

1 William Paterson University – FACULTY SENATE MINUTES –September 25, 2012
2 FACULTY SENATE WEB PAGE <http://www.wpunj.edu/senate> --

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4 **PRESENT:** Andreopoulos, Barrow, Bernstein, Bhat, Bliss, Chabayta, D'Haem, Diamond, Dinan, Duffy, Ellis,
5 Falk-Romaine, Finnegan, Furst (for Korgen), Garfinkel, Godar, Hayden (for Levitan), Healy, Kearney, Kelly,
6 Kim, Korgen, Lee, Martus, Mathew, Mbogoni, McNeal, Mongillo, Murphy (for Cruz Paul), Natrajan, Nyaboga,
7 Nyamwange, Parras, Pavese, Perez, Sabogal, Schwartz, Sheffield, Slaymaker, Snyder, Steinhart, Swanson,
8 Tardi, Verdicchio, Wagner, Waldron, Walsh, Weil, Wicke, Williams

9 **ABSENT:** Ndjatou, Rosar


10 **GUESTS:** Burns, Ciliberti, Daniel-Robinson, Fallace, Gazillo Diaz, Fuller-Stanley, Goldstein, Hahn, Hong,
11 Jones, Liautaud, Malu, Martinez, Martone, Nauta, Noonan, Olaye, Rabbitt, Refsland, Rosengart, Sandford,
12 Schrader, Seal, Sherman, Teirnan, Williams

13 **PRELIMINARIES:** Chairperson Parras called the Senate to order at 12:38 PM. Martus and Godar moved
14 acceptance of the Agenda. McNeal moved to amend the Agenda by moving discussion of Natrajan's resignation
15 letter to be new Item #5; Tardi seconded. The amendment passed with one objection and one abstention. The
16 revised Agenda was then approved unanimously.


17 Duffy called attention to the flyers announcing the annual Cheng Library Book Sale to be held Tuesday to
18 Thursday, October 9th -11th. All proceeds go to student-oriented improvements.

19 The draft minutes of the May 3rd meeting, moved and seconded by Godar and Martus, were accepted without
20 amendment, with one abstention.

21 **CHAIR'S REPORT:** Parras stated that he is serving on the Provost Search Committee as a faculty member,
22 not as Chair of the Senate. He reported that the Senate By-Laws have been updated on the Senate Homepage,
23 with all significant changes highlighted in yellow. There is a mid-October deadline for new UCC course
24 proposals. He listed a number of pressing issues that the Senate must address, and expressed hope that it can
25 quickly move past the current discussion of the May 3rd election.


26 **VICE-CHAIR'S REPORT:** Falk-Romaine moved (Martus seconded) a change in UCC Writing -  - (see
27 attached), which was approved unanimously. Women's and Gender Studies needed to have two outside
28 members approved for its Retention and Promotion Committee. Due to time constraints, the Executive
29 Committee approved D. Perry and C. Sheffield *in loco Senatus*. Professional Sales needs three outside
30 members. Falk-Romaine (McNeal seconding) nominated W. Healy, A. Mir and M. Watad, all of whom were
31 approved unanimously. She also urged smaller departments that are often in need of outside representatives on
32 such committees to bring these matters to the Senate in the Spring rather than having them handled in a rush in
33 the Fall. She moved (Sheffield seconded) the following: J. Ambroise for the Admissions and Enrollment
34 Management Council; K. McNeal for the Assessment Council; S Mankiw for the Undergraduate Council; V.
35 Wagner for the Advisement and Registration Council; R. Fosberg for the Budget and Planning Council; M.
36 Zeleke for the University Core Curriculum Council. All were approved unanimously. Falk-Romaine said that
37 nominees for UCC Review Panels will be presented at the next Senate meeting.

38 **DISCUSSION OF NATRAJAN RESIGNATION LETTER:** Falk-Romaine took the chair for the following
39 discussion.

