

Proposed Revisions
to the Charter
of the
University of Rochester
Faculty Senate

April 6, 2004

Respectfully submitted by the
Charter Committee

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Overview

Over the past two years, the Charter Committee has examined the Charter of the Faculty Senate and discussed various proposals for revision. As part of this process, we have examined the charters and constitutions of other university senates across the nation. We have been guided in our work by our commitment to strengthening Rochester's Faculty Senate and increasing its role as an effective, coherent, and responsive voice for the University's faculty.

The proposals that we list below represent the distillation of the committee's efforts. Some of the proposed changes are trivial in their substantive impact; examples include gender-specific language in the existing charter and references to school names and other sections of the charter that no longer exist. Other changes, however, including proposals to adopt school-based voting for Senators and to strengthen term limits, are obviously substantive in nature.

Some proposals are backed by all members of the Charter Committee, but others are not. While we do not unanimously endorse all of these proposals, the full committee has carefully discussed all of the proposals below and agrees that they merit discussion by the Senate.

Executive summary

We identify nine proposals for the consideration of the Faculty Senate at its April meeting. We group these proposals into two parts. We recommend that the Senate devote approximately one hour to discussing and voting on Part A, then devote the second hour to discussing and voting on the remaining seven proposals identified as Part B.

Part A—Voting and representation

The two proposals in Part A represent competing alternatives. If Proposal 1 passes the Senate, no vote will be taken on Proposal 2. If Proposal 1 is rejected by the Senate, a vote will be taken on Proposal 2.

Proposal 1 would amend the Senate charter to create school-based voting, with seats allocated equally among the College, the School of Medicine and Dentistry, and the four small schools taken together. This proposal would guarantee between 2 and 5 seats to each of the smaller schools and 15 seats to each of the two larger schools.

Proposal 2 would retain the existing system of University-wide voting, while providing that senators from no one school compose a majority of the Senate's membership.

Part B—Additional proposals for amending the Charter

Separate votes will be taken each on each of the following proposals.

Proposal 3. Simple, non-substantive revisions to the Charter.

Proposal 4. Eligibility for serving on the Senate and voting for Senators.

Proposal 5. Committee service.

Proposal 6. Executive Committee elections.

Proposal 7. Term limits for Senators.

Proposal 8. Term limits for the University Committee on Tenure and Privileges.

Proposal 9. Ballot form.

Note

Each section begins with a brief summary of the proposal, followed by the specific text of the proposed changes. Except in the case of the first proposal, changes to the existing charter are indicated with *italics* and ~~striketroughs~~.

For reference, a full text of the existing charter is appended to the end of this report.

Part A—Voting and representation

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Proposal 2 would retain the existing system of University-wide voting, while providing that senators from no one school compose a majority of the Senate’s membership.

Two arguments follow, one “pro” and one “con.” One is the argument to vote “YES” on Proposal 1. The other is the argument to vote “NO” on Proposal 1 and vote “YES” on Proposal 2.

The exact wording of the two proposals appears after the “pro” and “con” arguments.

The “pro” argument—Vote “YES” on Proposal 1.

School-based voting and representation is a common method for electing faculty senates at many other universities. A significant number of Rochester’s peer institutions—including Johns Hopkins, Duke, Northwestern, NYU, Vanderbilt, Stanford, Washington, Emory, and Columbia—use school-based voting and representation. With school-based voting, senators at Rochester would be selected by the faculties of the individual schools and colleges, but would be responsible for acting in the Senate to promote the interests of the whole University. This is analogous to the system of representation used by Congress, every state legislature in the country, and virtually every national legislature in the world, where representatives selected by distinct constituencies work together to advance the common good. There are very good reasons for the Faculty Senate at Rochester to adopt this system.

In a decentralized university made up of distinct schools and colleges, school-based voting is consistent with the usual patterns of interactions among Rochester faculty, allowing voters to cast ballots on the basis of the best information as to whom would most capably represent them on the Senate. The existing university-wide ballot includes large numbers of candidates whom no single voter can know. Many faculty have expressed the concern that the University-wide ballot thereby distances them from the election process and from the resulting Senate membership. School-based voting would provide an opportunity for voters to know most (or even all) of the candidates, which would allow faculty to cast more meaningful votes and would likely increase interest in elections and in the affairs of the University Senate. For similar reasons, school-based voting will make senators more responsive to faculty than the current university-wide system.

The proposal recognizes the two largest units in the university (School of Medicine and Dentistry and the College) as equals, each with 15 seats, and provides for over-representation of the four smaller schools, relative to most measures of their size, by granting 15 seats to the smaller schools taken together. In the initial allocation of seats, the 15 seats allotted to smaller schools would yield 5 for Eastman, 4 for Nursing, 4 for Simon, and 2 for Warner. This allocation would be reviewed regularly by the Senate and changed as circumstances require. The charter would guarantee the small schools 15 seats in every Senate and ensure that none of these schools had fewer than 2 or more than 5 of those seats. In addition to strengthening the position of small schools in the Senate, school-based voting would limit the largest schools from dominating the vote, either by electing their own members or by influencing the election of members from other schools.

As the following table indicates, the proposed distribution would dramatically improve the representation of small schools in the Senate. Over the last fifteen years, the small schools have averaged 11.3 seats in the Senate. And the line has recently been trending steeply downward—over the last five years, they have averaged just 9.2 seats. Although there is no perfect method for allocating seats among the schools, we believe that the criteria for allocating seats proposed here would insure fair and stable representation of each school, something that the current system cannot provide. With the existing system of university-wide elections, as the table shows, representation fluctuates dramatically. Thus the School of Nursing has had as many as 8 and as few as 2 representatives at a time. And the Simon School, which is much larger than the

Warner School and at least as large as the School of Nursing, has averaged 1.4 representatives over the last fifteen years, compared to 1.9 for Warner and 4.5 for Nursing. This instability and inequity in representation undermines the ability of the Senate to speak effectively on behalf of all the schools and colleges that make up the University. A system of school-based voting and representation, in contrast, would strengthen the Senate as a university-wide faculty body.

