

UNIVERSITY OF MASSACHUSETTS AMHERST  
OFFICE OF THE FACULTY SENATE

Presiding Officer Wilson called the 663<sup>rd</sup> Regular Meeting of the Faculty Senate to order on May 17, 2007 at 3:30 p.m. in Herter Hall, Room 227.

A. ADDRESS BY UNIVERSITY OF MASSACHUSETTS PRESIDENT JACK WILSON

(see attached)

B. ANNUAL REPORT

Annual Report of the Research Council of the Faculty Senate, Academic Year 2005-2006, University of Massachusetts Amherst, as presented in Sen. Doc. No. 07-039.

*Professor Paul Utgoff, Chair of the Research Council*, stated that he was chair of the Research Council this year and last year. People are welcome to read the report, but the highlights are that the Council presented two policies to the Faculty Senate last year, which were adopted. The Council did a big think piece on mentoring of junior faculty, which was forwarded to the Provost. The other thing is that the Council followed certain indicators, and the main one to point out is that, while research expenditures continue to grow very nicely, graduate research assistant FTEs seem to be in decline. The Council thinks there has been a shift underway in who is doing the research, and we are tracking that.

The report was received.

C. NEW COURSES

There are no reports associated with the following motions:

<u>COURSE</u>	<u>TITLE</u>	<u>CREDITS</u>
FORLANGC 211E	“Swahili V”	1.5
FORLANGC 212E	“Swahili VI”	1.5
JUDAIC 309	“Music of the Jewish People”	3
JUDAIC 313	“Transformation and the Jews”	3

MOVED: That the Faculty Senate approve the courses Swahili V and VI and JUDAIC 309 and 313, as  
43-07 recommended by the Academic Matters Council.

The motion was seconded and adopted.

<u>COURSE</u>	<u>TITLE</u>	<u>CREDITS</u>
EDUC 659	“School Management”	3
EDUC 702	“School-Based Consultation”	3
SOCIOL 732	“Gender and Social Policy”	3

MOVED: That the Faculty Senate approve the courses EDUC 659 and 702 and SOCIOL 732, as  
44-07 recommended by the Graduate Council.

The motion was seconded and adopted.

D. NEW BUSINESS

1. Special Motion by the Rules Committee concerning the Award of an Honorary Degree:

The Faculty Senate of the University of Massachusetts Amherst by this vote records its view that the nomination of Andrew Card, Jr. for an honorary degree does not rise to the level of distinction described in Trustee document T93-060 (revised 2/16/05). According to this document, candidates for honorary degrees shall be persons of great accomplishment and high ethical standards who exemplify the ideals of the University of Massachusetts.

THEREFORE, BE IT RESOLVED that the Faculty Senate of the University of Massachusetts Amherst disapproves of the award of an honorary degree to Andrew Card, Jr.

Senator Tobias Baskin stated that he was one of the senators who brought this resolution to the Faculty Senate. He wanted to make two points: one, the process that led to this nomination is quite flawed. By statute, there are three faculty members on the Campus Honorary Degree Committee and he heard from one of the faculty members on the Committee that he could not make the meeting at which this nomination was discussed. He did not think that this counted as a well-thought-through, deeply felt degree. Two, process or no process, he felt that this is an extraordinarily bad award, and he, in good conscience, could not allow it to go unopposed. He urged the Faculty Senate to do what President Wilson said that we should do, which is speak out, which is what the resolution is doing, to record the voice of the Faculty Senate. Finally, in view of the lateness of the hour, he moved the question.

Moving the question requires two-thirds of the voting members. The vote is 27-5. The motion to move the question carries.

Senator W.C. Conner asked if this motion was delivered to the Faculty Senate in a timely fashion as required by the bylaws: a full five days prior to it being considered here? The fact that it is not being debated is another question entirely.

Presiding Officer Wilson stated that he will explain what the bylaws state. They discussed this today in the Rules Committee. He read what the bylaws stated, and asked any member of the Rules Committee to make a statement, and then he would make a decision relating to the rule of order. The bylaws state, in section 3, "Agendas for regular meetings shall be prepared by the Rules Committee, and shall be sent to each member of the faculty at least five working days prior to the meetings." The notice was sent out on Friday of last week, so there was notice given Friday, Monday, Tuesday, and Wednesday. There is a point of order questioning whether today counts as one of the five days. He is going to let any member of the Rules Committee discuss our deliberations and then he will make a decision.

