

To: Provisional Faculty Senators
From: Constitution Subcommittee
Re.: Constitution issues

10/24/11

Fellow Senators:

We are writing again to provide you with some information and recommendations in connection with our continued discussion of the draft constitution.

Motions to Submit Draft Constitution for Review and Comment

The subcommittee believes that it would be best to submit the current draft of the constitution to the President and to the faculty for review and comment after making any further changes that can be agreed on at today's meeting. Keep in mind that there will still be opportunities to make further changes after the draft is submitted for review and comment. With this in mind, here is some possible language for motions in connection with this process:

Motion 1: I move that the Chair of the Provisional Faculty Senate submit the current draft of the Faculty Constitution to President Vailas, and to the Office of the General Counsel, for review and comment. The Chair will request that any comments be received by Thursday, Nov. 3rd.

Motion 2: I move that the Chair of the Provisional Faculty Senate send the current draft of the Faculty Constitution to all faculty for review and comment. The Chair will request that any comments be received by Thursday, Nov. 3rd. The Chair will also schedule, and invite President Vailas and all faculty to, a university-wide open forum on Tuesday, Nov. 1st, to discuss the current draft of the constitution.

The senate can discuss whether the dates mentioned above should be altered.

Further Proposed Changes to the Constitution

The subcommittee also has some further changes to the current draft constitution to recommend. None of them are major changes. First is a collection of *very* minor changes that may require little discussion:

1. In the preamble: Change the reference to SBOE policy to read "as specified in the Idaho State Board of Education Policies and Procedures." [Provost Adamcik recommended omitting reference to specific sections or versions of the document, as those may change; the subcommittee agrees.]

2. Article III, Section 1e: add "and Section 3" after "Section 2e." [This is necessary now that we have created Section 3 in Article IV.]

3. Article IV, Section 3: Revise 2nd sentence to read "Such a petition must conform to procedures specified in the Faculty Senate bylaws." [Minor stylistic change.]

4. Article V, Section 1a(2)c: Change to "The dean of each unit, college, division, and the library." [This more accurately captures the dean positions that exist at ISU.]

5. Article V, Section 1e.: replace “Idaho State University FACULTY” with “Faculty Senate.” [The subcommittee agrees with this recommendation from Alan Frantz. Our document consistently refers to the bylaws of the Faculty Senate, not THE FACULTY.]

6. Article V, Section 2a: In the first sentence, replace “for and in behalf” with simply “on behalf.” [A slightly modified version of a recommendation from Alan Frantz.]

7. Article VI, Section 1: replace “Academic and Administrative Faculty” with “THE FACULTY.” [These terms are equivalent by our definitions, and we’ve made this change in several other places.]

In addition to these very minor proposed changes, we have some further changes to recommend that may be at least slightly more consequential:

8. Article I: Revise to read “The Idaho State University faculty is comprised of three categories as defined in Article II.” Rationale: The current version of Article I is *inaccurate*. It claims that the *entire faculty* will be referred to throughout this document as “THE FACULTY.” That is false: “THE FACULTY” is a subset of the entire faculty. This is important to clarify, because this constitution accords some rights (such as the rights involved in academic freedom) to *all* faculty, and some rights only to “THE FACULTY.”

9. Article II, Section 1: *delete* “other than the Dean of the University Libraries.” [We don’t see any reason why this one dean should be singled out for exclusion here.]

10. Article IV, Section 2e(1): replace “contest” with “override” and add “(with abstentions not counting as votes)” after “of those casting a vote. [This recommendation was made and discussed previously, but has not yet been acted on.]

11. Article IV, Section 2e(1): *delete* “or a failure to act on an initiative petition.” [The subcommittee feels that reference to senate *inaction* does not belong here. It is very clear what it means for THE FACULTY to override an *action* of the senate--the action is nullified, undone. What does it mean for THE FACULTY to override a *failure* of the senate to act?]

12. Article IV, Section 2e(2): replace “contest” with “officially oppose,” replace “a contested action” with “such a vote,” and add “(with abstentions not counting as votes)” after “of those casting votes.” [This recommendation was made and discussed previously, but has not been acted on.]

13. Article V, Section 1a(1)c: replace “and adjust apportionment as necessary to meet constitutional membership” with “as specified in the bylaws of the Faculty Senate.” [The original language requires that any necessary changes in apportionment be made *every year*. The revision would allow the senate bylaws to specify how often re-apportionment must occur.]

We look forward to the continued discussion.