Background: At the November 2019 University Senate meeting, the Senate charged the Faculty Affairs Committee with populating an election procedures inquiry commission (EPIC). The task for EPIC was to investigate whether Senate Bylaws had been appropriately followed in recent elections/appointments to standing Senate committees. On December 3, 2019, the Faculty Affairs Committee approved the members of the commission. At the January, 2020 meeting of the Senate a motion was approved that specified that the commission will report directly to the Faculty Affairs Committee and jointly with Faculty Affairs decide what should be shared with the rest of the Senate. The members of the commission are Morris Levy, J. Paul Robinson, Sharon Christ, Erik Otárola-Castillo, and Charlene Sullivan.

Executive Summary: An operating assumption for the commission as it did its work is that a healthy legislative organization has rules and principles that are well known and understood by its members and the community it serves. When such rules are not observed, lack transparency, are not well understood or are inconsistently applied, the organization and its members lose credibility and effectiveness of purpose. It is the unanimous opinion of the members of this commission that numerous election procedure irregularities occurred in AY2018-19 and 2019-20. Further, the members of this Commission believe that these irregularities both result from and could contribute to a culture within the University Senate that is characterized by poor attendance, and a lack of individual incentive to serve on Standing Committees of the Senate where most of the work of the Senate is accomplished. To address these threats to the viability of the Senate as a partner in the governance of the University, we provide recommendations for a process to assure that elected members of the Senate become informed of the rules of the Senate before participating in votes taken in the Senate. Further, we recognize the amount of effort that is required to be a responsible member of the Senate and argue for the creation of methods through which Senators elected by their peers to be their representatives in the University governance process may be held accountable and recognized for their efforts.

I. Procedural Irregularities in Replacing Vacancies on the Steering Committee AY 2018-19, 2019-20

A. Inappropriate assignment of replacement Senators to Steering Committee without nomination or election

According to Senate meeting archives, from 1985 (when we started review) until approximately 2008, vacancy replacements on committees were put forth to the Senate for a vote. These elections tended to occur early in the academic year. In the case of the Steering and Nominating committees there were two candidates per open vacancy in these off-cycle elections and for all other committees, one candidate per open position. At some point around 2008, this practice no longer appears consistently in the records. However, prior to the changes in Bylaws Sections 5.02 and 5.21 (Sept. 2019),
replacements of Steering Committee members still required nomination by the Nominating committee and election by the Senate. Consequently, the assignment of Senators Steve Beaudoin and Colleen Brady as replacements for Steering Committee members Senators Mike Harris and Gerald Shively, respectively, at some time prior to Sept. 2019 violated the Bylaws. Additionally, no record of the date or who authorized this assignment is recorded in Senate minutes as is the case for all vacancies filled in this manner, i.e., without an open election.

B. Lack of timely replacement of ineligible member of Steering Committee

In March 2019, Senator Gerald Shively was named Associate Dean of the College of Agriculture and Director of International Programs in Agriculture. This administrative assignment made him immediately ineligible (Bylaws Section 2.03) to continue as a Senator and member of the Steering Committee. For unknown reasons, his position was not included among the four vacancies on the Steering Committee that were filled during the Senate elections (Senate Document 18-13) on April 15, 2019. At that election there were five nominees for the four acknowledged vacancies, including Senator David Sanders who received the fewest votes.

At this point, however, we cannot be certain about the outcome of the election. Because the proper contemporaneous procedure was not followed, there are several variables whose outcome remains unknown. For example, if the vacancy of Associate Dean Shively had been made public and properly dealt with in the election, then as required by the bylaws at that time, additional senators would have been nominated and included in the ballot. Whether Senator Sanders would have been the elected nominee is impossible to ascertain because another nominee might have been elected instead.

