



Special Meeting of the Senate

15 pages

SENATE ACTIONS

The only item on the agenda was the proposed bylaws of the University Council. Since the Senate lacked a quorum, no actions were taken. The discussion of those bylaws focused on the following issues.

- **List of editorial changes proposed by Senator Rich..... 3**
- **Discussion of section D-6 for clarification of the right of each group to select their representatives without undue interference from others. 3 – 4**
- **Discussion of the quorum requirement 6-7**
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Any comments concerning the contents in *The University of Akron Chronicle* may be directed to the Secretary, Richard Stratton (x7440).

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Minutes of the Faculty Senate Meeting of April 16, 2009

The special meeting of the Faculty Senate took place Thursday, April 16, 2009 in Room 201 of the Buckingham Center for Continuing Education (BCCE). Senate Chair Harvey Sterns called the meeting to order at 4:07 p.m.

Of the current roster of fifty-three Senators, 26 were present for this meeting. Senators Carroll, Gamble, Gerber, Halter, Hansen, Kelly, Lenavitt, Licate, Maisto, Migid-Hamzza, Miller, Sadler, Sotnak, Tabatcher, Vinnedge and Williams were absent with notice. Senators Arter, Clark, Green, Hamed, Kelly, Kruse, McCarthy, Marich, Moritz, Sancaktar, and Yi were absent without notice.

Chair Sterns: “I’m going to call us in session so that we can at least have a discussion. I’m going to start by asking Associate Provost Ramsier to report on the UCEC committee deliberations since the last time we met.”

Assoc Provost Ramsier: “Thank you Chair Sterns. The committee has met once since the last regular meeting of the Faculty Senate. We discussed the discussion that took place here about amending the bylaws as they stand now, in particular about the omission of a mechanism through which we would amend these bylaws. The committee has a general consensus: “yes” [there should be such a section] we just overlooked that. We would certainly entertain a change of this document in that regard. Also with respect to the things that were pointed out, typographical errors and so forth. We did not amend this document for several reasons primarily because there are seven other groups who have to look at those changes as well, So I would suggest that [if] the Senate has pieces of this document they would like modified or additions, let’s talk about those; if you can act on them formally, great. But the committee would need to reconvene to take those changes to the other seven groups to make sure that everybody eventually approves the very last and final document; the same one for all eight groups. That would be our best case scenario. So that’s where we’re at as of today.”

Senator Gandee: “Are there any changes being recommended by any of the other groups?”

Assoc Provost Ramsier: “The only specific one was exactly the same as this body raised, the Deans recognized there was a piece missing about how to amend the bylaws. Dean Karla Mugler reminded us that we use the acronym “UC” [in the bylaws] and it is also [generally] used for a college, so we probably want to take that out; that’s not a substantive change. We’ve received no other specific change. That’s the only thing we’ve had so far reported back in detail.”

Senator Lillie: “I was just curious as to whether or not any of the comments you’ve received regarding possible changes were considered controversial; or were they seen as being helpful?”

Assoc Provost Ramsier: “I didn’t see anything as controversial, except if this body were to suggest changes in representation. That’s the only thing that was raised that certainly would be controversial with other groups. I believe CPAC had a meeting this morning to discuss this document as well. So we don’t really have all the official feedback from each group yet.”

Senator Gerlach asked if any of the other groups have approved the bylaws as they stand now.

Assoc Provost Ramsier: “I believe the Chairs did; 23 to 2 or something like that. But they were not given the opportunity to make any changes. That’s the one difference with respect to the Senate, [which] immediately had amendments or changes to make. Some groups were not given that option. So again I think we’re going to need another round [of approval] once those changes that have been suggested by each group [are accepted] so everyone knows what the final document looks like.”

Senator Gurnak: “I’m actually the CPAC faculty senator, and we just passed the document as it is written. I just came from that meeting to this one.”

Senator Lillie: “I was curious if anybody has heard from the ASG or the GSG, the Associated Student Government and the Graduate Student Government. I don’t see any of their representatives here today and I was curious whether or not anybody knows if they’ve taken action?”

Assoc Provost Ramsier indicated he had spoken to some of the student officers, but there has been no official communication.

