one provost and with that kind of a change, we can go back without taking the whole thing back to the faculty and we could amend it and say, “the provost” rather than “the provosts.” Title changes are, for example if we don't want to call the executive committee the executive committee anymore, we can change the title of the executive committee if somebody wanted to do that.

**Senator Keith:** So are those personnel title changes that you are talking about there? I mean, if not, could you change the composition of the executive committee?

**Senator Templin:** No, it is the title of the group—a personnel would be like we have the provost. Earlier on the provost was an ex-officio non-voting member, but if the President of the University were to change the provost so now he is the senior executive provost, we would have to change the title here because that wouldn't be his title anymore.

**Senator Keith:** So it is a personnel title that you are referring to?

**Senator Templin:** Well, that is a personnel change, but it is the title of who that person is. It could be either. We are not changing people. We are just trying to make it clear who we are referring to.

**President Rouillard:** It is an issue that is also coming up in policies because many of our policies refer to a provost and a chancellor as responsible agents, and so that is also having to be changed.

**Senator Weldy:** I would suggest that we insert “title” the second time for “*personnel title and institutional title changes*” and that would clarify because right now it is ambiguous, it could be interpreted as personnel changes itself.

**Senator Hefzy:** In the first sentence, “*adopted at any general meeting of the faculty*,” you removed “*called*.” Why? To me, that sounds a little bit vague. Who is calling the general meeting? What I am suggesting is any general meeting of the faculty be called by the Faculty Senate Executive Committee.

**Senator Templin:** But in the previous article the President of the University or the President of Faculty Senate could call a meeting of the faculty.

**Senator Hefzy:** Yes, I understand that, but you removed, “*called by the President of the University,*” so in this amendment then it becomes weak.

**Senator Templin:** No, what I am saying is if you left it in, the President of the University would have to call a general meeting of the faculty. If the Faculty Senate President calls that meeting, you would not be able to vote on the Constitution. So what I am saying is, by striking that, whoever calls the meeting, the President or the Faculty Senate President could take up the issue of changing the Constitution.

**Senator Hefzy:** I understand. What about listing both of them here again?

**Senator Templin:** Well, there are only two ways to call a general meeting of the faculty, either the President calls it or the Faculty Senate President. Those are the only general ways to do that.

**Senator Hefzy:** In the amendment, what if you list both...?

**Senator Templin:** Well, I think it is redundant given the previous article.

**Senator Hefzy:** At least to me it is not.

**Senator Templin:** We will put it down and the committee can look at that.

**Senator Hefzy:** Thank you.

**Senator Keith:** Senator Templin, I have another question.

**Senator Templin:** Okay.

**Senator Keith:** So does the last sentence imply that you don’t have to have a quorum in order to make personnel title and institutional title changes if it is two-thirds affirmative or majority present and voting?

**Senator Templin:** Well, in order to have a Faculty Senate meeting, you always establish quorum to start with. The language “*present*” and “*voting*” has to do with Robert’s Rules of Order because if you have the right to vote, you also have the right not to vote. So “*present*” and “*voting*” means you could take abstentions. It is just the majority of the people who vote, not counting abstentions.

**Senator Keith:** But what if enough people have left the meeting before we call this vote and we don’t actually have a quorum?

**Senator Templin:** Then you would have to call for quorum and if you didn’t have a quorum then the vote wouldn’t be official.

**Senator Keith:** But that is not what that says.

**Senator Templin:** But that is a parliamentary rule. If you put that in there, you will have to call quorum to have a vote immediately before.

**Senator Keith:** Should we have to do that if we are amending the Constitution, even though it seems trivial in terms of what we are changing?

**Senator Templin:** Well, that is only for title changes.

**Senator Hefzy:** What do you mean by title changes?

**Senator Templin:** Well, what Senator Keith is referring to has to do with the second paragraph there, “*institutional and personnel title changes*”—it is not changing substantively the Constitution in any other way.

**Senator Dowd:** Senator Templin, forgive me, I can’t read this because I am back in the “cheap” seats. Each of the previous articles talked about either the President of the University or the President of Senate can call a general meeting, right?

**Senator Templin:** Right—of the faculty.

**Senator Dowd:** Forgive me if I don’t have this right. Does it state explicitly regardless of who calls the meeting, the President of Faculty Senate will preside over the meeting? It is not if the Senate President calls the meeting, she/or he presides over the meeting, but [it is] regardless of who calls the meeting, the President of Senate shall preside over the meeting. If the President of the University calls a meeting, that does not give the President standing [the right] to preside over a meeting of the faculty because that is the job of the Faculty Senate President.

**Senator Templin:** The President shall call and the Faculty Senate President shall call and preside. But what you’re saying is put in if the University President calls the meeting---

**Senator Dowd:** The President of Senate needs to preside over the meeting.

**Senator Templin:** Okay.

**Senator Dowd:** That is important, not only for Robert’s Rules, but it is also to ensure that if a faculty member who wants to speak, gets to speak. So it is not at the deference of who called the meeting, but it is at the deference of who is presiding over the meeting. I hope the committee would consider that.

