

MINUTES OF THE MEETING OF THE FACULTY SENATE OF THE UNIVERSITY OF ARIZONA
Monday, March 24, 1986 Room 146, College of Law

The Faculty Senate convened in continuation of the recessed March 3 meeting, in special session to continue discussion of the Constitution and Bylaws, at 3:06 p.m. on Monday, March 24, 1986, in Room 146 of the College of Law. Forty-four members were present. Presiding Officer of the Senate Thomas Rehm presided.

SENATE MEMBERS PRESENT: Alcorn, Aleamoni, Atwater, Beigel, Bootman, Butler, Chiasson, Cole, Cunningham, Dickstein, Drake, Duncan, Epstein, Ewbank, Fahey, Farr, Fenstermacher, Fernandez, Fleming, Garcia, Goetinck, Hasselmo, Hegland, Heigl, Hetrick, Hill, Irving, Jones, Kettel, Koffler, Laird, Mautner, Myers, Obst, Paplanus, Phipps, Rehm, Ridge, Roemer, Rollins, Swalin, Weiss, Wert, and Wilkening. Dr. Robert Sankey served as Parliamentarian.

SENATE MEMBERS ABSENT: Aamodt, Andreas, Aquilano, Boynton, Brand, Cardon, Chen, Cusanovich, Ebeltoft, Emery, Finkler, Fox, Garrett, Giffin, Gourley, Horak, Kinkade, Marcus, Matter, McCullough, Mishel, Muramoto, J. O'Brien, S. O'Brien, Peterson, Rund, Sacamano, Sacken, Salzman, Sampanes, Sharkey, Silverberg, Smith, Sorensen, Steelink, Tomizuka, Torres, Tuchi, Witte, Woodard, and Zukoski.

MINUTES OF MARCH 3, 1986: It was moved, seconded, and unanimously voted (motion 86-9) to approve the Minutes of March 3, 1986 as corrected (Senator Dickstein was present, not absent, as reported).

DISCUSSION ON CONSTITUTION AND BYLAWS: Dr. Rehm said that, since the mailing of today's meeting call, which included a list of alternatives compiled as a result of all discussions to date, the Academic Personnel Policy Committee (APPC) had received further requests for wording changes and had, consequently, drawn up a further revised copy of the Constitution and Bylaws which Senators had found on their desks today. Items not yet incorporated from the "alternatives" list primarily concern membership in the General Faculty and composition of the Faculty Senate. He asked Senators Ewbank and Roemer to step to the microphone and lead the discussion.

Senator Ewbank said discussion thus far was designed to seek suggestions and develop successive drafts; at its most recent meeting, the APPC developed the most recent draft of the Constitution and Bylaws which would appear to best serve the interests of the University and the Faculty. He said the committee would recommend a vote at the end of this discussion for its adoption and submission to the General Faculty for ratification and forwarding to the President and ultimately to the Board of Regents for their approval. He then proposed going through the list of "alternatives" and identifying areas which required further discussion and action.

Senator Ewbank noted that the sequence of Articles, both in the Constitution and Bylaws, had been changed to group all references to the General Faculty first, followed by provisions for the Faculty Senate, then

College Faculties, and finally, the housekeeping articles providing for Parliamentary authority, amendments, and ratification procedures.

The second change, he said, appears on page 1 of the Constitution, Article II, Members. Section 1 includes traditional faculty membership (those who are tenured or tenure-eligible) and the academic professionals as defined at the end of Chapter 4 of the University Handbook for Appointed Personnel (UHAP): non-classified employees involved in research or teaching programs who require professional and intellectual freedom and who report to persons below the level of Vice-President including librarians, cooperative extensionists, and researchers; and a second category of professionals, eligible for continuing status, but not referred to specifically here: service professionals, described as non-classified employees with a direct role in service who require professional and intellectual freedom and who report to a person below the level of Vice President, including student services, technical services, student health services, and public services. He said the description of membership applies to academic professionals and does not include here service professionals.

A third substantive item, Senator Ewbank said, appears on page 7, Article VI, Section 3, which provides for annual election of the Presiding Officer of the Faculty Senate, who need not now be Chair of the Faculty.

A fourth substantive item, he said, is on the bottom of page 7 and top of page 8, Article VII, College Faculty, which is defined permissively: "Voting rights in College matters shall be accorded to General Faculty members as defined in Article II, above..." simply reaffirms that one's membership in the College Faculty is affirmed by its membership in the General Faculty and "to such other individuals as the College Faculty may decide." He said this article also provided for College Bylaws. He said that the final sentence, "In matters of University-wide governance, members of the General Faculty not included in a College shall be regarded collectively as a college (Non-College)." is in response to feelings expressed at the March 3 meeting.

Another matter, he said, occurs in Article VI, Faculty Senate. The names of standing committees are no longer specified in the body of the Constitution to permit easier reorganization by not having to amend the Constitution in order for the Senate to establish standing committees; the standing committees are fully described in the Bylaws.

