

INDIANA STATE UNIVERSITY EVANSVILLE

8600 University Boulevard
EVANSVILLE, INDIANA 47712

INTER-DEPARTMENTAL MEMORANDUM

TO: All Faculty Members

DATE: October 29, 1979

FROM: *RRM*
Richard A. Massard, Chairman
Faculty Council

SUBJECT: Agenda for Faculty Council Meeting
Friday, November 2, 1979; 2:00 P.M. in Library - 209

AGENDA #6

1. Approval of the minutes of the meetings of October 12 and October 19.
2. Nomination and election of the Social Science representative of the Economic Benefits Committee.
3. Report of Dr. Gehring's research concerning whether the Chair is in order if it refuses to entertain a motion that appears to be illegal and, hence, null and void.
4. Report of Dr. Reid on the dates and times for the Honors Day Program and the Eagle Grand Prix.
5. Report of President Rice.
6. Report of the Chairman.
7. Discussion of the proposal regarding the communication of motions and resolutions between Faculty Council and administrators, and the time frame and manner of the administrator's response.
8. Announcements and Questions
9. New Business

RRM/bac

SESSION #6
MINUTES OF THE 1979-80
FACULTY COUNCIL MEETINGS

Time: November 2, 1979; 2:00 P.M., Library - 100

Members Present: Richard R. Mussard, Chairman; Professors J.A. Davis, Edwards, Goss (for Paul Bennett), Gehring, Kinsey, Robinson, Shaw, Waitman

Ex-Officio Present: Vice President Bennett

Others Present: Dr. Jones, Ms. Willett

1. Minutes of the October 12, 1979, meeting were approved as amended. Minutes of the October 19, 1979, meeting were approved as amended.
2. Professor Gehring nominated Roger Cox as the replacement representative from Social Science on the Economic Benefits Committee. Professor Edwards moved that the nominations be closed; Professor Robinson seconded; the motion carried.
3. Professor Gehring reported on his examination of Robert's Rules of Order to determine whether the Chair is in order when refusing--as Acting Chairman Gehring did during the October 12, 1979, Faculty Council Meeting--to entertain a motion that appears to be illegal, and therefore null and void. (See an attached sheet for most of Professor Gehring's statement on this matter.)
4. Dr. Jones, representing Dr. Reid, announced the Spring, 1980, dates for the Eagle Grand Prix and Honors Day: Eagle Grand Prix, Tuesday, April 15, 1980, from 12:00-5:00 p.m.; rain date for the race, Thursday, April 17; Honors Day, Thursday, April 24, from 11:00-12:30 p.m. Both of these activities will be listed in the 1980 Spring Schedule, and in all future Schedules.

Professor Goss moved that the Faculty Council recommend that classes not be cancelled during the Eagle Grand Prix; Professor Kinsey seconded. In the ensuing discussion Council members articulated several reasons in support of this motion: (1) a difficulty would be created for three divisions which have important and lengthy laboratory classes conflicting with the Grand Prix; (2) greater attendance of the Eagle Grand Prix might be achieved if classes were not cancelled on the day of its running, for many students tend to stay home instead of coming to campus when classes are cancelled; and, (3) instructors would still retain the option of dismissing their individual classes if they considered it appropriate. The motion carried.

Dr. Bennett noted that the reason for holding the Grand Prix and Honors Day on the Tuesday-Thursday schedule was that Dr. Reid had determined that the 1980 Spring Schedule contains more class hours on Tuesday-Thursday than on Monday-Wednesday-Friday.

5. Faculty Council Chairman's Report:

- (a) Professor Mussard had sent the memorandum regarding university policies on Pass/No Pass, Withdrawal, "N" grade, and Incomplete options to Mr. Tony Scales as he had agreed to do at the last meeting. He had also forwarded a copy of the memo to all Council members.

- (b) At the request of Mr. Bill Harrison, Vice President of the Student Government Association, Professor Mussard had agreed to meet with some members of that association on Friday, November 9. He hoped that he would be able to answer their questions and win their support for the Council recommendations of last year regarding Withdrawal and Pass/No Pass options. Some other faculty members might accompany him.
- (c) Professor Mussard had sent President Rice a memorandum requesting that he carry forth the results of the Constitutional Balloting regarding the re-election of Council members.

He had put this request in writing in anticipation of making a pledge to forward all Council motions in writing.

Vice President Bennett had prepared an agenda item regarding the matter for the next Board of Trustees meeting November 16, in Terre Haute.

