

## **DISCUSSIONS OF PROPOSED CONSTITUTIONAL AMENDMENTS – 2017**

### **From Executive Committee Minutes of January 17, 2017**

Chairperson Pynes has been asked by more than one senator to explore the issue of chairs serving on Faculty Senate. He sees the issue as having three parts: a) representative apportionment (size of the body), b) membership eligibility, and c) voting eligibility. He suggests that voting rights should be cleaved from Senate representation rights; currently, anyone who is eligible to vote is also eligible to serve on Faculty Senate (unless they have been deemed to be ineligible for some other reason). Chairperson Pynes has gathered constitutions from WIU's peer institutions in the state, which show a variety of different models of senate representation; Illinois State has an academic senate which allows for faculty, staff, and student representation, for instance, while at Northern Illinois University the Provost serves as the chair of their senate. Chairperson Pynes related that Parliamentarian Deitz pointed out to him that, with shrinking numbers of faculty, college representation on Senate may be reduced, according to the Constitution; alternatively, the number of at-large senators is fixed.

Interim Provost Neumann asked what is not working that would necessitate a change to what has been in place for decades. Chairperson Pynes responded that nothing has to be wrong to warrant a review, just like the case with the Provost's desire to review general education and CCPI definitions. Chairperson Pynes added as an example that the Faculty Senate approved in a special meeting an objection to announced layoffs from December 2015. The resolution was drafted by a faculty member who may not have been as willing to write such as document if that senator had also been serving as chair. He pointed out that when the Senate Constitution was originally drafted, a faculty union had not yet been established and deans were allowed to sit on the Senate. He noted that chairs, as administrators of the union contract, would seem to be serving two masters by also serving on Faculty Senate, and there may be conflicts of interest.

Vice Chair McNabb urged consideration of the situation of interim chairs, who still submit PAA forms and serve in a short-term limbo. She stated it would seem unfair that a faculty member is voted into a three-year seat on Senate but has to give it up to serve for a year or less as interim chair. She does not think that all chairs should be painted with the same brush when the interim experience is quite different than that of the full-time chair with a four-year appointment.

Chairperson Pynes believes Senate seats should be reserved for faculty who do not have regular access to the Provost and other administrators, and chairs, who do have that access, whether interim or not, should not take a seat that could be filled by a non-chair. As an example, Chairperson Pynes noted that there are clear conflicts of interest when chairs, as administrators, consult with deans about layoffs but are then asked to vote on the Senate floor for or against rebuking those decisions or the process involved in those decisions. Chairperson Pynes also thinks an untenured professor could be influenced in voting or discussions by the presence of his/her chair also serving on the Senate. It was also noted that faculty do not have representation or the ability to sit on the Chairs' Council, where chairs have access to the Provost and other administrators.

Vice Chair McNabb asked about chairs serving on Senate councils; Chairperson Pynes responded that he thinks any Senate council or committee should be closed to service by chairs. Vice Chair McNabb pointed out that the Graduate Council has some interesting practices in determining eligibility to vote or sign petitions, and suggested that ExCo look into that process. Chairperson Pynes pointed out that two state universities require faculty to be in their fourth semester at the university before they are eligible to vote or become a senate member. Vice Chair McNabb expressed her opposition to seniority being the determination of worth for serving on Faculty Senate, noting that such service is one of the ways newer faculty gain a greater experience of the University and other faculty.

It was noted that the last time the Constitution was greatly changed, the Senate established an ad hoc committee to conduct a review of the entire document. Vice Chair McNabb suggested that perhaps a committee could be charged to undertake a more targeted review. The Senate Recording Secretary will explore when the review committee last met and how representation on it was determined and bring that information to the next ExCo meeting when further discussion of these Constitutional issues will continue.

Any changes to the Constitution would have to be approved by two-thirds of the total Senate membership, then by a majority of the faculty members eligible to vote, and, finally, by the President.

### **From Faculty Senate Minutes of January 24, 2017**

Chairperson Pynes asked if any senators have comments to make “for the good of the order” or regarding the Executive Committee minutes. Senator Allison asked about item #7 in the Executive Committee minutes which references a previous Faculty Senate Constitution review which relied on a subcommittee. She asked if a review committee is necessary before making a change to the Constitution. Chairperson Pynes responded that a review committee is not required; a senator could make a proposal for a Constitutional change, and if it was approved by two-thirds of the total membership of the Senate, then it would go to the entire faculty for consideration.

Chairperson Pynes told senators that he believes the last time the Constitution was changed was 1994. [Note: the last time the Constitution was changed was 2004.] He related that when discussing reapportionment during fall 2015, it was noted that college representation is shrinking but the number of at-large senators stays the same, which seems strange. He stated that at that time the Executive Committee discussed looking into how other institutions determine faculty senate membership and has found that Illinois institutions have diverse methods by which they convene their senates. Chairperson Pynes stated that if colleges continue to shrink, Faculty Senate may want to determine how big the Senate should be and determine an approach based upon that figure. He believes that at one time Faculty Senate had 26 senators and now there are 23. He noted that colleges are sometimes combined, so an idea of how large the Senate should be is important. He added that some state universities have senates of 200 people and include emeritus faculty, staff, and chairs. He remarked that Faculty Senate has also recently had issues regarding who is eligible to serve, with some positions being deemed ineligible to serve on the Senate but still retaining voting rights.

