

Report to the Faculty Senate Executive Committee

Submitted on 3/2/16

by Richard Gronostajski

Faculty Senate Committee on Bylaws

Charge: This committee shall review, report and recommend to the senate matters concerning amendments to the Charter of the faculty senate and to the bylaws of the voting faculty, and matters concerning bylaws, standing orders and special orders of the senate.

Roster: Richard Gronostajski, James Hassett, Phil Glick (ex officio, excused)

Report Date: 3/2/16

Last Report 3/25/15

Meeting History (meeting dates, conference calls, major discussions):

The Bylaws committee met on August 27th at 10AM and the meeting was attended by Dr. Gronostajski (Chair and then Parliamentarian) and Dr. Dr. Hassett (current Parliamentarian). Three resolutions for presentation to the FSEC (attached) were discussed in the order: 1) Renaming the Office, 2) Time limits on debate and 3) E-voting.

1) It was agreed that item 1 was simple and reasonable although probably not needed for the functioning of the office. It was supported by all.

2) It was agreed that time limits on discussion could help focus presentations and make more efficient use of FSEC and FS time. The issue of timekeeping was discussed and it was felt that either the Chair or the Chair-designate could keep time or that multiple (10 or so) timers could be purchased and distributed to members for self-recording of time. The question of whether the Chair's, Provost's and President's reports should also have time limits of 10 minutes was discussed and can be dealt with separately if desired.

3) The E-voting proposal was discussed and thought to be the most complicated and potentially controversial of the 3. There was discussion about whether the possible dismissal of faculty from the FS for not returning a ballot was reasonable but it was found to be in keeping with the current practice of dismissal after 2 consecutive unexcused absences or 3 unexcused absences total for the year. It is one practical way to maximize the likelihood of senators returning a ballot.

Dr. Hassett agreed that he would be willing to present all 3 proposals to FSEC, although he had as of yet been notified of his FSEC membership.

Dr. Gronostajski was elected unanimously to be Chair of the Bylaws Committee.

Major Objectives:	Three resolutions for presentation to the FSEC (attached) were discussed in the order: 1) Renaming the Office, 2) Time limits on debate and 3) E-voting resolution.
Emerging Objectives:	Continue to promote appropriate drafting of resolutions according to Robert's Rules and to promote correct procedural activities.
Potential Work Products or Milestones for Completion of Objectives	1) Votes on renaming of Office were taken and approved by FSEC and FS. 2) Time limits on debate were discussed by FSEC and not approved for FSEC but were passed onto FS where they were passed. 3) E-voting resolution was amended and passed by FSEC and FS.
Timeline for Completion of Objectives:	All objectives completed.
Specific actions	None

**requiring
FSEC
approval**

FSEC Comments:

Resolution to rename The Office of the Professional Staff Senate and Faculty Senate to The Office of Shared Governance for the Professional Staff Senate and Faculty Senate.

Whereas, The Professional Staff Senate and Faculty Senate play important roles in the shared governance of UB;

Whereas, The commitment of these groups to the shared governance of UB, together with the UB administration and SUNY administration, should be clearly acknowledged; and

Whereas, The name of the office housing the Professional Staff Senate and Faculty Senate administration should reflect this shared administrative role;

Resolved, That the name of the office housing the Professional Staff Senate and Faculty Senate should be "The Office of Shared Governance for the Professional Staff Senate and Faculty Senate".

Proposed motions for Faculty Senate Executive Committee.

1) 3 minute time limit on debate and questions at Faculty Senate Executive Committee meetings

Whereas, The Faculty Senate Executive Committee meetings have a limited time period in which to perform the work required;

Whereas, The time of each of the members of Faculty Senate Executive Committee is valuable and should be used to maximum efficiency; and

Whereas, time limits on questions and debate are frequently imposed in legislative bodies and Robert's Rules lists a 10 minute limit on debate unless extended by a majority vote;

Resolved, That a time limit of 3 minutes be imposed on each Faculty Senate Executive Committee member on all questions and debate related to topics under discussion, excluding presentation of the Chair, Provost's, President's, and committee reports;

Resolved, That this time limit will be kept by the Chair or the Chair-designee; and

Resolved, That members may yield their time to other members who desire it, after recognition by the Chair, with the understanding that they then lose this time on this topic.

Resolved, That any response to direct questions by other members regarding positions taken by a member or for general clarification will not be counted against the 3 minute limit.