Historical Senate Composition: Numbers of Senators by School (using best available data)

Senate	College	Medicine	Eastman	Nursing	Simon	Warner	Grand Total
1989 - 1990	22	8	5	4	2	4	45
1990 - 1991	17	12	6	4	2	3	44
1991 - 1992	14	18	4	6	1	1	44
1992 - 1993	12	11	1	4	1	1	30
1993 - 1994	18	14	2	9	1	0	44
1994 - 1995	18	16	2	4	2	2	44
1995 - 1996	16	17	3	5	1	3	45
1996 - 1997	19	11	4	5	3	4	46
1997 - 1998	17	8	4	6	3	3	41
1998 - 1999	11	14	4	6	1	2	38
1999 - 2000	18	15	4	6	0	2	45
2000 - 2001	20	13	2	6	1	2	44
2001 - 2002	20	16	2	4	1	1	44
2002 - 2003	21	16	4	3	1	1	46
2003 - 2004	19	17	5	2	1	1	45
2004 - 2005	18	18	5	2	1	1	45
Grand Total	280	224	57	76	22	31	690

Historical Senate Composition: Percent of Senators by School (small schools grouped together)

Senate	College	Medicine	Small School Total	Nr of Senators
1989 - 1990	49%	18%	33%	45
1990 - 1991	39%	27%	34%	44
1991 - 1992	32%	41%	27%	44
1992 - 1993	40%	37%	23%	30
1993 - 1994	41%	32%	27%	44
1994 - 1995	41%	36%	23%	44
1995 - 1996	36%	38%	27%	45
1996 - 1997	41%	24%	35%	46
1997 - 1998	41%	20%	39%	41
1998 - 1999	29%	37%	34%	38
1999 - 2000	40%	33%	27%	45
2000 - 2001	45%	30%	25%	44
2001 - 2002	45%	36%	18%	44
2002 - 2003	46%	35%	20%	46
2003 - 2004	42%	38%	20%	45
2004 - 2005	40%	40%	20%	45
Grand Total	41%	32%	27%	690

The “con” argument—Vote “NO” on Proposal 1 and Vote “YES” on Proposal 2.

University-wide voting works well and should not be abandoned. A possible disadvantage of school-based representation is that senators elected by individual schools might take a more narrow parochial view of issues, rather than considering the interests of the university as a whole. University-wide voting encourages senators to be more conscious of the welfare of the university as a whole, rather than one individual component. University-wide voting also enables faculty from one school to vote for persons from another school whom they feel would be effective senators. Such persons, with visibility in more than one school, are well-suited to take a university-wide view of issues. University-wide voting also preserves flexibility in Senate representation. In the past, at certain times, one or another school has shown increased interest in Senate activities, and accordingly the number of representatives from that school has increased. Allocation of a fixed number of “seats” to each school would remove this flexibility.

The current system ensures that each faculty member’s vote has the same capacity to influence the choice of senators, preserving the one-person, one-vote core value of a democracy. Allocation of seats would mean that faculty votes from certain schools would have a far stronger (at least threefold factor) influence on the Senate composition than would votes cast by faculty from other schools. Historically, at times it has been difficult to recruit Senate nominees from certain schools; if this problem persists, it might mean that Senate seats would go vacant or would be filled by persons who are not really interested in the business of the Senate. This would have the effect of weakening the Senate.

Operationally, there are also some problems. The method for assigning seats to the smaller schools in the proposal is vague and highly subjective, and has few guarantees of fairness other than the goodwill of the people involved. Also, as written, the proposal allows for cases where there is only one candidate in an election for one seat, not an ideal situation for encouraging voter interest or democratic choice. The change to the new system would also mean that for a few years the Senate might have fewer or greater than its usual 45 members.

There are possible problems in Senate representation resulting from the explosive growth of certain schools relative to others. A simpler way to address these problems, and to ensure a Senate that is focused on the general welfare of the university, would be to adopt Proposal 2, which prevents any school from constituting a majority of the Senate. Similarly, if there are concerns about the representation of smaller schools, it would be simpler to increase the minimum number of senators from each school than to implement a system of school-based representation.

Text of Proposal 1. School-based voting, with seats allocated equally among the College, the School of Medicine and Dentistry, and the four smaller schools taken together.

The text of the proposed change follows. Text here would replace existing language of same-numbered sections of existing charter.

2.1: “The Senate shall consist of forty-five (45) members to be elected by and from the faculties of each of the schools and colleges that compose the University, with each school or college forming a distinct electoral constituency. The President, Provost, and the University Dean of Graduate Studies shall serve as members ex officio, without vote.”

2.2: “Of these forty-five (45) members, fifteen (15) shall come from the College of Arts, Sciences, and Engineering, fifteen (15) shall come from the School of Medicine and Dentistry, and fifteen (15) shall be allocated among the Eastman School of Music, the School of Nursing, the William E. Simon Graduate School of Business Administration, and the Margaret Warner Graduate School of Education and Human Development.

2.3 (new section): “In each election, five (5) newly elected senators shall come from the College of Arts, Sciences, and Engineering, five (5) shall come from the School of Medicine and Dentistry, and five (5) shall be allocated among the Eastman School of Music, the School of Nursing, the William E. Simon Graduate School of Business Administration, and the Margaret Warner Graduate School of Education and Human Development. This provision shall take effect with the election held in the spring of 2005, notwithstanding the fact that this may result in a Senate of other than forty-five (45) members until after the election held in the spring of 2007.

