The attached proposed revisions are presented to the Senate in response to a June 21, 2013 request from the University Senates Conference (USC) that the University Statutes be revised to articulate a means whereby the USC may initiate the process for amending the Statutes.

On occasion, the USC has sent to the campus Senates proposals for amendments to the University Statutes. Some of these proposals have originated from University administration. These amendments have included ST-30, which provided for sanctions less than dismissal (in University Statutes, Article IX, Section 6), and ST-45, on interruptions of the probationary period (which appeared in several different articles of the Statutes). In these cases and others, the Administration recommended amendments to the USC, which studied the proposals and then referred them to each respective Senate for consideration and debate.

Although this practice has been employed from time to time, the Statutes are silent about what particular process should be followed when Statutes proposals originate with USC. The current proposal describes the existing practice, confirming that USC may introduce amendments to the Statutes. It further preserves the autonomy of the respective Senates to follow their own legislative processes in considering such proposals. Specifically, it requires that all proposals for amendments to the Statutes, including those coming from the USC, must be referred to the respective Senates. A Senate will not be bound by the text accompanying such proposals, and may subject the proposal to amendment and adaptation, following its own procedures.

Accordingly, the Senate Committee on University Statutes and Senate Procedures (USSP) is offering an amendment to Article XIII, Section 8 and is offering new language to Article II, Section 2.b to provide consistency with the present provisions in Article II that authorize the senates to propose amendments through the following existing language:

“Each senate may propose amendments to these Statutes through the University Senates Conference to the president and the Board of Trustees as provided in Article XIII, Section 8.” (Article II, Section 1.f)

For reference, USC’s June proposal (ST-79) is attached to this document as Appendix A. On examining USC’s proposal, the USSP concluded that the language could be both simplified and clarified, especially in regard to the process that should be followed in the respective campus senates. The USC proposal could be interpreted as limiting the campus Senates to
merely affirming or rejecting the amendment, with or without comments, which would be inconsistent not only with existing practice but also with the spirit of the Statutes.

RECOMMENDATION
The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the Statutes, Article II, Section 2.b and Article XIII, Section 8. Text to be added is underscored and text to be deleted is indicated by strikeout (e.g., sample text for deletion).

PROPOSED REVISIONS TO THE STATUTES, ARTICLE II, SECTION 2.B AND ARTICLE XIII, SECTION 8

ARTICLE II. LEGISLATIVE ORGANIZATION

Section 2. University Senates Conference

b. Functions.

The University Senates Conference shall review all matters acted upon by each senate. The conference shall determine whether senate actions requiring implementation or further consideration by officials or other groups within the University have been referred to the appropriate officials or groups. The conference itself may make any original or additional referral it deems advisable, and may append its comments and recommendations. Should the conference find a matter acted upon by one of the senates to be of concern to another senate, it shall refer the matter and the action to that senate. If two or more senates have acted differently on a subject, the conference shall attempt to promote agreement or consistency. Where agreement or consistency cannot be effected within a reasonable period of time, the conference shall transmit the related actions of the senates together with its own recommendations to the appropriate officials or groups within the University and shall simultaneously notify the secretary of each senate of its action. Any senate may record and transmit its further comments to the same addressees and to the conference.

The University Senates Conference shall assist the senates to communicate with one another, with University and campus administrative officials, and with the Board of Trustees (through the president), and may develop and implement procedures to enhance such communication.

The University Senates Conference may propose amendments to these Statutes through the several senates as provided in Article XIII, Section 8.

ARTICLE XIII. GENERAL PROVISIONS

Section 8. Amendments

a. Initiation by a Senate or by the University Senates Conference.

(1) Each of the senates by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. No final senate action shall be taken on a proposed amendment until the next meeting
following the one at which it was introduced. The secretary of a senate shall notify the secretary of the other senates and the secretary of the University Senates Conference of the text of a proposed amendment promptly after the meeting at which it is introduced. The proposed amendment shall be referred to the University Senates Conference for its consideration and transmission to the other senates for action; the conference may append its comments and recommendations. [continue here without paragraph break] The proposed amendment shall be placed promptly on the agenda of the other senates.

(2) The University Senates Conference by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. The secretary of the conference shall notify the secretaries of the campus senates of the text of a proposed amendment promptly after the meeting at which it is introduced. The proposed amendment shall be transmitted to the senates for such action as each of them shall see fit; the conference may append its comments. The proposed amendment shall be placed promptly on the agenda of each senate.

(3) Each senate may act on the proposed amendment in accord with its own established procedures, including the right to accept, to modify, or to reject any proposed amendment or proposed statutory text. Final action in each senate on the proposed amendment may be taken by a majority of all members present and voting at a regular or special meeting held not earlier than the next meeting following the one at which it was introduced in that senate.