Senator Maurianne Adams stated that she was speaking as a member of the Rules Committee, and someone who participated in this discussion. As the Faculty Senate will recall, we met last Thursday and the Andrew Card proposal failed for lack of a quorum. The earliest that we could meet prior to today's meeting was first thing Friday morning, which we did. We made a judgment call about what "timely notification" of the Faculty Senate members would mean. We made this in good faith, and we made it based on a sense of the Faculty Senate. We felt that what people said last Thursday was that they wanted us to put this on as new business so that we would not be in the position, once again, of a quorum call with the semester running out on us. This was a good-faith decision made within the time that was available. We do not really know who would make the next level of judgment about whether this technically fails the requirement or whether one might argue that, between Friday morning and Thursday late afternoon, that five days, counting hours and weekdays, would count. This seems so hairsplitting that we felt that we would make the decision as a judgment call, keeping in the spirit of the Faculty Senate.

Presiding Officer Wilson stated that, since he felt that this was an issue, he started off by consulting two different attorneys whose opinions he respects, and they fairly quickly came to the decision that there was four days notice given, not five. Five days notice would have required that notice be given last Thursday. As a result of that, he wrote an e-mail to Brian Burke, who is the Associate Counsel for the campus, and copied Secretary May. The e-mail set out what had happened as far as the Rules Committee being requested, if possible, to put this on the agenda, the fact that we had put it on the agenda but we felt that there still might be a question. He asked Mr. Burke, if he could, after sending him copies of the bylaws and the Constitution, for his opinion of whether timely notice was given pursuant to the Faculty Senate bylaws. The whole thing was discussed prior to that, so it was regarding notice of the question of Andrew Card. His response was, "I am not sure I am in any better position than you are to interpret the Faculty Senate Constitution. For what it's worth, however, I agree that a plain reading of the language would require the agendas to have gone out on the 10<sup>th</sup> for a meeting on the 17<sup>th</sup>. I suspect that an issue that could come up with respect to this is whether this limit has been followed in the past." Mr. Burke's response was that notice, according to the bylaws, was not given, because it was not five days' notice, but four days' notice, but he had a question of what had been done in the past. Presiding Officer Wilson then spoke to Secretary May, and asked if this had been done in the past on a regular basis or not, and his recollection and understanding was, at least as far as he could remember, it is not done. Regular agenda items are normally sent out on a Tuesday for the following Thursday. There is always more than five days notice given for exactly this reason, which is what the bylaws require. So, based upon his reading of the bylaws and getting interpretations of the bylaws from three other people and also discussing it with the Rules Committee, he agreed that the rule of order was that he agreed that the notice requirement of

the bylaws, to put this item on the agenda properly, was not met. The motion is out of order, and not to be considered. Before anyone asked any questions, he wanted to follow up. This does not prevent this motion or any other motion coming before the Faculty Senate as new business, so long as there is a quorum of the majority of all of the members, elected and ex officio voting members, present. We have counted, and there are a total of 36 out of 70 elected senators and voting ex officio members, if someone chose to bring this up as a motion under new business, we have a quorum of 36.

Senator Baskin stated that the entire agenda for the meeting was sent out on Friday; it was not just this motion.

Presiding Officer Wilson replied that this agenda was sent out the prior Tuesday. A revised agenda, including everything, but specifically the new item, was sent out Friday.

Secretary May announced that there is a quorum in the room; we have 37 members present, and we need 36 for a quorum. As far as the issue the way the Faculty Senate agendas get sent out, they get put in the mail, normally on Tuesday or Wednesday. As you know, campus mail takes a while to get out, so we took the step of e-mailing everybody these agendas because we knew that this was going to be a significant discussion item, which got the agendas in front of you faster, but in fact, the agendas were in the mail the day before. The reason for that was that this was an extra meeting scheduled at a one-week interval from the previous meeting. There were several reasons for that, this item being one of them, but another reason is simply that the tempo of business within the Faculty Senate produced this rather long list of business items that were not ready for the previous meeting, and became ready for this meeting. Normally, the agendas are sent out on the Tuesday or Wednesday, occasionally the Thursday, prior to the meeting, but all of those meet the statutory requirements. He could not say that never, in the past, has something gone out on Friday, but the Faculty Senate Office does not recall that happening. Procedurally, what we decided that, if this fails on this ground, one could make the motion to suspend the rules and, if the body votes to suspend the rules and introduce, we do have a quorum today to do that.

