

The University Senate of Michigan Technological University

Proposal 22-17 (Voting Units: Full Senate)

“Revisions to the Bylaws”

I. Introduction

According to the Constitution of the University Senate, “The Senate is the representative body for its constituents and speaks on their behalf on matters under the Senate’s jurisdiction” (Article III.A). In order to ensure this representative body can work in the most democratic and representative fashion, revisions to the Bylaws are proposed.

These revisions are designed to improve the efficiency of the Senate’s function. They modernize the bylaws, which were written before the advent of computer networking and when the Senate’s business was conducted largely on paper. They also address vague or inconsistent language to reduce subjectivity and ambiguity.

Finally, in the recent past some items in the Senate bylaws have been changed without due consideration to the existing items in the bylaws. These created inconsistencies and language not in harmony with the spirit of the Senate Constitution.

II. Proposal

The Bylaws of the University Senate shall be amended by:

[Item 1] Section I.A.1: Change from “One-half of all elected Senators or elected Alternates, shall constitute a quorum to transact Senate business requiring action of all Senators. One-half of all elected faculty Senators or Alternates shall constitute a quorum to transact Senate business requiring action of faculty Senators only. One-half of all elected professional staff Senators or Alternates shall constitute a quorum to transact Senate business requiring action of professional staff Senators only.”

To “One-half of all elected Senators, or elected Alternates if their Senator is not present, shall constitute a quorum to transact Senate business requiring action of all Senators. One-half of all elected faculty Senators, or Alternates if their Senator is not present, shall constitute a quorum to transact Senate business requiring action of faculty Senators only. One-half of all elected professional staff Senators, or Alternates if their Senator is not present, shall constitute a quorum to transact Senate business requiring action of professional staff Senators only.”

Rationale: This clarifies that Alternates serve with vote in a Senate meeting in place of the Senator only when the Senator is not present.

[Item 2] I.C.1: Change from “Normally, each senator or alternate is expected to serve on one standing committee of the Senate. At the discretion of the Executive Committee, the Senate officers may serve on but may not chair standing committees.”

To “Normally, each Senator or Alternate is expected to serve on one standing committee of the Senate. With the approval of the full Senate, the Senate officers may serve on but may not chair standing committees.”

Rationale: This brings the wording in line with the other provision of the Bylaws (I.C.7) where the vote of the whole Senate is required to approve the membership of standing committees.

[Item 3] I.C.6: Remove “6. Administrative liaisons will be invited to attend, as needed, at the discretion of the committee.”

Rationale: The designation “Administrative liaisons” has not been defined in the Bylaws. Committees already have the right to invite others to participate, and therefore no special provision is required.

[Item 4] I.C.7: Change from: “The full Senate must approve yearly the membership of each standing committee before it begins to function.”

To: “The full Senate must approve yearly the voting membership of each standing committee before it begins to function.”

Rationale: The Bylaws currently allow Senate committees to invite non-voting membership as they deem important to their function. The revision here removes the contradictory statement that would otherwise appear to require the Senate to approve those members.

[Item 5] I.C.8: Change from: “The Senate Officers will draft a preliminary list of committee assignments before the second-from-the-last meeting of the Senate in the spring semester.”

To: “The Senate officers will draft a preliminary list of committee assignments, and circulate the list to the Senate no less than 10 days before the first meeting of the Senate in the fall semester.”

Rationale: The current practice has the *outgoing* Senate officers constituting committee membership for the *incoming* Senate, which is not sensible. Further, the process is needlessly rushed, as the incoming officers and Senators have had little time to consider committee membership thoughtfully. This change allows the incoming officers to handle the business of constituting committees for the coming year.

[Item 6] Strike item I.D.7 to dissolve the General Education and Assessment Committee.

Rationale: This committee is unnecessary and has not met. The committee has identical responsibilities to the Academic and Instructional Policy Committee and thus any issues it might address could be addressed by the AIPC.