2.4 (new section): “The allocation of the fifteen (15) seats among the Eastman School of Music, the School of Nursing, the William E. Simon Graduate School of Business Administration, and the Margaret Warner Graduate School of Education and Human Development shall principally reflect the relative sizes of their full-time faculty, with secondary consideration given to the relative sizes of their student bodies, as measured by enrollments and degrees awarded, and to historic patterns of service in the Senate, provided that each of these schools shall be guaranteed no fewer than two (2) and no more than five (5) members of the Senate. In the initial allocation of seats, for the Senate elected in the springs of 2005, 2006, and 2007, the Eastman School of Music shall receive five (5) seats, the School of Nursing shall receive four (4) seats, the William E. Simon Graduate School of Business Administration shall receive four (4) seats, and the Margaret Warner Graduate School of Education and Human Development shall receive two (2) seats. The five senators from these schools elected in 2005 shall be composed of two (2) from the Eastman School, one (1) from the School of Nursing, and two (2) from the Simon School. The five senators elected in 2006 shall be composed of two (2) from the Eastman School, one (1) from the School of Nursing, one (1) from the Simon School, and one (1) from the Warner School. The five senators elected in 2007 shall be composed of one (1) from the Eastman School, two (2) from the School of Nursing, one (1) from the Simon School, and one (1) from the Warner School. The Executive Committee shall prepare a report for the Faculty Senate every six years, with the first report due in the fall of 2010, analyzing the allocation of seats among these four schools and recommending any change in that allocation, following the criteria specified in this paragraph. The Faculty Senate shall consider this report and determine the

allocation of seats among these four schools, including the distribution of seats across election years, with changes to take effect with the elections that spring.”

3.1.2. “Three qualified members of the Senate electorate shall submit a signed statement to the Committee on Elections requesting the name of an eligible faculty member be placed on the ballot of that candidate’s school or college. Qualified members of the Senate electorate may sign more than one nominating statement as described and they may sign nominating statements for faculty from any school or college.

3.1.3. “Each school or college shall have a separate and distinct ballot, listing only candidates whose primary appointment is in that school or college. In cases where a candidate has a primary appointment in no school or in more than one school, that candidate must declare a single school or college for the purposes of nomination and election. The number of people on the ballot of each school or college shall be at least the number of vacancies to be filled in that school or college. It shall be the duty of the Committee on Elections to identify on the ballot of each school or college the number of candidates to be elected by that school or college. It shall further be the duty of the Committee on Elections to insure that sufficient numbers of candidates are nominated to fill these seats by notifying the Executive Committee of any need for additional nominations, thereby permitting members of the Executive Committee to nominate additional candidates for election.”

3.1.4. “Ballots conforming to the prescription in the attached By-Laws shall be distributed by mail to the Senate electorate of each school or college. Members of the Senate electorate shall receive the ballot of the school or college of their primary appointment and shall be eligible to vote that ballot only. In cases where a member of the Senate electorate has a primary appointment in no school or in more than one school, that member of the electorate may vote one ballot only and must specify which ballot they wish to vote. The Committee on Elections shall count the returned ballots according to the rules described in the attached By-Laws.”

3.1.5. “If a Senator withdraws or is unable to serve on the Senate, the Committee on Elections shall name as that person’s successor the candidate from that school or college who received at the most recent election the highest number of votes without being elected. The new Senator shall serve the unexpired part of the term of the person replaced. Should there have been no other nominee from that school or college, the Executive Committee shall appoint a Senator from that school or college who shall serve until the next annual election.”

3.1.6. Deleted.

3.1.7. Deleted.

Text of Proposal 2. University-wide voting (i.e., status quo), with provision guaranteeing that the senators from no one school compose a majority of the Senate’s membership.

The text of the proposed change follows. Except where indicated, all text is identical to that in existing charter.

2.2 (proposed new language): “Each college or school within the University shall be entitled to at least one representative in the membership of the Senate. *No college or school within the University shall compose a majority of the membership of the Senate.*”

3.1.6 (proposed new language): “*If, after the Committee on Elections has counted the ballots, it appears that senators from a school or college would form a majority of the total of the continuing members and the newly elected members of the Senate, the Committee shall eliminate the last member from that school or college otherwise elected to the Senate and shall replace that member with the candidate from another college or school not yet elected who has the highest number of votes. This process of elimination and replacement shall be repeated, if necessary, until no college or school composes a majority of the membership of the Senate. If there are ties for members elected at the last step for candidates from other colleges or schools, the Committee shall break the tie by lot.*”

3.1.7 (formerly 3.1.6, with proposed new language and trivial corrections for gender neutrality): “If a Senator withdraws or is unable to serve on the Senate, the Committee on Elections shall name as ~~his~~ successor the person who received at the most recent election the highest number of votes without being elected, *unless the election of that person would give a college or school a majority of the membership of the Senate, in which case the Committee on Elections shall name as successor the person not from that college or school who received at the most recent election the highest number of votes without being elected.* The person so named shall serve the unexpired part of the term of the person ~~he replaces~~ being replaced.

Following are additional but simple and non-substantive revisions that the Charter Committee recommends if proposal 1 is not adopted.

2.1 (existing language, with trivial corrections recognizing changes in the role of administrators in the Senate made with the adoption of the Faculty Governance Reports): “The Senate shall consist of forty-five (45) members to be elected by and from the faculties of the University. The President, Provost, and the University Dean of Graduate Studies shall serve as members ex officio, without vote; ~~except that the Presiding Officer shall cast the deciding vote in case of a tie.~~”

3.1.2 (existing language): “Three qualified members of the Senate electorate shall submit a signed statement to the Committee on Elections requesting the name of an eligible faculty member be placed on the ballot. The number of people on the ballot shall exceed by at least five the number of vacancies to be filled. ~~Members of the Standing Committee on Elections are empowered to sign the nominating statement described.~~ Faculty members may sign more than one nominating statement as described.”