**Senator Templin:** Okay.

**President Rouillard:** Are we okay with IX?

**Senator Dowd:** I believe so.

**Senator Templin:** Okay, X.

**Article X. Interpretation**

*In the event of an ambiguity in the interpretation of any provision of this Constitution, its Bylaws or its Rules, the meaning of such provision shall be determined by a simple majority of those present and voting of the Faculty Senate.*

**Senator Templin cont’d:** It is just Senate interprets for itself if there’s ambiguity.

**Senator Keith:** I have the same issue, it doesn’t say we have to have a quorum. I know that you say it is implied because we couldn’t have a Faculty Senate meeting without one, but people leave and sometimes things are at the end of the meetings. How would we know if we got quorum, unless somebody has a presence of thought to have a quorum call?

**Senator Hefzy:** I don’t believe it is implied.

**Senator Giovannucci:** Excuse me, Senator Templin. Is there somewhere where a language is inserted that we talked about for the meeting to be run based on Robert's Rules of Engagement? Is that in the Constitution?

**Senator Templin:** That is earlier on.

**Senator Giovannucci:** So that sort of explicitly states that you have to have a quorum, right?

**Senator Templin:** Right.

**Senator Giovannucci:** And it always been that—you need to call a quorum if there's not enough people. In fact, that is standard Robert's Rules, way of which the bodies are run, correct?

**Senator Templin:** Yes.

**Senator Giovannucci:** So it does explicitly state it, but in a different way, right?

**President Rouillard:** Yes, it is in Article V. It was added in the color green.

**Senator Keith:** But we've added language that says both "*present*" and *voting*."

**Senator Templin:** But that is consistent with Robert's Rules.

**Senator Keith:** But I got to tell you, Mark, not everybody knows Robert's Rules forward and backward. And a different Senate can perhaps misinterpret the meaning of what we have in front of us if they didn't understand Robert's Rules.

**Unknown Senator:** As a committee we already went through this and we were also with the Faculty Senate Executive Committee discussing this, and we came to this wording in the presence of everyone. You previously agreed to this, but if you want to bring it up again, I guess that is okay. But, it had been previously decided that Robert's Rules was precedence and we already clarified what the basic rules were.

**Senator Hefzy:** I am asking a question. Is the word quorum mentioned anywhere in the Constitution?

**Senator Templin:** No.

**Senator Hefzy:** So the word quorum has been removed completely?

**Senator Templin:** Correct me if I am wrong, but I don't believe there ever were any mention of "quorum" in the Constitution as it is.

**Senator Schlageter:** Is there a place where Robert's Rules do not apply anywhere in this whole document? Because why are we having stuff with bylaws ...Faculty Senate provide otherwise?

**Senator Templin:** Because some of these committees have special rules and you don't know if Senate puts a bylaw in that is inconsistent with Robert's Rules and you would want to note that if Senate can do

that in its wisdom. Where things would be a little different than Robert's Rules is within our committees and there are reasons for that, UCAP being one of them.

So Article XI.

**Article XI. Referendum**

*Any action taken by the Faculty Senate in the name of the ~~University Faculty~~ may be reconsidered by the ~~University Faculty~~ in accordance with the referendum procedure established by the Faculty Senate in its Bylaws.*

**Senator Templin cont'd:** So this is saying there's going to be a referendum procedure in the bylaws.

**Senator Molitor:** I just have a more general question. Is this based on the 2008 Constitution that is posted on the website? There are a number of articles that were in that Constitution that are not in this version and are not redlined. Is there going to be a summary somewhere or a red-lined version to indicate to those voting that these articles were removed and put in the by-laws? Or that these articles were removed all together?

**Senator Templin:** I don't know how I can do that in redline. What I can do is when it goes to the faculty is say go look at the current Constitution because the existing Constitution is on the website. I can just bring it to every faculty member's attention to go look at the current version of things for comparison purposes.

**Senator Molitor:** You could put the removed articles in your version with red font and strike through.

**President Rouillard:** Well, we did circulate the proposals for bylaws and rules because they were going to be voted on later, but the committee wanted people to see where that language is going to be put. If you look at those other files with bylaws and rules, that will give you an indication of what the Constitution and Rules Committee was proposing. So the language that was pulled out of the Constitution, that would be become the bylaws and rules.

**Senator Molitor:** So perhaps under a second titled "amendment history," you can put a notion such as "previous article moved to rules" "previous article moved to bylaws," or "previous articles deleted." That might be helpful.