Senator McNabb remarked that the most profitable way to conduct a consideration of the Constitution might be to use a committee rather than senators scrutinizing the entire document themselves. She suggested it might be more orderly to select a subcommittee or a special ad hoc committee whose sole purpose is to examine these sorts of issues.

Senator Allison remarked that several people in the Department of English have found it odd that the Director of the Writing Center, because he serves ex-officio on the Writing Instruction in the Disciplines (WID) Committee, is ineligible to serve on Faculty Senate while chairs of departments are eligible to serve. Chairperson Pynes pointed out that the WID Committee is a subcommittee of the Senate, and those who serve on Senate councils or committees cannot serve on the Senate. Senator Allison pointed out that service on the WID Committee is part of the job duties of the Director of the Writing Center. Chairperson Pynes recalled that a recent amendment to the Bylaws allows for service by the Director of the Writing Center on Senate councils and committees if no other acceptable nominee can be found, and he believes that disallowing individuals who serve on subcommittees of the Senate to also serve on Faculty Senate is reasonable. Senator Allison countered that this is no more of a conflict of interest than allowing chairs to serve on the Senate. Chairperson Pynes explained that he does not think that individuals should be engaged in more service or have more access to certain individuals than is necessary. He stated that rather than saying that because chairs can serve on Senate, the Director of the Writing Center should also be able to do so, this argument cuts in the other direction. Senator Allison observed that the prohibition would make sense to her if it extended beyond the WID Committee.

Senator Hironimus-Wendt recalled that there was a discussion this year regarding whether the President of the Union should be able to serve on the Senate and centered on what percentage of his primary duties involved teaching. Chairperson Pynes recalled that ExCo made the determination last spring that the Union President’s primary duties were for the Union, which should prevent him from serving on the Senate or its councils but not from voting. He pointed out that this is another example where membership eligibility and voting eligibility were cleaved, where a faculty member can vote but cannot serve for a particular reason. He added that ExCo came to that conclusion because access and power should not be concentrated in a very few individuals and instead think that many faculty should serve and have access. Chairperson Pynes added that

the issues surrounding access and service are very democratic ones and are not about preventing a particular person from serving or doing something on the Senate.

### **From Executive Committee Minutes of January 31, 2017**

The Executive Committee continued its discussion of possible changes to the Faculty Senate Constitution. As requested at the last ExCo meeting, the Recording Secretary provided information on the previous two Constitution review committees:

- 2004 Ad Hoc Committee to Study the Faculty Senate Constitution and Bylaws
  - Made up of two former Senate Chairs and three former or current Senators
  - Nominated by Committee on Committees and appointed by Senate
  - November 2003 – March 2004 (report to Senate)
  
- 1992 Ad Hoc Committee to Revise the Faculty Senate Constitution and Bylaws
  - Five-member committee recommended by the Executive Committee
  - March 1991 – November 1992 (report to Senate)

The Executive Committee discussed whether a review committee would be the best route for proposed changes to the Constitution or whether ExCo should determine recommendations and present them to the full body for debate. Chairperson Pynes pointed out that with Senate reapportionment taking place late fall 2017, changes to the Constitution would need to be made quickly. Constitutional amendments require two-thirds approval by the entire Senate membership and are then sent to the entire faculty (as defined in the Constitution), who can approve the changes by a simple majority.

Chairperson Pynes sees the three issues to be considered as (1) size of the Senate body, (2) eligibility to vote, and (3) eligibility to serve on the Senate. Vice Chair McNabb advocated that ExCo first reach out to senators, such as through a brief ten-question poll. She suggested such a survey could ask whether a certain number of senators should be established or whether the number should be apportioned and could posit a number of scenarios regarding eligibility and voting rights. Vice Chair McNabb believes that after taking the temperature of the body of the Senate, she would feel a sense of collaboration with the larger group and more comfortable about moving forward while using the intel gathered about areas of concern. Vice Chair McNabb suggested that senators can be asked to familiarize themselves with the relevant sections of the Constitution and respond to open-ended questions. Secretary McIlvaine-Newsad expressed her agreement with Vice Chair McNabb regarding use of a poll or survey, adding that to have ExCo draft proposed changes for the full body to consider seems overly top-down.

Parliamentarian Deitz asked Chairperson Pynes if the faculty at-large have raised any concerns about Constitutional issues. Chairperson Pynes responded that about ten faculty members have asked him about the make-up of the Senate body; additionally, Senator Hironimus-Wendt asked ExCo to look into the Senate membership last year, and Senator Boynton asked ExCo to consider the make-up of the body because of the reduction of college seats.