3.1.3 (existing language, modified to recognize current names and configurations of the University's constituent schools and colleges): "It shall be the duty of the Committee on Elections to insure that at least one eligible candidate shall be nominated from the following schools or colleges: *the College of Arts, Sciences, & Engineering*, ~~the College of Arts & Science~~, the *Margaret Warner Graduate School of Education & Human Development*, ~~the College of Engineering & Applied Science~~, the *William E. Simon Graduate School of Business Administration*, the *School of Medicine and Dentistry*, the *Eastman School of Music*, and the *School of Nursing*. *If additional nominations are to be made, the Committee on Elections shall notify the Executive Committee, thereby permitting members of the Executive Committee to nominate additional candidates for election.*"

3.1.4 (existing language): "Ballots conforming to the prescription in the attached By-Laws shall be distributed by mail to the Senate electorate. The Committee on Elections shall count the returned ballots according to the rules described in the attached By-Laws."

3.1.5 (existing language, with trivial corrections for grammar and gender neutrality): "If, after the Committee on Elections has counted the ballots, it appears that a school or college does not have a member of its faculty among either the continuing members ~~of~~ *or* the newly elected members of the Senate, the Committee shall eliminate the last member otherwise elected to the Senate in the last step of the counting process and shall replace ~~him~~ *that member* with the candidate from the unrepresented college *or school* who has the highest number of votes. This process of elimination and replacement shall be repeated, if necessary, until each college *or school* with eligible nominees has at least one member in the Senate. If there are ~~no~~ ties for members elected at the last step for candidates from the unrepresented college *or school*, the Committee shall break the tie by lot."

3.1.8 (formerly 3.1.7, otherwise existing language, with transfer of committee jurisdiction and trivial corrections for gender neutrality): "If a Senator who is the sole representative of ~~his~~ *a* school or college withdraws, the Committee on Elections shall choose as ~~his~~ successor the nominee from that school or college who received at the most recent election the highest number of votes without being elected, and this person shall serve the unexpired part of the term of the person ~~he replaces~~ being replaced; but should there have been no other nominee from that school or college, the ~~Committee on Elections~~ *Executive Committee* shall appoint a Senator from that school or college who shall serve until the next annual election."

Part B— Additional proposals for amending the Charter

3. Simple, non-substantive revisions to the Charter.

Rationale: The Charter Committee regards the changes in this section as simple and non-controversial. These changes include introducing a standard system for numbering sections and paragraphs in the charter, correcting references to schools and Senate positions that no longer exist, and making provision for by-laws in the body of the Charter. Remarkably, by-laws already exist in the Charter, even though the existing Charter itself makes no mention of how by-laws are approved.

Renumbering of Sections of the Charter. In the existing Charter, sections and paragraphs are numbered in inconsistent fashion. Thus the first paragraph of Section 3 is numbered “1,” the third paragraph of Section 3 is numbered “3.1.1.,” the first paragraph of Section 4 is numbered “1,” and the first paragraph of Section 6 is numbered “6.1.” Meanwhile, the second paragraph of Section 5 is numbered “5.1—Secretary.” We propose a standard system for identifying each article, section, and paragraph in the Charter and By-Laws. We further propose using roman numerals (I, II, III, etc.) to identify articles, capital letters (A, B, C, etc.) to identify sections, and arabic numerals (1, 2, 3, etc.) to identify paragraphs. Finally, we propose to eliminate titles for paragraphs, which are used sporadically, but not titles for sections. For the sake of this discussion, we continue to use the organizational system of the old charter, but we seek Senate authorization to implement a standard system of organization.

Presiding Officer. Revised 5.1—Presiding Officer. “The Chair of the Executive Committee of the Senate *shall be the Chair of the Senate* and shall preside at meetings of the Senate; in the absence of the Chair of the Executive Committee, another member of that Committee selected by the Chair shall preside.

UCTP Composition. Revised 7.2. “Composition. The University Committee on Tenure and Privileges shall consist of full-time members of the faculty who hold appointments of unlimited tenure. ~~There shall be one Representative member elected from each school or college of the University with fewer than 200 full-time faculty members and two Representative Members elected from each school or college of the University with 200 or more full-time faculty members.~~ *There shall be two Members elected from the School of Medicine and Dentistry, two Members elected from the College of Arts, Sciences, and Engineering, and one Member elected from each of the other schools of the University (i.e., the Eastman School of Music, the School of Nursing, the William E. Simon Graduate School of Business Administration, and the Margaret Warner Graduate School of Education and Human Development).* There shall also be one Member-at-Large. Administrative officers with rank at or above assistant dean are ineligible to serve on the University Committee on Tenure and Privileges whatever their faculty status at the time of the election.

UCTP Election. Revised 7.3. “Election. ~~Representative Members~~ *Members, except for the one Member-at-Large,* shall be elected from a constituency consisting of those members of the school or college in question who are also members of the electorate of the Senate. Elections for

~~Representative~~ *these* Members shall be, when needed, held concurrently with elections for the Senate. Nominations, ~~and elections, and the filling of vacancies shall follow~~ *will be conducted by the Committee on Elections according to the same procedures used for Senate elections, including the provisions for filling of vacancies, nominations, elections, and the filling of vacancies on the Senate,* ~~except that~~ If fewer than two nominees are received for a vacancy, the Committee on Elections shall itself nominate one or two more eligible candidates to bring the number of nominees to two. The Member-at-Large shall be elected by the Executive Committee, by simple majority vote of those present and voting at its first regularly scheduled meeting of the academic year in which the vacancy occurs.”

Provision for By-Laws.

New 10.1. *“The Senate shall have the right to establish and revise By-Laws that govern the functioning of the Senate, its elections, and its committees, provided that such By-Laws do not contradict any provision of the Charter.”*

New 10.2. *“Amendments to the By-Laws shall be voted on at the meeting next following the one at which they were proposed.”*

By-Law 1.8. ~~“Amendments to the By Laws shall be voted on at the meeting next following the one at which they were proposed.”~~

Voting in Senate. By-Law 1.6. “Any motion (except the motion to vote immediately, to suspend the rules, ~~and or~~ to amend the Charter) shall be declared adopted if it receives the affirmative votes of a simple majority of those voting. In the event of a tie, a vote by written ballot shall be taken. ~~and, if the tie persists, the presiding officer shall cast the deciding vote.~~ *If the tie persists, the measure shall be deferred to the next meeting of the Senate, when it shall again be considered. If the tie remains unbroken, the measure shall be declared defeated.* Votes by proxy shall not be permitted. If a member requests that the vote be taken by secret ballot, the presiding officer shall so order.”