This motion can be passed as an amendment to the Standing Orders of Faculty Senate Executive Committee by a majority vote of Faculty Senate Executive Committee.

2) 3 minute time limit on debate and questions at Faculty Senate meetings

Whereas, The Faculty Senate meetings have a limited time period in which to perform the work required;

Whereas, The time of each of the members of Faculty Senate is valuable and should be used to maximum efficiency; and

Whereas, time limits on questions and debate are frequently imposed in legislative bodies and Robert's Rules lists a 10 minute limit on debate unless extended by a majority vote;

Resolved, That a time limit of 3 minutes be imposed on each Faculty Senate member on all questions and debate related to topics under discussion, excluding presentation of the Chair, Provost's, President's, and committee reports;

Resolved, That this time limit will be kept by the Chair or the Chair-designee; and

Resolved, That members may yield their time to other members who desire it, after recognition by the Chair, with the understanding that they then lose this time on this topic.

Resolved, That any response to direct questions by other members regarding positions taken by a member or for general clarification will not be counted against the 3 minute limit.

This motion can be passed as an amendment to the Standing Orders of the Faculty Senate by a majority vote of the Faculty Senate. It must be presented at two Faculty Senate meetings unless the Chair determines that it is a matter of urgency, in which case this must be noted in the Faculty Senate minutes.

Proposed amendment to the Standing Orders of the Faculty Senate allowing electronic voting for elections, resolutions and referenda.

Whereas, There is the need for efficient and inclusive participation of Faculty Senators and the Voting Faculty in UB governance;

Resolved, That the following electronic voting amendment be inserted as Article 1.H into the Faculty Senate Standing Orders;

H. Electronic Voting. Referenda, resolutions and elections of the Faculty Senate and Voting Faculty may be conducted by electronic voting.

i. Electronic voting by the Faculty Senate on Faculty Senate resolutions will be conducted only after they have been presented and discussed at two Faculty Senate meetings (cf. Standing Orders, 5.A.iii), unless judged urgent and requiring haste by the Chair (cf. Standing Orders, 5.B). The resolution and any proposed amendments along with pertinent arguments for or against will be sent electronically to the official e-mail address of all Faculty Senate members together with instructions on the voting process for the resolution and amendments. Votes will be Yes, No or Abstain for the resolution and each amendment. Quorum will be a majority of Faculty Senate members. Votes must be cast within 7 days of the e-mail announcement. Failure of a Senator to cast a vote within 7 days will count as an unexcused absence from a Faculty Senate meeting and could result in immediate removal from the Faculty Senate (cf. Standing Orders, 2.B). All votes will be confirmed by a reply to a message sent to the official UB e-mail address of the Senator. Upon confirmation the vote will be officially cast.

ii. Referenda and resolutions sent to the Voting Faculty will be voted on as described in the preceding paragraph except that information on voting will be sent to all Voting Faculty and failure to vote will have no effect on Voting Faculty status. As with paper ballots, passage of the referendum or resolution will be based on a Yes response by either a simple majority or a 2/3 majority of votes cast depending on the rules affected as described (cf. Bylaws, VII.4; Charter, VIII.3.B; Standing Orders, G).

iii. Electronic elections of SUNY Senators and Faculty Senate officers will be performed as described in the preceding paragraph and determined by a simple majority of votes cast.

iv. The results of all electronic votes will be transmitted to the Faculty Senate and Voting Faculty electronically and recorded in the minutes of the next Faculty Senate meeting by a report from the Chair.

v. Voting procedures will ensure confidentiality of the voting process and accuracy of vote counting by oversight by the Chairs of the Faculty Senate Elections Committee and Bylaws Committee or their designees, who must be approved by the Faculty Senate Executive Committee.

vi. No one who is a candidate in any given election will participate in vote counting or oversight in that election.

vii. Electronic voting procedures currently use the Vovici website but alternative mechanisms that ensure the confidentiality and accuracy of voting procedures may be used including e-mail balloting and casting as approved by the Faculty Senate Executive Committee.

This motion can be passed as an amendment to the Standing Orders of the Faculty Senate by a majority vote of the Faculty Senate. It must be presented at two Faculty Senate meetings unless the Chair determines that it is a matter of urgency, in which case this must be noted in the Faculty Senate minutes.

