President Mollenkopf called the assembly to order at 7:00 p.m.

Mollenkopf expressed her gratitude to those who came and reminded all present that the documents being reviewed tonight were available on the Faculty Senate web site. The meeting then proceeded with a discussion of each of the proposed changes to the Constitution and By-laws of the Faculty Senate. The proposed changes are replicated below in bold with the discussion points listed below each proposed change. Changes were reviewed from the abridged version of proposal, which was distributed earlier by President Mollenkopf. Interested parties are directed to the Faculty Senate web page to see the full changes as they appear in the Constitution and By-laws.

1. There will be departmental and library representatives instead of college representatives. There will be two Senators at Large instead of three. Each department recognized by the Board of regents will be a department. A department with fewer than 5 members may combine with another department with the department’s consent to share a representative. The department whose senator is going to be President can choose a second representative to represent their department.

Senator Freeman inquired whether or not small departments would be allowed to combine to select a representative?

Pres. Mollenkopf noted that they may, but they don’t have to merge, every department with less than 5 faculty members will be allowed to have a representative if they choose.

Senator Taylor read comments e-mailed to him by a faculty member in CBT, which are replicated below:

“If this is an effort to get better (or broader) participation on Senate, I don't think this change will accomplish that goal. Speaking from past experience, if you want more faculty engagement in Senate then there needs to be recognition for that service (at both the Department and College level). One more observation regarding engaging faculty in Senate - currently it seems that serving on Senate is just another time commitment rather than an activity that is respected or esteemed (cultural problem at UNK or a perceptual problem) - in other words, as a faculty member who no longer serves on Senate I have to work fairly hard to find out what Senate is considering and/or has discussed. However, I do not feel using Department representatives is a good route to solve this issue - especially in terms of increasing communication flows between the general faculty and Faculty Senate.”

Senator Miller noted that he would disagree with the notion that the departmental model would not improve discussion and make it easier to access a senator. He noted that it tends to be much easier to find somebody in your department to discuss issues with than it is with somebody in the college. He also noted that in the past departments without representatives have been somewhat blind-sided by resolutions passed by the Faculty Senate, because they did not have a representative in the room. The departmental model would help to alleviate that concern.
Senator Biggs inquired about departments that are currently merged, which may become separated into independent units in the future.

Senator Darveau noted that under the changes if the new departments become separately identified as independent academic units by the Board of Regents, then each would get a representative to the Faculty Senate.

Senator McKelvey noted that she had heard from smaller departments who did not feel that they would be able to get anybody to serve on the Faculty Senate, so they would be happy to merge or to have somebody report back to them on the happenings of the senate.

2. Full time faculty are not required to be in residence and both research and service obligations in lieu of teaching can be considered regarding their eligibility to be on the Senate.

Pres. Mollenkopf discussed that this change just adds a clause to indicate that faculty who are still full-time faculty, who have been granted reassigned time for either research or faculty service related activities, can still be eligible to be on the senate.

Senator Darveau added that this removes the assumption that one “must live in Kearney” to be on the senate, as we’ve had senators who have travelled to be at meetings for years.

Senator Biggs raised the issue of whether or not a full-time faculty member who is abroad may be on the senate and attend the meeting via some type of interactive communication technology (i.e. Skype™).

Senator Darveau noted that this change is not meant to address this issue, it simply is meant to clear up the fact that full-time faculty members can and do live in places other than Kearney, but still physically commute to be at meetings of the senate.

Pres. Mollenkopf noted that the hypothetical situation identified by Senator Biggs would call for a temporary replacement, as has been done in the past.

Senator Trantham added that under such a scenario a) the faculty member in Peru would probably not want to be on the senate and b) the department would probably not want this person to be their representative.

3. The President may have a one-course release each semester. Financial compensation will be provided by the Chief Academic Officer.

Senator Rogoff noted that this issue was raised in a previous meeting of the senate, but this change should indicate a number of load hours rather than be listed as a “one-course” release.

Senator Darveau agreed that this change needs to be made to reflect that the faculty member should be released from the equivalent of 3 credit hours of teaching.

Senator Wozniak – what about department chairs who already have a one course release, what does that do to their annual review, will the rank and tenure policies handle that and will they still be considered faculty and not administration?
Senator Darveau noted that we’d need to review the contract, but his recollection is that the contract does not allow somebody to be classified as faculty if 50% or more of their responsibilities are administration, but in this case the role of being president would clearly be a service responsibility and not reflective of an administrative role.