4. Eligibility for serving on the Senate and voting for Senators.

Rationale: Different schools use different titles, and identical titles may mean different things in different schools. This makes it virtually impossible to come up with language for the Charter that defines electorate and eligibility in a consistent manner across schools. This proposal leaves the current language for defining electorate and eligibility in the Charter virtually intact, but institutes a mechanism to determine “equivalent” rank across different schools and colleges. The mechanism will rely on the Committee on Elections, assisted by faculty from each school, and provides for annual updates to keep up with the frequently changing reality.

Definition of Electorate. Revised 3.1. “The electorate shall consist of all full-time members of the faculties *of any rank* and of all part-time members of the faculties with the rank of professor or associate professor or equivalent rank.”

Eligibility for Senate Service. Revised 3.2. “Persons eligible for election to the Senate shall be full-time members of one of the faculties of the University and shall hold the rank of professor, associate professor, or assistant professor. *Even if otherwise qualified, the President, the Provost, the deans, the associate deans, and others of comparable rank are ineligible for election to the Senate for the terms of their administrative appointments.*”

Electorate and Eligibility for Senate Service. New 3.3. “*In January of each year, the Committee on Elections shall define the specific categories of faculty in each school and college eligible to vote for and serve in the Senate, following the rules provided in the preceding paragraphs of this Charter and in consultation with faculty from each school or college.*”

Executive Committee Membership. Revised 6.2. “The Executive Committee shall consist of eight members of the Senate *as voting members*; ~~who are not administrative officials of the University (vis., deans or associate deans);~~ of the President, the Provost, and the *immediate* past Chair of the Faculty Senate as *nonvoting* members ex officio; and the chairs of the elected faculty governance bodies of each school (where such bodies exist) as nonvoting members ex officio.”

5. *Committee service.*

Rationale: This proposal establishes the Committee on Elections as a standing Senate committee—curiously, the current charter and by-laws assign multiple tasks to the Committee on Elections but never stipulate how this committee comes into being—and amends language on standing committee membership to provide that any member of the faculty be equally eligible for membership on committees.

Committees. Revised 5.1—Committees. “The Senate shall elect from its membership an Executive Committee and shall establish other standing committees as it deems necessary. These shall include, at the least, an Academic Affairs Committee, ~~and~~ a Budget Committee, *and a Committee on Elections.* ~~A majority of the standing committees shall be composed of faculty members serving on the Senate or former Senate members but membership shall not be restricted to those persons.~~ Each member of the Senate shall have the opportunity to serve on at least one standing committee. The Senate shall also conduct the elections for ~~an all-~~ the University Committee on Tenure and Privileges. In addition to the standing committees, the Senate may from time to time authorize the establishment of ad hoc committees. *With the exception of membership on the Executive Committee and the University Committee on Tenure and Privileges, both of which are discussed elsewhere in this Charter, terms of membership on committees shall be for three years and may be renewed.*”

6. Executive Committee elections.

Rationale: This provision streamlines the procedure for Executive Committee Elections by doing away with the Nominating Committee.

Executive Committee Elections. Revised 6.3. “Nominations for the Executive Committee may be made by any Senator, who may nominate any willing Senator, including herself or himself. The Committee on Elections shall insure the nomination of ~~The Executive Committee shall~~ appoint annually a Nominating Committee consisting of three members of the Senate who are not members of the Executive Committee. ~~The Nominating Committee shall nominate~~ at least two more persons than the number of vacancies on the Executive Committee and shall conduct an election among the members of the Senate by mailed ballots, with the provision for write-in votes.”

7. Term limits for Senators.

Summary of proposed change: The existing charter limits senators to two consecutive three-year terms, effectively allowing senators to serve twelve years in a thirteen-year period. This proposal would amend the charter to limit senators to six years of service in any nine-year period.

The “pro” argument—Vote “YES.” *It is in the best interest of both the Senate and the University as a whole that more faculty members get exposed to University-wide issues, as well as that University leadership (including the Board of Trustees) get exposed to a changing subset of the faculty. The current term limits are so lenient as to have virtually no effect. The proposed limits provide a better balance between experience and new ideas for the Senate and would increase the number of faculty who gain exposure to University affairs through service on the Senate.*

The “con” argument—Vote “NO.” *It remains to be demonstrated that there is a problem with Senate turnover that requires this solution. Examination of the Senate composition in prior years reveals that the present system assures adequate turnover. For example, the senate of 1997-98 has only 5 out of 45 members who served in the senate of 2002-03; considering that the term is 3 years, this is an extraordinary turnover for a 5-year period. There would seem to be no cogent reason why an effective senator or UCTP member, who has the confidence of the electorate, should not continue to serve. In fact, particularly for UCTP, a case can be made that experience is a considerable asset.*

Senate Term Limits. Revised 4.1. “Members of the Senate shall normally serve three-year terms, ~~and they shall not be eligible for election to more than two consecutive terms.~~ No one shall be eligible to serve more than six years in any nine-year period, except that Senators already serving at the time of the adoption of this amendment shall remain eligible to complete their existing terms.”

8. Term limits for the University Committee on Tenure and Privileges.

Summary of proposed change: Currently, no term limits exist for membership on UCTP. This proposal institutes term limits for UCTP members, limiting service to six years in any nine-year period.

For “pro” and “con” arguments on term limits, see Proposal 7 above.

UCTP Term Limits. Revised 7.5. “Terms of Membership. Members of the University Committee on Tenure and Privileges shall serve three-year terms, except that initially ~~two~~ three members shall serve for two years, three members for three years, and ~~two~~ three members for four years, assignment of these terms to be determined by lot. *No one shall be eligible to serve on the University Committee on Tenure and Privileges more than six years in any nine-year period.*”

9. Ballot form.

Rationale: The existing Charter specifies that voting for members of the Senate and of the Executive Committee be done by mail. The proposal would permit a future Senate to adopt some form of electronic voting as an alternative to the mail-in ballot.