**Senator Templin:** I will try to figure it out.

**Senator Molitor:** Thank you.

**Prof. Humphrys:** Being a person who won't be voting on this as a faculty senator, but as faculty in general, what I wonder about is when this is distributed—going back to what senator Molitor just said—there really are no assurances that what's been taken out of this will necessarily be voted in the bylaws because that is going to be done separately, at least from my understanding. So that will be done after this is put out to faculty as a whole to vote on.

**Senator Templin:** Right.

**Prof. Humphrys cont'd:** So I just worry about that because when it will be sent to faculty such as myself, I heard it here at Faculty Senate, but there will be people who didn't, that there really are no assurances. That is why I wonder what the wisdom will be by in trying to get this voted on without having agreed upon bylaws so they can say these are agreed upon bylaws and this is what we are asking you to vote on. To me, I think it could be an issue because people can say whatever happened to this and why don't we have that –I mean, the people who are truly going to put the effort in to voting on this.

**Senator Templin:** So as a general principal having went through Robert's Rules for some years now, parliamentary documents actually have to limit one's freedom. So the more you have for something like a constitution, the more limited faculty members are. So having a more parsimonious constitution is actually more freeing. Now, your point is well taken. We need to be careful at Senate that if there's key provisions that were in the Constitution, we need to bring those into the bylaws if there's good reasons perhaps that those things are in there. For example, one thing that comes to my mind is I believe it sets the limit of Senate at 64 members in the Constitution itself, and that became a constitutional crises at some point in the past and some band-aids were put on the Constitution to deal with that problem. That is why moving that to the bylaws is important, so Senate can deal with that stuff directly as it occurs. So that is the kind of thing where if you have too much in the Constitution, it ends up limiting things too much.

**President Rouillard:** And in fact, this article would allow faculty to address that too if there's action taken by the Faculty Senate that the faculty at large would also reconsider that according to this article.

**Senator Keith:** But it is in the bylaws. When we pass the Constitution, they won't be able to know what it is because it is in the bylaws.

**President Rouillard:** No, but the idea that any action taken by Faculty Senate will be reconsidered by faculty, so at least there is that option within the Constitution itself.

**Senator Keith:** It would be useful to know what is in the bylaws before this went out for a vote.

**Senator Templin:** Well, that is what I was saying last year, you need some sort of bridging amendment that will say, until Faculty Senate pass this new bylaws, the status-quo is maintained until such time of the new bylaws are enacted. So, that is how you deal with that problem. You just continue with the existing documents until Senate had voted on the new versions of the bylaws and rules.

**President Rouillard:** Senator Monsos, do you have a comment?

**Senator Monsos:** It was what Senator Keith said.

**Senator Gibbon:** ... Article XI is that it says by bylaws...What is the order of the vote of the faculty? Could they overrule this by 50 plus one, or 75% of the faculty, or 66% of the faculty, or majority of all faculty, or majority of all faculty present and voting? You can get any result you want by applying this appropriately to by bylaws which could be changed at our discretion.

**Senator Templin:** Yes. I don't remember off hand what it was in the bylaws.

**Senator Gibbons:** We can say, 51% of the faculty voting, plus one. There is no reason why the bylaw cannot subsequently change that to 99.9%, because it's not in the constitution. Assuming the faculty are

rejecting our decision you might not want to give them [a future faculty senate] the opportunity to change things.

**Senator Templin:** So are you saying having a rule here?

**Senator Gibbons:** Yes, at some percentage or some definition.

**President Rouillard:** Anything else? Senator Templin, is there anything you want to add?

**Senator Templin:** No, thank you.

**President Rouillard:** Thank you, and thank you to your committee.

[Applause]

**President Rouillard cont'd:** Senator Heberle, is there time for you to convey the comments?

**Senator Heberle:** Oh, no. I wouldn't want to bring those up now.

**President Rouillard:** Okay. You are going to convey your comments to the Constitution and Rules Committee, Mark Templin. If anybody else have any comments or suggestions, you can convey those to the committee through Mark Templin.

**Senator Templin:** Yes, send suggestion language to me.

**Senator Heberle:** Just to clarify. What I offered to President Rouillard is that I've talked to my colleagues and I got some really good ideas about some of the questions we were raising last week. They didn't all agree with each other. I thought to collect them and talk about it, but I hope not to reopen that discussion today.

**President Rouillard:** Okay. Anything else about the Constitution? Are there any items from the floor? Are there any announcements?

**Senator Tucker-Gail:** I just wanted to remind everybody that we are doing our purple ribbon rollout tomorrow. We are going to do three events this month, but anybody is available we will be over by the Student Union handing out ribbons and t-shirts for domestic violence. I will take anybody who wants to handout shirts so it is not just my team.

**President Rouillard:** Anybody else? All right, that was all we made time for on the agenda. We were thinking there might be more discussion on the Constitution, but in that case, is there a motion for adjournment? Meeting adjourned at 5:00 p.m.

IV. Respectfully submitted by:  
Mark Templin  
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard  
Faculty Senate Office Administrative

