

EAST STROUDSBURG UNIVERSITY
Senate Evaluation Committee Report

September 18, 2016

Members:

- Robert Cohen, chair
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At the April, 2015, meeting of the University Senate, the senate decided to organize an ad-hoc University Senate Evaluation Committee in the fall of 2015 for the purpose of conducting an evaluation and assessment of the University Senate.

The committee was to submit its report no later than the last meeting of the 2015-2016 academic year. However, when it became clear that the recommendations would include several changes to the constitution, it was decided to delay the report until the fall of the following academic year so that the changes could be considered shortly after the report is presented.

The recommendations are based off of the experiences of the committee members, informal conversations with other members of the university community and the results of a survey administered in January of 2016, a summary of which was presented at the University Senate meeting in February of 2016. Although only thirteen responses were received, it seemed clear that there was a feeling that the University Senate was not functioning efficiently as a deliberative body to express the collective views of faculty, staff, students and administrators, as set forth in Section 2.2 of the University Senate Constitution.

The committee feels that there is still a strong need for the University Senate, particularly as a forum where all segments of the university can discuss and make recommendations on issues not in conflict with managerial and bargaining unit rights and responsibilities (see section 3.1 of University Senate Constitution). After careful and deliberate analysis, it was decided that the first step would be to tweak the Constitution in the following ways:

1. Make the selection of senate committee membership more flexible
2. Specify the timing of elections of senators so that is clear when terms start and end
3. Clarify the duties of officers
4. Specify for a periodic evaluation of the University Senate via an ad hoc Evaluation Committee
5. Clarify the timelines for the executive committee actions

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6. Clarify how changes to the constitution can be proposed
7. Clarify the status of non-senators on standing committees

The next step would be for the University Senate to discuss whether these changes should be considered. The committee envisions this happening at the October, 2016, senate meeting. At that time, any portion of the proposal can be modified by a majority of the voting members present.

If approved for consideration, the proposed changes would be distributed to senators. At the November, 2016, senate meeting, a two-thirds vote of senators present is required to adopt the changes.

If approved for adoption, the changes are forwarded to the University President. If the President doesn't approve any part of the changes, she is to return it to the senate within 20 days with her reasons for her disapproval.

Once the constitutional amendments are completed, the committee will be recommending changes to the bylaws. This is a simpler process and only requires a majority vote of senators for approval.

1 Change the way senate committee membership is selected

Issue: The constitution currently states that the Executive Committee shall appoint members to open membership positions on committees with the approval of a majority of senators present. This seems to suggest that members are appointed to committees for life and cannot be replaced unless the member resigns from the committee or the senate. In addition, when an opening exists, it means the slot cannot be filled until the next general meeting.

The constitution also states that the senate is responsible for setting up and determining the membership of subcommittees, which should instead be determined by the committees to which the subcommittees report.

Proposed fix: Add ability of Senate President or the Executive Committee to fill standing committee vacancies that occur during the spring without approval of the general membership. Delete reference to temporary committees acting on behalf of the senate. Delete section Section 3.1.9, which gives the senate responsibility for establishing subcommittees.

Section 6.5 ~~At the first meeting of the fall semester, t~~The Executive Committee shall appoint members to non-ex-officio open positions on standing committees, pending with the approval of by a majority of senators present. For standing committees and existing sub-committees, this will normally occur at the first meeting of the fall semester. The same process shall be used for any vacancies that exist during the fall semester. Vacancies during the spring may be filled for the remainder of the academic year by the Senate President or the Executive Committee without approval of the general membership.

Section 3.1.8 The University Senate has the responsibility to establish temporary committees of the senate, as needed, ~~to function on behalf of the University Senate, to provide specific charges for such temporary committees, and to provide for set out the membership for those temporary committees.~~

~~**Section 3.1.9** The University Senate has the responsibility to establish standing and temporary subcommittees, as needed, provide specific charges for those subcommittees, and set out the membership for those subcommittees.~~

2 Change the timing of elections

Issue: The constitution currently states that the term of office is two years except for ex-officio members and student senators. However, it doesn't state when the term starts. This makes it difficult to track when a particular senator's two-year term is up.

Proposed fix: Specify when two-year terms start.

Section 4.3.2 Student senators start their terms ~~Each term of office will start~~ at the close of the last senate meeting in the spring. Faculty senators from departments that start with letters I-Z start their terms at the close of the last senate meeting in the spring of odd-numbered years. All other senators start their terms at the close of the last senate meeting in the spring of even-numbered years. Members filling vacant positions will start their term when the member has been selected.

3 Clarify the duties of officers

Issue: Currently it is not clear who maintains the membership list. Since most membership information goes through the senate president, it would be easiest for president to maintain the membership list. The secretary, however, is charged with keeping an accurate record of attendance. Also, the constitution states that minutes will be archived in the University Library (Section 9.1.3) but it doesn't assign anyone the responsibility of providing the materials to the archivist. The Parliamentarian is charged with maintaining all senate-related documentation but the secretary is the one who is most involved with that.