Senate Elections. Further revised 3.1.4. “Ballots conforming to the prescription in the attached By-Laws shall be distributed by mail *or by a secure electronic form* to the Senate electorate . . .”

Executive Committee Elections. Further revised 6.3. “. . . and shall conduct an election among the members of the Senate by mailed ballots *or by a secure electronic ballot*, with the provision for write-in votes.”

EXISTING CHARTER

THE UNIVERSITY OF ROCHESTER FACULTY SENATE

1. ESTABLISHMENT OF A UNIVERSITY SENATE

There shall be established at the University of Rochester a University-wide Faculty Senate which shall have the following functions:

1. To consider the state of the University and to make recommendations for its academic development to the appropriate persons or bodies within the University;
2. To inquire into any matter of an educational or administrative nature that has implications for the academic function and welfare of the University, and to make recommendations concerning such matters to the appropriate persons or bodies within the University;
3. To be a channel of communication between and among the various faculties of the University and between the collective faculties and the President and the Provost of the University.

All proceedings or recommendations of the Senate shall be confidential within the University.

2. COMPOSITION OF THE SENATE

1. The Senate shall consist of forty-five (45) members to be elected by and from the faculties of the University. The President, Provost, and the University Dean of Graduate Studies shall serve as members **ex officio**, without vote; except that the Presiding Officer shall cast the deciding vote in case of a tie.
2. Each college or school within the University shall be entitled to at least one representative in the membership of the Senate.

3. ELECTION PROCEDURES

1. The electorate shall consist of all full-time members of the faculties and of all part-time members of the faculties with the rank of professor or associate professor or equivalent rank.
2. Persons eligible for election to the Senate shall be full-time members of one of the faculties of the University and shall hold the rank of professor, associate professor, or assistant professor.

3.1 NOMINATION AND BALLOTING FOR MEMBERS OF THE SENATE

1. **The Standing Committee on Elections** shall receive nominations for and conduct the election of members of the Senate in the spring of each year.
2. **Three qualified members of the Senate electorate** shall submit a signed statement to the Committee on Elections requesting the name of an eligible faculty member be placed on the ballot. The number of people on the ballot shall exceed by at least five the number of vacancies to be filled. Members of the Standing Committee on Elections are empowered to sign the nominating statement described. Faculty members may sign more than one nominating statement as described.
3. It shall be the duty of the Committee on Elections to insure that **at least one eligible candidate shall be nominated** from the following schools or colleges: the College or Arts & Science, the Graduate School of Education & Human Development, the College of Engineering & Applied Science, the Simon School of Business Administration, the School of Medicine and Dentistry, the Eastman School of Music, and the School of Nursing.
4. Ballots conforming to the prescription in the attached By-Laws shall be distributed by mail to the Senate electorate. The Committee on Elections shall count the returned ballots according to the rules described in the attached By-Laws.
5. If, after the Committee on Elections has counted the ballots, it appears that a school or college does not have a member of its faculty among either the continuing members of the newly-elected members of the Senate, the **Committee shall eliminate the last member otherwise elected** to the Senate in the last step of the counting process and shall replace him with the candidate from the unrepresented college who has the highest number of votes. This process of elimination and replacement shall be repeated, if necessary, until each **college with eligible nominees has at least one member in the Senate**. If there are no ties for members elected at the last step for candidates from the unrepresented college, the Committee shall break the tie by lot.
6. **If a Senator withdraws or is unable to serve on the Senate**, the Committee on Elections shall name as his successor the person who received at the most recent election the highest number of votes without being elected. The person so named shall serve the unexpired part of the term of the person he replaces.
7. If a Senator who is the sole representative of his school or college withdraws, the Committee on Elections shall choose as his successor the nominee from that school or college who received at the most recent election the highest number of votes without being elected, and this person shall serve the unexpired part of the term of the person he replaces; but should there have been no other nominee from that school or college, **the Committee on Elections shall appoint a Senator from that school or college who shall serve until the next annual election**.

4. TERMS OF MEMBERSHIP

1. Members of the Senate shall normally serve three-year terms, and they shall not be eligible for election to more than two consecutive terms.

2. In the first election, the fifteen members declared earliest in the counting shall serve three-year terms; the fifteen members declared elected next shall serve two-year terms; and the fifteen members declared elected last shall serve one-year terms. Ties shall be broken by lot by the members of the Committee on Elections.

5. ORGANIZATION OF THE SENATE

5.1 OFFICERS & COMMITTEES

Presiding Officer

The Chair of the Executive Committee of the Senate shall preside at meetings of the Senate; in the absence of **the Chair of the Executive Committee, another member of that Committee selected by the Chair shall preside.**

Secretary

The Secretary of the Executive Committee shall be the Secretary of the Senate.

Committees

The Senate shall elect from its membership an Executive Committee and shall establish other standing committees as it deems necessary. These shall include, at the least, an Academic Affairs Committee and a Budget Committee. A majority of the standing committees shall be composed of faculty members serving on the Senate or former Senate members but membership shall not be restricted to those persons. Each member of the Senate shall have the opportunity to serve on at least one standing committee. The Senate shall also conduct the elections for an **all-University Committee on Tenure and Privileges**. In addition to the standing committees, the Senate may from time to time authorize the establishment of **ad hoc** committees.

6. THE EXECUTIVE COMMITTEE

6.1 FUNCTION

The Executive Committee shall serve as an agenda committee for the deliberations of the Senate and may make recommendations to the Senate.

6.2 COMPOSITION

The Executive Committee shall consist of eight members of the Senate who are not administrative officials of the University (vis., deans or associate deans); of the President, the Provost, and the past Chair of the Faculty Senate as members *ex officio*; and the chairs of the elected faculty governance bodies of each school (where such bodies exist) as nonvoting members *ex officio*.