Senators McNabb and McIlvaine-Newsad will develop a survey that can be considered by ExCo at its next meeting.

### **From Faculty Senate Minutes of February 7, 2017**

#### **I. Old Business**

**Motion:** To continue discussion from the previous Senate meeting regarding the Faculty Senate Constitution (McNabb/Boynton)

Chairperson Pynes informed senators that to add an item to the agenda requires a two-thirds vote of those senators present. Senator McNabb stated that the Executive Committee minutes relate discussion about the Faculty Senate Constitution's need for revision. Senator McNabb during that meeting suggested that senators be surveyed but stated that she would like to have that survey occur during the current meeting rather than via email.

### **MOTION APPROVED 18 YES – 1 NO – 1 AB**

Chairperson Pynes distributed Articles I, II, III, and VI of the Senate Constitution. He told senators that Senator McNabb wants feedback on some issues, such as that expressed last fall by Senator Hironimus-Wendt regarding chairs serving on Faculty Senate. Chairperson Pynes stated that Parliamentarian Deitz has pointed out that the body contracts in odd ways. Additionally, some language issues exist regarding describing the membership.

Chairperson Pynes stated that one issue is whether chairs should be considered administrators or faculty for the purposes of the body of Faculty Senate. Article I states that "The Faculty Senate shall serve as a means by which the opinions and viewpoints of the faculty may be determined and communicated to the administration of the University, and it shall serve as an agency through which the faculty may participate in the formation of basic University policy."

Chairperson Pynes stated that some issues have arisen regarding eligible faculty, as defined in Article II: "Staff members eligible to vote are those who are full-time, who hold the rank of instructor, assistant professor, associate professor, or professor, and who have their primary appointment in an academic department, in University Libraries, in the Counseling Center, or in the Illinois Institute of Rural Affairs. Questions of interpretation of this article shall be determined by the Executive Committee of the Faculty Senate." Chairperson Pynes related that the Recording Secretary pointed out to him that full-time faculty could be those with temporary contracts; the Executive Committee in a previous year determined that faculty with temporary contracts should not be eligible even though they are full-time and hold the appropriate rank. He stated that the number of full-time temporary faculty with rank varies from year to year, and the interpretation of their ineligibility has been in place for more than a dozen years, but it could be more explicitly stated. He added that a faculty member with a temporary contract could be elected to a three-year term and then not have his or her contract renewed, so it would be nice to fix this language.

Chairperson Pynes related that Article III, Section 1. states that "All faculty members are eligible for Senate membership who meet the qualifications under Article II." In two recent incidents faculty members were determined to be ineligible for service on the Senate but retained their voting eligibility, which is in direct conflict with Article II. Chairperson Pynes pointed out that the Director of the Writing Center has to serve on the WID Committee as part of the duties of his position, but his WID service prohibits him from serving on Senate although not from voting in Senate elections. Chairperson Pynes also related that last year the Executive Committee decided that the Union President's primary duties are to University Professionals of Illinois; thus, he would be ineligible to serve on Senate since his service is not to a category specified in Article II. He added that ExCo did not, however, want to take away the UPI President's voting rights as a faculty member. Chairperson Pynes thinks that if voting is defined separately from eligibility for Faculty Senate, these sorts of problems will be avoided.

Chairperson Pynes stated that another thing to be determined is how big Faculty Senate thinks the size of the body should be and how to determine that membership. Article II, Section 1. states that "Each undergraduate college of the University shall be represented by one member for each forty faculty members or major fraction thereof. Persons to be enumerated for the purpose of determining Senate membership must be eligible to vote according to the provisions of Article II." Article II, Section 2. adds that "Six representatives shall be elected by and from the faculty at large whose primary assignment is at the Western Illinois University campus in Macomb, and one representative shall be elected by and from the faculty at large whose primary assignment is at Western Illinois University's Quad Cities campus." Chairperson Pynes pointed out that with colleges shrinking, a

college could lose a seat, but the size of at-large representatives is constitutionally determined and stays the same. He said this strikes some, particularly the Parliamentarian, as odd.

Finally, Chairperson Pynes pointed out that Article VI of the Constitution states that if a proposed amendment to the Constitution is approved by a two-thirds vote of the total Senate membership, voting must be accomplished by mail ballot; an affirmative vote by the majority of the voting faculty shall constitute approval of the amendment, after which it goes to the WIU President for consideration before becoming part of the Constitution. Chairperson Pynes pointed out that since Senate elections are now done via electronic ballot, senators may want this article changed to allow for electronic voting for amendments as well, noting that counting paper ballots by hand involves a lot of time and work on the part of the Parliamentarian, Chair, and Recording Secretary.

Chairperson Pynes believes the most difficult question to solve will be how big the body should be and how representatives should be decided among the colleges, while membership, voting eligibility, the definition of full-time faculty, and electronic voting should be fairly easy to fix. Chairperson Pynes has been reviewing the make-up of faculty senates across the state and told senators that there are a wide variety of models, with some having as many as 200 members, some including administrators on their senates, and one with the provost as the *de facto* chair.