Proposed fix: Assign roles to appropriate officers.

Section 5.6.1 The Senate President shall:

- a. Serve as Chief Executive Officer of the Senate and as its representative before other bodies and the community;
- b. Preside at meetings,
- c. Call Special Meetings under the conditions outlined in this Constitution;
- d. Chair the Executive Committee;
- e. Choose the Parliamentarian/Historian subject to confirmation by the Senate by a majority vote;
- f. Assign proposals introduced by members to the appropriate standing committee;
- g. Assist the Secretary/Treasurer in preparation of the University Senate budget;
- h. Maintain an up-to-date list of members, and committee membership ~~Be responsible for notifying appropriate constituencies if senators fail to attend meetings;~~
- i. Appoint the members, with the approval of the University Senate, to the University Senate Evaluation Committee. The committee will conduct an evaluation and assessment of the University Senate. The committee's report is to be submitted to the University Senate no later than May 2006 and the report will be made available to the public.

Section 5.6.3 The Secretary/Treasurer shall:

- a. Serve on the Executive Committee;
- b. Keep minutes of all Senate meetings regarding its deliberations, recorded votes and recommendations;
- c. Distribute copies of minutes to all members within one (1) week of approval of such minutes;
- d. Arrange distribution of copies of all documentation associated with Senate business, such as current versions of the Constitution and By-laws, committee

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reports and the minutes to the campus community university archivist and on designated websites;

- e. Conduct necessary correspondence;
- f. Keep an accurate record of the attendance at Senate meetings and notifies appropriate constituencies if senators fail to attend meetings;
- g. Keep an accurate record of all recorded votes;
- h. Be responsible for all of the Senate's financial transactions and their preparation , and;
- i. Provide a financial report as needed.

Section 5.6.4 The Parliamentarian/Historian shall:

- a. Advise the presiding officer on the application of the bylaws, the Constitution and the latest edition of Robert's Rules of Order;
- ~~b. Maintain all documentation associated with Senate business.~~

Article 9 Record Keeping and Communication

Section 9.1 Record Keeping

~~**Section 9.1.1** The University Senate will publish minutes regarding its deliberations, recorded votes and recommendations for university wide distribution within one (1) week of approval of such minutes.~~

Section 9.1.2 Standing Committees shall send reports to the Executive Committee two (2) days prior to the time when the Executive Committee sets the agenda for the next regular meeting.

~~**Section 9.1.3** Minutes shall be archived in the University Library.~~

4 Revise references to the May 2006 report by the University Senate Evaluation Committee.

Issue: The constitution includes a statement that by May 2006 a committee would report on the performance and functioning of the senate, after which the committee would cease to exist. Since that committee no longer exists, it doesn't seem necessary to include it in the constitution. However, it does seem useful to have a periodic review.

Proposed fix: Revise the references to the evaluation committee so that the evaluation is carried out every five to seven years.

Section 5.6.1 The Senate President shall:

- i. Appoint the members, with the approval of the University Senate, to the University Senate Evaluation Committee whose purpose is to. ~~The committee will~~ conduct an evaluation and assessment of the University Senate. The committee's report is to be submitted to the University Senate every five to seven years ~~no later than May 2006~~ and the report will be made available to the public.

Section 6.11 Every five to seven years, ~~t~~There shall be a University Senate Evaluation Committee composed of five senators and whose purpose is to. ~~This committee will submit a report no later than May 2006 that~~ evaluates and assesses the performance and functioning of the University Senate. This report shall be made public, and the University Senate Evaluation Committee will cease to exist after issuing its report.

5 Clarify the timelines for the executive committee

Issue: The constitution states that the meeting agenda must be distributed to the campus community, but it doesn't specify how much lead time is needed. It specifies that the executive committee must meet 7 business days prior to the meeting but doesn't provide any leeway or explanation for why.

Proposed fix: Specify by when the executive committee meeting is announced, by when agenda items need to be provided to the executive committee, and by when the agenda is to be distributed. Remove references to posting documents in strategic locations.

Section 8.4.1 The agenda for any regularly scheduled meeting shall be distributed between five and seven calendar days prior to the meeting via email and ~~posted in strategic locations throughout the University.~~

Section 8.4.2 The Executive Committee shall meet ~~approximately~~ at least seven (7) business calendar days before each regularly scheduled meeting of the Senate to set the agenda for that meeting. The date of the Executive Committee meeting shall be announced to the general senate membership at least seven (7) calendar days prior to the committee meeting. The following provisions shall apply:

Section 8.4.2.1 Any member of the university community may suggest an agenda item to the Executive Committee prior to the agenda-setting meeting. The Executive Committee shall determine the items for inclusion on the agenda.

Section 8.4.2.2 A Standing Committee may request that an item be placed on the agenda prior to the agenda-setting meeting. In order to be placed on the agenda, supporting documentation and reports should be provided to the Executive Committee two (2) days prior to Executive Committee meeting.

