

IUPUI Faculty Council Committee Annual Report 2008-09

Committee Name: Constitution and Bylaws Committee

Chair: Cornelis de Waal

Secretary:

Members: Goldfinger, Johnny; Hattab, Eyas; Schmetzer, Alan; Kosegi, Judith;
Miller, Steven; Romito, Laura.

Action Items:

Action Item(s)	Status
election of NTTF for At-Large membership on the IFC	Completed; both the Constitution and the Bylaws changed
Clerical modifications to the Bylaws	Completed; the Bylaws changed
Election of IUPUI Representatives to the University Faculty Council	Completed; the Bylaws changed

Action Items to be carried over to 2009-2010:

Action Item(s)	Status
Electronic voting	First reading occurred; ready for second reading
Enabling committees to have staggered co-chairs.	First reading occurred; ready for second reading

Suggested new action items for 2009-2010:

Action Item(s)	Status

Please attach any completed documents or recommendations made by your Committee during this report year. One copy of this report and supporting documents will be sent to the IUPUI University Archives.

Report due: June 30, 2009

**Submit to*: Karen Lee
is**

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***Preferred submission method**

via email.

To: Executive Committee
From: Cornelis de Waal,
Chair Constitution and Bylaws Committee
Date: 2 December 2008

The Executive Committee has charged the Constitution & Bylaws Committee with drafting an addition to the Bylaws that would enable the IFC President to make simple clerical modifications to the bylaws without requiring that the entire process of introduction and adoption of amendments be traversed.

What prompted this is the fact that organizational changes within the administration has resulted in several changes not yet reflected in the bylaws, such as the change of "affirmative action office" and "affirmative action officer" to "Office of Equal Opportunity" and "Director of Equal Opportunity."

Modifying some language provided by Roberts Rules of Order in the section on amending bylaws, we are sending for your consideration a section C to be added to Article VI of the Bylaws (given below in blue).

BYLAW ARTICLE VI. AMENDMENTS

Section A. Introduction of Amendments

A resolution to amend the Bylaws may be introduced at any regular meeting of the Faculty Council by any member thereof, by the Constitution and Bylaws Committee, or by written petition of at least 20 members of the voting faculty submitted to the President of the Faculty. Any resolution to amend the Bylaws not arising from the Constitution and Bylaws Committee shall be referred to that committee for review. The Constitution and Bylaws Committee shall report to the Council at its regular meeting.

Section B. Adoption

Adoption of an amendment to the Bylaws shall require a favorable vote of 2/3 of those present at a regular meeting of the Faculty Council, if prior notice of the intention to conduct a vote is given to members of the faculty and to members of the Council. If no prior notice is mailed at least two weeks prior to the meeting adoption will require a favorable vote of 2/3 of the total membership of the Faculty Council.

Section C. Clerical Modifications

The President is authorized, after consultation with the Chair of the Constitution and Bylaws Committee, to make simple clerical modifications to the Bylaws—such as corrections to spelling or punctuation, insertion or removal of cross-references, or updating the Bylaws to reflect changes in the names of administrative offices or positions—provided that doing so in no way alters the intent of the text thus modified.

MEMO

FROM: Cornelis de Waal, Chair Constitution and Bylaws Committee

TO: IFC Executive Committee

RE: Amendment of the Bylaws to allow for co-chairs for standing committees

DATE: April 1, 2009

In response to a request by the Chair of the Budgetary Affairs Committee to add a co-chair to ensure a smooth transition between chairs, a request that was later broadened by the IFC President to allow for the possibility to add co-chairs to any committee, I am sending you a proposed revision to the Bylaws that would allow for this. It gives the Committee on Committees the power to add a staggered co-chair option to any standing committee.

The addition to the Bylaws is marked in red; there are no deletions.