6.3 ELECTION

The **Executive Committee** shall appoint annually a Nominating Committee consisting of three members of the Senate who are not members of the Executive Committee. The **Nominating Committee** shall nominate at least two more persons than the number of vacancies on the Executive Committee and shall conduct an election among the members of the Senate by mailed ballots, with the provision for write-in votes.

6.4 OFFICERS

The Executive Committee shall elect a Chair and a Secretary. These officers shall serve one-year terms and shall not be eligible for election to more than two consecutive terms.

6.5 TERMS OF MEMBERSHIP

1. Members of the Executive Committee shall serve two-year terms; except that membership on the Executive Committee shall terminate concurrently with the termination of membership in the Senate.
2. Initially, seven members of the Senate shall be elected to the Executive Committee, four of whom shall serve two-year terms and three of whom shall serve one-year terms. The length of terms in the initial election shall be determined by lot.
3. The Senate shall elect sufficient members each year and from time to time to maintain the membership (elected) of the Executive Committee at eight.
4. The Chair of the Faculty Senate Executive Committee shall serve as an *ex officio* member of both the Senate and its Executive Committee during the year following the expiration of his/her term.

6.6 AD HOC COMMITTEES

If and when the Senate or the Executive Committee establishes an **ad hoc** committee, the Executive Committee shall appoint the committee. Members of the **ad hoc** committees may be chosen either from within or outside the membership of the Senate.

7. COMMITTEE ON TENURE AND PRIVILEGES

1. *Function.* The University Committee on Tenure and Privileges shall review all regulations concerning faculty tenure and privileges and advise the President of the University on such regulations. It shall establish, with the consent of the Board of Trustees, standing procedures governing the manner of revocation of a faculty member's tenure or privileges for cause. It shall inform the Senate of all regulations and practices respecting tenure and privileges, in all parts of the University, as they become established or changed.

2. *Composition.* The University Committee on Tenure and Privileges shall consist of full-time members of the faculty who hold appointments of unlimited tenure. There shall be one Representative member elected from each school or college of the University with fewer than 200 full-time faculty members and two Representative Members elected from each school or college of the University with 200 or more full-time faculty members. There shall also be one Member-at-Large. Administrative officers with rank at or above assistant dean are ineligible to serve on the University Committee on Tenure and Privileges whatever their faculty status at the time of the election.

3. *Election.* Representative Members shall be elected from a constituency consisting of those members of the school or college in question who are also members of the electorate of the Senate. Elections for Representative Members shall be, when needed, held concurrently with elections for the Senate. Nominations and elections will be conducted by the Committee on Elections according to the same procedures used for Senate elections, including the provisions for filling of vacancies, except that if fewer than two nominees are received for a vacancy, the Committee on Elections shall itself nominate one or two more eligible candidates to bring the number of nominees to two. The Member-at-Large shall be elected by the Executive Committee, by simple majority vote of those present and voting at its first regularly scheduled meeting of the academic year in which the vacancy occurs.

4. *Officers.* The University Committee on Tenure and Privileges shall elect a Chair and a Secretary from its membership, each for a two-year term, except that the initial term of the Secretary shall be for one year. 5. *Terms of Membership.* Members of the University Committee on Tenure and Privileges shall serve three-year terms, except that initially two members shall serve for two years, three members for three years, and two members for four years, assignment of these terms to be determined by lot.

8. MEETINGS OF THE SENATE

1. The Senate shall schedule at least eight meetings during the period September through May inclusive.

2. The Senate may hold special meetings:

a) at the call of the President

b) at the call of the Executive Committee;

c) or, on written petition of a majority of the members of the Senate, the petition clearly setting forth the purpose for which the meeting is to be called.

3. A majority of the elected membership of the Senate shall constitute a quorum.

9. METHOD OF AMENDMENT

Amendments to the Charter of the Senate shall be made by the passage, by a majority of the whole Senate, of a motion to amend the Charter, in two regular meetings of the same Senate, between which two meetings the constituent faculties shall have had a reasonable opportunity to discuss the amendment and report thereon. Any such amendments shall require the approval of the Board of Trustees.

As amended and approved by the Trustees, April 3, 1963

As amended and approved by the Trustees, February 3, 1967

As amended and approved by the Trustees, May 31, 1968

As amended and approved by the Trustees, June 18, 1969

As amended and approved by the Trustees, June 5, 1970

As amended and approved by the Trustees, January 26, 1972

As amended and approved by the Trustees, June 28, 1972

As amended and approved by the Trustees, May 25, 1977

As amended and approved by the Trustees, July 1, 1978

As amended and approved by the Trustees, October 14, 1982

As amended and approved by the Trustees, February 16, 1987

As amended and approved by the Trustees, May 14, 1987

As amended and approved by the Trustees, May 10, 1990

As amended and approved by the Trustees, September 17, 1992

As amended and approved by the Trustees, December 15, 1994

As amended and approved by the Trustees, June 14, 2001

As amended and approved by the Trustees, January 17, 2002

1. ARTICLE 1 - MEETINGS OF THE SENATE

1.1 SCHEDULE OF MEETINGS

The meeting dates of the Senate shall be recommended by the Executive Committee of the Senate no later than the March meeting for the subsequent year. The meetings shall be from 4:00 p.m. to 6:00 p.m., although (a) the Executive Committee may, with two weeks' notice, call meetings for an hour other than 4:00 p.m., and (b) a majority of those present may extend the meeting beyond 6:00 p.m.

1.2 AGENDA

The agenda for each regular meeting of the Senate shall be prepared by the Executive Committee and distributed to all Senators in advance of each meeting. The order of business at regular meetings shall be:

approval of the minutes of the previous regular meeting and of any special meetings, report of the Chair of the Executive Committee, consideration of business stated in the report of the Executive Committee, consideration of business from the floor, report of the President, announcements, and adjournment.

The order of business at special meetings shall be specified in the call or petition which occasions them.