40 Tardi asked what brought Natrajan to this point. He read a long statement -  - (see attached) in which he made
41 the following points. He spoke about the lack of transparency, democracy and accountability, especially on the
42 part of the Executive Committee. He believes that there was deliberate delay in reporting the election tally and
43 that the very decision to delay the tally constitutes a conflict of interest – both of which have precipitated the

44 current crisis. He called upon the entire Executive Committee to resign and wants a new election held right
45 away.

46

47 Falk-Romaine noted that long-standing past practice has been to keep the actual vote counts secret (which we
48 now know, thanks to the Elections Council, is in violation of *Roberts*). She believes that the technical issues
49 may or may not have been an issue. Barrow strongly disagreed, and distributed a document- -(see attached)
50 asserting that according to *Roberts* the election has actually not been completed. Falk-Romaine asked Barrow to
51 hold her comments until later. Tardi stated that policy trumps practice. She feels that her request for the vote
52 count at the May 3rd meeting was not handled properly.

53 Kelly spoke of the degree of comity (respect and courtesy) that must exist in an organization, and warned that
54 the Senate was in danger of shattering this important factor. She conceded that mistakes may have been made,
55 but she presumes the integrity of all concerned. We must not insinuate intrigue or misappropriate actions, and
56 we must not impugn the character of our colleagues.

57 McNeal reported her unavailing multiple attempts to get things clarified at the May 3rd meeting, and that she
58 didn't get an answer until 8 days later. She noted that since the Chair is a paid position (6 credits of released
59 time), and thus there are legal and ethical issues involved for the University as well as for the Senate. Parras
60 countered that he received no such requests until 7 days later, and that when asked he gave the tally.

61 Martus expressed frustration with the proceedings and wished, going back in time, that things had been done
62 differently on May 3rd, but since we can't go back, we must move forward.

63 Barrow returned to her statement and contended that *Roberts* speaks to situations "if no one is elected," which
64 she believes is the current situation.

65 Pavese said no one was being blamed, but wonders how he can assure his constituents that his vote was actually
66 counted.

67 Andreopoulos asked what was the position of the Executive Committee. Falk-Romaine said it had discussed
68 the matter and concluded that according to *Roberts* the election had been closed. Where honest mistakes may
69 have been made, they will be avoided in the future. She stated that it is the will of the Senate that is important,
70 not what the Chair wants. Godar noted that she and Falk-Romaine had contacted professional parliamentarians
71 who were not able to solve the problem without extensive, expensive study of the documents, facts, etc. She
72 was surprised and disappointed by Natrajan's resignation since she feels that an Executive Committee with
73 dissenting voices is a stronger one.

74 Kim said the election lacked transparency and fairness, and that we should have a new election.

75 Natrajan briefly responded to Martus and Godar, expressing deep disappointment in the Executive Committee.
76 Verdicchio noted that different people probably heard and read things differently and that *Roberts* gives the
77 Senate a valid mechanism for removing officers: a Recall.

78 Kelly stated that we need to raise the discussion to the level of formal charges – or we should back off. To
79 charge conflicts of interest without details is mere rhetoric.

80 Tardi said that when a mistake is made you must live up to it and move on to the next step, and that we need to
81 have a new election. If we want to hold the Administration accountable, we must hold ourselves accountable.
82 She distained the idea of a plot, but felt that things were sloppy. Kelly agreed that we must move beyond
83 insinuation, and that we must move to improve things in the future. McNeal said we shouldn't end discussion
84 just because it is uncomfortable. We have a divided Senate. If we silence dissenting views we don't have a

85 democracy. Verdicchio also welcomes uncomfortable discussions, but demanded documentation for charges of
86 conflict of interest, etc. His motion to call the question to end debate on the Natrajan letter gained 26 yes votes,
87 less than the 2/3 (30 votes) needed, so debate continued.

88 Natrajan felt he was being blamed for being the messenger. He believes there is conflict of interest in the
89 Executive Committee. He again called upon the Executive Committee to resign. Nyaboga stated that the
90 University needs honesty, ethics and transparency. If any of these three elements were violated on May 3rd, then
91 there must be a new election.