Senator Boynton suggested it might be possible for at-large senators to represent a percentage of the total size of faculty so that the number would fluctuate if Faculty Senate shrinks or grows. Chairperson Pynes stated that senators could fix the total number of individuals serving on Senate and then apportion at-large representation based on that, or continue to have the size of the body fluctuate based on percentages, such as the current model, and determine an algorithm for at-large representation. He added that models in other state senates sometimes get quite complicated. He would like to talk to the Parliamentarian about how these decisions are best made. He added that elsewhere they range from pure percentage models to fixed models. Chairperson Pynes provided a philosophical example: the four colleges each get three representatives with staggered terms so that one goes off of Senate every year with a fixed number of at-large and Quad Cities representatives. He added that senators must come to some agreement unless the body thinks the current Constitution is fine as is. Senator Boynton stated that it seems weird that the number of senators is based on the number of faculty rather than on the number of students, although in the sense that Faculty Senate represents faculty it makes sense.

Senator Hironimus-Wendt likes the idea of a fixed body with a fixed number of senators based on a fixed apportionment. He said the dilemma is that at some point Arts and Sciences may feel over- or underrepresented relative to the faculty size since that College represents just under one half of total WIU faculty. Chairperson Pynes pointed out that Arts and Sciences has six seats of the 23 on Senate. Senator Hironimus-Wendt stated that he has always run at-large because he likes the idea of representing all faculty. He pointed out that Business and Technology and Fine Arts and Communication have tended to have less faculty, with Arts and Sciences having the largest number of faculty and Education and Human Services somewhere in between, and while the numbers have fluctuated somewhat, that general proportion has remained. Senator Hironimus-Wendt said he is not proposing at this point how Faculty Senate should establish the total numbers, but he likes the idea of a fixed body. Chairperson Pynes pointed out that faculty in Business and Technology, Fine Arts and Communication, and Education and Human Services did not submit petitions to fill their seats on Senate in the recent election. He added that next year, the Senate will have two senators who are primarily based in the Quad Cities – one specifically representing Quad Cities faculty and the other representing Education and Human Services.

Senator McNabb stated that one reason she wanted the issue brought to the attention of senators was to get a reading of the barometer of the Senate. She said ExCo knows that a few people have expressed concerns to the Chair, and she was curious as to how global those concerns were. She wants to know if senators agree that these constitutional issues are ones that need to be addressed and if senators have any particular input that might be important to know moving forward.

Senator Allison related that several faculty in the Department of English do not understand why chairs are allowed to serve on Faculty Senate. She said this has been a recurring question in her department, especially in light of the fact that the person who serves ex-officio on the WID Committee as part of his duties as Director of the Writing Center cannot serve on the Senate or any other of its subcommittees while serving on WID. Senator Allison stated that while she understands logically the argument for this ruling, she does not understand why chairs, who are contractually administrative, can serve on Senate while a faculty member cannot. She pointed out that chairs sit on Chairs' Council and have access to deans and upper administration. She said this does not make sense to her or to a majority of her department, and she is glad that her chair does not want to serve on the Faculty Senate.

Senator Hironimus-Wendt pointed out that Faculty Senate includes chairs, former chairs, and interim chairs, and he hopes those individuals do not see him as judging their characters by his statements. He compared the service of chairs to a kind of emollients clause since chairs serve the interests of their deans and the Provost and in some ways are paid to represent the administration to their department faculty. He explained that if the dean or provost were to instruct a chair to tell his/her faculty that a certain policy will be enforced, the chair's pay or emollients would be at the behest of the administration on some issues. Senator Hironimus-Wendt stated that faculty, however, represent the faculty full-time and are being paid because they are faculty. Senator Hironimus-Wendt respects the chairs on Faculty Senate who have served and continue to serve, his department chair, and his dean, but he believes there is a political aspect involved with trying to represent two interests, and that needs to be addressed. He does not like the idea of chairs serving on the Faculty Senate when it is constituted to represent the will of the faculty to the chairs.

Senator Boynton wonders if Faculty Senate should ask ExCo or an ad hoc committee to look into these constitutional issues because they will not be resolved today. She admitted to mixed feelings about the issue of chairs serving on Senate, noting that it depends on if the person elected has been a member of the faculty who is then appointed to chair a department or if the chair is a person elected from outside for that specific duty. She would like to see these questions referred to a smaller body to make recommendations. Chairperson Pynes stated that the purpose of the conversation was to provide feedback to ExCo members, which they have heard.