Section 8.4.2.3 If any group of five or more Senators collectively submits an agenda item for a meeting prior to the agenda setting meeting, that item shall be included on the agenda.

Section 8.4.2.4 The membership of the Senate, by majority vote, may insert an item on the agenda for its next meeting. The opportunity for such a vote shall be a regular agenda item at the Senate meetings

Section 8.4.2.5 The University President's report shall be the first regular item of business after the roll call and approval of minutes.

~~**Section 9.1.2** Standing Committees shall send reports to the Executive Committee two (2) days prior to the time when the Executive Committee sets the agenda for the next regular meeting.~~

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6 Clarify how changes to the constitution can be proposed

Issue: Currently the constitution states that changes can be proposed by 20 members of the senate but not specify any alternate route. In addition, the process for approving amendments is not clear.

Proposed fix: Clarify the process for constitutional amendments. Specify that amendments are to be proposed by the committee on rules and bylaws, with the 20-member method as the alternative.

Section 6.7 There shall be a standing Committee on Rules and Bylaws.

Section 6.7.1 The Committee on Rules and Bylaws is charged with:

- a. Membership maintenance;
- b. Proposing changes to the Constitution and Bylaws, and adopting and maintaining rules;
- c. Facilitating the election of senators who are State System Managers;
- d. The official seating of senators;
- e. Recommending to the Senate additional standing and temporary committees;
- f. Interpreting this constitution and the University Senate Bylaws at the request of the Executive Committee of the Senate, and;
- g. Other duties as contained in the University Senate Bylaws.

Article 10 Amendments to the Constitution and Revocation of the University Senate

Section 10.1 An amendment to this Constitution may be proposed by either the Rules and Bylaws committee or any 20 members may propose, in writing to the Executive Committee, an amendment to this Constitution. The proposal shall be submitted in writing to the Executive Committee at least 2 days prior to the Executive Committee meeting.

Section 10.2 Once received, an amendment proposal must be placed on the agenda of the next regularly scheduled Senate meeting ~~after which appropriate notice has been served.~~

Section 10.3 The Senate President shall distribute the proposed amendment to the members of the Senate and shall distribute the proposal to the university community via email ~~and by placing it in strategic locations on the university campus~~ a minimum of one (1) week prior to the meeting at which such proposal is considered. This notice shall contain the exact motion and language to be submitted to the Senate.

Section 10.41.1 During deliberation on the original proposal, the proposal can be modified by a majority of the voting members present. The vote on the ~~amendment~~

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proposal shall take place at the next regularly scheduled meeting of the University Senate.

Section 10.51.2 An approved motion for amendment shall be distributed to the members of the Senate via email and by placing it in strategic locations on the university campus a minimum of one week prior to the next regularly scheduled meeting at which the amendment to the Constitution is to be voted upon.

Section 10.61.3 At the next regularly scheduled meeting following the introduction of the motion to amend proposal, a two-thirds vote of all senators present will be required to adopt the amendment. If the amendment fails to gain the necessary two-thirds vote, or is not acted on, it shall be considered to have failed.

Section 10.71.4 If an amendment is adopted by the University Senate, it will be forwarded to the President of the University for final approval. If the President does not approve the amendment, he or she will return it to the President of the University Senate within 20 days with his or her reasons for his or her disapproval of the amendment.

Section 10.82 The Council of Trustees of East Stroudsburg University is free to rescind its approval of the creation of the University Senate and revoke the senate's authority at any time.

7 Clarify the status of non-senators on standing committees

Issue: The constitution currently states that non-senators can be members on temporary committees and subcommittees but is silent on whether non-senators can be members on standing committees. At the same time, current practice is to allow non-senators to be standing committee members by virtue of their ex-officio status or because they are acting as the designee of the ex-officio member. While it is clear that non-senators are currently allowed to be voting members of standing committees, it is not clear whether there is any restriction on the number of non-senators on standing committees. The proposed changes address this ambiguity and also clarifies the process by which non-senate committees can submit proposals to the senate, a process on which the constitution is currently silent.

Proposed fix: Require at least one member of each standing committee to be a senator. Specify that non-senate committees can submit proposals to the senate by having the executive committee or a senator submit the proposal on their behalf.

Section 6.10 Membership on standing committees, temporary committees and subcommittees need not be limited to University Senate senators. However, at least one member of the committee must be a voting member of the University Senate.

Section 6.11 If a non-senate committee wishes to submit a proposal to the University Senate for consideration, it may do so by either submitting it to the Executive Committee for inclusion on the agenda or by making a motion on the floor. If the latter, the motion must be made by a senator although any member of the committee can speak on its behalf. Either way, the motion will require a second.

Section 6.12 There shall be a University Senate Evaluation Committee composed of five senators. This committee will submit a report no later than May 2006 that evaluates and assesses the performance and functioning of the University Senate. This report shall be made public, and the University Senate Evaluation Committee will cease to exist after issuing its report.