Senator Miller discussed the importance of this clause because of the inconsistency with which this unwritten policy has been applied in the past. Darveau added that this has been a tradition in the past that has recently been challenged, so it’s important to codify this stipulation in the constitution. Mollenkopf also noted that it was important to identify a funding source, so that the president-elect doesn’t have to try to wrestle funds out of a departmental or college budget to pay for an adjunct, as the role of Faculty Senate President clearly has a university-wide span of control.

4. Committee chairs need to get their minutes to the Faculty Senate secretary 10 days prior to the Faculty Senate meetings instead of 7 days prior.

Senator Taylor read the following concern that had been e-mailed to him:

“The Faculty Senate Academic Affairs Committee has standing meeting times - unfortunately these meeting times often conflict with being able to submit meeting minutes 10 days prior to the Faculty Senate meeting. Since the actions of the Academic Affairs committee do not become effective until the minutes have been approved by the Senate - this change will result in the slowing down of the academic affairs process. In other words, course approvals, program changes, and course changes could be delayed significantly by this change.”

Taylor noted that he’s in favor of some type of codified deadline in order to limit the amount of last minute information that senators are expected to digest, but that this point definitely has validity.

Senators Darveau, Wozniak, Miller and Trantham offered a number of ways to remedy this issue including:

- Moving the day that Academic Affairs meets (traditionally has met the third Thursday of the month)
- Making an exception in the constitution and by-laws for the final meeting in April, which is the only meeting that should really be affected by this change
- Creating a standing rule of order that would suspend this rule for the last meeting in April

4. Instead of the “three strikes, you’re out” attendance policy, a senator may give notice of an absence 7 days prior and send a proxy. If there are three absences including those with a proxy, the Parliamentarian will find out from the department or library if they want to re-affirm the senator or find a replacement.

Senator Miller relayed the support of one member of the Theatre Department who is in favor of this, because it would allow that department to send a proxy during rehearsals for the various productions staged throughout the course of the year.

Senator Wozniak asked whether the constitution would specify who the proxy can be?
Senator Darveau indicated that it must be a full-time faculty member from the represented unit (i.e., department). Darveau also noted that at-large senators would not be able to send a proxy, but would still fall under the traditional 3 absences policy.

5. Senators won’t get hard copies of the minutes. They can print these themselves.

President Mollenkopf noted that this has been the practice for quite some time; we’re just updating the constitution to reflect this reality.

6. The Faculty Senate meeting agenda is not limited to the list in the Constitution.

President Mollenkopf noted that this has been the practice for quite some time; we’re just updating the constitution to reflect this reality.

7. The Oversight and Executive Committee members will serve until the last Faculty Senate meeting in April (they did before but the wording was funny).

President Mollenkopf noted that this has been the practice for quite some time but an update is needed to the constitution as the current language is confusing.

8. Colleges is defined by listing all four colleges and the word “undergraduate” is no longer included with the colleges since we have graduate programs.

Reviewed without comment.

9. Faculty residency is defined by the department they mostly work for. If they have a 50/50 or a fluctuating load mix, they need to declare a department if they are holding the office of Senator.

Reviewed without comment.

10. The validity of an election is handled two ways: If it is a department or library senator election that is handled by Oversight. If it is a Senator-at-large, it is handled by the Executive Committee. If the Oversight Committee decides the election is invalid they will hold a new election A.S.A.P. If the Executive Committee decides that the election is invalid, they will appoint an ad-hoc committee to run the new election.

Senator Darveau noted that this change is needed, because in the past the Oversight Committee conducted the elections and if there was an error it then had to be handled by an ad-hoc committee assembled by the Executive Committee. This process will help to smooth these issues as Oversight Committee will already be assembled.

11. The department and Library senators will be nominated and elected a little differently than they are now. The college representatives on the Oversight Committee will help oversee the elections for the departments in their colleges. The election process can be as informal or formal as is dictated by the departments and the library for their elections; however, they have to nominate and elect the Senators from their respective units. The persons with the largest number of votes get elected. The department’s report the results to the college representative on the Oversight Committee. The library reports the result to the Parliamentarian. All election results will be reported to the faculty and candidates on or before April 15.