Senator DeVolder explained that the sole responsibility of the chair is not to bring messages from the administration to the faculty, enforce those messages, and represent the administration to the faculty; it is very much the other way around and is certainly a two-way street. He stressed that responsible chairs spend as much time and more representing faculty to the administration. Chairperson Pynes agreed that this is a fair assessment of what it means to serve as chair. He stated that one concern he has had is that if a chair who also serves as a senator was actively involved in the recent layoffs, then it makes it difficult for that chair to sit in Faculty Senate and rebuke that process, and that kind of conflict has never been brought forward before this past fall. He would like to prevent chairs from being put into that position, particularly since they are contractually administrative. Chairperson Pynes stated that Faculty Senate existed before the establishment of the faculty union, and now the union has an effect on the kinds of titles and responsibilities that faculty have. Chairperson Pynes said that while he appreciates the two-way street aspect of chair duties, he thinks this is the type of conflict that people are now worried about. Senator DeVolder clarified that the faculty member who was lost in his department was not part of the recent layoff process but was lost due to reorganization, and he had no say in this decision.

Senator Allison stated that, regarding the function of the Faculty Senate, her chair is her boss, and as such can do things she cannot do and can instruct her to do things, so there is a power system in place that is not in place with fellow faculty members. She believes it is a question of administration and faculty, and while she understands that a lot of chairs are seen as faculty members and hold that rank, they have power to do things that a faculty member cannot do. She added that there is also the representational question because chairs have access that faculty members do not have.

Senator Hironimus-Wendt stated that while the duties of chair represent at two-way street, faculty do not necessarily have the opportunity for that same two-way street. He noted that while he can talk to chairs and deans, he cannot serve on their councils and committees; while he can speak to the Chairs' Council as a faculty member, he cannot serve on it as a voting member. He stated that while chairs do have a two-way street, the parallel is not the same as that of regular faculty. Senator Hironimus-Wendt added that he has nothing but respect for Senators DeVolder and Boynton and the jobs they have done in their positions. He added that he has spoken to Senator McNabb about the possibility of interim chairs being allowed to continue to serve on the Senate.

Chairperson Pynes announced that Senator Boynton has asked the Executive Committee to put together a proposal. He asked the Vice Chair if she is satisfied with the discussion. Senator McNabb stated that there seem to be concerns, and it sounds like there is a recommendation that these issues will not get hashed out in a large body, so it may be beneficial to posit scenarios and return them to the group.

Senator Boynton asked why Article II refers to "Staff who are full-time..." rather than faculty. She suggested that this should also be cleaned up.

### **From Executive Committee Minutes of April 4, 2017**

The Executive Committee will ask Faculty Senate during New Business on April 11 to consider whether to submit three proposed amendments to the Senate Constitution to the entire faculty for a vote. The amendments propose revisions to eligibility for service on the Senate, which would prevent service by chairs (Article II); membership eligibility (Article III); and a change to allow electronic voting for amendments (Article VI). If approved by the Senate by a two-thirds vote of the entire membership, the amendments would have to go to the entire full-time faculty for consideration.

ExCo was unable to come to agreement on changes to the length of service required before running for Faculty Senate (Article III, Section 1), so that amendment will not be going forward. Additionally, ExCo will recommend that next year's Executive Committee create an ad hoc committee to consider the question of representation on Faculty Senate (currently one member for every 40 in a college) in an era of shrinking numbers of faculty and whether the at-large representatives should be pre-determined at a set number (Article III, Section 2). Chairperson Pynes pointed out that next year is an Faculty Senate reapportionment year and will be a good time to determine what the body should look like going forward.

### **From Faculty Senate Minutes of April 11, 2017**

#### **A. Proposed Constitutional Amendment – Electorate (Article II)**

Chairperson Pynes explained that several senators have asked about membership, service, and eligibility on the Senate. He related that ExCo had several conversations and considered different ways to structure the changes but decided that the current proposal represents the cleanest way to determine the faculty electorate, the group of faculty that elect people to the Faculty Senate. He added that amendments are read at the first Senate meeting and come back for a vote at the second meeting. The vote will determine whether senators wish to send the proposals to the entire faculty for consideration.

#### **Article II – Faculty Electorate**

~~Staff members~~ **Faculty** eligible to vote are those who ~~are~~ **have** full-time **faculty contracts**, who hold the rank of instructor, assistant professor, associate professor, or professor, and who have their primary appointment in **an academic college**, an academic department, in University Libraries, ~~in the Counseling Center~~, or in the Illinois Institute of Rural Affairs.  
**The Executive Committee of the Faculty Senate shall decide questions** ~~Questions~~ of

interpretation of this article shall be decided by the Executive Committee of the Faculty Senate.

Senator Boynton asked if the change to include “an academic college” is intended to include schools in addition to departments; Chairperson Pynes responded that schools are already in colleges. He intended the addition to cover those faculty who do not have a department because their department was eliminated, for example, or if in the future the Honors College has faculty assigned to it who would not be housed in a department. He said the intention is to fill a lacuna that could exist. Senator Boynton pointed out that all departments are housed in colleges; a faculty member could not be housed in a department and not be in a college. Chairperson Pynes agreed that the addition is a little redundant; he pointed out, however, that a faculty member could be in a college and not in a department. Senator McNabb added that the insertion of “academic college” occurred late in the group’s discussions and resulted from the desire to create a flexible, living document that would not require constitutional amendment changes in a couple of years. She pointed out that the situation at WIU is shifting with some regularly at this point, and it is unknown what kinds of faculty groups might occur in the future. She added that this addition might look redundant now but may fit a future faculty model.