Senator Erickson: “Did they say they were going to take it with them to their group?”

Assoc Provost Ramsier: “I don’t know. I spoke to one of the ASG officers, not the president, and she said she was aware of the document. I don’t know if they were taking any action or when. That was two weeks ago.”

Chair Sterns: “Other comments? Can I assume that everyone present has read the document and basically has no concerns and would be ready, if we had a quorum, to take action?”

Senator Gerlach: “Only one thing Mr. Chairman, I’d like to propose an amendment, one little amendment but I cannot do it without the quorum.”

Assoc Provost Ramsier: “Could I make a suggestion? If we could ask Heather to record the changes that are desired in a discussion forum I would think that the committee could then use that. I’m not a very good note taker to be honest so I think it would be good for the committee to hear what you want changed, that could certainly be then totally acted on by the committee.”

Senator Lillie: “I wanted to make sure that folks were aware that Senator Erickson and I have received some comments from Senator Rich that were intended primarily to clarify what the document meant and some of the procedures. It seems to me those were very helpful and without speaking for Senator Erickson, I would think that if those issues were taken into account that would go a long way to representing the point

of view of the [Senate's] representatives to the UC committee, Senator Erickson and I, as sort of semi-official Senate points of view. And again without a quorum we can't act on them specifically but you did ask for something that might be in writing that would be specific and there are some there."

Assoc Provost Ramsier: "I agree, that was forwarded to me and I agree. When I did a cursory review of the comments I think they were intended to be helpful, clarifying and I'd be happy to bring those to committee if this group suggests that it's a good idea."

Senator Lillie: "I think Senator Erickson and I have already suggested that, but it would be certainly helpful if we could have the whole body do it."

Senator Gerlach: "Mr. Chairman, one small thing that I did speak to last time and asked the Associate Provost about, I wonder if the committee would consider or has considered making some clarification on page 2, D-6. Remember I said that seemed to be a rather obscure way of stating your case and I wish it was restated the way he explained it to the Senate. You might consider that as a possibility."

Assoc Provost Ramsier: "I'd be happy to if the committee is so inclined."

Senator Erickson: "I think we certainly are doing that. But it was I think mentioned last time. This was one [issue] on which there were all sorts of discussion. One of the problems is that you have groups that don't have bylaws, like the chairs, and they how can [the bylaws require them] to have elections. So we came up with this phrase. We made sure that it did not involve appointment by another body or by anyone from another body. That was the issue that we were able to agree on."

Chair Sterns: "It is the intention that each [representative] of the eight constituency groups will be selected by that body."

Senator Gerlach: "So you need to say that instead you have stated: "without input or influence from any other campus groups or individuals." You don't need to say that, if you say it correctly."

Senator Rich: "I think something along the lines of what Dr. Gerlach is suggesting is a good idea. I don't think you're going to be able to nail down all specificity, all the types of interference that should be prohibited you can do it along the lines of without interference or without undue influence or something like that but I don't think you're going to be able create a specific and exhaustive list of all the ways in which you don't want people to get involved, who aren't supposed to be involved, in these decisions. So I think that the best you can do is to use a term that has some meaning even though all these details are potentially debatable. And so my own suggestion would be along the lines of Dr. Gerlach's either without interference or without undue influence. Obviously there could be debate about what influence in undue. I don't think there's a way to escape that other than either to do what's done here which is to make it much too broad so that you know if a staff member should happen to say to a Faculty Senate member in casual conversation: "you know I think so-and-so would be a good representative to the Faculty Senate". That would actually violate this rule yet there's really nothing to be worried about. So you could either have a way overbroad rule as is which is what is in here, or you could have a rule that gets closer to what is meant though it has you know it's exact meaning and all context it could be debatable or you can undershoot the mark which is probably not a good idea either."

Chair Sterns: “I think that’s an important point. Are there other comments? You might want to consider issues of quorum and quorum definition based on our current experience. I’m afraid unfortunately I made it a point to attend the graduate faculty council yesterday and there were not a lot of people there either. I’m afraid that we need to do some rallying of the troops in terms of the importance of our faculty role in governance. I appreciate everyone being here who’s here. I wouldn’t have called a special meeting if I didn’t think we could get a quorum, so I must tell you that I am disappointed and I’m sure that a number of us are. Yes sir.”

