

Bylaws and Procedures Committee

Minutes from the meeting held on June 1, 2021 over Zoom

Present: Nick Bircher (Medicine) [Chair], Steve Belle (Public Health), Ben Bratman (Law) [Secretary], Jim Cassaro (Music), Candice Damiani (Biological Sciences), Amy Flick (English), Donovan Harrell (University Times), EJ Milarski-Veenis (School of Education & Staff Council), Sushobhan Sen (Postdoctoral), Lori Molinaro (Senate Office), Paula Sherwood (Nursing), Lenore Thomas (Studio Arts), Jessica Townsend (Medicine & Staff Council)

Unable to attend: Sheila Alexander (Nursing), Chris Bonneau (Political Science) [Senate President], Ryan Dunmire (University Counsel), Tom Hitter (Office of Policy Development), Stephen Jacobus (student-SGB), Morgan Pierce (student-GPSG), Frank Wilson (Sociology-Greensburg) [Senate Past President], Cecelia Yates (Nursing) [Co-chair].

The meeting was called to order at 3:03 pm and a quorum ascertained.

Minutes: EJ Milarski-Veenis requested that she be listed as representing the School of Education and Staff Council. Sushobhan Sen offered an amendment to the minutes to accurately reflect his comment that he was advocating for both student and postdoctoral membership on caucus/constituency committees. With those two amendments, the minutes from the May 2021 meeting were approved.

Election of officers: By unanimous vote, the committee re-elected Nick Bircher as Co-Chair and Ben Bratman as Secretary. Given the absence of Cecelia Yates, the matter of her re-election as Co-Chair was deferred.

Scheduling: Nick Bircher proposed that the committee continue its work through the summer in order to finish work on two pending proposals (part-time faculty and constituency/caucus committees) by September. No objections were raised.

Old business:

A. Anti-Racism Action Plan

Proposed Bylaws Amendment regarding Part-Time Faculty—further consideration of requirements for Part-Time Faculty to serve as Officers of University Senate

A question was raised about procedures for removing part-time faculty from Assembly, and Nick Bircher noted that there was already a provision in the bylaws governing all members of Assembly allowing for removal of those members who miss three consecutive meetings. Hence, we do not need to add a removal provision to our proposed amendments.

The committee proceeded to discuss the four options for qualification of part-time faculty to serve as officers: (1) part-time faculty shall be ineligible to hold any officer position; (2) only tenured part-time faculty shall be eligible to hold an officer position; (3) part-time faculty shall be eligible to hold an officer position if their present contract specifies 0.4 FTE or more; or (4) part-time faculty shall be eligible to hold an officer position by meeting either of the two

following criteria: A. Employment in any two (2) of the three (3) most recent Fall, Summer and Spring semesters [i.e., the semester in which the election takes place and the two previous semesters], OR B. Meeting both of the following: i. employment in any one (1) of the three (3) most recent Fall, Summer and Spring semesters [i.e., the semester in which the election takes place and the previous semesters] AND ii. employment in any one (1) of the six (6) most recent Fall, Summer and Spring semesters preceding the semesters in criterion (B)(i).

Nick Bircher noted that option (4) tracks the criteria approved by the Pennsylvania Labor Relations Board for membership in the faculty bargaining unit and eligibility to vote in the upcoming union election.

Ben Bratman spoke against options (1) and (2) on the grounds that they cut against the greater goal of being inclusive. Paula Sherwood and Ben Bratman spoke in favor of option (4) on the grounds that it is a precedent from the PLRB decision. Ben Bratman raised the counterpoint that option (4) in the labor relations context was the product of negotiation and compromise and hence might not be as inclusive as we would want for our purposes. Steve Belle echoed these concerns.

Lori Molinaro reminded the committee that Chris Bonneau has concerns about allowing part-time faculty to serve as officers. In the same vein, Paula Sherwood said that we want to make sure that any part-time faculty running for office will be here and available.

Ben Bratman then suggested a fifth option of not specifying any limitation on part-time faculty running for an officer position. He argued that it is unlikely any part-time faculty would run, and a limitation might inadvertently exclude someone who is well qualified (e.g., a formerly full-time faculty member taking a phased retirement). Such an option is also more consistent with the idea of being inclusive. Sushobhan Sen echoed this sentiment.

At the committee's request, Lori initiated an electronic straw poll with the five options. Sixty percent (60%) of the committee voted for the new option (5), and forty percent (40%) voted for option (4). No votes were cast in favor of options (1), (2), or (3). In response to a question from Steve Belle, Nick Bircher clarified that option (4), if ultimately chosen by the committee, remains open to revision as to the specific numbers. Given the outcome of the poll, the committee's further discussions of this issue will be limited to options (4) and (5).

B. Recruitment of Faculty Members to fill open slots on Committee

In response to a question from Nick Bircher, Lori indicated that none of those who ran but were not elected to other committees have expressed interest in our committee as an alternative. Nick said that, as a result, we should continue informal recruiting efforts.

C. Proposed Bylaws Amendment regarding Constituency Committees

In order to focus future discussions on the creation of Constituency/Caucus committees, Nick Bircher raised the question of whether we want to concentrate narrowly on just subsets of

Faculty Assembly or more broadly on all faculty. Sushobhan Sen opposed the narrow option because the idea behind constituency/caucus committees is to expand representation.

New Business

Nick Bircher raised a question that comes from the Tenure & Academic Freedom Committee regarding electronic voting for committee officer positions. There is an appearance of a conflict of interest when the person administering the vote is running for office. Nick proposed having someone not running for office administer the vote. Ben Bratman suggested using an automated system for such votes, and Lori Molinaro indicated that some committees use Qualtrics but that others have done the voting informally, creating the issue.

Nick said that we do not have to resolve the issue at this meeting.

Meeting was adjourned at 4:11 pm

Submitted by Ben Bratman, Secretary