Reviewed without comment.
12. The Oversight Committee will also conduct elections for the departmental and library representatives to the Faculty Senate Standing Committees. The nominations will take place the first half of September and the elections, the second half. The college representatives will be responsible for conducting the elections for their college and the library representative, for the library. If there is a conflict, the Parliamentarian will find another Oversight Committee member to run the election. The representatives will make sure eligible faculty members get nomination forms to write in nominations from people who have consented to be on there. Those ballots must be returned in 7 days. Then the Election ballots will be sent out with only those names (no write-ins). The persons with the largest number of votes will be elected.

Senator Darveau indicated that this provision will help to resolve any conflict-of-interest issues that arise during these elections.

13. The chair of the Academic Affairs Committee no longer has to be a Faculty Senator.

Senator Miller passed along the concern from the Registrar’s Office, that this change is okay, but that there still must be a direct reporting relationship between the Faculty Senate and Academic Affairs, as the work of this committee is central to the work of the university. He also noted a concern that whoever is sent as a representative should have significant institutional knowledge and a deep understanding of the curriculum and processes associated with altering the curriculum.

This issue was debated by Senators Darveau, Miller, Biggs, McKelvey and Trantham. Various ideas were offered to potentially amend the constitution to require that titles be added to indicate that the representative to Academic Affairs must be a tenured faculty member or a “senior” faculty member or an “experienced” faculty member. Ultimately, the conclusion was reached that this does not need to be codified in the constitution, but that the Oversight Committee should be trusted to appoint a senator with the requisite knowledge and experience to serve well on the Academic Affairs Committee. Further, the president may ask a committee chair to step-down if their work is deemed unsatisfactory by the senate.

14. There is a new provision for special rules of order. The Senate can adopt special rules for conducting Faculty Senate meetings on the first meeting in September. The rules need to pass by a 2/3’s majority vote. They can be suspended temporarily by a 2/3’s majority vote as well.

Senator Darveau indicated that this was technically already in the constitution, we just clarified the wording. He also noted that we have never taken advantage of this opportunity, but that the potential exists to enter special rules of order that may substantially streamline the work of the senate (i.e., consent agendas, etc.).

Senator Taylor inquired about the nature of special rules of order and if these would supersede the constitution or if they needed to be in-line with the constitution.

Darveau indicated that these special rules would not really overrule the constitution they could just allow the senate to introduce rules of order that are in-line with the constitution, but not explicitly outlined.
General Comments

Senator Taylor relayed a concern he had received about the significance of these changes and the timing of bringing them to a vote. Specifically, the idea that these changes should be pushed to the fall to allow more time for discussion amongst the faculty was brought up.

Senator Darveau indicated that we have been working on this for 3 months, the issues have been in the minutes and senators should have been discussing these ideas with the faculty. He’s not sure that 3 more months over the summer will be beneficial.

Senator McKelvey inquired about the specifics of the new allocation (provided the departmental model passes) and how current senate terms would be managed.

Senator Darveau directed attendees to the process outlined in the Oversight Committee’s March Minutes:

Should the above changes be adopted, all current terms for Senators would end April 26, 2014. Elections for the two Senator-at-Large seats will be conducted according to the current rules with one three-year term and one two-year term. All departments/units must conduct the election for their representative and make the result known by April 15, 2014.

Darveau added that we would likely need to develop a model to stagger the terms so that we don’t have to completely overhaul the senate every 3 years.

Senator Wozniak discussed the timing of departmental elections and departmental decisions with regard to whether or not they would like to merge with another unit. He and Senator Miller indicated that the Oversight Committee will have to do a lot of educating of department chairs to ensure that the elections take place on time and that department “merger” decisions are made in a timely fashion. Senator Darveau added that “merger” decisions will have to be made by the 10th of April as specified in the proposed changes to the constitution.

Senator Taylor mentioned that if these changes pass we could develop a new institutional norm or “best practice” where departments would schedule their meetings between the time when the agenda was posted and the regular monthly meeting of the senate. That could create a good communication mechanism, such that departments could provide feedback to their senator directly ahead of faculty senate meetings.

Senator Messersmith inquired about the composition of the new senate by college if the departmental model were implemented without any mergers.

Senator Darveau answered that the new model, assuming no departmental mergers would yield the following distribution by college:

CBT - 6
COE - 5
CFAH - 7
CNSS - 10
At-large - 2
Library - 1
Potentially 1 more senator from the standing president’s department
President Mollenkopf adjourned the public hearing at approximately 8:00 p.m. and indicated that an official vote on the proposed changes is scheduled for next Thursday, 4/25.