Senator Elbuluk: “Can this be voted on by e-mail?”

Senator Rich: “There’s no provision either in the bylaws of the Faculty Senate or in Roberts Rules that would allow a vote to be taken and I would suggest that it would be quite unwise for a vote to be taken outside of a meeting. For us to do that we would have to actually work out rules for doing so because you need to consider a question of what constitutes a quorum in an electronic vote, for example, and what do you make of non-responses to the solicitation for votes? If the Senate were to wish to create such a mechanism it would require a change to our bylaws and I think it would need to be thought out very carefully, I’m not necessarily alterably opposed to creating such a mechanism, I have serious reservations about it, but it would need to be thought through carefully and certainly not something that could be done without changing the bylaws and certainly not on the basis of a meeting that itself lack a quorum.”

Chair Sterns: “I know from my experience on the Board of Trustees of another organization that there’s actually specificity by state law about how bodies can go about doing votes because of the issue of face to face deliberation.”

Senator Rich: “The open meeting law is also an issue.”

Chair Sterns: “I mean the idea is a good one. The other approach is for us to redefine our quorum. You know we have many organizations have less stringent quorum requirements.”

Senator Gerlach: “Mr. Chairman I don’t think the idea is a good one at all because of what you alluded to, in a body such as this it’s important that people have deliberations face to face before they make their decision and vote. And after I don’t know of any other body like this in our governmental system, Congress or legislature where such things are countenanced. I see of course that under E, meetings of the council the quorum is going to be defined as 12. That may be acceptable but I wonder whether that is a trifle too low. I assume an amendment would have to be passed by a majority, but if you get only a majority of a quorum and the quorum is that low you’ve got decisions being made by a pretty small group, unless you’ve got some other check on it. I don’t know whether you want to do anything with that or not but it’s worth considering.”

Senator Lillie: “As I recall the discussion of this topic and we’ve had extensive and detailed discussions on just about every word in this document over a period of three years. We first looked at the bylaws of the Senate, which has a membership I think of sixty-four and has a quorum of thirty or fewer than half. We felt it would be appropriate since there are twenty-two people who are named in this body to have a

quorum which was at least a majority. And so as I recall that is where that number [12] came from. Now as you no doubt know if there is no mention of what the quorum is in the bylaws then under the Roberts Rules it automatically is a majority so in this case frankly given the number I don't see that it makes any difference to the quorum. With regard to lowering the quorum in Faculty Senate I would suggest that it's possible for the Faculty Senate to do business with a quorum that is less than half right now and I think that lowering that any further really begins to question whether we have a deliberative or representative body; one that can really represent all of the various points of view that need to be represented. I would argue against lowering the quorum further and in line with your earlier statements Mr. Chairman I would see if we could find ways to improve the interest of the members of the Faculty Senate in shared governance issues."

Chair Sterns: "I think that's wise counsel. I think what we need to do with the time we have here today is to provide additional input so that when we meet for our regularly scheduled meeting in May we are well prepared to take a vote. I'm anticipating that we would be able to do that."

Senator Stratton: "On Section B, the last sentence, it says "those reporting lines that are already in place will not be removed nor will any of the authorities of the represented groups be supplanted by the University Council." Where can I find those reporting lines that are not going to be changed?"

Assoc Provost Ramsier: "Good question. I honestly don't know. I would assume you know you're reporting lines are direct to the President."

Senator Stratton: "We know through our bylaws. But not every group has bylaws and since that's a pretty broad statement, I'd like to know where I could go to make sure it wasn't being infringed upon that's all."

Assoc Provost Ramsier: "I don't know. I would assume that the Deans report to the Provost, that's the reporting line. VPs report to the Senior Vice President and Provost. It never dawned on me that it would be an issue. I think ASG, CPAC; don't you have a meeting with the President?"

Senator Erickson: "ASG goes to the President."

Assoc Provost Ramsier: "So I think each group has its own understanding of what its reporting lines are, but I don't know all of them."