[Item 7] Before I.E: insert “E. Budget”, renumber the section accordingly, and include the following:

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1. During the fall semester, the Finance and Institutional Planning Committee shall prepare and submit a budget request to the University President (or designated representative) for the subsequent fiscal year, and shall be empowered to negotiate with the University President (or designated representative) as required.
2. The Senate officers, after taking office in July, shall develop a draft allocation of the budget after receiving the amount of budgeted funds from the University President (or designated representative). The Senate officers shall have authority during the summer to pay for necessary expenses.
3. The Senate shall at its first meeting retroactively approve, or revise and approve, the allocation of the budgeted funds.
4. The Executive Committee shall have authority to approve spending within the line item allocation approved by the Senate.
5. At the end of the year the Executive Committee shall report to the Senate on how the budget monies were spent.”

Rationale: This creates a transparent mechanism for the allocation of the Senate budget. It also provides the Senate a supervisory role in the budget allocation and expenditure process.

[Item 8] Insert before I.J.2 and renumber the section accordingly: “Proposals may be submitted by a Senator, a Senate Committee, or by the University President (or designated representative). Proposals may be submitted individually, or on behalf of any group.”

Rationale: This clarifies who may submit proposals for Senate consideration, and brings the Bylaws in line with the Constitution, which requires that all university policy proposals initiated by the administration and affecting Senate “A” list items go through the Senate.

[Item 9] I.J.2: Change from: “Proposals shall be submitted in writing to the Senate officers, who shall assign a number to the proposal.”

To: “All proposals shall be submitted in writing to the Senate officers, who shall assign a number to the proposal and place a copy of the full text on the Senate website.”

Rationale: This clarifies that the only route for proposals is via submission to the officers, and ensures that proposals are available for review by Senators and the constituency.

[Item 10] I.J.2: Change from: “Based on an initial determination (subject to amendment by majority vote of the Executive Committee), they shall send the proposal expeditiously to the appropriate body.”

To: “The Executive Committee shall determine the appropriate body to refer the proposal, after which the officers shall transmit the proposal expeditiously.”

Rationale: This clause has been ambiguously interpreted in the past. The revision brings the wording in line with the Bylaws, which state the Executive Committee’s function as a steering committee.

[Item 11] I.J.3: Change from: “A proposal may be submitted by any senator individually or on behalf of any group. Such proposals may be sent to an appropriate Senate committee, or to the whole Senate.”

To: “The Executive Committee shall refer a proposal to the appropriate standing committee, or to the whole Senate. The Senate officers shall, at the next Senate meeting, include in their report a list of proposals that have been received and their disposition by the Executive Committee. This list shall be entered into the minutes.”

Rationale: The revision clarifies that the Executive Committee may send proposals to a standing committee, or directly to the whole Senate. Also, this revision ensures that the Senate is informed about the proposals that have been received and their disposition, and that appropriate records are kept.

[Item 12] I.J.4: Change from: “A proposal submitted by a Senate Committee shall go directly to the whole Senate.”

To: “A proposal submitted by a Senate committee shall go directly to the whole Senate. The Executive Committee shall not initiate any proposal except in relation to its own function as defined in these Bylaws.”

Rationale: The Bylaws I.D divides and distributes the Senate’s responsibilities among the standing committees. The role of the Executive Committee as a steering committee is defined in the Bylaws. This revision reinforces this division of responsibilities, but provides for the narrow circumstance where the Executive Committee might need to take primary responsibility for review and initiation of a Senate proposal.

[Item 13] Insert before I.J.5 and renumber the section accordingly: “A proposal comes before the Senate by way of a formal motion to take action. A proposal that has been moved and seconded may be debated, but no subsidiary motions may be made (to amend, refer, etc.) until a subsequent Senate meeting. Debate shall be limited to 10 minutes during the meeting in which a

proposal first comes before the Senate. Proposals that are moved and seconded are automatically placed on the agenda for the subsequent Senate meeting as unfinished business.”

Rationale: This amendment formalizes current practice and brings the Bylaws in line with Robert’s Rules. It also ensures that there is time for Senators to consult deliberately with their constituents on any proposal, while at the same time providing for some debate that does not preclude any disposition of the proposal before constituents are consulted.

[Item 14] Insert before I.J.5 and renumber the section accordingly: “A proposal that has been referred to a standing committee shall be automatically placed on the agenda for the 6th subsequent Senate meeting, unless it has come before the whole Senate before this time.”

Rationale: The purpose of this clause is to ensure that proposals receive timely consideration by the whole Senate. The clause does not prevent any subsidiary motions (such as to postpone indefinitely) and therefore does not bind the Senate to any action other than to consider a proposal that has been appropriately submitted.

