

Proposition 06-11/12A Revise the Faculty Senate Constitution to Clarify Representation and to Allow Electronic Voting

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Desired Committee:

Assigned Committee: Long Range Planning (Gary Rayson, Chair)

Title: Revise the Faculty Senate Constitution to Clarify Representation and to Allow Electronic Voting

Proposal

This proposition proposes to replace the current language in three section of the NMSU Faculty Senate Constitution. These sections are:

- Article IV “Elections” Sections A thru C,
- Article VI “Officers” Section C, and
- Article X “Amendments” Sections A and B

The purposes of these changes are to (1) clarify who is eligible to participate in the elections and to (2) permit electronic voting for senators and the Faculty Senate Chair.

The proposed language for Article IV, Sections A thru C (with substantial new language underlined) is given below:

ARTICLE IV – ELECTION OF SENATORS

Section A: The Faculty Senate consists of 10 representative groups. Six representative groups consist of tenured and tenure-track faculty from the Las Cruces Campus’s six colleges. Three representative groups consist of tenured and tenure-track faculty from the Community Colleges, the Cooperative Extension Service, and the University Library. One representative group consists of non-tenure track faculty. For the purposes of defining the representative groups, faculty with appointments in the Agricultural Experiment Station are considered members of the College of Agriculture, Consumer, and Environmental Sciences. Faculty, as defined in Article I, may only vote for senators from their representative group. For faculty who hold appointments in more than one representative group, they may

only vote for senators from the group which is the largest fraction of their appointment.

Section B: Elections of senators for each representative group except Cooperative Extension Service will occur in March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section C: The Faculty Senate Vice chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of Senators. The election of senators for each representative group will be conducted by the senior senator* of that representative group who will be designated as the Chair of the representative group. Faculty may be nominated by the Group Chair and by faculty members from that representative group; the Group Chair will solicit nominations from the group. Elections shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, by secret written ballot. In the event of a tie vote, the result shall be determined by lot. Within ten (10) business days after the election, the Faculty Senate Vice Chair shall inform the Faculty Senate Chair, the recording secretary, and the Group Chairs of the results. The Group Chair will inform the nominees of the results.

*In case of a tie in consecutive service, cumulative service in the Faculty Senate will determine the senior senator. Should a tie still exist, the senior senator will be determined by lot.

The proposed language for Article VI, Section C (with substantial new language underlined) is given below:

ARTICLE VI – OFFICERS

Section C: The Faculty Senate chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of the Faculty Senate chair. The Faculty Senate shall elect two nominees for the position of Chair at the December meeting. The nominees must be current, elected members of the senate at the time of nomination and election and must intend to continue as active (non-retired) faculty during the following academic year. Within ten (10) business days of these nominations, the person overseeing the election shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability or, with approval of the Faculty Senate as a whole, prepare and mail a ballot to all faculty. The person overseeing the election along with the Faculty Senate recording secretary will be responsible for tabulating the results and announcing the winner. The winner of the election, until assuming the office of the chair, will be designated the chair-elect. The chair-elect shall not be from the same senate electing group as the Chair (except when the current Chair is re-elected). If the chair-elect would otherwise still have been serving in the senate during the ensuing term of office, a replacement shall be

elected by the appropriate representative group to serve during the Chair's term. Should the Chair become unable to perform their duties, the Vice Chair shall fulfill the remainder of the Chair's term of office.

NOTE: Section A of Article VI defines the Faculty Senate's electing groups (as they pertain to selecting representatives for the Committee on Committees). Section B of Article VI defines the officers of the Faculty Senate. Section D of Article VI defines the process for selecting the members of the Committee on Committees. No changes are proposed to Sections A, B, or D.

The proposed language for Article X, Sections A and B (with new language underlined, no language is proposed for deletion) is given below:

ARTICLE X – AMENDMENTS

Section A: Amendments to this constitution shall be initiated as propositions and shall initially follow the procedures of Article IX. Upon passage by the Faculty Senate and under the oversight of the Faculty Senate Vice Chair, amendments shall be posted electronically to the Faculty Senate website and notification of the posting sent to all faculty who are qualified to vote or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, duplicated and distributed to all members of the faculty who are qualified to vote.

Section B: Such proposed amendments shall be considered as adopted when approved by an affirmative vote of two-thirds of the qualified members of the faculty who vote. Such voting shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, secret written ballot.

NOTE: Section C of Article X deals with amending the constitution via a referendum process. No changes to Section C are proposed.

An "edited" version of Article IV with the proposed additions underlined and the proposed deletions in red strikethrough are given below for reference.