Senator Bogartz stated that, in light of the fact that two people are ready to leave, thus removing the quorum, he wanted to know whether or not it is the case that the Rules Committee can act on behalf of the Faculty Senate during the summer.

Secretary May replied that that is true. The bylaws do give the Faculty Senate Rules Committee the authority to act on behalf of the Faculty Senate during the summer. The practice is that they have to report back to the body the results at the first meeting in the fall. Those are the requirements. The normal practice has been to pass through routine requests like General Education designations or new course proposals that came in late, but not to undertake big policy issues without the approval of the full body. That is past practice; it could be violated.

An unidentified faculty member stated that, at the last meeting, it was ruled that ex officio members did not vote, but the Rules Committee has decided, as of this meeting, that ex officio members do vote.

Presiding Officer Wilson stated that last week, there was a question of quorum, and there was a point of order from the floor and the statement was made that ex officio members should be included in the calculation of a quorum. We decided to review that, and he was in error. Ex officio members are certainly included in the Faculty Senate. There is a whole group of them, some of whom are allowed to vote, and some of whom are not allowed to vote. The Rules Committee met and decided that ex officio voting members, meaning those ex officio members who hold academic rank, are certainly members, they are entitled to vote, and that they should be counted as part of the quorum. He was in error last week. He stands corrected.

An unidentified faculty member asked if Presiding Officer Wilson was saying that there would have been a quorum at the last meeting if the ex officio members had been counted.

Presiding Officer Wilson replied that there would not have been a quorum. Last week, he counted just the elected faculty senators. Somebody said that we should include ex officio members. There were three or four present, and he thought the person who made that motion thought that we would just count four, but we would have needed to count the additional sixteen ex officio members in the calculation of the quorum. Those four would have then been included in the vote.

Secretary May moved to suspend the rules.

Senator Maria Tymoczko stated that they still needed to vote on the motion on the floor.

Presiding Officer Wilson replied that he did not believe there was a motion on the floor. The original motion was ruled out of order, null and void. It was his interpretation.

Senator Baskin stated that the Rules Committee put it on the agenda and it was introduced. Why can we not vote on it?

Presiding Officer Wilson stated that the procedure would be to appeal the decision of the chair, which was done last week. Another point of order, we have determined that a quorum exists. We would determine that prior to a vote. In this case, we will determine whether a quorum is present or not present.

Senator Bogartz asked if anyone called for the presence of a quorum? Has anyone asked whether there is a quorum?

Presiding Officer Wilson stated that there was a question of the quorum, so he is calling for it, as presiding officer.

Senator Adams stated that it seemed to her that whether or not this is null by virtue of the fact that the agenda did not go out in time is irrelevant. This vote represented the sentiment of the Faculty Senate and was not a binding a vote. The fact it may be null or not null does not bear on our expression of our sentiment, which is what is at issue here. She thought that they might be getting legalistic to no end.

Presiding Officer Wilson stated that he would consider other discussion on that. He was not trying to get legalistic; he was trying to follow the bylaws and the Constitution the way they are written, with the plain interpretation of them.

Senator Marios Philippides stated that he suggested that they have a quorum. It is on the sign-up sheet.

Presiding Officer Wilson stated that the number of people present can change, and they obviously have.

Senator Philippides replied that the signatures are there.

Presiding Officer Wilson stated that, in the same way that we did it last week, we will go through that list and if the people are present, great, and if they are not present, then they cannot be counted in a quorum.

Senator Bogartz stated that there has not been a call for a presence of a quorum.

Presiding Officer Wilson stated that he had a question of whether or not a quorum was present, and he was going to determine whether or not a quorum is present. He is calling for it. There was a motion to suspend the rules, and that requires a two-thirds majority vote of people present.

Secretary May stated that the purpose of the motion to suspend the rules was to introduce a resolution relative to the awarding of an honorary degree to Andrew Card, Jr.

The motion was seconded. 31 were in favor of suspending the rules. The motion to suspend the rules was passed.

Senator Baskin moved to call the question.

Senator Tymoczko stated that the rules have been suspended, and this is a legal motion.

Presiding Officer Wilson stated that the question is whether this is a legal motion because the rules have been suspended. In Robert's Rules of Order, item 47, page 148, entitled "Votes that are null and void even if unanimous," "no motion is in order that conflicts with the laws of the nation or state, or with the assembly's constitution or bylaws. Such motions, even if adopted by a unanimous vote, are null and void."