A final matter in the Constitution, Senator Ewbank said, is in Article IX, pages 8 and 9, Amendments. Amendments for both the Constitution and Bylaws are recommended by the APPC to be placed in the Constitution, making it less easy to amend the amendment process of the Bylaws.

Senator Ewbank said that the Bylaws will contain the same sequencing as that in the Constitution. Article II, Section 1, Officers of the General Faculty, has been changed to state that in the absence of the Chair of the Faculty, the Secretary of the Faculty would be first in line to exercise those functions, and in his/her absence, the Chair of the Committee of Eleven would be second. Rationale for this move, he said, is the fact that the Committee of Eleven, by tradition, meets twelve months a year, and there is less probability of having three people off campus at the same time, thus enabling a smooth flow of referrals from the Faculty Center.

In Article IV, Section 5, General Faculty Standing Committees, page 7, the description for the Committee on Conciliation now provides that all six are elected members, with no reference to alternates.

In Article V, The Faculty Senate, pages 17-19 specify the names of the Faculty Senate Standing Committees, the manner in which their membership is determined, and their responsibilities as per the reorganization action taken in the Senate a year ago. Senator Ewbank then suggested discussion begin.

Senator Myers said that ratification of the Bylaws by the Board of Regents should be required. Dr. Rehm said that perusal of the Board of Regents Policy Manual, #1.113 indicates approval is required of Constitution, Bylaws, and other Policy Manuals, and a statement similar to that on page 9 of the Constitution should be added to the Bylaws.

Senator Irving said he had several questions related to the copy circulated with the meeting call, "Alternatives," and with this new copy placed on Senators' desks today: in the definition of College Faculty, the proposed wording in "Alternatives" included an option (b.) which defined the faculties in Arts & Sciences as colleges; this was not included in the new draft Senators received today. Dr. Rehm said this is one of the items which the Senate should resolve today. Senator Ewbank confirmed that option (b.) was not included in the new draft. Dr. Rehm indicated this would be an opportune time for a motion to be submitted. Senator Irving then moved that the wording contained in option (b.) be inserted into Article VII, The College Faculty, on page 8, line 7, of the Constitution, so that the sentence would now read: "In matters of University-wide governance, the faculties within the College of Arts & Sciences shall be regarded as Colleges, and members of the General Faculty not included in a College shall be regarded collectively as a College (Non-College)." The motion (86-10) was seconded. Senator Chiasson asked if this amendment would take care of another matter which now exists with departments that are temporarily in a College, and moved to another College each year, such as Biochemistry and Molecular & Cellular Biology. Senator Ewbank said the motion does not make any other provisions than are presently spelled out, and so it would not make any change for those departments. Senator Chiasson pointed out that faculty in these departments now might be elected to the Faculty Senate from the College of Agriculture, and the next year be moved to a different College (either Medicine or Science). Senator Ewbank said their allegiance would go to their new College, he thought. Senator Irving said that as he reads this change, it seems to be that those who are not affiliated with a College would be treated as yet another College, Non-College, which might create other kinds of problems. Dr. Rehm said that is the current status, and this represents no change. Senator Beigel asked if he was correct in understanding that the motion before the Senate is to insert on line 8 the phrasing of the alternative (b.) which the Senate had received with the meeting call, the words "the faculties within the College of Arts & Sciences shall be regarded as Colleges." Dr. Rehm assured him that was correct. Senator Beigel asked if he correctly understood this statement to refer to members of the General Faculty who are not included in a College, rather than Departments or units which they belong to, who do not have an appointment in a specific College. Dr. Rehm said that was the correct interpretation.

Senator Drake asked for a point of clarification: at the March 3 Senate meeting, the Senate voted overwhelmingly to approve this statement being included in the document, and he was curious to learn why it was not included

in the re-draft of the Constitution placed on their desks today. Senator Ewbank responded that in the APPC meeting, the consensus was to stay generally as close to the current Constitution as it seemed wise to do, and specifically in this particular matter. Senator Roemer further explained that a year ago, the predecessor of the current committee, under Chair Farr, conducted a hearing at which that committee called in all the Senators representing the College of Arts & Sciences--and it had been represented at-large to that point--and discussed the matter of whether it should be represented by faculties or at-large. She said the overwhelming feeling both among the Senators representing the College and among the committee members at that time was that it should be represented at-large. She noted that there are three sets of information: (1) that represented by the present amendment and referred to in previous Senate discussion of a ballot conducted by the College of Arts & Sciences that many present were unaware of; (2) the hearing (referred to above) that was conducted a year ago; (3) and that decision made by the APPC to submit current wording of the Constitution in view of a lack of definitive knowledge of the desires of the faculty of Arts & Sciences. Senator Irving said he thought it had been resolved at the last meeting through a thorough discussion. Dr. Rehm then called for the vote. A voice vote was inconclusive, and a show of hands was requested. Motion 86-10 was then approved (16-11).

