

Chairwoman Deb: I'd like to call the meeting to order. Is there a motion to approve the agenda for October 8th? Second?

Andaluna B: Second.

Chairwoman Deb: Are there any amendments to the agenda?

Andaluna B: I don't know if I'm supposed to stand at this microphone. Hi, everybody. I am [Andaluna Borcilla 00:00:23] from James Madison College, and I would like to make a motion to the agenda, specifically item 7.3 on the agenda, which appears as a vote for an open provost search. I would like to change the title of that item, and that would be "resolution for an open provost search". Am I right about that? Yes. Also, I would like to change the name, so this is not being put forward just by me, but it's put forward by a group of us, so I would like the record to reflect that this item is put forward by Borcilla, Benitez, Dunne, Gasteyer, Logan, Meyer, and Cloud. Thank you, do we vote on this motion?

Chairwoman Deb: Is there a second, second? Discussion? All in favor of adding this amendment to the agenda? Opposed? Motion carries.

Speaker 4: Andaluna, if you could, could you send me an email so I make sure I get the names correctly on that, the names that you added for me? Thank you.

Chairwoman Deb: Any other amendments to the agenda? All in favor of approval of the agenda as amended, please say "aye". Opposed? Motion carries. Approval of a draft minutes for September 10th, is there a motion to approve? Is there a second? A discussion? All in favor, please say "aye". Opposed? Motion carries. President's remarks.

Pres. Stanley: Thank you, and good afternoon, everyone. Biggest thing, I think, new for the university is sitting next to me, not size-wise, but actually in terms of the impact on the university, Dr. Sullivan, and I'll introduce her in just a second. I'm really looking forward to her engagement at the university, as well as her assistance as we search for a new provost. This is obviously a critical position for the university. I want to make sure they share our priorities of student success, academic excellence, road-changing research, and making sure we have the optimal culture on campus as well.

Pres. Stanley: To do that, I plan to establish a committee to conduct a national search, as I've talked about before. I do plan that final candidates selected by the group will be expected to come to campus and meet with the campus community, so it's been referred to as an open search, and we'll also engage a search firm to assist the committee, so all these things are things I plan to do. I'm going to continue to solicit input about the composition of the search committee, which I intend to be broadly representative to the extent we can, and inclusive of our community. I of course welcome and look forward to the input that will be

coming today from the steering committee and the faculty senate, in terms of membership on that committee.

Pres. Stanley: I'm confident we'll be able to attract some top candidates for this position, and again, I look forward to moving it forward. As you are aware and I communicated, I reluctantly accepted the resignation of executive vice president [Satish Upta 00:03:45] from his administrative position earlier this month. He's going to return, I think, with great enthusiasm, to the engineering faculty and research work with our best wishes. I know I speak for all of us, for how thankful we are for Satish for his service, particularly taking on the role of interim president, which I think is an extraordinarily difficult one in extraordinarily difficult times, and it's a role he did with consummate grace and professionalism.

Pres. Stanley: I know his months of acting president this year really did help advance healing on the campus, and again, I'm thankful for him. I'm going to be meeting with Satish's reports directly, I don't want people to be too concerned about me taking over some of those responsibilities. I had really the same responsibilities at Stony Brook, particularly the first four years I was there, so finance were separate, administration was separate, facilities were separate, information technology. All of those things reported to me in that role, and so again, I'm comfortable with oversight of those positions, and will take a look at how to best structure going forward.

Pres. Stanley: Last week, I held the first of what will be several meetings with sexual assault survivors. I met with survivors of sexual assaults on the Michigan State University campus, it was a very difficult meeting, I think, for some of them to attend, and I really appreciate their courage in coming forward, and being willing to discuss this difficult issue with me. I think the conversations we had were very educational for me, I learned a tremendous amount from this meeting. I think it's going to be helpful for me as I move forward and we all move forward to do work on culture in this.

Pres. Stanley: Two other meetings are currently scheduled which I'm going to do, one of them this week, and I'm very grateful to RVSM advisors, Rebecca Campbell and Andrea Mumford, for their work in arranging those meetings, and to the university [inaudible] person, Shannon Lynn, for facilitating these important listening sessions. I think, as I said before, these are important and I learned a lot, and that information is going to be helpful for me going forward.

Pres. Stanley: We will soon be seeing the results of the climate survey that was conducted in the spring, that's obviously again something very important for the university, information we need as we move forward to work on changing culture. I think that information combined with the input from the survivor community, from the RVSM expert advisory work group, will give us a lot of new material to help recommend additional change at the university. Again, I look forward to getting that information and synthesizing it in the most productive way possible.