BYLAW ARTICLE III. COMMITTEES OF THE FACULTY

Section A. Committee on Committees

1. Composition. The Committee on Committees shall be composed of the members of the Executive Committee of the Faculty Council.
2. Responsibilities. The Committee on Committees shall:
 - a) determine the size, appoint the members, and designate the chairs of each standing committee of the faculty, except as provided otherwise by the Constitution or the Bylaws. At least one member of each standing committee shall be a member of the Faculty Council, and no committee shall have a majority of its members appointed from the same academic unit. *To facilitate year-to-year transition, the Committee on Committees may designate that a standing committee will have staggered co-chairs, each serving two-year terms;*
 - b) specify the terms of service of each person appointed to a standing committee, provided that no appointment shall be for a term exceeding two years, and that no person shall be eligible to serve more than three terms consecutively on the same committee;
 - c) make recommendations to the Council concerning the establishment of new committees, abolition of existing committees, or modification of the charge to any committee; and,
 - d) solicit and receive from the faculty, nominations for committee appointments, provided that the nominees shall have indicated their willingness to serve if appointed.

To: Executive Committee
From: Cornelis de Waal,
Chair Constitution and Bylaws Committee
Date: 18 November 2008

The Constitution and Bylaws Committee has examined the motion of the Faculty Affairs Committee regarding Non Tenure Track Faculty (NTTF) representation, which was presented and passed during the 6 May 2008 meeting of the IFC.

This document contains the text of the motion and a gathering of the relevant passages in the IU Constitution, the IUPUI Constitution, and the IUPUI Bylaws, together with our interpretation of these passages as well as recommended revisions of the IUPUI Constitution and Bylaws.

The motion

Ten at-large representatives from the ranks of the full-time non-tenure-track faculty (NTTF) shall be elected by their peers to the IUPUI Faculty Council ('full-time' as defined by the schools). No more than two representatives shall come from the same school. There shall be at least two representatives from each of the clinical, research, and lecturer ranks. NTTF voting privileges shall be consistent with the Indiana University Faculty Constitution. From the time of implementation, this policy shall take effect for three years and be evaluated during the third year for amendment, reenactment, or revocation.

Restriction: The motion contains the following clause: "NTTF voting privileges shall be consistent with the Indiana University Faculty Constitution."

The relevant article of the IU Constitution is article 1.2, which deals with voting privileges. It says the following:

- A. All faculty members on tenure or accumulating credit toward tenure shall be voting members of the faculty.
- B. The voting members of the faculty shall exercise the powers of this constitution. The voting members of individual campuses may extend voting privileges to others on matters of individual campus significance.
- C. Faculty members shall vote on the campus of their primary appointment and shall be counted there for purposes of representation.

Interpretation: According to the IU Constitution, voting right can be extended to NTTF as long as such is restricted to so-called "matters of individual campus significance." Now it can reasonably be argued that any issue to be voted upon within the IFC is *ipso facto* a matter of significance for IUPUI, so that the IU Constitution does not preclude the

eligibility of NTTF to sit on the IFC. Moreover, since the composition of the IFC itself can be seen as "a matter of individual campus significance," allowing NTTF to vote for IFC members constitutes no violation of the IU Constitution. In brief, the above motion does not violate the IU Constitution.

Having established that the motion does not violate the IU Constitution, the Constitution and Bylaws Committee proposes the following revisions to the IUPUI constitution and its bylaws to implement the motion:

1. Revision of the IUPUI Constitution:

There are only two sections where the IUPUI Constitution needs emendation in light of the above motion. These sections are I.A and IV.A.

Current Article I. Faculty Membership, Section A:

Individuals serving full-time who hold instructor or professorial rank, as well as librarians of comparable rank, and who perform their functions primarily in Indianapolis, or who, having their principal functions elsewhere have rank in an academic unit which is primarily situated at IUPUI, shall be considered voting members of the faculty.

Interpretation: Full-time lecturers are covered here, as holding an instructor rank can be interpreted as to include lecturers as well. The situation is different for clinical and research ranks, however the chair of the Faculty Affairs Committee has assured us that these all are clinical or research professors, so that they may be considered as having professorial rank. The current article conflates faculty membership with voting membership, which has the effect of obscuring the restrictions placed by the IU Constitution on voting rights.

Proposed Revision: Given the above interpretation and the need to make conformity to the IU Constitution explicit, the following modification of the article seems appropriate:

Section A

1. Individuals ~~serving full-time~~ who hold instructor (**including lecturer**) or professorial (**including clinical and research**) rank, as well as librarians of comparable rank, and who perform their functions primarily in Indianapolis, or who, having their principal functions elsewhere have rank in an academic unit which is primarily situated at IUPUI, shall be considered ~~voting~~ members of the faculty.
2. The faculty is divided between, on the one hand, tenured and tenure track faculty members, and, on the other, non-tenure-track faculty members.