Secretary May stated that they took the vote, and there are 37 people signed into the room. That records the quorum, and there was no challenge to the quorum made before that. The vote that requires a quorum would be to suspend the rules. The vote to suspend the rules took place before any challenge to the quorum, and we have got a signed document here with the initials of 37 senators, which constitute one

more than needed for a quorum. So, he would put forward the motion that the body assert that the motion is in order.

Presiding Officer Wilson stated that he suggested that they go ahead and have a vote on the motion, if the body chooses to, but before we take a vote, he was going to count to see if a quorum is present or not, based upon his feeling that there may not be. He believed he could call the quorum question at any time prior to a vote. He was not going to interfere with the vote; he just wanted to see if there was a quorum present. Is that not a constitutional issue?

The motion to call the question was seconded. 29 members were in favor, and the motion has passed.

The call for a quorum was made by Presiding Officer Wilson.

An unidentified faculty member stated that Presiding Officer Wilson could not call a quorum because he was not a senator. The presiding officer steps down as a senator when they are the presiding officer.

Presiding Officer Wilson stated that he was in fact a senator, and could call for a quorum.

32 voting members were present, which did not constitute a quorum.

MOVED that the Faculty Senate of the University of Massachusetts Amherst by this vote records its view that the nomination of Andrew Card, Jr. for an honorary degree does not rise to the level of distinction described in Trustee document T93-060 (revised 2/16/05). According to this document, candidates for honorary degrees shall be persons of great accomplishment and high ethical standards who exemplify the ideals of the University of Massachusetts.

THEREFORE, BE IT RESOLVED that the Faculty Senate of the University of Massachusetts Amherst disapproves of the award of an honorary degree to Andrew Card, Jr.

An unidentified faculty member asked for proof that the speaker has a right to call for a verification of quorum.

Presiding Officer Wilson stated that he did not prevent the vote, and is not making any statement about the vote. He believed it was the prerogative of the chair, and he has been told by Senator Tymoczko that it is. He is relying on other people for assistance. In all his years of being a senator and serving as the Presiding Officer, it has not come up too often, and that is why he does not know all of the answers. He is trying to do this in a way that is according to the constitution, and not to violate the terms of the bylaws or the constitution.

An unidentified faculty member asked if they were being asked to vote on a motion that was ruled illegal.

Presiding Officer Wilson replied that he was calling the vote on consensus, on a motion where he does not believe there is a quorum present. He was going to allow the vote. It was not his intention to rule on it; it was his intention to take the vote. If someone asks him to make a ruling on it, he will, but he was not planning to.

31 members voted in favor of the resolution, and none were opposed. The motion was adopted.

2. Special Report of the Rules Committee concerning Policy and Procedures concerning Academic Honesty, as presented in Sen. Doc. No. 07-040 with Motion No. 45-07.

MOVED: That the Faculty Senate approve the Policy and Procedures concerning Academic Honesty, as presented in Sen. Doc. No. 07-040.

An unidentified faculty member stated that he would like to make an amendment. On page 11, Appendix B, the sentence, "Academic dishonesty is the intentional attempt to secure advantage for oneself or another in any academic exercise," to strike "intentional" and to replace it with "the attempt to secure unfair advantage for oneself..." His reasoning is that one can secure an advantage for themselves by studying. What we are talking about is an unfair advantage. More importantly, the "intentional" is either superfluous or it is problematic. Even without intentional, it seems like it is implied. If it is not superfluous, but is there to put the burden on the faculty to prove the intentions of a student who plagiarized. His understanding is that if something is plagiarized, it does not matter what the intentions are, and he believes that is the ruling under U.S. copyright law.

Secretary May stated that he would support that amendment. Just to give some history of the document, it is extraordinarily complicated, and the Ombuds Office and the Academic Honesty Office has spent a lot of time working on this. The Ad Hoc Committee on Student Plagiarism has spent a lot of time working on it, and we had a big meeting the other day. We did decide to remove intention and we managed to get most of it, but we missed this reference. It is a good point, and Secretary May thought that removing the words and adding unfair was a good idea.

An unidentified faculty member stated that he wanted to commend that they had done an excellent job. He read through the document and he thought that it was much improved.

The motion to amend was seconded and adopted.

Secretary May stated that he also needed to make a slight amendment. A member of the faculty noticed another discrepancy between the main document and Appendix E. In Appendix E, number 9, the first three words should read as follows, “within five business days,” instead of “within ten semester days.”

The motion to amend was seconded and adopted.

The original motion was seconded and adopted.