Context: The preceding conclusions are also supported by the section on Vacancies in the American Institute of Parliamentarians Standard Code of Parliamentary Procedure (pp.184-185). In particular, “Vacancies in elective offices must not be ignored or concealed. Members should be informed promptly of a vacancy, and the vacancy should be filled as soon as possible. If the board of direction or the president knows that there is, or is about to be, a vacancy, this knowledge cannot properly be withheld until after a meeting, convention or election at which the members could have elected someone to fill the vacancy....Neither officers nor members should try to outwit the provisions of the Bylaws by maneuvering to fill vacancies in elective office with the appointment of another member to the office.” While no concealment may have been intended, the Senate should have been allowed to exercise its voting obligations fully and transparently.

Senator Sanders appealed several times during Fall 2019 to Steering Committee Chair and Senate Vice-Chair Deborah Nichols in regard to improper Steering Committee membership. She rebuffed his arguments regarding the irregularities listed above in a Nov. 8th letter sanctioning his appearance at the Nov. 4th meeting of the Steering
Committee. This letter included the following arguments: 1. “Our Bylaws are silent on whether a Senator who is serving for another faculty member also serves on their assigned/elected to committees...” and, 2) “Essentially, the University Senate’s common custom and use practices includes...2) Senators who move to administrative positions may continue to serve the remainder of their terms if they choose...” Neither of these responses are correct, though they did reflect recent practices. While we do not suggest that the current membership of the Steering Committee should be retroactively altered by our findings, we strongly recommend that the original special responsibilities and importance of the Steering (and Nominating) Committee be better acknowledged by the Senate and that their membership elections be transparent.

Although the special requirements for two candidates per vacant position on the Nominating and Steering Committees and their election are no longer in effect under the current Bylaws (sections 5.02 and 5.21 as amended) there remain limitations on overall replacements and assignments. No replacement or assignment can be made by the Nominating Committee for: 1) Officers of the Senate or 2) Chairs and Vice-Chairs of Senate Committees. For such replacements, elections will still be required by the entire Senate or Committee membership, respectively.

Recommendations: The recent practice of the Nominating Committee fulfilling committee vacancies without elections, including the Steering committee, has been a procedure in place since approximately 2008. Therefore, although the replacements made to the Steering committee in the spring of 2019 followed a relatively recent precedent, this is not the procedure used to consistently fill vacancies prior to around 2008 when it was done through elections in the Senate. This election process included vacancies due to Senators not filling out their terms and possibly, though it is not clear from the record, for temporary leaves such as sabbatical leaves.

Although, this practice has been supported by the Senate in a recent amendment to the Bylaws (section 5.21: “Nominate elective members for all Senate committees which may require the Nominating Committee to assign senators to fill Senate committee seats when the number of Senators volunteering is not sufficient to fill all required Senate committee seats.”). We believe that the pre-2008 interpretation, where all committee members are elected, is more in line with the spirit of the rules. We agree that an election creates a more complex scenario. However, it is a democratic process that aims to maintain fairness including increased transparency through documentation.

We recommend that the assignment practice be limited to the non-leadership committees, that is, all committees other than the Nominating or Steering Committees. We also recommend that direct assignment be used only in the event that there are not enough volunteers and not when there is a willing replacement who could be acknowledged in an election. Those who are assigned to a vacancy could also be acknowledged in an election. This practice puts all replacements on public record.
In general, going back to the practice of filling vacancies where off-cycle elections were held would be beneficial because it ensures transparency by making public membership changes that are occurring on committees and ensures that senators who may be willing to volunteer, but are unknown to the Nominating committee, could self-nominate at the time of the election. These volunteers need not be endorsed by the Nominating Committee.

II. Irregularities Regarding the 2018 Steering and Nominating Committee Elections

According to the Purdue Senate Bylaws at the time, elections for the Steering Committee and Nominating Committee were to be held in March, one month prior to elections for standing committees. Two candidates per open position were required for these committees according to the contemporaneous Bylaws. No election was held at the March Senate meeting for members of the Steering and Nominating committees. An election for standing committee members was held at the April 16, 2018 Senate meeting. Subsequently, an online election using a Qualtrics survey was distributed to Senate voting members on April 24, 2018. This election had three nominees for the Nominating Committee for three vacancies and four nominees for the Steering Committee for four vacancies, i.e., one candidate per open position. Only about 40 senators voted in this election according to the survey results. There was no apparent ability for nominations from the floor which should be normal procedure.