Senator Pawelko asked if there was any discussion of the eligibility of interim chairs. Chairperson Pynes responded that this is addressed by the additional requirement of a full-time faculty contract. He said the discussion over this point was lengthy, and there are a couple of ways to handle this question. The University of Illinois-Chicago, for instance, considers that anyone with a faculty contract of 51 percent or greater is considered to be faculty and eligible for their senate; chairs have 50 percent faculty contracts and are ineligible to serve. Chairperson Pynes stated that at WIU, once a person is appointed as chair – interim or not – that individual becomes administrative with an administrative contract. He said that ExCo prepared the proposal in terms of contracts, and if the purpose of Faculty Senate is to provide a faculty voice, a chair is administrative even when interim.

Senator DeVolder observed that replacing “Staff members” with “Faculty” helps to clarify the document, and planning for the future with “academic colleges” is also fine, but what is really happening is an effort to take a number of people that have been historically eligible to serve for many years and exclude them. He expressed his objection to the proposal. Senator DeVolder, who chairs the School of Computer Sciences, stated that he would not be sitting at the table if he did not want to serve on Faculty Senate; Chairperson Pynes said that is the point. Chairperson Pynes recalled that in December 2015, Faculty Senate passed a resolution objecting to proposed layoffs and the way they occurred, and some chairs were involved in those decisions. He thinks it would be difficult for a chair to vote for a resolution when that chair participated in making those things happen to which the resolution is opposed. He stated that Senator Hironimus-Wendt and others have suggested that chairs ought not to serve on Faculty Senate. Chairperson Pynes originally thought that chairs should not be eligible to serve but should be eligible to vote, but it became too difficult to separate the two, and the Interim Provost was of the opinion that it should be either “all in or all out.” He stated he is sympathetic to the fact that Senator DeVolder wants to remain eligible for Senate, and the proposal includes a statement that “Any Senator serving during the passage of this amendment whose eligibility is affected by this amendment shall be allowed to complete their elected term of service.”

Senator Boynton admitted to mixed feelings because she served on Faculty Senate when she was interim chair and chair of her department. She believes there have always been two classes of chairs: chairs that have served as faculty and have a commitment to WIU, and those that come to WIU as a career move and then go elsewhere. She said she is not interested in having those chairs that do not have a commitment to WIU’s faculty serve on the Senate, but that is the purpose of voting; faculty choose whether they want a certain person to represent them on Faculty Senate or not. She pointed out that chairs teach, but this resolution seems to indicate that Faculty Senate will now follow Union rules regarding the definition of chairs, and while she was chair she never considered that she was not also a faculty member.

Senator McNabb, who is Interim Chair of the Department of History, related that she was elected as a faculty representative, but her status changed unexpectedly during her second term, and it has eaten at her that she is taking a seat at Faculty Senate while she is serving as an administrator. She stated that if her chair's position in her department should continue, she will resign her seat on Faculty Senate. She wants to see her seat filled by a full-time faculty member who has to teach three to four classes per semester because that person has a different view of the world than she has as interim chair. Senator McNabb related she has only been interim chair for six or seven months, but she can tell she has a different perspective, and her priorities and thinking about the University have changed. Senator McNabb observed that as interim chair she has opportunities to talk to administrators beyond Faculty Senate and the Executive Committee, and she feels that her voice is being heard in a lot of ways. She wants a faculty member to take her place on the Senate so that person can have the same access that she has voiced during her terms on the Senate. Senator McNabb added that this has been a tough position for her to come to.

Senator McNabb also pointed out the ripple effect of saying that the electorate excludes chairs and that they are ineligible to serve is also linked to service on Senate councils and committees. Chairperson Pynes stated that since 2012 there have only been five chairs serving on committees and councils of the Senate, and two of those are also serving on Faculty Senate today. Senator McNabb said that while service by chairs on Senate committees and councils has been the exception rather than the rule, she believes Senate committees and councils should be staffed by people who are not administrators. She related that a lot of language passed in and out of Articles II and III during the discussions, but she does concur that this is a potentially useful step to assure greater viability that the faculty voice will be heard in future years.

Senator Allison agrees with the Senator McNabb's point about access because chairs have access to administrators in a way that faculty do not. She stated that the point is about representation as well; chairs are represented on Chairs' Council. She does not think her chair should be at the Chairs' Council and also seated on Faculty Senate. She does not want to sit next to her chair and have a disagreement on the Senate floor, then go back to her department and deal with the fall out. She does not see the change as defaulting to the Union definition of chairs but rather as defaulting to the contract, which defines faculty one way and administrators another way.

