

To: Provisional Faculty Senators
From: Constitution Subcommittee
Re.: Constitution Draft 0.3

9/16/11

Fellow Senators:

We are writing to provide you with some information in connection with the draft ISU constitution (version 0.3) that we will be discussing on Monday. Our hope is that this information may enable a more efficient and targeted discussion of the most important issues.

Why Choose the BSU Model?

Most of you are aware that draft 0.3 is modeled on the new BSU constitution, which was approved by the SBOE in June. In producing this draft, our committee did not intend to shortcut a discussion within the broader senate concerning what model to adopt in writing a constitution. Our committee does see advantages in using the BSU model, but we are prepared to pursue other alternatives should the Senate wish us to do so.

Here are the main advantages we currently see with the BSU model:

--The BSU constitution has already been accepted by the SBOE. Thus by writing a constitution that follows this model closely, we can be confident of SBOE approval.

--The BSU constitution creates a *unified* system of faculty governance. It establishes the faculty senate as *the* body that represents faculty and the body with the authority to carry out the various functions of faculty governance (curriculum review, professional policies, etc.). The senate may of course *delegate* these responsibilities to councils--councils that would then report to the senate. In contrast, IGWG draft 10.1 makes the university councils *independent* of the senate with a more complicated system of reporting.

--The BSU constitution gives faculty senate authority over its own bylaws, subject only to certain specific constitutional limitations. In contrast, IGWG 10.1 does not give the senate authority over its bylaws but instead makes them subject to presidential review and approval.

--The BSU constitution, in its preamble, embraces a powerful expression of academic freedom--with language borrowed from the AAUP's classic "1940 Statement of Principles of Academic Freedom and Tenure." In contrast, IGWG draft 10.1 does not really discuss academic freedom, and it instead seems to imply in its preamble that the only faculty rights are those guaranteed "by the U.S. Constitution and the Bill of Rights."

--The BSU constitution allows the faculty to "challenge" an act of either the university president or the faculty senate with a "two-thirds majority among the voters" in a general faculty vote. In contrast, IGWG 10.1 requires "a two-thirds vote of the total membership of the Faculty" (Article 2, Section 11), making it nearly impossible for the faculty to successfully challenge acts by the university president or the senate.

It is true that the substantive concerns that we raise here with the IGWG draft would not be particularly difficult to address. But the advantages of the BSU constitution, together with the

fact that it already has won SBOE approval, led us conclude that it was a logical model to use.

Significant Modification in ISU Draft 0.3

There is really only one *significant, substantive* change that draft 0.3 makes to the BSU constitution: Draft 0.3 changes the categories of faculty defined in Article II. Our draft reduces BSU's first 4 faculty categories to 2 and expands greatly the category of "academic faculty." The result is a more inclusive definition of "THE FACULTY," as well as full senate representation for clinical faculty, research faculty, lecturers, and instructors. Our revised definitions make "THE FACULTY" equivalent to "academic and administrative faculty," and so most of BSU's reference to the latter have been replaced, in our version, by reference to the former.

Remaining Substantive Issues Concerning Draft 0.3

There are many significant issues in Draft 0.3 that remain to be discussed and resolved. Some of these issues have already been raised in the comments we have received. Here are some of the more significant issues for the senate to resolve:

--Terminology for senate offices: Following BSU, draft 0.3 refers to "president" and "vice-president" of the senate instead of "chair" and "vice-chair". It also refers to "steering committee" instead of "executive committee". Which terminology should ISU's constitution adopt?

--Duration of senate terms: Following BSU, draft 0.3 specifies that Senators will serve a 2-year term. Should this be changed to a 3-year term?

--Confusion over Article IV: Among those who have already commented on draft 0.3, several have indicated confusion over the description of officers in Article IV. Section 1 of that article seems to promise descriptions of officers of *THE FACULTY*, but then it refers to officers of the faculty *senate*. It may be appropriate to revise the language in this section to clarify the relation between THE FACULTY and faculty senate

--Governance *within* colleges: Following BSU, draft 0.3 discusses faculty governance within colleges and departments only briefly (Article III, Section 2). Is the language in that section sufficient to clarify the nature of appropriate faculty governance within colleges and departments?

--Advance notice for meetings of THE FACULTY: Article IV, Section 2d specifies that any member of the faculty may submit items to be placed on the agenda of a meeting of THE FACULTY. However, 2d. also stipulates that these items must be received *5 days* in advance of the meeting, while 2b. requires only *3 days* advance notice of the meeting itself. This leaves open the possibility that, by the time faculty are notified of the meeting, the deadline for submitting agenda items will already have passed.

--More detail in Article IV 2.e.(2).: In the current version, Article IV 2.e.(2) leaves out details in describing the procedure for challenging an act of the university president. It may be

appropriate to add further detail here, as is present in Article IV 2.e.(1).

--Senate apportionment: Article V 1.a.(1).b specifies that senate seats will be apportioned “on the ratio of one Senator per 25 Academic Faculty in the unit of the University.” Some early commentators have found this to be ambiguous. (Would a college with 51 faculty receive 2 senators or 3?)

--Article V: This article concerns the organization and operation of the faculty senate. Some early commentators have suggested that some of this material should be relegated to faculty senate bylaws instead of the constitution.

These are some of the main issues that we think should be discussed. No doubt there are others. We look forward to a vigorous discussion on Monday.