This document describes the reason that each section of the amendment is proposed. Each section is of course subject to whatever modification FSEC or FS feels is appropriate. Article **1.H.i** covers votes by the Faculty Senate, **1.H.ii** covers votes by the Voting Faculty on Referenda or Resolutions, **1.H.iii** covers Faculty Senate and SUNY Senate elections and **1.H.iv-viii** cover technical and procedural issues to ensure confidentiality, verification and integrity of the voting process.

i. Electronic voting by the Faculty Senate on Faculty Senate resolutions will be conducted only after they have been presented and discussed at two Faculty Senate meetings (cf. Standing Orders, 5.A.iii), unless judged urgent and requiring haste by the Chair (cf. Standing Orders, 5.B).

This is in keeping with the current Standing Orders where resolutions should be presented at 2 meetings in order to deter hasty decisions.

The resolution and any proposed amendments along with pertinent arguments for or against will be sent electronically to the official e-mail address of all Faculty Senate members together with instructions on the voting process for the resolution and amendments. Votes will be Yes, No or Abstain for the resolution and each amendment. Quorum will be a majority of Faculty Senate members.

These are in keeping with best practices as indicated in Robert's Rules for electronic meetings. The idea is that you have Yes, No and Abstain votes in order to record a quorum.

Votes must be cast within 7 days of the e-mail announcement. Failure of a Senator to cast a vote within 7 days will count as an unexcused absence from a Faculty Senate meeting and could result in immediate removal from the Faculty Senate (cf. Standing Orders, 2.B).

This is in order to move votes along and to compel Senators to vote and help ensure a quorum. Alternatively, we could make the votes count as a simple majority of the returned votes, without a quorum, but I wouldn't recommend that as it would mean that <47 Senators could make important decisions that would be binding on all. If someone is removed from the Faculty Senate then their position no longer counts towards a quorum.

All votes will be confirmed by a reply to a message sent to the official UB e-mail address of the Senator. Upon confirmation the vote will be officially cast.

This is a simple verification process, in effect it makes the voting a two step process, first cast the vote by e-mail or whatever process we use, then verify that you cast it. This would give any Senator whose e-mail account was compromised warning that someone else had used the account, much like Apple, Facebook and Amazon do when you buy something from them or change your account password. I think this is the simplest and most robust verification method and could be instituted immediately and wouldn't require any new mechanisms to be developed with IT.

ii. Referenda and resolutions sent to the Voting Faculty will be voted on as described in the preceding paragraph except that information on voting will be sent to all Voting Faculty and failure to vote will have no effect on Voting Faculty status. As with paper ballots, passage of the referendum or resolution will be based on a Yes response by either a simple majority or a 2/3 majority of votes cast depending on the rules affected as described (cf. Bylaws, VII.4; Charter, VIII.3.B; Standing Orders, G).

This is in keeping with current paper ballots. In general elections, as opposed to representational parliaments, since all parties are contacted to vote there is no need for a quorum as a failure to vote is taken as an abstain.

iii. Electronic elections of SUNY Senators and Faculty Senate officers will be performed as described in the preceding paragraph and determined by a simple majority of votes cast.

This allows electronic voting for SUNY Senators and FS officers. Once again the call goes out to all Voting Faculty so no quorum is required.

iv. The results of all electronic votes will be transmitted to the Faculty Senate and Voting Faculty electronically and recorded in the minutes of the next Faculty Senate meeting by a report from the Chair.

Standard procedure.

v. Voting procedures will ensure confidentiality of the voting process and accuracy of vote counting by oversight by the Chairs of the Faculty Senate Elections Committee and Bylaws Committee or their designees, who must be approved by the Faculty Senate Executive Committee.

This is a little vague as we don't want to tie into one way of doing things if another more efficient way is made available. I think oversight by Chair of the Elections committee and Bylaws committee is reasonable and if either are candidates in an election then they can designate overseers that are approved by the FSEC.

vi. No one who is a candidate in any given election will participate in vote counting or oversight in that election.

This ties into v. to formalize that if someone is a candidate in an election that they can't oversee it.

vii. Electronic voting procedures currently use the Vovici website but alternative mechanisms that ensure the confidentiality and accuracy of voting procedures may be used including e-mail balloting and casting as approved by the Faculty Senate Executive Committee.

This states the current system that was used for the FS officer elections and I believe Staff Senate elections but if other mechanisms that meet the approval of the FSEC are developed and are simpler then we should use them in the future.