Senator Dickstein asked why there was a different definition of membership in the General Faculty in the Constitution than there is in the Bylaws. Senator Ewbank responded that there are more details in the Bylaws than in the Constitution. Dr. Rehm said he also needed to clarify that point, and asked if the portion in the Bylaws that reads "Individuals who through action of the Committee on Faculty Membership have been recommended to the Faculty Senate for membership..." includes Academic Professionals? Senator Ewbank said yes. Dr. Rehm said the point that has been raised is that in the Bylaws, there is mention of Tenured/Tenure-Eligible specifically by title, but nowhere are titles mentioned associated with the Academic Professionals.

President Koffler said he would like to briefly speak to the word "governance" as used throughout the Constitution, specifically in Article I and II, and elsewhere. He said the word governance has a very specific meaning, and there is only one governance body for the University: the Board of Regents. He felt a more appropriate term would be "government," and he therefore suggested that Article I be amended as follows: Change "For purposes of campus-wide governance..." to "For purposes of faculty government..." and Article II, change "For purposes of campus-wide governance..." to "For the purpose of discharging its advisory responsibilities in campus government, the General Faculty of..." He said he was very doubtful whether the Board of Regents will abrogate their governance responsibilities. He said that if it was appropriate, he would submit that in the form of a motion, to include the substitution of "faculty government" in each instance where "campus-wide faculty governance" appears. That motion (86-11) was then seconded. Senator Hill said she would like to oppose this motion, because it doesn't appear to be benign; the Senate might need lawyers present to explain this more fully. She said that currently the burden is on the Board to constrain the charge to the General Faculty, and she didn't see why the General Faculty should constrain itself in anticipation of action the Board of Regents might take. Senator Hetrick said that comparing the two versions (the 1/20 draft of the Constitution and today's version) phrases have been inserted; he wondered what the Committee's thought process was in doing so. Senator Ewbank said he should preface a response to Senator Hetrick's remark with an observation that the

Preamble points to the scope of authority and responsibility of the Board of Regents and State law, which circumscribes reference to campus government. He said this may be perceived as a ducking of responsibility or a shifting of blame, but it was intended to do neither. He said he did submit a copy of the Constitution and Bylaws to President Koffler's associate, Dr. Terence Burke; the reference to "campus-wide governance" was a phraseology which he had suggested. Senator Garcia said he thought the wording as proposed by the committee is adequate and does not usurp any authority that this body doesn't have, since the Constitution states that it operates within the policy regulations of the Board of Regents, and that whatever they say would be the last word on any issue. He said he thought that the wording "faculty government" is an even stronger phrase, implying some sort of power that it might not have; the General Faculty, he felt, is certainly not like the Tucson City Council. He said he believed that "campus-wide governance" is a mild and more benign phrase, and he favors that term. Senator Fleming asked if President Koffler could explain the difference he sees between the two terms; she felt many Senators were not quite sure what that distinction might be. President Koffler said that governance is used most often in substantive and legal terminology. Governance is the body that is responsible for the University as a corporate entity. Policies are not set by anybody, he said, including himself; they are recommended to the Board. Senator Fleming asked President Koffler if he saw "governance" as a stronger term. President Koffler said there is only one body of governance for the Universities, and that is the Board of Regents. With reference to the General Faculty setting up its rules under a Constitution and Bylaws, he would refer to it as faculty government. Senator Wilkening said she was concerned about the other part of the phrase, "campus-wide", because she doesn't think this body is representative of the whole campus; she prefers "faculty" as opposed to "campus-wide." Senator Myers said he did not have with him his copy of the 1977 Constitution; he asked if a copy was available, and if so, what it says. Dr. Rehm said it does not include the statement "campus-wide governance". Senator Myers pointed out that the 1977 document had been approved.

Senator Garcia moved (motion 86-12) to delete all phrases of "campus-wide governance"; that motion was seconded. Dr. Rehm said that discussion could now proceed on this substitute amendment: to delete the five words "For purposes of campus-wide governance" and start Article I with "The general charge of the University..." and make the same deletion in Article II. President Koffler said the reason Dr. Burke suggested insertion of the phrase "for purposes of campus-wide governance" is that "faculty" has been defined under the Conditions of Employment by the Board of Regents, and this was an attempt to minimize the difference between the definitions. Dr. Rehm agreed that the Board of Regents' definition of faculty is not the same as the definition of "General Faculty" that is dealt with in the Constitution and Bylaws. President Koffler said that, as an example of the importance attached to definitions, recently a case was made that because a person had voted in a campus election, that person was a faculty member; and in some fashion, the Board wanted to insist on some differentiation.