1.3 RULES

On all matters of procedure not provided for in the Charter and By-Laws, the Senate shall follow Robert's Rules as set forth in *Sturgis's Standard Code of Parliamentary Procedure*.

1.4 MINUTES

Prior to each meeting, the minutes of the previous regular meeting and of such special meetings as may have been held subsequent to the last regular meeting shall be distributed to all members of the faculty entitled to vote for the Senate. These minutes shall be labelled "confidential." The distribution of the minutes shall be interpreted as a reading, prior to approval, at the Senate meeting. Senators may submit "Letters to the Senate" stating their views or those of a member of the electorate on any question that may properly come before the Senate. Subject to review by the Executive Committee for appropriateness of length and subject matter, these letters will be circulated with the minutes.

1.5 ATTENDANCE

The attendance shall be taken and recorded in the minutes.

1.6 VOTING

Any motion (except the motion to vote immediately, to suspend the rules, and to amend the Charter) shall be declared adopted if it receives the affirmative votes of a simple majority of

those voting. In the event of a tie, a vote by written ballot shall be taken and, if the tie persists, the presiding officer shall cast the deciding vote. Votes by proxy shall not be permitted. If a member requests that the vote be taken by secret ballot, the presiding officer shall so order.

1.7 PROCEDURE

Action shall not normally be taken on any substantive matter considered at one meeting until the next meeting.

1.8 AMENDMENTS TO BY-LAWS

Amendments to the By-Laws shall be voted on at the meeting next following the one at which they were proposed.

2. ARTICLE 2 - MEETINGS OF THE EXECUTIVE COMMITTEE

2.1 SCHEDULE OF MEETINGS

A regular meeting of the Executive Committee shall be held prior to each meeting of the Senate. Other regular meetings may be held in accordance with a schedule established by the Executive Committee. Special meetings of the Executive Committee may be called by the Chair or the President.

2.2 QUORUM

A quorum of the Executive Committee shall be five members, of whom at least four are elected members.

2.3 RULES

On all matters of procedure not provided for the Charter and By-Laws the Executive Committee shall follow Robert's Rules as set forth in *Sturgis's Standard Code of Parliamentary Procedure*.

2.4 MINUTES

Prior to each regular meeting, the Secretary shall distribute to the members of the Committee minutes of the last regular meeting and of any special meetings which may have been held subsequent to the last regular meeting. The minutes shall be labelled "confidential."

2.5 VOTING

The rule of voting set forth for the whole Senate shall apply to the Executive Committee.

2.6 REPORTS

The agenda for each regular meeting of the Senate shall be in the form of a report of the Executive Committee setting forth proposed action.

3. ARTICLE 3 - PROCEDURES OF ELECTION BY PROPORTIONAL REPRESENTATION

1. *Direction to Voters.* Ballots shall have the following directions on them: Put the figure 1 in the square next to the name of your first choice. You may also express second, third, and other choices by putting the figure 2 next to the name of your second choice, and so on. You may express as many choices as you please, without any regard to the number being elected.

If your ballot can help elect the person, it will be counted -- or as much of it as is necessary will be counted -- for your first choice. If it cannot help elect the person, it will be transferred to the highest of your other choices whom it can help.

You cannot hurt the chances of any candidates you prefer by marking lower choices for others. The more choices you express, the surer you are to make your ballot count for one of them. But do not feel obliged to express more choices than you really have.

2. *Counting Ballots.* The following method shall be used to count ballots in election of senators:

a) A ballot shall be considered valid unless it does not clearly show which candidate the voter prefers to all others, or unless it contains any word, mark, or other sign apparently intended to identify the voter. Every valid ballot shall be counted according to the intent of the voter so far as that can be clearly ascertained, whether marked according to the directions printed on it or not. Invalid ballots shall be set aside.

b) If the consecutive numerical order of the figures on a ballot is broken by the omission of one or more figures, the order of the figures on the ballot shall be taken as the voter's order of preference without regard to the figure or figures omitted.

c) The total number of valid ballots shall be divided by the number of members to be elected. The resulting number shall be the quota sufficient to elect a members.

d) All candidates whose first-choice ballots equal or exceed the quota in number shall be declared elected.

e) Whenever a candidate is declared elected through receiving a number of votes at least as great as the quota, all votes cast for him shall be reduced in weight, through multiplication by a constant factor. The constant factor shall be calculated so as to make the total weight of votes cast for the candidate sum to the number of votes he received in excess of the quota. All these votes shall be transferred to the next eligible candidate listed on each ballot. An eligible candidate is one who has neither been declared elected nor been declared defeated as defined in

Rule g). If a ballot is exhausted of eligible candidates, it shall be counted for the purposes of computing the constant factor and then dropped from further consideration.

f) Any candidate receiving, as a consequence of transferred ballots, a number of votes at least as great as the quota shall be declared elected and his votes shall be transferred according to Rule e).

g) If, either on the initial tally or after a transfer of ballots, no candidate received a number of votes at least as great as the quota, all candidates tied for last place in the tally shall be declared defeated and their votes shall be transferred, unless their defeat will reduce the number of eligible candidates below the number required to fill all offices remaining to be filled.

h) If defeat of all candidates tied for last place will lead to reduction of the number of candidates below the number of offices remaining to be filled, all eligible candidates not tied for last place shall be declared elected, and those tied for last place shall be ranked by lot and a number sufficient to fill all offices remaining to be filled shall be selected in order of this rank.

i) A record shall be kept of first-place votes, of all tallies after transfers, and of all declarations of election and defeat.

j) Alternates, when required to fill an office which becomes vacant, shall be selected in inverse order of their defeat as candidates, with ties to be broken by lot.

Adopted by the Senate, November 4, 1963

Amended by the Senate, April 5, 1965

Amended by action of the Board of Trustees, June 5, 1970

Amended by the Senate, April 7, 1975

Amended by the Senate, April 5, 1976

Amended by the Senate, November 1, 1976