Senator DeVolder remarked that if a faculty member from Computer Sciences were serving on Faculty Senate and disagreed with him on a topic, they would still disagree, and whether or not Senator DeVolder was also seated on the Senate would not change that. He is confused about the perception of Chairs' Council, which has only met once or twice this year. Senator DeVolder stated that he was not elected as a faculty member and then moved into the director's position but was already serving as director when elected by the faculty of the College of Business and Technology to represent them.

Parliamentarian Deitz reminded senators that faculty have asked the Executive Committee questions regarding the eligibility of service on Faculty Senate, and while this may be a sensitive topic, the question is whether this proposal should go to the broader group of faculty to see if they want to decide for themselves who should serve on the Senate.

Dr. Rock stated that he has been a faculty member for 27 years and has served on the Faculty Senate for 12, and there have never been more than a couple of chairs on the Senate at any point during those years. He stated that sometimes department chairs have chaired the Faculty Senate, and he has had nothing but appreciation for what they have brought to the table. He believes chairs are able to bring a viewpoint and information that most faculty simply do not have, and he thinks it is important that they still have access to this body. He noted that chairs will never make up a majority of the Faculty Senate and believes that it is up to the electorate to decide who best represents their interests for both at-large and college appointments.

Chairperson Pynes noted that there are many uncontested elections; he thinks the current body is too big and would be interested to see how often elections are uncontested. He noted that during the most

recent election the deadline had to be extended for three colleges. Chairperson Pynes stated that no one is impugning the service of a particular chair, whether Loren Erdmann when he served during one of Chairperson Pynes's previous terms or Senators DeVolder or Boynton. He stressed the issue stems from the fact that more than five faculty members have asked why it is possible for chairs to serve on Faculty Senate. He stated that the purpose of the Senate is to have a faculty voice expressed to the administration, and it cannot be denied that chairs have a different point of view than faculty. He said that Dr. Rock's point is well taken and supports Senator McNabb's statement that she has a different world view as interim chair and will give up her seat if she becomes department chair.

Chairperson Pynes also believes that senators' faculty colleagues should not be let off the hook for the kind of service that they should be doing; if the same people continue to do all the work, it is letting other faculty off the hook. He thinks faculty should be responsible for governance and infused in the process. He added that sometimes individuals think the same people are going to do the work and that they do not have access into the process.

Senator McNabb pointed out that Faculty Senate holds open meetings so chairs can continue to attend; guests in the audience are called on regularly, so there are plenty of opportunities for chairs to voice their perspectives, and she plans to attend regularly if she continues as chair of her department. She added that she has a strong belief in history and tradition, but those have changed for WIU as an institution, and she thinks the amendment might seek to implement some of that new world reality in regards to the Faculty Senate. She observed that chairs have served on Faculty Senate in the past and have performed wonderfully, but now faculty colleagues have experienced the worst trauma that can come to an academic. She sees unprecedented levels of concern and unprecedented clamoring for opportunities to participate. Senator McNabb stated that when she is seated at Faculty Senate as an interim chair, that is an opportunity for service that is no longer open to a faculty member, so she is willing to send the proposal to the University community to see what everyone else thinks. She added that if faculty say they want chairs to serve, she will agree, but if they think it is time for chairs to exit Faculty Senate because they have other ways to express themselves and can come to Senate meetings anyway, that is fine as well. She thinks it is a bigger decision than 23 senators should make, and she would like to see senators give their faculty colleagues the opportunity to express their opinions.

Senator Sandage asked why the Counseling Center is being removed from the electorate. Chairperson Pynes responded that the Recording Secretary informed ExCo that there have not been any faculty housed in the Counseling Center for a number of years, and it is unlikely that this will change in future. Interim Provost Neumann added that the last faculty member in the Counseling Center retired several years ago, and the unit has shifted to housing only professional counselors rather than teaching counselors.

B. Proposed Constitutional Amendment – Membership Eligibility (Article III)

Article III, Section 1 - ~~Membership~~ of Faculty Senate **Membership Eligibility**

Qualifications:

All faculty members are eligible for Senate membership who meet the qualifications under Article II **unless a bylaws conflict occurs.**

Chairperson Pynes stated that the Executive Committee wanted to make clear that a bylaws conflict can preclude membership, and ExCo presides over those decisions.

C. Proposed Constitutional Amendment – Amendments (Article VI)

Article VI - Amendments

Amendments to this constitution may be presented in writing by any eligible faculty member. The Senate shall act on the proposed amendment at the next regular meeting following the one at which the amendment was presented. If the proposed amendment is approved by a two-thirds vote of the total membership of the Senate, it shall be submitted by the Executive Committee to the eligible faculty (Article II) for approval within thirty days. Voting shall be

by **either mail or electronic ballot and should be specified by the motion calling for the amendment**. An affirmative vote of a majority of the faculty voting shall constitute approval of the amendment; then upon approval of the President of the University, the amendment shall become a part of the constitution.