Pres. Stanley: I wanted to point out a couple of other recent events and activities. We had the annual MSU investiture ceremony, and we honored the newest endowed professors, MSU Foundation professors and Hannah Distinguished Professors. Again, that was a great ceremony and a welcome one for me, and I really do think this event fosters a sense of community among our faculty and donors. It was nice to see those two groups come together in celebration of the tremendous accomplishments of the faculty that were honored.

Pres. Stanley: 112 new endowed positions were created during the last capital campaign, that's significant, that makes a difference to us in terms of our ability to track and retain outstanding and talented people. Again, it was wonderful to have that ceremony. For those of you who were able to come to the [Minskoff] Pavilion opening, that week was a wonderful way of which we connected with some of our most generous and valuable alumni. It was great to have Eli Bro and Edward Minskoff there for the pavilion opening, again, two people who've made a tremendous difference not just in Michigan State University, but to education and science around the world, so it was wonderful to have them both present.

Pres. Stanley: Again, that pavilion, I think, is again, going to help us in attracting some of the best people in the country to come to our college of business, which has been on a very strong trajectory. Again, I was excited to be there. We had the opening at the college of communication and arts and sciences at the next gen media innovation lab, and again, I appreciated the invitation to attend that. That's an exciting facility, which again, is doing broadcasting, and I think will make a difference to rural areas in their ability to receive high definition signals, and also will help probably in things like telemedicine as well. It is kind of a breakthrough area, and it's nice that Michigan State University is taking the lead in that.

Pres. Stanley: At some point in time, Gotcha E-Scooters will arrive on campus, some of them may be trickling in already, but so be prepared for that. We expect 300 scooters to arrive, but one thing we're doing that's unique compared to other places is, one, we've put safety standards in place, UL safety standards, so underwriter's laboratory safety standards for those scooters, in terms of the risk of electrical fires. Two, we're going to be working very hard to get aggregated data to support our mobility efforts on campus. One of the agreements we drew with Gotcha was that they have to make data available to us on the usage of those scooters, and we'll be able to apply that to the studies we're doing in our mobility center going forward, so we think that'll be a plus overall.

Pres. Stanley: With that, I just wanted to introduce Terry Sullivan. I was so glad that Terry Sullivan accepted my request to join as interim provost while we conduct the national search that I alluded to earlier for the MSU provost role. As many of you may know, she's a very proud alumna of James Madison College, she's a former executive vice president and provost of the University of Michigan, former executive vice chancellor of academic affairs of the University of Texas

system, vice president and graduate dean of the University of Texas at Austin, and most recently of course, president of the University of Virginia.

Pres. Stanley: She also assisted MSU's presidential search as advisor to the board of trustees and search committee. Her dedication to her alma mater is as impressive as her experience in higher education. I'm so grateful that she's stepped into this role, as I've said before. Her background, combined with her understanding and appreciation for faculty and governance structures I think will prove invaluable to us going forward. Please join me again in welcoming interim provost, Terry Sullivan.

Dr. Sullivan: Well, thank you, and good afternoon. I want you to know, this is the room where I learned Robert's rules of order. I was in the very first group of students who were selected to be on what was then academic council, now it's university council. It was a particularly exciting time here at the university, it was between 1968 and 1970. I am a graduate of MSU, I was in the inaugural class at James Madison College. I had a dual major in communication, and I was also in the honors college, and very importantly to my future life, my first Thursday on the campus, I met my future husband, who was the president of the debate team, and I was trying out for the debate team.

Dr. Sullivan: He's [Doug Leacock 00:10:18], he's a distinguished constitutional scholar, and when president Stanley called, I hung up the phone, I told Doug, and Doug said, "You have to do this." Even though it means that we're apart this semester because he's teaching at the University of Texas law school this semester, we both thought that this was very important. In my last year here, I worked for Cliff Wharton, who was then the president of Michigan State. The other undergraduate presidential fellow was Carl Taylor, whom I know many of you know.

Dr. Sullivan: Towards the end of that, Cliff basically kicked me out, he said, "You have to leave, you have to go to graduate school," and I said, "I don't know where to go." He said, "I went to the University of Chicago," so I went to the University of Chicago. I received a PhD in sociology, my specialization is in demography. I've done a good bit of work on the demographic of economic marginalization, and in that process I've written a lot of books and a lot of scholarly articles. I did a great deal of original research on consumer bankruptcy, and many of you will recognize the name of one of my co-authors, who is now the senior senator for Massachusetts and is running for president.