3. Special Report of the Academic Matters Council concerning Revision of the Minor in Entomology in the Department of Plant, Soil, and Insect Sciences in the College of Natural Resources and the Environment, as presented in Sen. Doc. No. 07-041 with Motion No. 46-07.

MOVED:  
46-07 That the Faculty Senate approve the Revision of the Minor in Entomology in the Department of Plant, Soil, and Insect Sciences in the College of Natural Resources and the Environment, as presented in Sen. Doc. No. 07-041.

The motion was seconded and adopted.

4. Special Report of the Academic Matters, Academic Priorities and Program and Budget Councils concerning The Establishment of a Five College Certificate in Buddhist Studies, as presented in Sen. Doc. No. 07-042 with Motion No. 47-07.

MOVED:  
47-07 That the Faculty Senate approve The Establishment of a Five College Certificate in Buddhist Studies, as presented in Sen. Doc. No. 07-042.

The motion was seconded and adopted.

5. Special Report of the Ad Hoc Committee on Online Learning, Academic Matters and Program and Budget Councils concerning The Certificate in Journalism, as presented in Sen. Doc. No. 07-043 with Motion No. 48-07.

MOVED:  
48-07 That the Faculty Senate approve The Certificate in Journalism, as presented in Sen. Doc. No. 07-043.

The motion was seconded and adopted.

6. Special Report of the Graduate Council concerning the Change in Minimum Credit Requirement for the MBA Degree, as presented in Sen. Doc. No. 07-044 with Motion No. 49-07.

MOVED:  
49-07 That the Faculty Senate approve the Change in Minimum Credit Requirement for the MBA Degree, as presented in Sen. Doc. No. 07-044.

The motion was seconded and adopted.

7. Special Report of the Academic Matters Council concerning Academic Regulations Updates: III. Academic Status, as presented in Sen. Doc. No. 07-045 with Motion No. 50-07.

MOVED:  
50-07 That the Faculty Senate approve the changes to Section III (Academic Status) of the Academic Regulations, as presented in Sen. Doc. No. 07-045.

The motion was seconded and adopted.

8. **Special Report of the Academic Matters Council concerning Academic Regulations Updates: X. Examinations, as presented in Sen. Doc. No. 07-046 with Motion No. 51-07.**

**MOVED: 51-07** That the Faculty Senate approve the changes to Section X (Examinations) of the Academic Regulations, as presented in Sen. Doc. No. 07-046.

The motion was seconded and adopted.

9. **Special Report of the Academic Matters Council concerning The Definition of Certificates, as presented in Sen. Doc. No. 07-047 with Motion No. 52-07.**

**MOVED: 52-07** That the Faculty Senate approve the following definition of a certificate program: “a certificate program involves specialized areas of study, from which a significant proportion of requirements must go beyond the requirements of any specific major for matriculating students,” as presented in Sen. Doc. No. 07-047.

The motion was seconded and adopted.

10. **Special Report of the Rules Committee concerning the Continuation of the Ad Hoc Committee on Online Learning, as presented in Sen. Doc. No. 07-048 with Motion No. 53-07.**

**MOVED: 53-07** That the Faculty Senate approve the Continuation of the Ad Hoc Committee on Online Learning for one year, at which time, a final report will be presented to the Faculty Senate at its last meeting in the Spring 2008 semester.

The motion was seconded and adopted.

11. **Special Report of the General Education Council concerning A Recommended General Education Designation for JUDAIC 309, as presented in Sen. Doc. No. 07-049 with Motion No. 54-07.**

**MOVED: 54-07** That the Faculty Senate approve the General Education Designation AT & G for JUDAIC 309, as presented in Sen. Doc. No. 07-049.

The motion was seconded and adopted.

12. **Special Report of the Academic Matters Council concerning the 2010-2011 Academic Calendar, as presented in Sen. Doc. No. 07-050 with Motion No. 55-07.**

**MOVED: 55-07** That the Faculty Senate adopt the 2010-2011 Academic Calendar, as presented in Sen. Doc. No. 07-050.

Senator Mokhtar Atallah moved that this item of the agenda would be tabled until the first Faculty Senate meeting in the fall semester.

The motion to table was seconded and adopted. The motion was tabled until the first meeting in September.

The 663<sup>rd</sup> Regular Meeting of the Faculty Senate stood adjourned at 5:43 p.m. on May 17, 2007.

The proceedings of this meeting are available on audiotape in the Faculty Senate Office.  
Respectfully submitted,

Ernest D. May  
Secretary of the Faculty Senate