Chairperson Pynes stated that this change would allow for electronic voting for amendments; the three current amendments, if approved by Faculty Senate at the April 25 meeting, would go out on paper ballots. He added that the proposal would allow for the use of paper ballots if requested in the motion calling for the amendment. Senator Allison stated that she is in favor of electronic voting but is irritated when some surveys, such as that for evaluating the President, do not let her exit out and then return to complete it later. Senator Boynton remarked that there was a problem with the electronic SNC interest survey when it first went out as well. Senator Szyjka stated that CITR has the ability to create special links which are unique to each person, so it really depends logistically on how the voting is set up by that office or whoever is making it. Senator DeVolder explained that sometimes the interface to the survey or voting is sufficiently confusing that an individual may think they are closing it when they are actually submitting it empty. He stated that consideration should be given to the relative security and reliability of paper ballots rather than moving to something new, so the decision should be made carefully.

#### **From Faculty Senate Minutes of April 25, 2017**

##### A. Proposed Constitutional Amendment – Electorate (Article II)

##### 1. Second reading and vote

Chairperson Pynes explained that today senators will not vote on whether the proposed amendments will be implemented but on whether they should go to eligible full-time faculty for consideration. Senator Hironimus-Wendt observed that constitutional amendments require approval by two-thirds of the body, not two-thirds of the quorum, and asked if that means an abstention is counted as a no vote. Chairperson Pynes responded that two-thirds of the membership must approve the amendments for them to be sent on to the electorate, so an abstention would count as a no vote. He added that 16 votes are needed to send the amendments on to the faculty.

Senator Boynton asked to make it clear that senators are considering sending these amendments to the faculty so that a majority of faculty can vote to disenfranchise a minority of the faculty; they would be sent to the faculty to see if they want to take away membership and voting rights from a small minority of faculty. She is not comfortable with taking the vote away from those that have been serving as chairs. Senator Hironimus-Wendt said he appreciates the sentiment behind Senator Boynton's comments, but he thinks there is always the question of whether or not a chair is a faculty member; one always knows that a faculty member is not a chair. He stated that chairs have access to administrators and are employed as administrators, while faculty are not employed as administrators. He thinks there is an important distinction between being a department chair and being a faculty member, so a year ago he asked the Executive Committee to ask faculty if they have reservations with department chairs serving on Faculty Senate. Senator Hironimus-Wendt admitted it a complicated issue, and he could go either way on it, but he would like the full faculty to decide this issue so he will vote in favor of sending it to them. Chairperson Pynes observed that there was significant discussion on this issue at the last meeting, and in order to act there needs to be a motion.

**Motion:** To send the first constitutional amendment (Article II) to the full faculty for a vote (Allison/Tarrant)

Senator Boynton asked, if the motion is approved and the amendments are sent to the full

faculty, whether Chairperson Pynes would include an explanation of what the vote means, particularly that this will take the right of voting away from chairs and directors, because that is not explained anywhere in the amendment.

**MOTION APPROVED 19 YES – 2 NO – 0 AB**

B. Proposed Constitutional Amendment – Membership Eligibility (Article III)

1. Second reading and vote

Chairperson Pynes explained this represents a minor change to the title of the article and codifies the fact that a bylaws conflict could affect membership eligibility. He added that the bylaws already allow ExCo to adjudicate in these cases, but this amendment will make it easier for individuals to understand. He stated that the classic example related to this amendment is that the faculty member who serves ex-officio on the WID Committee cannot serve on Senate, but there are other examples, such as NCAA Faculty Representative Tom Cody who serves ex-officio on the Senate’s Council on Intercollegiate Athletics.

**Motion:** To approve sending Article III to the voting faculty (McNabb/Hironimus-Wendt)

**MOTION APPROVED 21 YES – 0 NO – 0 AB**

C. Proposed Constitutional Amendment – Amendments (Article VI)

1. Second reading and vote

Chairperson Pynes explained that this amendment will make voting for amendments easier in the future; it would allow for electronic or paper ballots for amendments and specify that the methodology for the election should be included in the motion.

**Motion:** To send the amendment to the full faculty body (McNabb/Locke)

Senator Allison remarked that she is in favor of going green, but as she raised two weeks ago, she is concerned that weird glitches sometimes occur when trying to move through electronic voting or surveys. She assumes that ExCo will take into consideration that people sometimes open ballots, do not vote, then get locked out, so there is a learning curve. Chairperson Pynes pointed out that if a person is concerned about electronic voting, he or she can stipulate in the motion that paper ballots be used. He added that this motion does not eliminate paper ballots but makes electronic ballots an option.

Senator Boynton asked if all three amendments will be sent out on paper ballots; Chairperson Pynes replied that they must occur that way. Senator Boynton asked when they are expected to go out; Chairperson Pynes replied that it will occur fairly soon because the bylaws stipulate they must go out within 30 days.

Senator DeVolder stated that while he usually avoids mentioning any product or specific technology, he is concerned about the security of electronic balloting.

**MOTION APPROVED 20 YES – 0 NO – 1 AB**