Problems with this election procedure include that it was not timely and occurred after the March deadline given in the Bylaws. There were not two candidates per open position as required by then Senate Bylaws. It appears that there may not even have been a quorum according to the total vote tally. Finally, there was no ability to self-nominate or nominate other senators in this election as required by the Bylaws. There was also a typo in the survey, i.e., Nominating Committee was listed for both the Steering Committee and Nominating Committee. However, the text of the email indicates that the election was for the separate committees and indicates the number of candidates for each.

Senator Sanders indicates that he twice volunteered to be a nominee for the Steering Committee, in January through conversation with Secretary of Faculties Joe Camp and in the March 20, 2018 Qualtrics Survey for volunteers distributed by the Nominating committee. This volunteer status was corroborated by Past-Chair Carroll. Senator Sanders says he was informed via email by Senator Sulma Muhammed, then chair of the Nominating Committee, that he was “in the” Steering Committee, presumably meaning he was a nominee for this committee. David however was not included in the list of nominees on the online survey and did not have the opportunity to self-nominate.

Context: It is our understanding that the Nominating Committee was behind in the development of nominees for the Steering and Nominating Committees in 2018 and this
is why the election was delayed. They were attempting to obtain the requisite number of candidates, which was never achieved.

The history of elections for the Steering and Nominating Committees is that it was typically held in March, however this was not the case in every year. Going back just five years in Senate records has evidence of this. The Senate meeting agenda shows no indication of an election in March, 2014. Elections for Steering, Nominating, and other Standing committees in that year were all held in April. No elections are indicated in the agenda for any of the Senate meetings in the spring of 2015, though it may be the case that those elections were administered through an online survey. In the spring of 2017, elections for Steering, Nominating, and the other Standing committees were postponed from March to April due to missing biographies. This change was voted on. In most years there were two candidates per open position on the Steering and Nominating Committees.

In Senate Document 18-10, Bylaw section 5.02 was amended to require only one candidate per vacancy on the Steering and Nominating committees similar to other Standing committee requirements. This document also moved elections for the Steering and Nominating committee to the April meeting at the same time as the Standing committee elections. The Senate voted to approve this change with 2/3 majority. The debate surrounding this change indicates that the Nominating committee was working in a culture that lacks participation on the part of Senators and they had been putting new senators on the list just to meet the requirement of two candidates per open position. It was indicated that they did not have enough volunteers for the Steering and Nominating Committees in 2019. Some Senators argued against the proposal on the basis of a loss of any choice, i.e., the nature of an election when only one candidate is available per vacancy. Members of the Nominating committee indicated that the intention was to obtain as many candidates they could per open position. (See Senate meeting minutes for September 9th, 2019 for full accounting of arguments.)

Recommendations: The Nominating Committee has a very important role and a difficult one in the current climate. Nearly all seated Senators are needed to participate on a committee in order to fill committee positions, but there is an apparent lack of willingness to do this on the part of some Senators. Obtaining two candidates per open position has proven difficult and this has been met by nominating inexperienced senators or has resulted in pools that lack diversity. But in these circumstances, it is curious that Senator Sanders volunteerism was overlooked in 2018. There seem to have been some miscommunication about his desire to be a nominee for the Steering committee and perhaps his willingness to serve on two committees – he volunteered for both the Steering and Student Affairs Committees - and it may have been assumed that he preferred participation on one committee. Natalie Carroll indicated that they placed him on the Student Affairs Committee where he had experience and subsequently served as Chair and they believed that was the best place for David given the turnover on that committee that year. Better communication with volunteers to determine their
willingness to participate on multiple committees would benefit the Nominating Committee, keeping in mind the need to ensure diversity and institutional knowledge and experience and to elicit broad participation of Senators on committees. A report from another Senator, Ralph Kaufmann, indicates that he too has volunteered for committees, sometimes two committees, and was not placed on one or more of these committees which were later announced to have no volunteers. He was willing to participate on two committees. The lack of transparency in the process the Nominating committee uses to assign nominees can result in a lack of trust among Senators.