Chair Sterns: "And the fact that these different groups meet with the President doesn't mean it's a reporting line essentially I think that there actually is an official organizational chart of the university."

Assoc Provost Ramsier: "I think that reporting is the wrong word, perhaps it is communication line were speaking about because Chairs can go to the President, so can the Deans, so can the VPs, anybody can go. I think our point was that this University Council would not limit the ability of the eight groups to be heard by the administration especially the President. That was our intent."

Senator Rich: "The official reporting lines can be found in University Regulations; this would become a University Regulation. What this provision does is say this document, when adopted by the Board of

Trustees as a regulation, will not be amending those other provisions already in existence in other regulations concerning all the reporting lines, call it what you will. That's what this does. If there's unclarity out there about reporting lines for some particular group on campus that's a problem that exists now and could in the future under this if this is adopted by the Board of Trustees. I think Faculty Senate's reporting line is already very clear; it's in the University Regulation which constitutes the Faculty Senate's bylaws. I suspect that's pretty clear at least for most of the groups. So I don't see that as a particular issue for the Faculty Senate. It's possible that there's a group out there with unclear reporting lines that might wish to have that clarified but what this does is simply says this document's not going to be changing any of those other regulations."

Assoc Provost Ramsier: "We felt that was very important especially for the Senate because you have specific rules."

Senator Rich: "I think it is important and this serves the purpose."

Senator Lillie: "I once again this is a lapidary sentence because it's been polished and polished and polished. But the history of this is that there was a great concern early on that the effort to establish a University Council would add a layer between the existing constituencies and the upper administration. So for instance, if CPAC wanted to make a proposal that up until now would have gone directly to the President they would have. They were afraid [under the proposed University Council] they'd have to then go through University Council. So we were trying to establish that the role and function of University Council is not to supplement or supplant any of the other existing roles and that it has a distinct sphere separate from that the responsibilities of the eight groups. So if there were an academic issue that needed to be decided, so went our discussion, then the final decision on the issue would be made by the Faculty Senate and reported to the President. It would not then have to go through further layer of University Council review and so that principle is what we were trying to maintain not only for the Faculty Senate but for the other groups."

Chair Sterns: "Thank you for that clarification. Senator Bowman, before you were able to join us and thank you for coming, we were asked if the student government had voted on the document."

Senator Bowman: "No, not all the branches, a couple of them but since there's three that have to look at it takes time for us to have the whole group. Hopefully by next week they'll have all looked at it and have a result. I can't speak for GSG though, because I don't know about that."

Chair Sterns: "I'd like to point out that we're now at 26 people, so it just shows you how important four people are. Is there further discussion? It would be good if we could get these minutes out quickly to all the Senate members they would be able to have this information and discussion as background for our deliberations in May."

Senator Hajjafar: "My concern from the beginning has been that no right from Faculty Senate to be taken away. This time when I read this final version everything is fine to me except that part 11 which is project charter committees. They could be a loophole for the committees that relates to affairs of Faculty Senate. [It states] "University Council may authorize the creation of project charter committees to explore/

provide advice on issues not covered by University Council standing committees.” [I would amend to add] “or Faculty Senate and its standing committees”. Because that should be very clear at this point that no committee should be formed with affairs of Faculty Senate. That I think is my comment that I want somehow to be included in this part.”

Assoc Provost Ramsier: “That’s an excellent suggestion.”

Senator Rich: “I’m afraid there’s a problem in that because we do acknowledge that there is going to be overlap here, that is the Faculty Senate may well be addressing issues that are to be addressed by the University Council. I don’t think it can be that just because one of the constituency groups has a committee dealing with a subject that’s to be decided by the University Council that that means that the University Council can’t form a committee on that subject.”

Senator Hajjafar: “But I think if University council want to form a committee relating to that they should ask the opinion of Faculty Senate and then discuss what Faculty Senate believes on the regular business. See forming a committee to discuss matters which are for Faculty Senate that’s not appropriate.”