(4) If every senate acts affirmatively on the proposed amendment and concurs as to its text, the conference shall send the proposed amendment to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action; the conference may append its comments. If the senates do not agree as to the proposed amendment, the conference shall endeavor to promote agreement of the senates. Where agreement cannot be effected among all the senates within a reasonable period of time, but the text of a proposed amendment has been agreed upon by all but one of the senates, the conference shall send that proposed amendment, the recommendations of the dissenting senate, and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

b. Initiation by the Board of Trustees. The Board of Trustees may initiate proposals to amend the Statutes, but the board shall not finally adopt any such proposal without first seeking the advice of the president, the senates, and the University Senates Conference. Any proposal to amend the Statutes which is initiated by the Board of Trustees shall be transmitted through the president to the University Senates Conference and transmitted by the conference, with its recommendations, to the senates for consideration and advice. The proposed amendment shall be placed promptly on the agenda of each of the senates. If the senates do not agree in their
advice concerning the proposed amendment, the conference shall endeavor to promote agreement; where agreement cannot be achieved within a reasonable period of time, the conference shall send the advice of the senates and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

c. An amendment shall become effective when approved by the Board of Trustees or at such later time as the board may specify.

UNIVERSITY STATUTES AND SENATE PROCEDURES
William Maher, Chair
Jennifer Baldwin
H. George Friedman
Wendy Harris
Scott Jacobs
Calvin Lear
Anna-Maria Marshall
Mark Roszkowski
Sandy Jones, Ex officio (designee)
Jenny Roether, Ex officio
Dedra Williams, Observer
PROPOSED REVISIONS TO THE STATUTES

(Text to be deleted is in [square brackets] and text to be added is underlined.)

ARTICLE XIII. General Provisions

Section 8. Amendments

a. Initiation by a Senate. Each of the senates by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. No final senate action shall be taken on a proposed amendment until the next meeting following the one at which it was introduced. The secretary of a senate shall notify the secretary of the other senates and the secretary of the University Senates Conference of the text of a proposed amendment promptly after the meeting at which it is introduced. The proposed amendment shall be referred to the University Senates Conference for its consideration and transmission to the other senates for action; the conference may append its comments and recommendations.

The proposed amendment shall be placed promptly on the agenda of the other senates. If every senate acts affirmatively on the proposed amendment and concurs as to its text, the conference shall send the proposed amendment to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action; the conference may append its comments. If the senates do not agree as to the proposed amendment, the conference shall endeavor to promote agreement of the senates. Where agreement cannot be effected among all senates within a reasonable period of time, but the text of a proposed amendment has been agreed upon by all but one of the senates, the conference shall send that proposed amendment, the recommendations of the dissenting senate, and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

b. Initiation by the University Senates Conference. The University Senates Conference by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. The secretary of the conference shall notify the secretary of the campus senates and the secretary of the Board of Trustees of the text of a proposed amendment promptly after the meeting at which it is introduced. The proposed amendment shall be transmitted to the senates for action; the conference may append its comments.

The proposed amendment shall be placed promptly on the agenda of the senates. If every senate acts affirmatively on the proposed amendment and concurs as to its text, the conference shall send the proposed amendment to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action; the conference may append its comments. If the senates do not agree as to the proposed amendment, the conference shall endeavor to promote agreement of the senates. Where agreement cannot be effected among all senates within a reasonable period of time, but the text of a proposed amendment has been agreed upon by all but one
of the senates, the conference shall send that proposed amendment, the recommendations of the
dissenting senate, and its own recommendations to the president for transmission to the Board of
Trustees and shall simultaneously notify the senates of its action. A senate may record and send its
further comments to the president for transmission to the Board of Trustees.

[b]c. Initiation by the Board of Trustees. The Board of Trustees may initiate proposals to amend the
Statutes, but the board shall not finally adopt any such proposal without first seeking the advice of the
president, the senates, and the University Senates Conference. Any proposal to amend the Statutes
which is initiated by the Board of Trustees shall be transmitted through the president to the University
Senates Conference and transmitted by the conference, with its recommendations, to the senates for
consideration and advice. The proposed amendment shall be placed promptly on the agenda of each
of the senates. If the senates do not agree in their advice concerning the proposed amendment, the
conference shall endeavor to promote agreement; where agreement cannot be achieved within a
reasonable period of time, the conference shall send the advice of the senates and its own
recommendations to the president for transmission to the Board of Trustees and shall simultaneously
notify the senates of its action. A senate may record and send its further comments to the president
for transmission to the Board of Trustees.

c]d. An amendment shall become effective when approved by the Board of Trustees or at such later
time as the board may specify.