- (d) Professor Mussard suggested that we follow the following schedule of meetings for the remainder of the term:

(He may be late getting back from Terre Haute.)		
Friday, November 16, 1979	2:30 p.m.	L-100
Friday, November 30, 1979	2:00 p.m.	L-100
Friday, December 14, 1979	2:00 p.m.	L-100

- (e) He requested that Council members and ex-officio members provide him with a schedule of times when they could not meet during the next term so that he could select a good meeting time for the next term.
- (f) He would try to get the various standing committees to set early deadlines for reporting their recommendations to the Council, so that it may not be overburdened with too many important issues late in the Spring Semester.

6. Professor Shaw brought up the issue of the Council's recommending a means and time period for the Council to forward its resolutions to members of the Administration, and for Administration's response to the Council. After considerable discussion, Professor Shaw moved that: The Faculty Council resolve (1) to communicate within seven (7) days and in writing each of its recommendations and supporting reasons thereof to the appropriate administrator(s), and (2) to recommend that Administrator(s) respond in writing to the Faculty Council within forty-five (45) days, or in a manner or time period otherwise agreed upon, giving their decision regarding Faculty Council recommendations, and their supporting reasons in the case of a nonconcurring decision. Professor Edwards seconded.

Professor Shaw supplied the following justification of her motion: The Council's reason for making this resolution rests with the feeling that, in order to assure timely communication and better understanding between Faculty Council and members of the Administration, it seems appropriate to establish a procedure for conveying recommendations to and receiving feedback from appropriate persons. An important aspect of such communication is promptness and an explanation of the reasons for each recommendation or decision being made. Without promptness or explanations, a recommendation or decision may lack impact or suffer credibility. This motion speaks to this issue.

The motion carried.

7. Professor Shaw inquired of Dr. Jones as Dr. Reid's representative about the search for a Reference Librarian. She stated that faculty members see the Reference Librarian as a key link between the Library and the accomplishment of academic goals. Martha Willett reported that the library staff planned to start interviewing for the position in November. After informally sampling Council opinion, Professor Mussard stated that a consensus of the Council wished to emphasize the importance of employing a Reference Librarian as soon as possible.
8. Meeting adjourned at 3:50 p.m.

Respectfully submitted,

michael d. waitman

Michael D. Waitman
Faculty Council Secretary
11/20/79

Reply of Faculty Council Vice Chairman Robert Gehring to questions raised in the Faculty Council meeting of October 12, 1979:

During the Faculty Council (FC) meeting on October 12, 1979, the Chairman (at the suggestion of a FC member) passed the Chair to the Vice Chairman, who became the acting Chair. A FC representative moved that the FC give a directive to its Chairman, restraining him from using the title of FC Chairman on external communications without the endorsement of a majority of the FC. The motion was seconded.

The Acting Chairman ruled the motion out of order due to its wording, with a comment to the effect that any motion which breaks a law or violates an established procedure of a deliberating body is null and void--even if passed. A study of Robert's Rules of Order confirms that any motion breaking a law or violating an official procedure is automatically null and void.

One technical difficulty with the wording of the motion is that the Chairman of FC was addressed in the motion by name. According to Robert's Rules (a specific page reference is available on request) all members of the deliberating body should, even in discussion, be referred to by title, not by name. This would apply to the Chairman and would be especially important during debate on an emotion-laden issue like the one of October 12.

The most basic issue is the possibility that the resolution or motion, if passed, would violate the First Amendment of the U.S. Constitution. The Acting Chairman of FC wondered, how can FC legally restrict the right of a citizen to communicate a fact--that he is Chairman of the FC?

According to Robert's Rules, the Chair of a deliberating body should never frivolously declare any motion out of order, but should do so only with good reason. Even with good reason, he should ideally suggest an alternative wording to the motion which in his judgment would be proper and not out of order. As can be borne out by the taped recording of the session, the Acting Chair remarked that the FC could legitimately pass a motion expressing its collective desire that its Chairman refrain from unauthorized use of his title, but could not restrict the Chair, that is to say, not enforce a resolution.

The only power of enforcement a body such as FC has, according to Robert's Rules is (by vote) to expel a member from the group. If the Chairman were guilty of abuse of freedom of speech, for example, screaming "Fire!" in a crowded public place, the FC would have the right to remove the Chairman from the FC. In the opinion of the FC Vice Chairman, the Chairman's memo of October 3, which gave rise to the discussion on October 12, may have abused the sensitivities of individuals, yet the law of the land may still grant him this right.

Whenever the Chair's judgment ruling a motion out of order is questioned, any member of the deliberating body may, according to Robert's Rules, appeal the decision to a vote of the entire body. A majority vote would uphold the propriety of the motion over the ruling of the Chair. In the vote on the appeal, as in other votes, the Chair is entitled to one vote if needed to make or break a tie.