Senator Rich: “Let me try to clarify this. There are some issues that are within the sole jurisdiction of the Faculty Senate and the University Council of course should not be forming committees on those subjects. There are other issues however that are not solely within the jurisdiction of the Faculty Senate, for the Faculty Senate is but one of several constituent groups which has representatives in the University Council. Each of the constituent groups may wish to address issues that are not solely within its jurisdiction and are within the jurisdiction of the University Council. They may well have committees to deal with those issues. There’s no reason why the University Council couldn’t also have a committee to deal with those issues. So I think the concern, though a legitimate concern would be the University Council forming a committee that deals with an issue that’s solely within the jurisdiction of the Senate, not within the jurisdiction of the University Council. But as I read these bylaws I don’t think it has the power to do that anyway.”

Senator Erickson: “These are the one that have a beginning and an end and specific purpose. So the example I’m going to use is one that in actual fact relates to a standing committee. Student success has not just an academic aspect to it, but it does have an academic aspect. When I talked to Rudy Fenwick who was Chair of this Senate and also was involved in this issue he said for example this issue of 128 credits, which the report on student success on which he served, which was a mixed group, had that recommended that people looked at that. Could well be that we brought that to the Senate from an ad hoc subcommittee or something like we have here but we definitely looking at just that issue because it is very definitely an academic issue right? And rightly so but there is a committee because it is involved elsewhere as well. It was our job to look at the purely academic issues. I don’t see that you’d want us not to do that. Unless you want to say that the project charter ones are different from the standing committees because we could have a standing committee that deals with the academic aspect of something that is in University Council.”

Assoc Provost Ramsier: “Maybe I can think of a way to clarify the intent here. Realizing that the University Council is really only empowered to investigate, work on and make recommendations about issues that impact all the groups or at least the majority of the groups, broad campus issues. I think that

would address your issue. If it's something that's specifically a Senate issue as Senator Rich mentioned, the University Council would not have the power or the right to institute a project charter committee to look at that issue because it's solely in the purview of the Senate. I think that's your concern."

Senator Hajjafar: "Yes, this is exactly what I want to be stated."

Assoc Provost Ramsier: "Implicitly the Council is not permitted to form a charter committee to focus on an issue that's only in the purview of the Senate. It's already implicitly not allowed to do that. It would only be for an issue that was much broader, the Senate's also looking at the issue the 128 credit hour issue could be looked at, should be looked at by the Senate in my opinion with respect of is 128 what we want for graduation? So the budgeting group had to look with respect to if we raise the plateau there's a million dollars which we just did so."

Senator Hajjafar: "The Senate would consider an overall issue. See 128 credit issue that's a deductive issue not what comes from the departments will be discussed in the departments, in the colleges that then comes to the Senate, it's not an issue to be considered by the Senate but there a different issues here. Student Success is not a concern, the Senate is concerned about student success but we are, the faculty are affected by decisions made in the Senate. The committees that we have can be brought up in different forms and different shapes as these project charter committees. And that's what we want, we want to make sure that if something can be done in the Senate or a committee then the University Council can ask the Senate to form a committee. That's fine. That can be a committee and that job. But that's what we want to make sure that what you are saying that the Senate and the University Council will not do that, we want to make sure that they are not doing it."

Chair Sterns: "I feel that in reading this, the representatives from Faculty Senate who are involved in University Council will have to be vigilant to make sure if someone were to introduce a charter committee they would then have to comment about whether or not it's appropriate at the time of the creation."

Senator Hajjafar: "But when we write the bylaw the bylaw should be complete enough that if the members are not vigilant enough then they loose something. I think when we are writing the bylaw it has to be clear and concise."

Assoc Provost Ramsier: "I would certainly agree I want it to be clear and concise that's an issue I think for the Senate I think we'll talk about it in committee but I'd like you to consider that there are seven other groups. We've had this conversation, if we single out Faculty Senate in treating all groups equally by the representation and so forth we would effectively need to list the other seven names."

Senator Hajjafar: "Well we can add University Council standing or other standing committees organization committees of the university, we can give them out we can give credit to all of them."

Senator Bove: "It's sounds to me as if we are walking around the issue of whether academics are in the purview of the Faculty Senate and if so does that need to be explicitly stated in the bylaws here? Is that the case?"