ARTICLE IV – ELECTIONS OF SENATORS

Section A: The Faculty Senate consists of 10 representative groups. Six representative groups consist of tenured and tenure-track faculty from the Las Cruces Campus's six colleges. Three representative groups consist of tenured and tenure-track faculty from the Community Colleges, the Cooperative Extension Service, and the University Library. One representative group consists of non-tenure track faculty. For the purposes of defining the representative groups, faculty with appointments in the Agricultural Experiment Station are considered members of the College of Agriculture, Consumer, and Environmental Sciences. ~~Tenured and~~

~~tenure-track faculty will vote on tenured and tenure-track nominees to the Faculty Senate. Regular nontenure-track faculty will vote for their representatives.~~ Faculty, as defined in Article I, may only vote for senators from their representative group. For faculty who hold appointments in more than one representative group, they may only vote for senators from the group which is the largest fraction of their appointment.

Section B: Elections of senators ~~shall occur for the University Library and in each of the colleges and branches during March.~~ for each representative group except Cooperative Extension Service will occur in March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section C: ~~The Vice Chair of the Faculty Senate shall oversee all university-wide elections. The Faculty Senate Vice chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of Senators.~~ The election of senators for each representative group will be conducted by the senior senator* of that representative group who will be designated as the Chair of the representative group. For the purpose of nominating senators, the faculty of each college, branch, University Library, or Cooperative Extension Service shall meet as a group, hereafter termed faculty electing groups, or may submit nominees to their senior faculty senator. Faculty may be nominated by the Group Chair and by faculty members from that representative group; the Group Chair will solicit nominations from the group. The senior senator of each faculty electing group shall serve as chair.* The Chair of each group shall be responsible for conducting the election of those nominated. Elections shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, by secret written ballot. ~~Elections of faculty senators shall be completed before the end of March each year.~~ In the event of a tie vote, the result shall be determined by lot. ~~Immediately after the election, the of each faculty election group shall inform the Vice Chair of the senate of the names of the elected senators.~~ Within ten (10) business days after the election, the Faculty Senate Vice Chair shall inform the Faculty Senate Chair, the recording secretary, and the Group Chairs of the results. The Group Chair will inform the nominees of the results.

*In case of a tie in consecutive service, cumulative service in the Faculty Senate will determine the senior senator. Should a tie still exist, the senior senator will be determined by lot.

An "edited" version of Article VI, Section C with the proposed additions shown underlined and the proposed deletions in red strikethrough are given below for reference.

Section C: The Faculty Senate chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of the Faculty Senate chair. The Faculty Senate shall elect two ~~senators as~~ nominees for the position as Chair at the

December meeting. The nominees must be current, elected members of the senate at the time of nomination and election and must intend to continue as active (nonretired) faculty during the following academic year. Within ten (10) business days of these nominations, the person overseeing the election shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability or, with approval of the Faculty Senate as a whole, prepare and mail a ballot to all faculty. The person overseeing the election along with the Faculty Senate recording secretary will be responsible for tabulating the results and announcing the winner. ~~If the Chair would otherwise still have been serving in the senate during the ensuing term of office, a temporary replacement shall be elected to serve during the chair's term. Immediately following these nominations, a ballot shall be prepared and mailed to all faculty as defined in Article I. The by-laws of the Faculty Senate shall apply to the nomination and election of the chair.~~ The winner of the election, until assuming the office of the chair, will be designated the chair-elect. The chair-elect shall not be from the same senate electing group as the Chair (except when the current Chair is re-elected). If the chair-elect would otherwise still have been serving in the senate during the ensuing term of office, a temporary replacement shall be elected by the appropriate representative group to serve during the Chair's term following the procedures of Article IV. ~~In the case of the death, resignation, or retirement of~~ Should the Chair become unable to perform their duties, the Vice Chair shall fulfill the remainder of the Chair's term of office.

It is proposed that this be submitted to the faculty during the Fall 2011 semester and if approved become effective January 1, 2012.

Rationale

The proposed language addresses two shortcomings in the current Faculty Senate Constitution:

- First, who is eligible to vote for the senators from the various representative groups is not specified in the current constitution. Thus it is possible, at least in theory, for a faculty member from one representative group to vote for senators from other representative groups. The proposed language prevents this. Also by defining the concept of a representative group (which is consistent with current practice), subsequent discussions about elections becomes much more concise and clearer than the current version.
- Second, the current constitution limits the method of voting to written ballots. With existing communication technologies, it is possible to conduct these votes with the same or greater level of security using electronic "ballots." Such electronic ballots may increase faculty participation in elections by making the process simpler. It should also make the process of conducting elections much simpler and timelier as well. The proposed language permits the Faculty Senate to decide whether written or electronic ballots are used.