

1-25-1990

SR-89-90-51 (BL)

Marshall University

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Faculty Senate

Recommendation  
January 25, 1990

**SR-89-90-51 (BL)**

That the Faculty Senate approve the following change in By-Law No. 1, Sections 2 & 3:

Change Section 2 to read "Ballots may be cast by either:

- a. Depositing them in the ballot box in the Faculty Senate Office (with faculty signing their names on a list located beside the box, or
- b. Sending the ballot in a sealed envelope addressed to the President of the Faculty Senate, putting the word BALLOT on the outside of the envelope and legibly signing one's name to the outside of the envelope. (The teller will use procedures to insure a secret ballot.) 'Campus mail' envelopes should not be used; such ballots will be counted but tellers cannot assure the secrecy of such ballots.

Change Section 3 to read "The ballot box will be sealed by the Faculty Senate Secretary when the balloting is complete. The following rules will govern vote tabulations:"

- a. (No change)
- b. (No change)
- c. A time for tabulation will be selected by the Faculty Senate Secretary along with the selected counters.
- d. (No change)
- e. (No change)

**FACULTY SENATE PRESIDENT:**

APPROVED BY SENATE: Kathryn Cheizik DATE: 1/25/90

DISAPPROVED BY SENATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**

APPROVED: [Signature] DATE: 1/31/90

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

legislative committee (e.g., the President's Legislative Affairs Committee).

## ARTICLE VII--POWERS OF THE FACULTY

**Section 1.** The Faculty of Marshall University, acting as a body, shall retain final authority over policies governing the Faculty Senate and the Faculty. Recognizing the powers it has entrusted to the Faculty Senate, it shall not act in a capricious or arbitrary manner regarding actions and legislation undertaken by the Faculty Senate.

**Section 2. Meetings.** There will be at least two meetings of the general Faculty per year. Under the emergency powers of the Faculty there may be additional faculty meetings not later than ten (10) days from the time they are requested. The Faculty Senate will call for faculty meetings upon the petition of ten percent of the full-time faculty. The Faculty Senate may call for a meeting of the Faculty at the request of 2/3 of the voting Senate members present. The Executive Committee of the Faculty Senate may call for an emergency meeting of the Faculty. The University President may call for a meeting of the Faculty.

**Section 3. Officers.** The officers of the Faculty Senate shall preside and function at meetings of the Faculty.

**Section 4.** The Faculty's actions are of the highest order. In case of any conflict in actions of the Faculty and the Faculty Senate, the Faculty shall prevail. However, to override Faculty Senate actions there must be the approval of a simple majority of the Faculty voting, with 1/3 of the Faculty participating in the vote.

**Section 5.** Either the Faculty or the Faculty Senate may present a referendum for the Faculty to consider and vote on. The voting process shall be the same as outlined in Section 4.

## ARTICLE VIII--BY-LAWS

The Senate may by majority vote establish by-laws, not inconsistent with this Constitution, governing the conduct of the business of the Senate and of the standing committees and any other matters that may be within its competence.

**BY-LAW #1** - The Secretary of the Faculty Senate, who is also the Secretary of Faculty, will oversee the composition, duplication, distribution, collection, tabulation, and reporting of all university-wide balloting. She/he will follow these procedural guidelines.

1. The ballot will be typed, duplicated and distributed to all faculty by the Faculty Senate Secretary. An accurate number of ballots will be sent to Department Heads who in turn will distribute them to all voting members of their faculty.

If a faculty member does not receive a ballot he/she should contact the faculty Senate Office in Northcott immediately.

2. Ballots may be cast by either.

a. Depositing them in the ballot box in the Academic Vice President's office in Old Main (with faculty signing their names on a list located beside the box), or

b. Placing the ballot in a sealed envelope addressed to the Provost, putting the word **BALLOT** on the outside of the envelope and legibly signing one's name to the outside of the envelope. (The teller will use procedures to insure a secret ballot). Do not use "campus mail" envelopes.

3. The ballot box will be picked up by the Faculty Senate Secretary, after the balloting is finished. It will be sealed and taken to the Faculty Senate Office where ballots will be tabulated.

a. Tellers or counters will be selected at random by the Faculty Senate Secretary from members of university colleges and schools. On controversial issues, parties with opposing views may be asked to count ballots.

b. Two (2) to four (4) people will be selected as tellers or counters at the discretion of the Faculty Senate Secretary. The number of counters will depend on the length of the ballot.

c. A time for tabulation will be selected by the Faculty Secretary along with the selected counters.

d. Parties with a vested interest in the election may observe the counting and tabulation in a non-disruptive, non-interruptive manner.

e. After the counting and tabulation is finished, the results will be recorded and certified by the Faculty Senate Secretary. All ballots and paper work on the election will be retained for a semester in the Faculty Senate Office in case of an election results challenge.

4. The results of the election will be sent to the MU Newsletter, and the Secretary of the Faculty Senate will notify by mail those people winning the election.

**By-Law #2:** Article VI, Section 10 A of the Faculty Constitution advises the Faculty Personnel Committee as follows: "When the Committee handles matters of a confidential nature, it will not share its findings with the full Senate."

This admonition also applies to all Standing Committees who at some time might find themselves discussing matters and making motions of a confidential nature.

The Standing Committee will report the discussions and any motions to the Senate President; however, the Senate President is not obligated to present these motions to the Senate full Senate.

Passed October 29, 1987

**By-Law #3** - If a member of standing committee misses more than three (3) regular meetings in any academic year, his/her seat may be declared vacant by the chairperson of that committee, who will immediately report the vacancy to the Senate President and the Dean or Director of the appropriate unit. Within two weeks the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat. The Dean will then report in writing to the Committee Chair and to the Senate President the name of the new committee member.

Passed October 29, 1987

**By-Law #4** - That when faculty members are named as acting or interim administrators they be temporarily replaced on standing committees or in the Senate for the length of time that they serve in the administrative capacity.

Passed August 4, 1988

**By-Law #5** - That the turn-over time of the Faculty Senate President, standing committee officers and Marshall Institutional Board of Advisors faculty representative will be at the beginning of the Fall semester although they are elected in the Spring.

Passed August 4, 1988