92 The Order of the Day was called. Tardi moved to extent the Order of the Day to continue discussion (Martus
93 seconded). The vote was 14 yes, 16 no, with 10 abstentions, so the motion failed.

94 **ADVISEMENT:** Parras resumed the chair for the remainder of the meeting.

95 Finnegan and Walsh moved that the present advisement system, in which students have more than one
96 academic advisor, be retained until a new model is developed. McNeal moved (Sheffield seconded) that
97 “faculty advisor” be deleted. After brief discussion (with McNeal, Slaymaker, Parras, Lee, Ellis, Kelly and
98 Verdicchio participating), the motion passed with but three abstentions.

99

100 **ADJOURNMENT:** Parras attempted to make a statement suggesting that a Recall was the only proper way to
101 settle the election controversy, but he was ruled out of order and the Faculty Senate went, *de facto*, into
102 adjournment at 1:48 PM.

103 The next meeting of the Faculty Senate will be held on Tuesday October 9th at 12:30 PM in University
104 Commons Ballroom C.

105 Respectfully submitted: Bill Duffy, Secretary

106 THIS AND OTHER SENATE DOCUMENTS ARE AVAILABLE ONLINE AT: www.wpunj.edu/senate

Senate Council Charges – Addendum
September 25, 2012

Members of the UCC Council made the following recommendations noted in bold in item #1 below for correction to their tentative charges at their meeting on September 21, 2012:

UCC	<ol style="list-style-type: none">1. Develop an Assessment Committee with representatives from all areas (College, Library, Professional Staff) and then work with the University's Assessment Council Committee on developing implementing a the plan to measure the effectiveness of the UCC including the assessment of student learning outcomes.2. Working with the Director of the UCC, determine how many times a course can be counted to fulfill various requirements (1st and/or 2nd major, minor, honors, certification, UCC, etc.)3. Determine how long UCC Review Panel panels will continue to be involved in the course approval process and what will happen to the course approval process after they are disbanded.4. Strategy for encouraging faculty to develop courses for areas which are underrepresented (specifically Areas 4 and 5)
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My comments are in the spirit of ensuring that our senate retains its integrity while attempting to work together as colleagues. I have struggled for about five months now with how to clearly and respectfully intervene in a process that I saw as going down a dangerous path of not respecting transparency, democracy, and accountability. I would have preferred for us to resolve this within the executive committee - I tried, not once but every time we met but to no avail. We then had a closed senate meeting in which we voted. This too now seems to be not enough.

It is still not too late to find an honorable and transparent way out of this situation: If the executive committee resigns as a group and in a spirit of taking some responsibility for their own actions, this will allow us to respect the closed senate voting and hold a new election right away. If we do this we would have sent a strong signal to all - that the faculty senate knows how to do politics without emptying it of ethical principles altogether. We would have also found a way to deal with each other respectfully and fairly. As I have told the senate executive committee chair many times - a new election may still result in a win for him. The difference would be that this time around there will not be a cloud over the election, and a modicum of integrity of office would be restored to the exec committee.

Since I see another attempt today to continue to avoid accountability [referring to the email sent out earlier about illegality of closed senate vote] and find a way out of this quagmire without facing the really difficult decisions, I would like raise a question.

A resignation letter has been received by the senate from a senate executive committee member. This letter - which was not meant to embarrass anyone, but only a last resort to seek accountability - called into question the actions of a majority of the executive committee. The letter's charges are serious and ethical in nature and go beyond simple procedural issues - esp. the two points: 1) that there was a deliberate delay by the exec cmttee in sharing the crucial election tally which by its nature (21/22 rather than 22/23 for a 45 member voting count) demanded an interpretation and hence could be reasonably doubted (in the legally accepted sense of that term), and 2) that this decision to delay sharing the tally was by itself a conflict of interest within the committee. Both these actions, according to the letter, have precipitated this crisis.