While obtaining two candidates per open position on the Steering and Nominating Committees may be hard to achieve, it seems that an intention for the Nominating committee to seek out as many nominees as possible is not enough to ensure the true nature of an election. As these are leadership committees, it seems necessary to ensure some choice for Senators in the selection of these committee members. We recommend amending the Bylaws to require at least one additional candidate for up to three vacancies and at least two additional candidates when there are more than three vacancies.

It is unclear what the original purpose of the staggered elections were, that is, electing Nominating and Steering Committee members in March and Standing committee members in April. However, it is reasonable that unelected candidates to those committees might then volunteer for certain Standing committees. This staggering could aid the Nominating committee in filling Standing committee vacancies. Communication with volunteers about which committees they would participate on in the event that they are or are not elected to one of the leadership committees is necessary and would be helpful.

Online elections should be avoided if possible due the inability to ensure a quorum of voters and the difficulty in allowing nominations from the floor. Write-ins are possible, but this is not a substitute for nominations, which publicly indicate to all voting Senators additional persons willing to serve and who are available for their vote. In the event that an online election is necessary, there should be mechanisms for giving notice to voting Senators ahead of time such that Senators can nominate themselves or others. It is also important to ensure there is a quorum of votes perhaps through reminders both during Senate meetings and electronically and/or redoing an election when a quorum is not met.

III. Ineligible member of Nominating Committee AY 2017-18 and AY 2018-19

Senator Natalie Carroll was a member of the Nominating Committee in the AY 2017-18 Senate as well as the following year when she served as Vice-Chair. Such membership is specifically prohibited by the American Institute of Parliamentarians Standard Code of Parliamentary Procedure (hereafter, AIPSCPP) which governs our University Senate as per: “Members who are likely to become candidates should not serve on a nominating
committee, but members of the committee can become candidates. A member of a nominating committee who becomes a candidate should resign from the committee immediately.” (AIPSCPP, p. 163) Senator Carroll was nominated for Vice-Chair at the Feb. 2017 Senate meeting. The same rules (p. 162) further prohibit Officers from being involved in any way in the nomination process: “The president, president-elect and immediate past president should not appoint any members of the nominating committee, give the committee instructions, or take part in its deliberations. This requirement protects both the officer and the committee from accusation of favoritism or self-perpetuation.”

**Context:** The Commission recognizes Natalie Carroll’s long and exemplary service to our University Senate. We know that Vice-Chair Candidate/Chair-Elect Carroll’s activities were well intentioned. But her ineligible status brings into further question the validity of several of the Nominating Committee’s actions during this period, especially where a bare quorum of the committee, including her, approved a document to be forwarded to the Senate (Senate Documents16-06,16-10,16-13, 17-10,17-17 and 17-18) or when she herself presented any document on behalf of the Committee. Our primary motive in mentioning this specifically is to advise the Senate to stringently avoid this procedural conflict in the future.

**IV. Addressing the Need for Educating all Senators About the Senate Bylaws**

The University Senate is the legislative body of the Purdue faculty. The Senate exercises the legislative and policy-making powers assigned to the faculty, subject only to review and check by the faculty’s established procedures. The Senate is subject to the authority of the Board of Trustees, and in consultation with the president, it has the power and responsibility to propose or to adopt policies, regulations, and procedures intended to achieve the educational objectives of Purdue University and the general welfare of those involved in these educational processes.

Given the importance of this governing body, it is most important that its members are well versed in the procedures of the Purdue University Senate, including the Senate Bylaws and its parliamentary procedures (The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, 1st ed. 2012).