Section B

1. All tenured and tenure-track faculty members shall be voting members of the faculty.
2. Regarding issues that are in the broadest sense of the term relevant to IUPUI, voting privileges can be granted to full-time non-tenure-track faculty

members, but these privileges must be made explicit in this Constitution or its Bylaws.

[Current sections B and C must be renumbered C and D respectively]

Explanation: In this way the issues of faculty membership and voting right are clearly separated between two sections, labeled A and B. The first subsection of A rephrases the old section with some minor modification, while the second subsection states an obvious fact. Turning to voting right, the first subsection of B copies article I.2.A of the IU Constitution, and the second subsection of B utilizes article I.2.B of the IU Constitution when extending possible voting rights to the group identified in the motion while rephrasing the oblique “matters of individual campus significance” as the more workable “issues that are relevant to IUPUI.”

Current Article IV, sect. A.1

This article deals with elected members of the Faculty Council. A distinction is being drawn between two types of elected members: unit representatives and at-large representatives. The above motion deals only with at-large representatives, as such it is subject to what is being stipulated in article IV.A.1.g:

Election of at-large representatives shall be conducted in accordance with the procedures specified by the Faculty Council Bylaws, provided that the number of at-large representatives shall be equal to the number of unit representatives, and provided further that the number of elected representatives from any academic unit shall be less than one-half of the total number of elected members of the Council.

Recommended revision:

Election of at-large representatives shall be conducted in accordance with the procedures specified by the Faculty Council Bylaws, provided that the number of **tenured or tenure-track** at-large representatives shall be equal to the number of unit representatives, and provided further that the number of elected **tenured or tenure-track** representatives from any academic unit shall be less than one-half of the total number of elected members of the Council. **Ten additional at-large representatives shall come from the ranks of the full-time non-tenure-track faculty (NTTF) and be elected by their peers; they will have the same rights and duties as other at-large representatives.**

Comments: The motion was intended to leave the current number of tenured and tenure-track at-large representatives, as well as its ratio to unit representatives, unchanged; that is to say, the motion is asking for an additional ten at-large representatives to represent the NTTF. The final clause is added to avoid that once elected the NTTF will be confronted with calls from other IFC members to abstain from voting on certain issues on the ground that they would not be “relevant to IUPUI.” Note that various limitations on what NTTF at-large representatives can do remain in place in virtue of *them not being* tenured or tenure track. For instance, given the current Constitution and Bylaws, NTTF

cannot be IFC president, serve on the promotion and tenure committee, or on the undergraduate curriculum committee.

2. Revision of the Bylaws:

The following section of the Bylaws has been modified to accommodate the election of non-tenure-track faculty and make it accord with the above motion:

Article II, Section B:

Elections of At-Large Representatives to the IUPUI Faculty Council

Current Text	Proposed Revision
Two elections will be required to choose at-large representatives to the IUPUI Faculty Council, one for nominating candidates for the available at-large representatives' positions, and a second to elect the at-large representatives. For the first ballot, the slate of candidates will consist of all eligible voting faculty of IUPUI. In the subsequent voting, at-large representatives will be elected from a slate resulting from the popular vote in the first election (Constitution Article IV, Section A, Subsection 1, Paragraph g.).	For the purpose of the election of at-large representatives, a distinction is to be made between two groups of voting faculty: 1. full-time tenured or tenure-track faculty (hereafter Group 1) and 2. full-time non-tenure-track faculty (hereafter Group 2). For each group two elections are required to choose at-large representatives to the IUPUI Faculty Council: one for nominating candidates for the available at-large representatives' positions, and a second to elect the at-large representatives. For the first ballot, for each group the slate of candidates will consist of all eligible voting members of that group. In the subsequent voting, at-large representatives will be elected by each group from a slate resulting from the popular vote in the first election by that group (Constitution IV.A.1.g.).
1. Nomination to the at-large ballot a) Each voting member of the faculty shall be eligible to nominate no more than three persons from a list of the voting faculty prepared by the Faculty Council Coordinator under the supervision of the Nominating Committee.	1. Nomination to the at-large ballot a) Each voting member of Group 1 shall be eligible to nominate no more than three persons from a list of the tenured or tenure-track voting faculty prepared by the Faculty Council Coordinator under the supervision of the Nominating Committee. Each voting member of Group 2 shall be eligible to nominate no more than three persons from a list of non-tenure-track voting faculty prepared by the Faculty Council Coordinator under the supervision of the Nominating Committee.
<i>This list shall be distributed to the faculty no later than the middle of November and the nominating votes</i>	b) <i>These lists shall be distributed no later than the middle of November and the nominating votes shall be</i>