I thank the parliamentarian for placing in front of us his advisory note today. It is unfortunate however that the parliamentarian - who knew of the tally and its implication on the senate floor on May 3, 2012, and who gave it to the chair of the executive committee that same day - did not think fit to write out an advisory to the senate executive committee in the same manner that he has carefully done for the voting recommendation today. Richard I really wish you had done that. That timely advice would have immensely benefited the Election Council too - who asked for advice on May 9, 2012 regarding what to do with the tally.

The nature of these points make my rising here into a question of privilege affecting the entire assembly. It is not simply a personal privilege issue which would demand other remedial actions. Therefore, I submit that any motion under consideration here today needs to be properly preceded by a discussion of the contents of this letter.

My questions then are: So, what do senators propose to do with the charges contained in this letter? What does the executive committee propose to do with this letter? Now is the time to show how we walk the talk. Once we have resolved this issue here, there are other equally important issues awaiting our deliberation. Thank you.

How to Declare a Vote

From Robert's Rules:

Art VIII Vote: After the teller writes out the report in the standard form

Number of votes cast.....

Necessary for election.....

Mr. A received..... [Roberts Rules are not gender inclusive) Mr. B received.....

"Then Robert's rules states the following series of actions:

"The teller first named, standing, addresses the chair, reads the report and hands it to the chairman, and takes his seat, without saying who is elected. The chairman again reads the report of the tellers and declares who is elected."

Question:

Was this procedure followed by the chair of the May 3, 2012 meeting?

If not, doesn't this imply that the Senate Executive Committee prefers to pick and choose from Robert's Rules as it suits their convenience?

Robert's Rules Article VIII clearly indicate a process in which 'an election' occurs.

(1) First, declare the vote of the membership by reporting on the votes, in our case, the "votes cast."

What is the definition of vote?

- a. "votes of members"
- b. "votes of the membership"
- c. "votes of the members in good standing"
- d. "votes cast"

(2) "The responsibility of announcing, or declaring, the vote rests upon the chair,"

(1) At the time of our voting, The Chair was unable to properly and reasonably address the questions about the "votes cast" which were raised at the time of the vote and prior to the reporting of the vote because the report of the election results was given prior to a determination of 'votes cast' being made.

(2) Further, it was reported during the May meeting and during our last meeting in private session, that **IRT is unable to determine actual 'votes cast'. It cannot be determined whether the discrepancy in the number of ballots cast electronically occurred from abstentions or malfunctions.**

Thus, the results of the election (votes cast) has not been concluded and cannot be concluded without re-balloting.

According to Robert's Rules, Article VIII---"If no one is elected, it is necessary to ballot again, and to continue balloting until there is an election. "

(3) Since the reported outcome of the votes cast in May is so close—less than 3 ballots (it's my understanding 1 ballot) and prior votes cast cannot be determined; it is necessary to vote again.

Subsequent to the above, at our last senate meeting a motion has been approved asking the full Senate body to vote today upon the use of paper ballots to continue the ballot .

(4) Now, at our meeting today, it is a conflict of interest for the Chair to "declare the vote" because although a proper determination of votes cast has not been made; the Chair has been improperly been declared a "winner."

SUMMARY:

A. **No one can be DULY elected until a proper determination is made of votes cast.**

B.

If it is reported that a full determination of votes cast cannot be made; as IRT reported to the faculty Senate in May during the vote, then a proper election was not held and Robert's Rules CALLS FOR "ballot again and to continue balloting until there is an election."

Appendix

From Robert's Rules—Article VIII VOTE

“The responsibility of announcing, or declaring, the vote rests upon the chair, and he, therefore, has the right to have the vote taken again, by rising, if he is in doubt as to the result, and even to have the vote counted, if necessary. He cannot have the vote taken by ballot or by yeas and nays (roll call) unless it is required by the rules or by a vote of the assembly. But if the viva voce vote does not make him positive as to the result...

If no one is elected, it is necessary to ballot again, and to continue balloting until there is an election. “