[Item 15] Strike section I.J.5 and renumber the section accordingly: “The Executive Committee by two-thirds majority vote may send to the whole Senate any proposal that has been previously referred to a Senate Committee.”

Rationale: The need to provide a mechanism to pull proposals back from committee has been addressed via the revision (above) prescribing timelines. Therefore, this section is no longer needed.

[Item 16] Strike section I.J.6 and renumber the section accordingly: “At least 10 calendar days before the Senate meeting in which any vote is taken on a proposal, the Senate officers shall have provided copies of the proposal to all senators, and shall have placed a copy of it in the J.R. Van Pelt Library.”

Rationale: This modernizes the Bylaws. The original provision ensured that, at a time when proposals could not be circulated electronically, there was an opportunity for Senators and constituents to review proposals before they were voted on. This is now addressed by other revisions in this proposal that require proposals to be logged on the Senate website as they are received, and the requirement that proposals not be voted on until the meeting following the meeting at which they are first moved for adoption.

[Item 17] Strike section I.J.7 and renumber the section accordingly: “The Executive Committee may attach recommendations with reasons therefore to any proposal before its distribution to the senators and the Library.”

Rationale: This modernizes the Bylaws. The original provision ensured that, before proposals were easily circulated electronically, some context was provided before a proposal was voted on. This is redundant given revisions to the Bylaws that require proposals to be logged on the Senate website, and that proposals not be voted on until the meeting following the meeting at which they are first moved for adoption.

[Item 18] Combine I.J.8.a, I.J.8.b and I.J.8.c, and renumber the section accordingly. Change from: “Before any proposal is sent to all senators, the Senate officers will determine its classification, following Article III-F of the Constitution” and “This determination will be based on a reasonable interpretation of the Constitution, and may be amended by a majority vote of the Executive Committee.”

To: “Before any proposal is referred to a standing committee or to the whole Senate, the Executive Committee will determine its classification, following Article III-F of the Constitution. This determination will be based on a reasonable interpretation of the Constitution. This classification will be indicated in the proposal.”

Rationale: This streamlines the Bylaws and formalizes current practice. The two clauses are combined into a single clause, and the engagement of the Executive Committee in the process is specified. This also modernizes the Bylaws. Proposals are now handled in electronic form, so they may be easily edited at any stage in the process. Hence, it’s straightforward to simply edit the text to indicate the classification.

[Item 19] I.J.9: Make the following revisions to the section regarding “Emergency Proposals”

(1) I.J.9.a: Change from “A proposal which does not meet the distribution requirements set forth above may be submitted from the floor of the Senate at any meeting of the Senate.”

To “A proposal that has not been moved for adoption in a previous Senate meeting may be considered as an Emergency Proposal at the next meeting. Such proposals may be submitted by a Senator individually or on behalf of a group of Senators, and must have been sent to the Senate Officers no less than 12 hours before the meeting.”

(2) I.J.9.b: Insert before I.J.9.b: “The Senate Officers shall handle a submitted Emergency Proposal following the same procedures as for any other proposal, except that the proposal shall be sent expeditiously to the whole Senate for consideration.”

(3) I.J.9.b: Renumber as I.J.9.c and change from: “A majority vote of the full Senate is required to approve taking up any such proposal.”

To: “A two-thirds majority vote of the full Senate is required to approve taking up or adopting any such proposal.”

(3) I.J.9.c: Renumber as I.J.9.d and change from: “When the Senate approves taking up such a proposal, the classification of the proposal shall be made by the Senate President.”

To: “If the Senate does not vote to consider the proposal, it shall be placed on the agenda for the subsequent Senate meeting as unfinished business.”

Rationale: The Bylaws have several provisions to ensure that there is time for proposals to be reviewed and for Senators to consult their constituents. There is also a provision for emergency proposals, to override these considerations where necessary. In the past, when Senate business was conducted on paper, effectively the only avenue for an Emergency Proposal was submission at a meeting. Now that electronic circulation is possible, this revision requires emergency proposals to be handled in the same fashion as regular proposals, with a small early submission deadline. This revision modernizes the Bylaws, and brings the wording in line with other revisions regarding the introduction and timing of proposals. It also requires a higher threshold within the Senate to take up a proposal immediately, is intended to ensure that only issues that are truly of an emergency nature are taken up as such.