<p>shall be returned no later than the middle of December to the Faculty Council Office for counting under the supervision of at least two members of the Nominating Committee.</p>	<p>returned no later than the middle of December to the Faculty Council Office for counting under the supervision of at least two members of the Nominating Committee.</p>
<p>b) The Nominating Committee shall submit to the Faculty by the end of January a ballot containing twice the number of nominees as the number of persons to be elected.</p> <p>The ballot shall contain the names of persons receiving the most nominations. In the case of a tie for the last position, the Nominating Committee shall select persons for the ballot from among those tied.</p>	<p>c) The Nominating Committee shall submit to the Faculty by the end of January two ballots.</p> <ol style="list-style-type: none"> 1. One ballot for the tenured or tenure-track voting faculty containing twice the number of nominees as the number of persons to be elected. 2. One ballot for the non-tenure-track faculty also containing twice the number of nominees as the number of persons to be elected, and securing that the results of the election be such that of the ten non-tenure-track faculty representatives on the Faculty Council no more than two shall come from the same school and that there are at least two representatives from each of the clinical, research, and lecturer ranks. 3. Each ballot shall contain the names of persons receiving the most nominations. In the case of a tie for the last position on a ballot, the Nominating Committee shall select persons for the ballot from among those tied.
<p>2. Elections</p> <p>a) The ballot containing the names of the nominees shall be distributed to the voting faculty by the Faculty Council Coordinator no later than the end of January. The ballot shall identify each nominee by name, academic title, school, department, and administrative title, if any. Each member of the voting faculty may vote for as many at-large representatives as there are positions to be filled and this number shall be specified on the ballot. No candidate may receive more than one vote per ballot. Votes shall be returned to the Faculty</p>	<p>2. Elections</p> <p>a) For each group the ballots containing the names of their nominees shall be distributed by the Faculty Council Coordinator no later than the end of January. The two ballots shall identify each nominee by name, academic title, school, department, and administrative title, if any. Each voter may vote for as many at-large representatives on their ballot as there are positions to be filled and this number shall be specified on the ballot. No candidate may receive more than one vote per ballot. Votes shall be returned to the Faculty Council Office no later than</p>

<p>Council Office no later than the end of February for counting under the supervision of at least three members of the Nominating Committee before the middle of March. The candidates receiving the greatest number of votes shall be declared elected. In case of a tie, the Executive Committee shall vote by secret ballot to break the tie.</p>	<p>the end of February for counting under the supervision of at least three members of the Nominating Committee before the middle of March. For each group the candidates receiving the greatest number of votes shall be declared elected. In case of a tie, the Executive Committee shall vote by secret ballot to break the tie.</p>
<p>b) The chair of the Nominating Committee shall announce the results of the election at the Council's April meeting.</p>	<p>b) The chair of the Nominating Committee shall announce the results of the election at the Council's April meeting.</p>

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To: Executive Committee
From: Cornelis de Waal,
Chair Constitution and Bylaws Committee
Date: 2 December 2008

The Executive Committee has charged the Constitution & Bylaws Committee with drafting an addition to the Constitution that would allow for electronic voting in all matters.

In response to this request the Constitution & Bylaws Committee recommends adding to Article I of the IUPUI Constitution a new section B following the current section A, with the current sections B and C to be relettered C and D:

B Any provision in the IUPUI Constitution or Bylaws stating, directly or by implication, that voting shall occur by means of an in-person vote or by paper ballot be modified to permit electronic proxy voting. The method and means of electronic proxy voting shall be as established from time to time by the IUPUI Faculty Council Executive Committee.

However, given the proposal sent recently to the Executive Committee regarding NTTF representation, it should be noted that a revision of this article is also being proposed in that context. If that proposal is accepted in its current form, the above clause would be added as a separate section *after the newly proposed section B as a new section C*, with the remainder of the sections of the article to be relettered D and F.