Senator Erikson: “At last meeting when we had our first meeting on this, I had a statement in writing that was at the end of 3359-B which talked about the authorities and talked about us, because we had a legislative function. I can’t honestly remember at this moment the exact wording, but I know I had it typed and made sure everybody had a copy. At least Heather had a copy. That copy would go to the UCEC group. The point was to clarify the academic role of the Faculty Senate and its legislative nature.”

Senator Lillie: “The issue as I understand it from Senator Hajjafar is not whether or not the Faculty Senate is primary in academic roles, we’ve got that established. His issue is whether or not the implied power of the proposed University Council bylaws to create project charter committees might somehow muddy those waters. Again as I recall the entire passage came up because we were talking about ways in which we could be sure that if there was an item that legitimately fell within the purview of the University Council but it did not seem clearly in one of the standing committees, we could still deal with it. So we were looking at in terms of, what at the time I said was basically making sure we had the authority to set up ad hoc committees. The term “project charter committee” had been floating around for three years, people liked it very much and they wanted to put that in here. It’s my understanding that the intent of this was essentially to make sure that there was a way to set up ad hoc committees for purposes that were needed in ways that are exactly the same as we do in the Senate currently. Now the procedure for setting up ad hoc committees is outlined in Robert’s Rules of Order. I frankly did not think at the time that this is needed, but this is the wording that came from the University Council Exploratory Committee so I would ask the University Council Exploratory Committee again to perhaps examine whether or not this is needed. Perhaps if it’s not there that might help Senator Hajjafar’s concern. Ad hoc committees are legitimate in any body that operates under Robert’s Rules, at that point it would seem to me that there would be a need for faculty or CPAC or students or anybody to be vigilant. But that’s a different issue.”

Senator Rich: “I think the context is clear that the University Council does not have the authority to establish project charter committees in the areas that are for example in the sole jurisdiction of the Faculty Senate but if it is thought unclear I have what I think is a very simple easy solution and that is in that first sentence under subsection 11 there under charter committees, which says “University Council may authorize the creation of project charter committees to explore/provide advice on issues not covered by UC standing committees: just add at the end before the period but within the jurisdiction of the University Council. I think that’s already clearly implicit but it wouldn’t do any harm if people are concerned about it to add that language. That’s consistent with what Senator Lillie just said was the intent of it. That would make explicit what I think it is already pretty clearly implicit but maybe not so clear to everyone. This should resolve any possible objection.”

Chair Sterns: “Well and the other thing we could do would be to insert it there once again at the last sentence in Section B that says that reporting lines are already in place and that would be repetition that all authority would be in place.”

Senator Bove: “I’d like to thank Senator Lillie for clarification on points that makes a lot of sense. I’d like to echo Chair Sterns words of a few moments ago that the Faculty Senate representatives to the UC will have to be diligent in these matters, we’re gonna have to be the watchdogs, thank you.”

Senator Gerlach: “I’m looking under the duties of the UC on page 1 section C-3; “all recommendations passed by the University Council shall be forwarded to the President” etc etc. Perhaps it will be the duties of the separate representatives from the eight constituency groups to do this, but I began to wonder if whether or not a provision ought to be made that they should be reported it to each of the constituencies so we are aware of what’s going on. I think we ought not to just rely on our Senate representatives on University Council to do this. I think somehow we ought to require them to do it. If this is going to be an advisory committee and information committee let’s make sure that the lines are flowing. Would that be reasonable? That they report to all constituent groups?”

Assoc Provost Ramsier: “I would suggest that some language to the committee that says to the President with copies to the eight campus groups. Everybody gets a copy so everybody knows what going on that’s part of the reason for this body. That would be what I would suggest.”

Chair Sterns: “Also I would assume also that minutes would be kept of all deliberations which would be shared widely with all constituency members.”

Senator Rich: “There’s a provision that all minutes be made available to all campus groups on the University Council website.”

Senator Hajjafar: “I just had a comment on C-5. It says “the University Council shall” but in the whole document somehow the Provost and Vice Presidents are considered differently. So when they talk about Vice Presidents, that does not include Provost; am I right? My understanding is that it should be emphasized about Provost. In part 5 it says “the University Council shall review the annual report of the Vice Presidents which they submit to the Board of Trustees”. Now does this include the Provost’s report also or not?”