[Item 20] I.J.10.a: Change from: “A proposal which is not amended by the Senate can be approved by the Senate provided it has met the above 10-day requirement for distribution or is an emergency proposal.”

To: “A proposal that is not amended by the Senate can be approved by the Senate provided it has been formally moved for adoption in a previous Senate meeting, or is an emergency proposal.”

Rationale: The revisions regarding how proposals are first introduced to the Senate effectively render the 10-day rule unnecessary, since proposals cannot be voted on until the subsequent Senate meeting. This revision brings the item in line with other revisions.

[Item 21] I.J.10.b: Change from: “A proposal which is amended by the Senate shall be required to meet the 10-day requirement for distribution”

To: “A proposal, other than an emergency proposal, that is amended by the Senate may not be adopted sooner than the subsequent Senate meeting.”

Rationale: This brings the text in line with other revisions, and clarifies that amendments to emergency proposals are not covered by the rule.

[Item 22] I.J.12: Change from: “A proposal that has not been approved by the Senate within one year of being assigned a number shall expire. An expired proposal may be resubmitted in the same or modified form and will be assigned a new number. An expired proposal submitted in the same form may be assigned its original number with a majority vote of the Executive Committee.”

To: “A proposal that has not been approved by the Senate within one year of being assigned a number shall expire. An expired proposal may be resubmitted in the same or modified form and will be assigned a new number.”

Rationale: This seems unnecessary. With the new changes, all proposals have been tracked and disposed of.

[Item 23] I.J.13: Strike this section and renumber the section accordingly: “When a proposal is being presented by the chair of the relevant committee, if there are no objections, the presiding officer may delegate some responsibility for fielding questions to that person.”

Rationale: The opportunity for members to ask questions of other members already exists in Robert’s Rules and the opportunity for members to ask questions of non-members is addressed in Section I.N. Hence, no special provision here is necessary. Furthermore, this section erroneously implies that the presiding officer has the responsibility for fielding questions by default. This is not sensible, first because the Committee Chair is tasked with presenting committee reports and proposals, and second because the presiding officer is expected to be impartial respecting Senate debate.

[Item 24]: Add at the end of I.J: “Nothing in this section shall preclude the Senate from considering a motion at any meeting that is not otherwise classified as a proposal.”

Rationale: This clarifies that this section only applies to motions that rise to the level of proposals, as defined in I.J.1.

[Item 25] I.M.2: Change from: “The following shall not be constituents of the Senate: Any Dean or equivalent Director (as determined by the Executive Committee) who reports directly to any of the following: President; Provost; any Vice Provost; any Vice President; Board of Trustees.”

To: “The following shall not be constituents of the Senate: Any Dean or any Director equivalent to a Dean. The Professional Staff Policy Committee shall make a determination regarding equivalence, which shall be approved by the whole Senate.”

Rationale: This replaces the somewhat arbitrary use of the organization chart as the criteria for determining Senate constituency with a more functional definition, and empowers both the Professional Staff Policy Committee and the whole Senate to make and approve the determination. This increases transparency and makes the Senate more representative and deliberative.

[Item 26] I.M.4: Change from: “The following individuals may be constituents of the Senate, but may not serve as senators or alternates: Any Staff having significant influence (as determined

by the Executive Committee) with any of the following: President; Provost, any Vice Provost; any Vice President; Board of Trustees.”

To: “All Directors that are equivalent to Department Chair, Associate Dean, or Assistant Dean, may be constituents of the Senate, but may not serve as Senators or Alternates. The Professional Staff Policy Committee shall make a determination regarding equivalence, which shall be approved by the whole Senate.”

Rationale: Similar to the previous revision, this replaces the somewhat subjective criteria (“Staff having significant influence”) with a more functional definition, and empowers both the Professional Staff Policy Committee and the whole Senate to make and approve the determination. This increases transparency and makes the Senate more representative and deliberative.

[Item 27] I.M.5: Change from: “The Senate’s professional staff constituency consists of those persons so defined by the Senate Executive Committee in consultation with the Senate Professional Staff Committee and the University’s Office of Human Resources. The Senate Professional Staff Committee will recommend the composition of individual professional staff constituencies for approval by the Senate Executive Committee.”