Fundamentally, the Purdue University Senate Bylaws are the governing rules by which the Senate operates. Parliamentary procedure defines how the Senate can most effectively meet and make decisions in a fair, consistent manner—making good use of everyone’s time. While parliamentary procedure cannot guarantee that every member of an organization is pleased with the outcome of a decision, it aims to ensure that every member is satisfied by the manner in which the decision was made, and that the organization makes sensible decisions, with consideration for every member’s opinion.
Senate members’ proficiency in these procedures ensures their effective and efficient conduct of business.

The findings of EPIC suggest that misunderstanding of the Senate Bylaws and parliamentary procedure was a major factor contributing to the events leading to the formation of this commission. This commission therefore makes the following recommendations for existing and future members of the Purdue University Senate:

1. To be effective, Senate members must possess detailed knowledge of the Purdue University Senate Bylaws ([https://www.purdue.edu/Senate/Bylaws/](https://www.purdue.edu/Senate/Bylaws/)). Within it, the specific purpose of the Senate, membership composition, officer’s definitions and duties, committees, and checks are detailed. All Senate members must undergo training and evaluation of these Bylaws. Voting or other participation by new members shall not be allowed unless training is completed.

2. To ensure working knowledge of parliamentary procedure, current members of the Senate shall undergo necessary training and evaluation. Examples include parliamentary training services provided by the National Association of Parliamentarians ([https://www.parliamentarians.org/services/](https://www.parliamentarians.org/services/)), and by the American Institute of Parliamentarians ([https://aipparl.wildapricot.org/event-2384197](https://aipparl.wildapricot.org/event-2384197)).

   It is our recommendation that an ample timeframe be given to current members of the senate to complete training. Although we leave the operationalization of training, mechanisms, and timeframe for completion to the senate, we recommend that, following a reasonable timeframe, voting or other participation by current members shall not be allowed unless training is completed.

3. Newly elected or appointed members of the University Senate must undergo training and evaluation required by recommendation 1 and 2, and as needed in cases of senator replacements. Voting or other participation by new members shall not be allowed unless training is completed.

V. Addressing the Need for Increasing Participation of Senators in the Legislative Process, Especially Participation on Committees

The University Senate shares the governing responsibilities with the Purdue University Administration. It is composed of faculty, students, staff, and administrators, including Purdue University’s President, Provost, and CFO, who attend regular senate meetings. The primary responsibility of the Senate is to share governance with campus leaders on the key educational and academic policy concerns. As important issues and events
develop across campus, the University Senate, through its Standing Committees, can leverage its position to provide solutions that help move the university forward. This responsibility is not trivial and carries with it a large amount of time and effort by senate members.

One of the underlying problems contributing to the current practices of assignment of faculty to committee positions by the Nominating Committee has been insufficient volunteers for participation. EPIC members are aware that faculty units consider member participation in the Purdue University Senate as a service to the university. As such, individual faculty units usually elect or appoint university senators to represent them.

It is imperative that faculty units consider the amount of time and the effort that their representatives must dedicate to become proficient members of the Purdue University Senate. It is also necessary for prospective senators to be aware of the normal duties of Senators, including the expectation of active participation on at least one committee. This includes training as proposed here, attendance to regular Senate meetings, membership in Senate committees, subcommittees, and one-on-one meetings to discuss proposals, generate consensus and make fair decisions that affect the objectives of Purdue University and its members. Given the workload of sometimes already overburdened prospective faculty members, if the University Senate workload is not considered properly, we believe this will result in negative outcomes in the work of the University Senators.

EPIC therefore makes the following recommendations to faculty units:

1. That elected/appointed faculty members be relieved of additional service duties or committee memberships. (University Senate membership should be considered the work of at least two or three service commitments.)

2. And/or elected/appointed faculty members be afforded with a course release for their duration of service in the Purdue University Senate.

These recommendations should be contingent on faculty senators remaining in good standing with the Purdue University Senate, including:

1. Attendance to at least a majority of regular Purdue University Senate meetings,

2. Voting in at least 90% of voting opportunities presented at Senate meetings,

3. Membership in at least one Senate committee, and

4. Attendance at a majority of Senate committee meetings.
5. Documentation of proposals or leadership in at least one legislative resolution per three-year term.