Dr. Sullivan: As president Stanley mentioned, I've held a lot of administrative roles. I was also a faculty senator at the University of Texas, I worked closely with the faculty senates at the University of Michigan and at the University of Virginia. October 18th, I'm returning to Texas to address the state council of faculty senates, so I've had a role with faculty governance really from the time that I was first in this room learning about Robert's rules of orders. I have a strong understanding and appreciation of the role of faculty governance.

Dr. Sullivan: Universities don't exist without students, and they don't exist without faculty. As provost, I understand that the most valuable resource the university has is the time of the faculty, because without you, we don't get the students taught, we don't get the research done, we don't get the patients treated, we don't get the animals in the veterinary hospital treated. None of that gets done without having the faculty do it. None of us got into this job so that we could do a whole lot of committee work, we all got into it for other reasons. I am going to keep my eye on the ball of faculty success and student success, because those are the two things that, in the long run, I believe Michigan State needs the most.

Dr. Sullivan: I want to say one final thing, which is that I pursued my life course of work in higher education because of the example of the faculty I met and worked with when I was an undergraduate here at Michigan State. I'm deeply indebted to them for their commitment to all those young, eager beaver baby boomers who were trying to figure out the Vietnam War and the Civil Rights Movement and the Feminist Revolution and so on. I pursued my course of study because I wanted to be like them.

Dr. Sullivan: Now it is our opportunity to do the same thing for that next generation of students that's depending upon us, to help get them ready for a world that's going to change very quickly in lots of different ways, and do it despite the fact that there is a certain amount of chaos underway in the world, as there was back in 1969 and 1970, and to be for them the kind of role models that the MSU faculty were to me. I look forward to the opportunity to serve, and I'm very honored that president Stanley asked me.

Chairwoman Deb: Thank you very much. Any questions for either president Stanley or Dr. Sullivan?

Dr. Ofole: Good afternoon, my name is [Robert Ofole 00:14:37], I'm from engineering. I wanted to ask our president, I know that a retain ad has not been composed yet, as far as I know, for the provost search, but as faculty, are we free to talk to other people about it? Or do we need to wait 'til all that is done first?

Pres. Stanley: I'm sorry, talk to people about what? I'm sorry.

Dr. Ofole: If we know of people who we think-

Pres. Stanley: By all means, by all means. I think we will eventually, probably the firm will set up a website, essentially, where we can accept nominations from people, but I would encourage you to reach out to people you think are qualified to talk about that, absolutely. Yeah, that's very helpful actually, going forward. We really want to establish the most diverse pool we can, and one of the things that I'll really work to do is, and I've done this before on other searches, is hold the search firm accountable for creating a diverse pool. I think that'll be made clear to them, and I've actually had instances where I halted searches, including a provost search, when I felt the pool wasn't diverse enough. We will do that, but

I think, again, it's helpful to us to go as broadly as we can in terms of seeking out candidates, so thank you for that suggestion.

Chairwoman Deb: Thank you. Other questions? Okay, moving on to the chairperson's remarks. First of all, welcome to our new interim provost, Dr. Theresa Sullivan, welcome back to campus. It's wonderful to have you here, we are delighted and look forward to working with you. I would like to give a report from the steering committee, in terms of what we did at our last meeting, and just so you're aware of what's been happening in the steering committee, and so that if you have anything to add to things that are going to be on the agenda for the steering committee, you can be in touch with the committees where things have been referred.

Chairwoman Deb: I want to start off with a report on the ad hoc committee from faculty senate. We discussed that at the steering committee, one of the things that was up for discussion was the meeting room. The Minskoff meeting room is available, and it was available for this meeting. We have asked to see if it would be available for the next meeting for November, and moving to that room. The room itself is not equipped with microphones, and interestingly, the international center, this room is free, and Minskoff is \$500. I guess that's what happens when you're a business school, you know how to do this.

Chairwoman Deb: We looked into getting microphones, the kinds where everyone would have a microphone, got an estimate for it, and it was going to be at a minimum \$100,000, which seems like a very lot of money for microphones, but that was what we heard. The meeting next month will be in Minskoff, we will do the same setup that we have today where we have people with microphones who would be floating, and right now we have four microphones and we have the two up front. If you're going to say something, please raise your hand, and someone will come to you with a mic, okay?

Chairwoman Deb: I would like to request for the next meeting at Minskoff, that the people who are on the ad hoc committee from faculty senate arrive early to set up the room in the way in which they think is the best possible setup for the room. I know that they had very specific ideas on what would be right, and I think the best way to go about that would be to have them actually do the setup. We will have that one meeting there, and then we will discuss after that which way we want to go, in terms of whether we want to stay here or whether we want to try moving to someplace else.