To: “The Senate’s professional staff constituency consists of those persons so defined by the Senate Professional Staff Policy Committee and in consultation with the University’s Office of Human Resources, the determination of which shall be approved annually by the whole Senate. The Senate Professional Staff Policy Committee shall recommend the composition of individual professional staff constituency units, which shall be approved annually by the whole Senate.”

Rationale: Again, and similar to the previous two revisions, this empowers both the Professional Staff Policy Committee and the whole Senate to make and approve the determination of both constituency overall and composition of the staff constituency units. This increases transparency and makes the Senate more representative and deliberative.

[Item 28] I.M.6: Remove the entire “Avoiding Conflicts of Interest” section.

Rationale: This section provides only recommendations, and as such, is inappropriate to include in the Bylaws. According to Robert’s Rules, the Bylaws the Senate should “contain the basic rules relating principally to itself as an organization, rather than to the parliamentary procedure that follows.” Hence, this section is out of place. Furthermore, items **I.M.6.b** and **I.M.6.c** have an alarming and condescending tone not in conformity with the rest of the document. They have a political overture to them, are designed to target staff, and serve to question people’s motives. Hence, this section is not appropriate for inclusion in the Senate Bylaws.

[Item 29] I.N: Re-name this section “Meeting Agenda” and replace the existing text with the following text:

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1. The Senate shall adopt an agenda for every meeting.
2. A draft agenda shall be prepared by the Senate officers, approved by the Executive Committee, and posted on the Senate website no less than five (5) days in advance of any scheduled meeting.
3. Not more than 30 minutes shall be reserved in the agenda of any regular meeting to be devoted to presentations by invited guests.
4. Non-members may submit written comments respecting any item on the Senate agenda. When the item comes up for consideration during the meeting, the presiding officer shall present the comments and enter them into the minutes.
5. During debate on a motion before the Senate, non-members may provide points of information if requested by a member.
6. Not more than 15 minutes shall be reserved in the agenda of any meeting for comments from the public. Each individual will be restricted to a maximum of three (3) minutes for their presentation.”

Rationale: Most of this section in the current Bylaws contains requirements respecting the agenda and thus it is re-named as such. The formal requirement for an agenda is added to correspond with current practice. The preamble is removed to bring the Bylaws in line with the principles in Robert’s Rules that the Bylaws should contain only the rules and not the justification for the rules. Quotations from Robert’s Rules are removed because the Rules are already incorporated by reference in the Constitution. A new provision is added whereby non-members may provide written comments on any item before the Senate and the opportunity for members to ask questions of non-members is retained. A new requirement that the Executive Committee post the agenda in advance is added, to ensure that Senators are aware of the upcoming meeting and are able to inform their constituents and solicit feedback.

[Item 30] Add a new section: “I.P. Amendments” with the text “All proposals with respect to amending the Constitution or Bylaws will be delegated to an ad-hoc committee of the Senate. The ad hoc committee shall have a minimum membership of three, duly elected by the Senate.”

Rationale: Revisions to the Senate’s governing documents deserve at least as much scrutiny as a regular proposal, which would normally be referred to a committee. This revision formalizes the process for revisions to the governing documents.

[Item 31] II.A.14: Remove “Library” from the list of Academic Departments, and renumber accordingly.

Rationale: The Library is listed twice, both as an Academic Department and as a Staff Unit. The Constitution requires that the Library be listed as a Staff Unit.

[Item 32] II.C: Change from: “The Executive Committee may appoint reciprocal liaisons to any or all of these units.”

To: “The full Senate may appoint or elect reciprocal liaisons to any or all of these units.”

Rationale: This ensures that the Senate has the final authority in how it is represented, without compromising efficiency. For example, liaisons may still be appointed (avoiding the complexity of an election) but the appointment must be approved by the full Senate.

[Item 33] II.D: Add new item “Membership in other University Committees” and include the following: “The full Senate shall appoint or elect representatives from the Senate constituency to be the Senate representative on various university-wide committees and councils established by the administration. These committees may include (but are not limited to):

1. Benefits Liaison Group
2. Athletic Council
3. Michigan Tech Enterprise Corporation
4. Public Safety Oversight Committee.”

Rationale: The same rationale applies here as for the previous item.

Proposal 22-17:

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Approved by Senate: 04-19-17