Senator Gerlach: “Well Mr. Chairman isn’t it true that the Provost is Vice President?”

Senator Hajjafar asked that the role of the Senior Vice President and Provost in these bylaws be clarified. He asserted that at some points in the bylaws it appears that the Senior Vice President and Provost is treated as separate from the term Vice Presidents, while at other points the Senior Vice President and Provost seems to be included as one of the Vice Presidents. This needs to be clarified. He would argue that the Senior Vice President and Provost should be separate from the other Vice Presidents.

Senator Lillie: “It seems to me that one of the issues that we need to be particularly alert to is that there may some changes that will occur, assuming that this is ever passed and implemented, that there may be some changes that will occur as it begins to be implemented. There may be some areas of this document that aren’t as clear as we’d like them to be. We should do what we can to make them clear before we pass it, but I think that if we try to deal with everything going to well perhaps we’re going to bog ourselves down unnecessarily. At this point, this is clear that it reports to the vice presidents and the Provost is a vice president.”

Chair Sterns suggested another way to view the issue is to ask if there is any unit of the university that doesn’t report through a Vice President. Several such units include Athletics, ASG and the Senate.

Senator Rich: “I’m not sure those are equivalent questions but it seems to me that it’s pretty clear on its face that the term vice presidents includes the Senior Vice President and Provost; she is a vice president. Now question is: Is the term vice president used somewhere in this document in a way that excludes the Senior Vice President and Provost? If that’s true then Senator Hajjafar has a point. Not having actually read the document with that question in mind I wonder if Senator Hajjafar could point out an instance in which the term vice president is used in this document in a way that excludes the Senior Vice President and Provost. If there is such a use of the term then I think the Provost needs to be clarified; if it doesn’t then I don’t see why there’s a need for clarification.”

Senator Gerlach: “Well I think Mr. Chairman that under that provision for membership on top of page 3, item 9 describing who will sit on this University Council you’ve got vice presidents there and unless you there exclude the Provost, the Provost being considered as a Senior Vice President will be eligible to be chosen and sit on University Council. Is that what you want?”

Chair Sterns indicated that if the group of vice presidents selected the Senior Vice President and Provost and is able to persuade the Provost to serve, the Provost would be on the University Council.

Senator Gerlach: “I just wanted to know do you want to specifically exclude the Provost or allow the Provost to be included.”

Senator Hajjafar: “A person who has the right of veto, which Provost has, I think should not be a member of the University Council.”

Senator Lillie: “I’m not sure how [the Provost] has the right to veto since the recommendations of this body could go to the President.”

Assoc Provost Ramsier: “That’s a good point in my opinion. Except that I think you mean that the other vice presidents report to the senior vice president. But I think we intended that the senior vice president to be part of the vice presidents group, as a committee that’s the way we were thinking vice presidents was all inclusive.”

Chair Sterns: “There are many awkward moments in faculty governance relationships so I don’t know this particular one should be singled out.”

Senator Hajjafar: “Can Provost be a member of University Council?”

Assoc Provost Ramsier: “The way this is worded the answer would be yes, if the vice presidents picked that person to be their representative.”

Senator Hajjafar: “But in many places Provost is kind of parallel to the President on many actions. Now I think [the Senior] Vice President and Provost should not be part of University Council.”

Assoc Provost Ramsier: “Maybe for clarification, if we remember that this body only makes recommendations, that might help because if you realize it would be recommendations from the information

technology committee to the University Council and then to the President. That will affect the VP of Information Technology; that person may actually be one of the members of the UC. You see so that's once again there's a parallel with the Provost, some of the issues that the UC brings to the President may actually be under the responsibilities of the Senior Vice President. So in that regard it doesn't matter which of the vice presidents sits on the council, eventually one of them is going to receive a charge from the President that originated from the council. Does that help?"

Senator Hajjafar: "I have problem with that because when the Provost is a member of University Council and everybody else is reporting to her; that will be influence, that power it will influence the decision making. I don't know if I'm wrong but this what I think. That Provost in University Council will be an influence or in other word conflict of interest."