Chairwoman Deb: Another thing was going to be on the agenda for faculty senate, we had hoped to have [Dave Bileg 00:18:33] here to talk about the budget, and he was not available for this meeting, he will be available in November. Please send input on what you would like him to talk about and what kind of discussion you would like to have, what topics for discussion you would like to have on the budget. Please send them to academic governance, [acadgov.msu.edu](mailto:acadgov.msu.edu), so that we don't

simply have a presentation but we have some items for discussion, things that you want to know about the budget, and things that we can discuss.

Chairwoman Deb: The other thing was, the secretary for academic governance, how that role would be restructured. We discussed that with president Stanley, that's an ongoing procedure. He is going to look into the finances of it, and UCAG is looking into, is there anything in the bylaws that would prohibit this? We are still moving on that.

Chairwoman Deb: Next thing that happened was retirement investments, we received a request from someone which I will read to you: "MSU faculty who would prefer not to support the fossil fuel industry with their labor should have several options for retirement fund investments that do not support that industry. As it stands, there are no retirement investment options that support transitions to a more sustainable and just economy. Moreover, several recent high profile statements from the University of California system and Morgan Stanley highlight the riskiness of these investments."

Chairwoman Deb: This has been referred to the university committee on faculty affairs, and then it will be referred to people who deal with retirement investments. They meet only quarterly, so we thought it was a good idea to refer it to UCFA first, and then it will go to the people who deal with retirement investments, and I think that's through the board of trustees. If you have any interest in that particular item, please be in touch with UCFA, university committee on faculty affairs.

Chairwoman Deb: Online courses: last year, there was a memo that was sent out about online courses at MSU, and there was concern expressed by a number of faculty members because, as we all know, the curriculum is the one thing that belongs to the faculty. Everything else that we do is advisory, but the curriculum is not advisory, and there was concern that the faculty were not involved in this. It was going to be sent, it was going to come back to steering committee, it did not come back to steering committee until it came from UCGS, the university committee on graduate studies.

Chairwoman Deb: What has happened as a result of that is Jeff Grable, who I believe is the point person on this, will be appearing at the university committee on graduate studies and then university committee on faculty affairs to discuss the status of online courses, he will be talking to the committees about that. Again, if you have interest or if you have things that you would like to communicate to the committee, he's going to be meeting with them in October, so I would suggest that you contact either one of those committees.

Chairwoman Deb: Next is the travel policy room sharing. This was something that came up, and this is, again, I will read what came to us: "Recently, we were informed about the travel policy, especially the policy regarding room sharing. I totally understand," this is from an individual, "The faculty should not share hotel rooms with students and post-docs due to the difference in power. However, I

question why post-docs cannot share a room with students. Post-docs and students are equal in status in a research group, students are not subordinate employees of post-docs. Forbidding a post-doc to room with a student causes us to waste hard-earned grant dollars. Research is challenging enough, and such a policy is making things unnecessarily harder."

Chairwoman Deb: We referred this to the university committee on graduate studies, as the point person on it, and then after that, it will go to the university committee on faculty affairs. Again, if you have anything that you would like to communicate to those committees, please do so. I should tell you, the chair of the university committee on graduate studies is [Gwen Whittenbaum 00:22:28], and the university committee on faculty affairs, the chair is Mick Fulton.

Chairwoman Deb: Last but not least, the bylaws: the university committee on academic governance, UCAG, sent the bylaw revisions to the general counsel's office in April, and they haven't heard anything yet. We communicated with the general counsel's office, who got back to us and said yes, they would be in touch with UCAG. Once UCAG hears from the general counsel's office, that is now going to be on the agenda for November, the bylaws have been put on the November agenda, and hopefully we'll be able to do something at that point, they will have heard. That concludes my remarks.

Chairwoman Deb: New business, university committee on curriculum, Dr. [Marcy Mechtel 00:23:20].

Dr. Mechtel: Good afternoon, Marcy Mechtel, college of nursing. UCC met at the end of September and approved the following: one new program, athletic training, master of science effective summer 2020, a further 22 program changes and no deletions. With this request, we also approved 51 new courses, 132 course changes, and two course deletions. There are no moratoriums or discontinuations to report, the short report is in appendix B, and you can also link if you want to read the long report. At this time, I move to accept the report from UCC.

Chairwoman Deb: Is there a second? Discussion? All in favor, say "aye". Opposed? Motion carries. Next, we have proposed resolution from faculty senate, with Dr. Brian Tevin.

Dr. Tevin: Welcome to our new top administrators. I'd just like to say that in terms of faculty governance, we're still trying to figure that out. We don't have a very strong history of that, I would argue. This is part of an attempt in line with our ad hoc committee last month report, we surveyed our faculty asking for input to this meeting, and we got three items. I want to thank the steering committee for dealing with each of those things, and this is one of them.

Dr. Tevin: This is a motion from a faculty member who prefers to remain anonymous, moving that, "Faculty senate recommends that president Stanley and the board of trustees reject the general counsel's recommendations against waiving



attorney-client privilege, for MSU to release all information relating to the Nasser case as soon as possible, and to facilitate investigation of this matter to the fullest extent, and bring this tragic history to closure for all."

Chairwoman Deb: That's in the form of a motion?

Dr. Tevin: Mm-hmm (affirmative).

Chairwoman Deb: Yes. Is there a second? Discussion?

Dr. Tevin: If I may begin, just in discussion with this faculty member and other faculty senate representatives, it just seems that MSU needs to change its administrative culture to put protection of our people ahead of protection of the institution or its reputation. For instance, at the last faculty senate meeting last month, president Stanley stated that the contents of the report from the office of civil rights essentially coincided with information we already had internally. That begs the question, what other information do we have that remains undisclosed, and are we going to just keep that hidden until some other external investigation reveals it?

Dr. Tevin: That seems to be a continuation of the same pattern of behavior that forced the survivors to come forward in order to make MSU act in the first place. As a first step in major cultural change, this person would like to see the MSU administration lead by example and take unprecedented steps toward openness. Doing what is right to help people recover from this trauma seems different than what might be recommended by a lawyer. At a town hall meeting last week with the college of ag, another faculty member asked president Stanley what he might do as a first step in regaining the trust of survivors in the campus community, and it seems this motion offers one possible answer.

Anna P: [Anna Pegla-Gordon 00:27:43], James Madison College. I would just like to say, I very strongly support this motion. I think that among survivors that I've spoken to from the army of survivors and from also the parent of survivors group, that in fact there's support among all the people I've spoken with for the opening and the waiving of attorney-client privilege. Whether or not they support, there are some divisions about whether or not to support the proposed investigation within MSU on culture and climate, but there's uniform support for waiving attorney-client privilege.

Anna P: The only point that I would have to add to this, and I think that maybe if you would potentially accept this as a friendly amendment, is that perhaps the resolution could finish, and I'm sorry I didn't mention this because I'm on the steering committee, I'm sorry I didn't mention this before, but perhaps to end it at, "To facilitate investigation of this matter to the fullest extent possible." Because I think for many of the survivors, unfortunately, even waiving attorney-client privilege, even doing the right thing, even allowing the Attorney General to investigate as fully as possible, as the board of trustees themselves actually

requested the Attorney General to conduct this investigation because they claimed, and I believe, that that is the only way to have a truly independent investigation, but that may not bring closure.

Anna P: I don't know that we can actually say that it'll bring closure for them, because everybody who goes through this has to work through their experience in the way that they can. Unfortunately, even doing the right thing may not bring closure for everyone.

Pres. Stanley: Anna, could you express that as a specific friendly amendment?

Anna P: The amendment is to end the proposed resolution with the word "possible", taking off the last section.

Pres. Stanley: Thank you.

Chairwoman Deb: Is there a second to the friendly amendment? Discussion.

Dr. Tevin: I just wanted to make a clarification, I think. I may have used inaccurate terminology when I referred to "internal findings". I was really talking about the work of the Attorney General, and it basically would've been the investigations that have taken place within Michigan State, and counting the Attorney General, basically, Michigan as the state. I think that's what I was trying to say, that there's nothing in that OCR report that's different than what was found, I think, by the Attorney General and their investigation. I think that's the point I was trying to make, as opposed to saying there's some hidden investigation that took place that's not available. I would say that there is no ... I'll just leave it at that.

Chairwoman Deb: Other discussion? I think, that first?

Marty Krim: [Marty Krim 00:31:00], college of engineering. I'm trying to just get some clarification. Individuals are always free to speak, attorneys, I believe, are bound by attorney-client privilege. Are we suggesting that we tell the attorneys that they can release confidential information that individuals have given them? That's the way I read this motion. I'm not an attorney, and so I'd like to have this clear for me exactly what this motion means.

Dr. Tevin: I'm not an attorney either, so let's all make that clear, a doctor, actually. I think the privilege is held by the client, essentially, so the privilege is held by the client. The client in this case is the board of trustees, so the answer is, is the board of trustees as a group willing to remove attorney-client privilege? I think the board has stated multiple times that they did not think that's something they're going to do.

Marty Krim: [inaudible 00:32:05]?

Dr. Tevin: It applies to the board, has the privilege in the case of these documents, [crosstalk] and the communications between-

Marty Krim: Okay, so this doesn't apply to other administrators?

Dr. Tevin: Yeah, but the board is the one who makes the decision about whether the university would release this. I see what you're saying, if there's others administrators captured in this besides the board in terms of what was talked about with lawyers, are they surrendering on behalf of something else? It's a good point, and I don't know the answer. This would be the kind of thing the general counsel actually, even though you may not like his advice in this case, would probably be in better position to answer than I can.

Marty Krim: Okay, thank you for somewhat of a clarification.

Dr. Tevin: I don't think it was one actually, but thank you anyway.

Andaluna B: Andaluna Borcilla, James Madison College. I strongly support this resolution for a number of reasons. I'm not going to go into all of them before I've spoken in support of MSU releasing attorney-client privilege, releasing all the documents that the Attorney General has solicited from MSU before. I think there's been bipartisan agreement from two Attorney Generals for a process that was started at the request of the board of trustees. There's bipartisan agreement that by not releasing all these documents, MSU is stalling not fulfilling its public duties, and is not gaining any credibility in the public arena. There's bipartisan political agreement on this, which it's unprecedented that we actually had a Republican Attorney General and a Democratic Attorney General agree on this.

Andaluna B: Now, I understand that the board of trustees may continue to say that they will not respond to the request of the Attorney General, but we as a faculty senate can clarify what our position is, and can ask from our leaders that they support this position. By the way, we're not radical, though I don't shy away from being that, but we're not radical in that, so just to make that absolutely clear, that the Attorney General also understands the situation, two of them did. That's what I would like to add to this. I didn't write this resolution. When I saw it, I thought, "Why didn't we do this," but yes, so I'm glad it's here. There are other documents that people are signing in support of this, and some legislatures are signing as well.

Chairwoman Deb: Thank you, yes.

Dan Gold: Dan Gold, education. The sentiment makes sense, to be as open as we can, but if I recall, in one of the meetings in the spring, the acting president said there was some issue with 16 emails that they had a judge look at, and if we released them, the insurance company wasn't going to pay up \$300 million. I don't know if that's still the case or not the case, but I'd feel more comfortable voting if somehow we could have some pros and cons. Obviously, there's a lot of pros for

openness and transparency, but is there a downside to that from a realistic, like \$300 million is a lot of money, and it's pretty easy for us to say, "Don't worry," but then if all our departments got a 10% cut for it, we might think differently, and it would affect our current students.

Dan Gold: I guess from my end, I don't know how to say it but, "here are the pros, here are the cons", I'd feel better voting on that.

Chairwoman Deb: President Stanley?

Pres. Stanley: I think the challenge is that it's a complex issue, so I don't want to minimize the complexity of it, and also again, I'm not a lawyer. Let me tell you the arguments the general counsel would say, is that what you're referring to is the fact that the board of trustees asked a judge to essentially review the documents that were considered by the university to be under attorney-client privilege, and to independently assess whether they meet this. Everyone understands that attorney-client privilege just means that, that those documents are not available to subpoena because they represent the confidential communications between a client and their attorney, protected by the constitution, so this is a constitutional right, essentially.

Pres. Stanley: That's why essentially it's inviolate, essentially, that you can't compel anybody to produce these documents. The idea of having that review was, A, to make sure that the documents within there did meet the criteria for attorney-client privilege, they were actually communications between an attorney and a client about the demands of the case, something that was relevant to the case. Anything else would not be considered privileged, and there were some documents that were found in there that were not considered privileged by the judge, and then were turned over to the Attorney General's office.

Pres. Stanley: At the same time, as the officer of the court, the judge had a responsibility. If he'd have found anything within those documents that suggested they were designed to conceal a crime or a conspiracy of some kind, then they were obligated as the officer to the court to say that those things no longer merit privilege. You can't use privilege to conceal a crime, and so those would've been required to be turned over as well to the Attorney General. To my understanding, there were no such documents found within this group that were examined.

Pres. Stanley: That's kind of the facts of the case. I think the board did respond to all subpoenas and all requests for documents other than the things that were under attorney-client privilege, and all members of the board had been deposed in this, so they call came forward and deposed, some of them were deposed twice. I think while it's easy to say there wasn't cooperation, there actually was, I think, cooperation, at least in those areas in terms of doing those things. I think the point of contention is, was there things in those attorney-client privilege

documents that would've been detrimental in some way? But I think, again, they were protected.

Chairwoman Deb: Thank you. Other comments? Yes.

John Yeun: I agree with the sentiment of the-

Pres. Stanley: Identify yourself, please.

John Yeun: Sorry, my name is John Yeun, I'm a representative from K12 college of education. I agree with the sentiment, I'm a little worried when we get into technical terms like "attorney-client privilege" that we don't really understand, and what the implications are. For me, the issue that's more at the heart of this is the perceived agreement at some point between many of the survivors and the board that they would engage a law firm, the law firm McDermott, Will and Emory to do a full report and have access to everything in that, and that was, at some point, stepped away from.

John Yeun: I think the sentiment behind the resolution is to have a full accounting, and for me, I would be more comfortable if the senate would go with the sentiment more than technical aspects of what would allow that to happen. I feel like the push for waiving attorney-client privilege is a technical aspect of getting to full accountability, whereas a sentiment approving the prior or supporting the prior agreement to pull forward McDermott, Will and Emory to do this in depth full accounting of what happened might be more in our wheelhouse. That's just my two cents around this.

Chairwoman Deb: Other discussion, yes.

George Garrity: George Garrity, natural science. What I'd like to do is second our colleague from the college of engineering, and before we vote on something, I think we should weigh both sides of the issue, and we should really be clear about what the consequences of a vote would be. Because I think at this point in time, while we would like to go with the sentiment, I don't know if we actually know what that sentiment would actually wind up costing us.

Anna P: Anna Pegla-Gordon, James Madison College. I just wanted to respond to a couple of things that president Stanley said. In terms of, you're now saying it's easy to claim that there hasn't been cooperation, that is not, I don't think that was professor Borcilla's claim, that was what was written in the Attorney General's report, that they claimed that MSU was not cooperating, so I just wanted to make that clear. Then also, in terms of the judge and his responsibilities, there was an article, a news report by Kate Wells, NPR on February 20th 2019 saying that the judge, Richard Ball, the district judge who reviewed these, did make clear that while both those things that you said are correct, that if there's any conspiracy or if there's any attorney-client privilege, that that would have to be disclosed.

Anna P: He also said that there may be facts in those documents that we don't yet know. He says, "MSU says master investigator is getting all the facts," the judge, who is in charge of this, disagrees. Perhaps in some cases, the facts and their strategy are so closely interconnected, that in fact we won't know those facts unless MSU waives privilege in those cases.

Chairwoman Deb: I'm hearing a number of different things, the first one was that we have a motion on the floor. Second, we have someone who expresses the interest in having the sentiment without the details, in other words, a different motion. Then there is someone else who thinks that maybe this should be tabled. I think we have, right now we have three possibilities, we can either start with voting the motion down and then moving onto a different motion, or we have the option of tabling the motion. Are there other things? Yes. Pardon me? Take the vote? That's what I'm saying, yes. No, I'm sorry, I didn't mean to say that. We could have a vote on the motion, and then we could ... All right, so-

Dr. Tevin: Deb, also it was an amended motion too.

Chairwoman Deb: The amended motion, yes. Are we ready to vote on the motion? We have to vote on the amendment first. All in favor of the amendment to the motion?

Dr. Tevin: Hold on just a second while we get this set up here.

Richard M: Richard [Myczcek 00:43:24], college of human medicine. I would also like to echo the thought that I think this discussion and the information available to us is one-sided, and the piece of information that I'm missing is essentially the argument that a general counsel would make, supporting his recommendation against waiving attorney-client privilege. I, for example, would be in favor of tabling it and inviting general counsel to make that opposing argument.

Chairwoman Deb: Is that a motion?

Richard M: We have a motion on the table, I don't know if-

Pres. Stanley: Well, it needs to be voted on first.

Chairwoman Deb: Can we not just ... I think we can table it with-

Pres. Stanley: If the person who made the motion withdraws the motion.

Chairwoman Deb: You can vote to table it.

Pres. Stanley: You could vote to table it.

Chairwoman Deb: You can just vote to table, yeah. You don't need anybody to do any ... I think. Yeah, so if there's a motion to table-

Richard M: Then I will move to table, with the understanding that this discussion will be brought up at a future meeting, with an invitation from general counsel to make the opposing argument.

Chairwoman Deb: Is there a second? We don't discuss tabling.

Pres. Stanley: No.

Chairwoman Deb: Right, but we do vote on it.

Pres. Stanley: We do vote on it.

Chairwoman Deb: We also need, I don't know, this is probably procedurally not right, but we need to have a motion to allow us to use clickers. Is there a second? Can we have a show of hands, all in favor of allowing us to use ... Thank you very much. Sorry about that, I should've done that at the beginning of the meeting. All right, so the motion is to table the motion.

Pres. Stanley: Correct.

Chairwoman Deb: With the understanding that the general counsel's office will be invited to the steering committee, and will then be invited to come to faculty senate.

Pres. Stanley: Right, and do you want to ... I'm sorry? Clickers? Do we have clickers over there?

Chairwoman Deb: Does everyone have clickers? No.

Pres. Stanley: Okay, and if you want to please make sure that you turn on your clickers before you vote.

Chairwoman Deb: That was cute.

Pres. Stanley: Are we ready to-

Chairwoman Deb: We are ready to vote, so A will be ... Does everyone have their clicker, and turned on? A is in favor of tabling the motion, B is against tabling the motion, C is abstaining. A in favor, B against, C abstain.

Pres. Stanley: Yeah, open the vote. In the lower left corner you'll see the votes, we have 53 votes so far, 12 seconds in, 55. Quorum is, we have 77 faculty members, so 50% plus one. Yeah, we've achieved quorum already on the vote.

Chairwoman Deb: Ready?

Pres. Stanley: When are you ready, are you ready now?

Chairwoman Deb: Yep.

Pres. Stanley: Okay.

Chairwoman Deb: The motion to table passes. We will get someone from the general counsel's office to come initially to the steering committee, and then again to faculty senate.

Andaluna B: Could I ask that we consider the Attorney General coming to our meeting as well?

Chairwoman Deb: That's totally fine with me. I don't know, who is the Attorney-

Andaluna B: Dana Nessel is the Attorney General of the state of Michigan. We basically voted for her, we didn't vote for our general counsel, but thank you. That way, you get both sides, thank you.

Chairwoman Deb: Thank you. Okay, next on the agenda is the resolution for the faculty senate for an open search for provost.

Andaluna B: We're going to not sing for you, but we don't have it. I'm going to make a motion. My name is Andaluna Borcilla, James Madison College. I want to make a motion that the faculty senate endorse a resolution that we've written, and it is called for an open provost search. I think it's important, even though our president said, when you look at the motion there, but we can call it Open and Inclusive Provost Search. I'm not going to read it, I'm just making the motion. Is there a second? Okay.

Chairwoman Deb: Is there discussion?

Andaluna B: Can we read the resolution first? Thank you.

Sandra Logan: I'm Sandra Logan, college of arts and letters. The faculty senate urgently requests that the search to fill the position of provost of Michigan State University include the following: extensive opportunities for broad participation of faculty through a range of means, including but not limited to public interviews or open forums with the finalists in the search, and careful consideration of broad, inclusive faculty feedback to the search committee from these interactions.

Chairwoman Deb: Is there discussion?

Andaluna B: Yes. We would like to make a few points to give some rationale to this, and then we're up here, that's okay. Can we do that? The points that we're going to make have to do with trust, culture change, and also the quality of the search for a provost. One of the things that I would like to emphasize is that we have had



members of our upper administration that have not only operated in a top-down and secretive way, but also have operated in a clearly irresponsible and egregious way.

Andaluna B: We need a provost that comes out of an open, transparent, and inclusive search process, that brings faculty and future provost in dialog, a process that begins to restore in this way the trust, and to shift the culture to the change that we need.

Steven Gasteyer: Hello, I'm Steven Gasteyer, college of social science. I think one of the things to recognize is we're really at a critical juncture. With the inauguration of president Stanley, we are at a point when we need to really acknowledge that the president needs to build trust, right? This is part of the legacy that he steps into, is that he needs to build trust with faculty, students, and staff. We really think that an open and inclusive search would do the opposite that a closed search would do. A closed search would simply further damage that trust, and would be detrimental to the entire community, as well as the president himself.

Joyce Meyer: I'm Joyce Meyer, from writing, rhetoric, American cultures. I probably will just read, but it follows on what Steve said. The hiring of a new provost is one of the most important decisions our new president will make. We are at a critical moment with a new president who is empowered to select a provost for MSU, even as he's in the process of learning about the institution. Through the process of hiring the new provost, our president can learn more about our faculty and our values and concerns, and our faculty community can provide him with very important input that will help him make the right decision for our institution. A closed search would limit the input that community members are able to provide the president in making this decision.

Alyssa Dunne: Last one. My name is Alyssa Dunne, I'm from the college of education. We did not anticipate that president Stanley would note that, what I think I heard was that you said that this would be an open search for the finalists, but we would still appreciate everyone's support for this should there come a time when the decision might change. Just in closing, we think that we are at a critical moment in which faculty, students, staff, members of the administration and the president should be working together to bring about fundamental institutional transformation, building transparent processes at MSU, and ending the culture of secrecy at the highest levels of the MSU administration. A closed search would reinforce this secrecy, rather than bring more transparency, repeating and reinforcing the mistakes of past administrations. We hope for your support, thank you.

Chairwoman Deb: Other discussion?

Pres. Stanley: We had a motion on the floor, but no second, I don't believe.

Chairwoman Deb: I think it was seconded.

- Pres. Stanley: Okay.
- