

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

9/23/11

Fellow Senators:

We are writing again to provide you with some information and recommendations in connection with our continued discussion of Draft 0.3.

“Research for Pecuniary Return”

Questions were raised at the last senate meeting about the passage in the preamble stating, “research for pecuniary return should be based upon an understanding with the authorities of the institution.” The subcommittee was asked to look into this matter. This quoted passage is taken verbatim from the AAUP “Statement of Principles on Academic Freedom.” Also relevant is a passage in SBOE policy Section III.B.2, which is even more explicit. That policy states:

“The faculty member is entitled to freedom in research and the publication of the results. However, research for pecuniary return, when that research is a part of the faculty member's assigned duties or when the research involves use of institutional facilities or resources not usually available to the general public may be undertaken only with prior written approval by the chief executive officer or his or her designee.”

As you can see, the SBOE language makes it even clearer that the research *itself*, not just the “pecuniary return,” is subject to restriction. Even if we changed the language in the preamble, this SBOE policy would still apply. For this reason, and because the current language is taken verbatim from the class AAUP statement, our subcommittee recommends keeping this language without change.

“Research and Creative Activity”

Question was also raised at the last meeting about reference in the preamble to academic freedom in “research.” The concern was that, in referring to “research,” the statement may exclude those faculty who primarily engage in creative activities. The subcommittee has discussed this matter and has tracked down some relevant ISU policies. Most important is the official definition of “research” in [Appendix C of the Faculty/Staff Handbook](#):

“Research is defined as any extracurricular activity of an intellectual or professional nature which extends knowledge, understanding, and appreciation, or facilitates the extension of knowledge, or contributes something of scholarly value. This definition is understood to include those activities which involve or are preparatory to the production of creative works. On the other hand, the definition is meant to exclude projects which aim primarily at the training of students or at the development of courses, curricula, or instructional materials unless an experimental component is involved.”

This language, which is also cited in a number of Research Council documents, makes it clear that the university understands “research” broadly, so as to include creative activity, and this would suggest that reference to “research” in the preamble should also be understood inclusively. For this reason, the subcommittee is inclined to think that it is adequate to leave the references to “research” in the preamble unchanged. However, we don't feel particularly

strongly about this, and we wouldn't object to making more explicit reference to creative activity in the preamble.

Revision of Article IV, Section 1

As mentioned in the previous memo, some early commentators on Draft 0.3 have expressed confusion over the language in Article IV, Section 1. That section seems to promise a discussion of officers of *THE FACULTY*, but then it discusses instead officers and meetings of the faculty *senate*. Our subcommittee agrees that this section should be revised. Article IV concerns the organization of THE FACULTY, not the faculty senate. Our committee proposes the following revision of Article IV, Section 1:

“Article IV: Organization of THE FACULTY

Section 1: Presiding Officer

The president of the Faculty Senate is the presiding officer of THE FACULTY.

The president of the faculty senate, or his or her designee, will preside at the meetings of THE FACULTY and will oversee the reporting and distribution of the non-transcripted summary of the meeting.”

This proposed revision makes clear that Article IV concerns officers and meetings of THE FACULTY, not faculty senate.

Advance Notice for Meetings of THE FACULTY:

As mentioned in the previous memo, 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.

The subcommittee has discussed this, and we recommend simply *striking* the language allowing for any faculty member to submit agenda items. Here is our rationale: Meetings of THE FACULTY are meant to be rare, extraordinary events. Section 2a. specifies that such extraordinary meetings are called based either on a vote of the senate or a petition of 10% of THE FACULTY. In such cases, it seems appropriate to us that the agenda be restricted to those items that inspired the senate vote or the petition. We don't see any reason to allow individual faculty members to add their own agenda items once the meeting is called. Thus we recommend *deleting* 2 sentences in Section 2d: Delete “Any member of THE FACULTY....five days prior to a scheduled meeting.”

Deleting Material from Article V

The subcommittee recommends *deleting* the following passages from Article V and relegating these issues to the faculty senate bylaws:

--In V.1.c: delete “Recall of any elected members....who are present at that meeting.” The procedure specified here is not complete, and the question of how to recall a senator can be taken up in the bylaws

--Delete item (4) in Article V, Section 3.b. The bylaws can specify the rules concerning executive session.

--In V.3.d: Delete "Any Senator may submit items for the agenda." The bylaws can specify how senators put items on the senate agenda. The other matters here in 3.d may be appropriate to the constitution.

We look forward to the continued discussion on Monday.