Following further discussion on the strength of the statements with and without that phrase, Senator Wilkening said that because the Board approved the original statement eight years ago is no guarantee that the current Board would approve this language; she felt President Koffler to be correct in pointing out that a lot has changed in terms of definition of the faculty and campus government since 1977. Senator Beigel said he would also be opposed to the deletion

of those words or some substitute for them in Article II as well, because he said we must recognize that there are other definitions of the faculty that exist for other purposes, and we would not want it to be construed by the elimination of those words that this definition of faculty service would change if we eliminated those words or some substitute for them. He said he would vote against the second amendment and go back to the original amendment. Senator Ewbank said one observation that he would make in response is that, at least to the degree that numbers of individuals have read and re-read this document, wherever there is reference to the body of the organization, the capitalized title, the General Faculty, has been consistently adhered to, which at least suggests a specific meaning with a definition provided, which may be different from the manner in which the Regents use the word "faculty." He said he would submit, also, that the word "governance" in some other quarters can be seen as describing a process rather than a group of people; given that context, which is the one which was in his mind, he said, the "purposes of campus-wide governance" was looked at as a process of governing campus-wide concerns, this seemed to be an acceptable wording. Senator Chiasson asked if the remainder of this document spelled out what the Faculty Senate is going to do. Dr. Rehm responded yes. Senator Chiasson said he really did not see why those five words was so important. Senator Farr said that the words of Article I might have some meaning in describing the over-all charge of the General Faculty, but Article II was just defining the purposes of this document. He wondered whether we couldn't get around it by just saying "For the purposes of the Constitution and Bylaws, the General Faculty ...etc." since they were merely making a special definition which applies to these two documents. Senator Ewbank said that Senator Chiasson's rejoinder seems to him to make as much sense: just drop the condition, and start with the statement "The General Faculty is..." because this is the definition which this document is providing and is internally consistent. Senator Beigel said he would recommend against doing that without legal counsel, because whether the Senate believes that this implies one thing or another is not as relevant as what somebody who is pointing to this document says. Senator Ewbank said that all he could say with regard to legal advice is that he had to submit a copy of this draft to the University Attorney's office, and the silence has been profound since last April, and that that copy did not contain this phrase. Senator Hill said she would argue for Senator Garcia's motion because, as she pointed out before, clearly we acknowledge the authority of the Board; we say "subject to the Board of Regents and the authority vested by the Board..." But if the Senate likes this language, they should vote for it. The burden will then be on the Board, which does have an attorney and who would examine this language to determine if it did present them with a problem. She said she was opposed to trying to second guess the Board and what they might think of the document. Senator Beigel asked Senator Ewbank to indicate again how these five words came to be. Senator Ewbank said they were suggested to him by Dr. Terence Burke. Dr. Rehm added that President Koffler indicated this was in response to an attempt to make a distinction between the Board of Regents definition of the faculty, and the Faculty we are talking about here. Senator Beigel suggested that perhaps we could determine whether those five words were suggested as a result of consultation with attorneys or not. Dr. Burke: "The version which President Koffler suggested this afternoon came straight from the University Attorney." Senator Garcia said he believed that in setting policy and looking at broader questions, the last thing to do is to consult an attorney to see what direction you want to go; attorneys are trained to do very conservative things to protect us; he felt that we would soon be immobile if we asked an attorney about every move that we make, and that we should rather think where we wish to go.

Dr. Rehm said the motion the Senate would be voting on now is the substitute amendment to delete "For purposes of campus-wide governance." A voice vote proved inconclusive. A show of hands indicated motion 86-12 was defeated (19-21). Dr. Rehm then returned to the original motion (86-11), of President Koffler, which changed the wording in Article I ("For purposes of faculty government") and Article II ("For purposes of discharging its advisory responsibilities in campus government") and wherever else similar words appear in the Constitution and Bylaws. Senator Hegland asked if he could be given an example of something that the General Faculty would no longer have power over under the amended term "faculty government" as opposed to the term "faculty governance." Dr. Rehm said his interpretation is that it would constitute those items in the Constitution and Bylaws, whatever is included there is what we are talking about in "faculty government." Dr. Rehm said that he thought the problem President Koffler was concerned with is that "governance" implies a legal meaning, "government", a body of people. Dr. Burke said that the Senate should realize that when an individual claims a technical position partly on the grounds of having voted in a Faculty Senate election, what President Koffler is going to do is make a striking distinction between "faculty member" and the role of "General Faculty" activities. Senator Garcia asked about the second phrase, "For purposes of discharging its advisory responsibilities in campus government"; he said he could understand the reason for the first phrase, as a clear statement, dealing responsibly with tenure or non-tenure. But the second phrase, he said, simply says to the General Faculty "Remember that you're an advisory board." He said that was all he could understand of the second phrase. Senator Hill said that she was confused how this language change could solve the problem raised by President Koffler. Senator Beigel said he would try to explain it, but he would try to separate the word "advise". He said Dr. Rehm's explanation regarding the distinction between "governance" and "government" was clear. The other distinction, between the term "faculty" as opposed to "campus-wide", is made so that there is consistency, and so that it does not draw in matters which are specific to the campus that were not specifically referenced in this document. Senator Hill said that the point that has been raised is the problem of people claiming to be members of the faculty and claiming tenure. Senator Myers said the problem that arose was due to inadequate following of regulations concerning distinction between professionals and the faculty that existed at the time a number of years ago. He said a number of changes have taken place in the Constitution since that time with respect to tenure and continuing status, etc., and he didn't feel that case should be used to decide what goes into this document. Secondly, he said, there is a difference between governance and government. In one case you are talking about a body, he said, and in the other case you're talking about action. It's grammatically incorrect, he said, to substitute government for governance. Senator Chiasson said that if we're going to use the word "advisory", don't we have to say whom we are advising? Senator Goetinck said he had another question: If you say "discharging its advisory responsibilities", are you negating the role of the General Faculty altogether? His second question was: a motion said that "For the purposes of campus-wide governance" would be replaced throughout the document, but it is replaced by two different texts: "faculty government" and "discharging its advisory responsibilities". He asked which phrase would be substituted where. Dr. Rehm said that would be left to the context in which it was found elsewhere. Senator Goetinck asked whether the Senate would be taken step by step through the entire document. Senator Ewbank said he understood a later addition to include replacing "governance" with "government."

Senator Chiasson asked the Parliamentarian what are the Senate's alternatives, since the person who proposed the motion has now left. Dr. Sankey said that no one is in dispute as to what was said; therefore, the Senate could vote on what was said, or it could be amended or tabled or referred to committee or any of the ordinary actions. Senator Hegland said there is one issue about the power of the Senate, whether or not it is advisory; and there is another issue about whether anything in this document is going to bind the Board of Regents as to the term "faculty member." He said he thought Senator Farr to be right: if that is one of the concerns, under the definition of members, there could be language that this in no way would impact on who is a faculty member for tenure purposes--it could be very clear, specifically, about what it does concern, rather than very general. He said he would favor adopting a proposal that would ensure that the membership section cannot be construed as conferring faculty status on anyone that isn't recognized by the Regents for purposes of tenure. He felt adoption of such wording would directly clear up the problem. Senator Drake asked Dr. Burke if there was something subtle that he (Senator Drake) had missed in the substitution of "faculty government" in either Article I or Article II? Dr. Burke asked if he had permission to speak. Dr. Rehm asked if there was any objection to Dr. Burke's being permitted to speak when asked. There was no objection. Dr. Burke then responded, "No." Senator Drake said he would like to amend the motion that President Koffler proposed, by putting "faculty government" in the opening words of both Article I and Article II, Section 1; i.e., replacing "For purposes of campus-wide governance..." in both Article I and Article II, Section 1, with "For purposes of faculty government..." That motion (86-13) was seconded. It was noted that each related phrase in the document should be changed to reflect this change, if this turned out to be approved. Another comment indicated that a motion to table had been made. Dr. Rehm responded that the motion to table was not recognized by the Chair. Senator Fernandez asked whether the motion could be amended to include all the sections where this is mentioned, to provide consistency. Senator Drake said he would accept that, and so did the seconder. Senator Garcia asked if this now means that the phraseology which went with Article II, Section 1, would be changed by this amendment. Dr. Rehm responded affirmatively, and reiterated the amendment: to replace, in Article I, line 1, Article II, line 1, and other places where it says "campus-wide governance"--that will be replaced by the two words "faculty government." The amendment (86-13) to the motion was then approved by voice vote.

Dr. Rehm said it would now be in order to vote on the amended form of the motion to amend Articles I and II as follows: Article I, line 1, would read: "For purposes of faculty government, the general charge...." Article II, line 1, would read: "For purposes of faculty government, the General Faculty..." Senator Myers said he had noted one place where it says "university-wide governance;" he wondered whether that would be changed too. Dr. Rehm responded affirmatively, and the new wording would be "faculty government" wherever it says "campus-wide" or "university-wide." Senator Myers said he would speak against the amended motion because he felt it substantially changes the intent of Article I; the original intention was to recognize that we were subject to the Board of Regents and the authority vested by the Board in the various administrative officers. But, he said, the faculty was in charge, and this motion substantially dilutes that. Senator Jones said he had a question about which "faculty" this "faculty government" means? General Faculty? Faculty government? Faculty of Chapter 3? Dr. Rehm said that it does not say. Senator Drake said a clear antecedent is on the second line: General Faculty is intended. Senator Phipps said she would agree with Senator Myers that the

words "For purposes of faculty government..." implies government of the faculty and not what this document was intended to do, which is to define the role of the faculty in governance at the University. Senator Hill said she agreed with Senator Myers that this seems to change the entire meaning. Senator Ewbank asked the Presiding Officer if the pending amendment could be divided. Dr. Sankey responded that this could properly be done. Senator Laird asked for clarification: Article I was being divided from the rest of the motion? Dr. Rehm said that Article I will be definitely be in the object mode; where campus-wide governance occurs later on, it would be more in the frame of trying to specify this particular group.

Dr. Rehm said that for the substitution of the words "faculty government" in Article I, he would call the vote. A voice vote indicated clear defeat. Dr. Rehm said that Article I will now read the way it is written in the 3/24 draft. He then called for a vote on Article II: the change would be to substitute "faculty government" for "campus-wide governance." A voice vote was not clear, and he called for a hand vote. Approval carried on the hand vote.

Senator Epstein said that when Senator Dickstein mentioned the differences in the language between membership in the Constitution and membership in the Bylaws, she asked why there was a difference; she didn't believe Senator Dickstein received a satisfactory answer to that, and she said she would support the notion that the language should be the same in both documents because it is confusing to have specificity of one kind in one document, and a different specificity with glaring omissions in the second document. She therefore moved (motion 86-14) that the language be exactly the same in the Bylaws as in the Constitution. That motion was seconded. Senator Dickstein asked if she meant that the Bylaws reflect the version in the Constitution. Senator Epstein responded affirmatively.

Dr. Rehm said that motion 86-14 proposes that the definition of membership in the General Faculty that is contained in the Constitution be duplicated in the Bylaws. Senator Epstein added: Especially Section 1(a.). Dr. Rehm said that material referenced in the Constitution is contained in Article II on page 1, and in the Bylaws in Article I, Section 1(a.), page 1. Senator Ewbank asked if the intent of the motion would be accomplished by adding in the Bylaws, in Section 1(a.), line 2, following the word "Lecturers," the words "Librarians, Cooperative Extensionists, and Researchers, except as specified in Article II, Section 2 of the Constitution," or was it the intent to list the exact words of the Constitution. Senator Epstein and the seconder accepted Senator Ewbank's first-stated addition. Senator Myers said that in the original 1(a.) of the Bylaws, clearly it is a subset of the definition in the Constitution; he felt it is not clear that the new definition is a subset. He said he would question the use of the word "Researchers", feeling that it would not be a good choice of words. He felt the wording in Section I, Article 2 of the Constitution should be duplicated, and then add new wording. Senator Ewbank thought that better wording would be (following Lecturers): Academic Professionals. Senator Wilkening said she was curious as to why we have these different languages, because by listing the ranks in Article I, Section 1 of the Bylaws, some ranks are listed that do not meet the criteria; namely, Lecturers are not necessarily tenured or tenure-eligible, and by the Constitution are not, as she reads it, members of the General Faculty. This appears to be in conflict, she felt, and adoption of the exact language would be preferable. Senator Paplanus asked why not simply refer to Article II, Section 1, not indicating the language, and simply say "Those individuals as defined in Article II, Section 1" so that if

it has to be changed, it will only have to be changed in one place. That was placed in the form of a motion (86-15), and was seconded.

Dr. Rehm said that this seconded, substitute motion served to amend Section I of the Bylaws, by having (a.) refer back to the Constitution. Senator Duncan asked about the last sentence of Article II, Section I, on page 1 of the Constitution: "as well as those persons who are in categories specified in the Bylaws." Senator Ewbank clarified that: (b.), (c.), and (d.) will remain, and the present (a.) will be stricken and replaced with Senator Paplanus's phrase, "Those individuals as defined in Article II, Section I." The substitute amendment was then approved unanimously on a voice vote. Senator Laird noted that "Associate Librarian" is a term which is not used any longer, and should be stricken, in the section just amended. Senator Drake offered another suggestion for Article I, Section I of the Bylaws: each section ends in "or", and he wondered whether they should end in "and." Senator Ewbank responded negatively, because a person would have to meet all categories in that case. Dr. Rehm explained that there are four different ways to become a member of the General Faculty, enumerated in sections a, b, c, and d.

Senator Hetrick called Senators' attention to page 8 of the Constitution, 4th line from the top: "Bylaws for each College approved by the Faculty Senate...shall be established..." He wanted to ask the committee for their rationale for including the phrase "approved by the Faculty Senate." Senator Ewbank said it had been identified as a useful procedure to have some individual or organization responsible for identifying consistency or inconsistency between College and General Faculty Constitution and Bylaws. He said this didn't mean there would be a discussion of every College Constitution on the floor of the Senate; presumably that kind of business would be referred to one of the Faculty Senate standing committees, and a recommendation would be made that a given Constitution be confirmed as consistent, rather than putting the onus on the Parliamentarian, for example. Senator Hetrick asked if the probable committee would be Academic Personnel Policy. Senator Ewbank responded affirmatively. Senator Hetrick said he was worried about the members of that committee during the next decade; it seemed an enormous burden. Senator Alcorn asked, on a point of clarification, if this would mandate that each College have a Constitution. Senator Ewbank responded that he was proposing that the Constitution do that. Senator Cole inquired, then, if Colleges that do not now have Constitutions, will have to have them as a result of approval of this Constitution? Senator Atwater asked about Non-College. Senator Cole asked why it would not be possible for Colleges that do, to provide them to the Senate, and those that do not would have to follow the Constitution without having to establish a specific Constitution/Bylaws?

Senator Irving said he would like to propose an amendment: the words "approved by the Faculty Senate as" be deleted. The motion (86-16) was seconded. Senator Cole asked if he could improve on that motion by taking out "shall be established." Dr. Rehm said that was unacceptable because there would then be no verb. He suggested they re-work it. Senator Hill said she would like to speak against the amendment: if the Faculty Senate is the unit that everybody agrees is the unit which governs the Faculty, why would the Senate want to abrogate this central responsibility in looking after our own governance? Senator Ewbank said he had one other observation to make, in opposition to this amendment: this then becomes a pious statement that has no agent to determine whether a Constitution is accurate or not; consistency, he said, is a characteristic that needs some determination, and therefore needs

somebody to be doing it. Senator Drake said it appeared to him sensible to delete the words proposed in the motion, as different Colleges have different needs. He felt it made sense to let them set their own rules, and not worry about Faculty Senate approval of them. Senator Dickstein said she was curious: would the entire Non-College group have to have a Constitution and Bylaws? Senator Ewbank said he hadn't thought about it, but he himself believed that a generic document that says how people are going to operate is a good idea. He said he had no real difficulty with the idea of Colleges having Bylaws which support benevolent despotism if they happen to do so and are consistent with these Bylaws. Senator Hetrick interrupted with a point of order: the present discussion was not related to the motion on the floor, regarding elimination of approval by the Faculty Senate. Senator Bootman said he would reiterate Senator Drake's statement: each College would have different membership requirements, which might permit Lecturers and other personnel to vote, not necessarily consistent with this Constitution and Bylaws. Senator Ewbank said there is nothing inconsistent with that, because Colleges are given the option to expand on members of the General Faculty for purposes of internal voting; as long as members of the General Faculty were not excluded from College governance, it would not be inconsistent with the Constitution. Senator Bootman suggested that there might be other situations which might be in conflict. Senator Irving said the issue of voting is a separate issue which he believed ought to be raised separately; it was discussed at the Senate during the previous meeting, and the discussion centered around whether General Faculty ought to control the voting in each College or Department. He felt this was a separate issue from the matter before the Senate now. Dr. Rehm agreed with Senator Irving's statement. Senator Irving said that the matter before the Senate now would require that each College develop a set of Bylaws which then would be presented to the Faculty Senate for approval. He said that if this section were to say, instead, the Constitution and Bylaws of each College should be consistent with this Constitution and Bylaws, it would leave open that question, and only by objection to a public Bylaws, regarding inconsistency, would it then come before the Senate, based on the terms of consistency. Senator Hill said she would like to suggest that she doesn't think the argument of the different needs of different Colleges is a convincing one. She said the Senate takes up many matters where differences between various units must be considered, and the Faculty has been willing to trust in its judgment. She felt that the rules being considered would be very general, and in response to Senator Irving she would argue that this is a central charge to the Senate, that would not require individual reading, and that the Senate should charge itself with this responsibility. Senator Myers said approval has to do with consistency, not specifically with content, and particularly the possibility of different viewpoints. He felt that if approval is eliminated, there is no group charged with overseeing consistency; and if the Senate doesn't do it, some other person or other group should be designated to do it, and not leave unspecified how the consistency is to be established. Senator Kettel said he would like to ask what problem exists now that this would solve. Dr. Rehm said that there have been situations where there have been lower-level Bylaws written which have not been properly consistent. Senator Kettel asked what problems developed because of that situation. Dr. Rehm said that some of them contradicted Board of Regents policies and caused problems of governance within those units and how they interfaced with the rest of the University. Senator Goetinck said he agreed with Senators Hill and Myers, and he felt the whole question could be solved by inserting a comma after "College" and a comma after "Bylaws."

Senator Drake said he felt the hang-up is simply on the use of the word "approval." He suggested replacing that word with "determined by the Faculty Senate to be consistent with..." Senator Drake then offered a substitute amendment that the section would read: "Bylaws for each College, determined by the Faculty Senate to be consistent with this Constitution and Bylaws, shall be established...." That substitute motion (86-17) was seconded. A voice vote indicated that motion was approved. Senator Cole said he would move the substitution of "may be established" for "shall be established." This motion (86-18) was seconded. Senator Hill said she would oppose this motion. All organizations, particularly those as complex as Colleges--and the Non-College is not a College--work better if they have rules. A great deal of litigation and difficulty is avoided, she said, when good rules are put into place. She said she thought it was a good idea that Senator Ewbank put this in here. Senator Atwater said that in the last sentence of that section, one finds Non-College as a College. Senator Hill said the Senate might want to discuss the Non-College issue, to clarify how that should be handled. Senator Atwater asked if it could be assumed that, if "shall" were changed to "may", then if a College did not choose to write Bylaws, then it would be operated according to the Constitution. Dr. Rehm said that was correct. Senator Cole said he had wanted to make the statement that what is happening by having them provide their own if they don't already have them, is getting into more complication and more controversy. This way, he said, they must abide by the General Faculty Constitution and Bylaws, which is simpler to deal with than another set. Senator Ewbank said in regards the final sentence and the Non-College College, Senators should note the first phrase in that sentence: "In matters of University-wide governance [which will be changed to faculty government] members of the General Faculty not included in a College shall be regarded collectively as a college (Non-College)." He said the provision for a set of Bylaws to govern a College is not University-wide or faculty-wide governance--it's internal to the College. He said there is, therefore, no problem with the Non-College College.

Senator Goetinck asked if the Senate still had a quorum. Dr. Rehm said he did not know, but the question had been called on the amendment to change "shall" to "may." A voice vote was inconclusive, and a show of hands was requested. The motion was approved (15-13).

Dr. Rehm indicated that it was Secretary Ridge's opinion that a quorum was no longer present. Dr. Rehm then declared the meeting adjourned at 4:53 p.m., with the discussion to be continued in two weeks at the next regular meeting of April 7.

George W. Ridge, Jr., Secretary

LATE ADDITION TO MINUTES: On motion of the Secretary, the Fall Honors Convocation has been rescheduled from Tuesday, November 13 to Wednesday, November 19, 1986 because Veteran's Day also falls on a Tuesday.

MOTIONS PASSED AT MEETING OF MARCH 24:

- 86-9 Approval of Minutes of March 3, 1986.
- 86-10 Motion to add "...faculties within the College of Arts & Sciences shall be regarded as Colleges..." to Article VII, The College Faculty: Approved.
- 86-11 Motion to change "campus-wide governance" to "faculty government" in Constitution, Article I, and "For purposes of campus-wide governance" to "For the purpose of discharging its advisory responsibilities in campus government..." in Constitution, Article II, and all references to "campus-wide" or "university-wide governance" to "faculty government": The vote was split into two parts--Article I, which was defeated; and Article II and all references to "campus-wide", which was approved.
- 86-12 Motion to amend Motion 86-11, deleting "For purposes of campus-wide governance" from Constitution, Article I and Article II: Defeated.
- 86-13 Motion to amend motion 86-11, changing "campus-wide governance" to "faculty government" throughout the Constitution and Bylaws: Approved.
- 86-14 Motion to change the language in the Bylaws defining faculty membership to match that in the Constitution, but then revised to merely add to the Bylaws, Article I, Section 1(a.), following "Lecturers," the words "Librarians, Cooperative Extensionists, and Researchers, etc.": Motion made null and void by approval of 86-15.
- 86-15 Motion to amend the Bylaws, Article I(a) by replacing the current wording with "Those individuals as defined in Article II, Section 1.": Approved unanimously.
- 86-16 Motion to delete from the Constitution, The College Faculty, page 8, the words: "approved by the Faculty Senate as" (referring to requirement that all Colleges establish Bylaws): Motion made null and void by approval of 86-17.
- 86-17 Motion to change the Constitution, lines 4 and 5 on page 8 to read: "Bylaws for each College, determined by the Faculty Senate to be consistent with this Constitution and Bylaws, shall be established...": Approved.
- 86-18 Motion to change the wording in the same sentence to: "may be established...": Approved.
- 86-19 On motion of the Secretary of the Faculty, the Fall Honors Convocation will be changed to Wednesday, November 19, 1986 because Veteran's Day also falls on a Tuesday.

MATTERS PENDING:

Final discussion and action on proposed Constitution and Bylaws. (Copy of re-drafted 3/24/86 version of Constitution and Bylaws distributed on Senators' desks at March 24 meeting; copy of 3/24/86 "Alternatives" document distributed with March 24 meeting call.)

Report from Undergraduate Council on curricular matters referred to it at meeting of February 3, 1986.

Discussion on Chapter 3, University Handbook for Appointed Personnel. (Copy distributed with March 3 meeting call; discussion originally scheduled to begin April 7, 1986.)

Discussion on Guidelines for Five-Year Reviews of Deans and Department Heads. (Copy distributed with March 3 meeting call; recommendations by Academic Personnel Policy Committee distributed on Senators' desks at March 3 meeting.)

Discussion on Academic Personnel Policy Committee's recommendations concerning use of a textbook in a class directed by the author of the text. (Copy distributed on Senators' desks at March 3 meeting.)