Senator Lillie: "I think that is not a bad point. It would be hard to imagine having all 22 representatives sitting around a table; deans, chairs, vice presidents if one of them happens to be the Provost and I cannot imagine that that person's voice would not carry a lot of weight. I mean that's a good point. Historically again I just want to point how we got to this, was that at one point there was a proposal that the University Council would report to a body that was known as the President's cabinet and that was a sort of murky construed group of people. We felt that it was important for this to be a substantive body, that there needed to be a reporting mechanism directly to the President. The idea is that it goes to the President and the President then selects the vice president to whom this will then go. That was the history. And I'm not suggesting that that answers your question, but I was trying to let you know how we got to this point."

Senator Rich: "I agree with what Senator Lillie is just said. The Senior Vice President and Provost is a member of this body; I don't think it's a problem. The Senior Vice President and Provost is obviously a very important office. It holds a lot of power at the university; the person in that office is certainly capable of influencing many people in the university but we probably shouldn't overestimate the kind of influence that such an officer holds. I think probably many members of this body don't feel as if they must agree with Senior Vice President and Provost. This sets up a deliberative body and yes the Senior Vice President and Provost is a member of the body would probably be carefully listened to as I hope all members of the body would be, perhaps more so. I see the concern but I'm not sure it's so great as to justify categorically excluded Senior Vice President and Provost from membership in the University Council."

Senator Plummer: "I think I may have found the sentence that's the problem. On page 5, point 2-D. It's talking about the Executive Committee and their responsibilities it says "brings matter to the council or assign matters to committees. Matters for university council consideration may be forwarded by any constituent body of the UC by the president or senior vice president and provost" and there it seems to be setting her setting the provost position outside of the UC. That may be where this is coming from. Am I correct?"

Senator Rich: "That simply doesn't mean that the term vice president list doesn't include the Senior Vice President and Provost. What it does is specify one vice president as having a power that the others don't but that doesn't mean that she's not a vice president for purposes of use of that term elsewhere in the document."

Senator Gerlach: “Mr. Chairman, if Senator Hajjafar is convinced of his opinion he should, when the opportunity comes, propose an amendment to the effect at that point to exclude the Senior Vice President and Provost. So all he has to do to is propose an amendment. I would propose a specific amendment today if we had a quorum to act on it and so I leave it up to you all to judge the appropriateness when we meet in May because alas I cannot be here. I’m going west. But I’m still concerned about the preeminence of the Senate, its role in the university superior and I think that if I had my way I would want this Faculty Senate to have not 4 members in University Council but 6. I think that’s not unreasonable and it would not enlarge the University Council by more than two seats and it will still be a small body. But I think when you, Mr. Chairman, mentioned that whatever representatives this body should send to the University Council they must be vigilant, better to have six on the there than four. As I said I would at least propose that as an amendment to vote up or down. I can’t do that today so I leave that up to you to consider in all your wisdom and in my absence in May. Given the slow pace at which we’re moving and the possibilities of your touching up here and there and going to other groups it seems to me that there will be no reason why we need to be considering stampeding anything, we may deliberate, we may make some proposals and they may get shot down elsewhere but let us at least do the best we can and that’s my one final suggestion for what I would say would improve the document. Otherwise I don’t know what failing that if I were around whether I would cast my vote to approve this but I think it’s very serious and it’s worth your consideration so please do that and we’ll see what happens.”

Senator Lillie: “I think it’s good for everyone to know and to be reminded that the issue of changing representation would be about as close to a deal breaker as anything could be on this particular topic. There has been a lot of heavy discussion about it over a long period of time and while I’m not satisfied with the number of faculty senators who have been proposed that’s basically what we came up with through long, intense, heated and ultimately mutually respectful conversations but I would say it would be extremely difficult to change that and to have the other bodies move forward on it. Nothing’s impossible and it’s spring so that means things are new but this would be something that I would encourage you to think very carefully about before you would offer an amendment to that particular item.”

Chair Sterns: “Further discussion.”

Senator Gerlach: “Well without a quorum we have no other recourse Mr. Chairman but to adjourn. Therefore I move we adjourn.”

The meeting adjourned at 5:08 pm

Verbatim transcript prepared by Heather Loughney

*Transcript edited by Richard Stratton,
Secretary of the Senate*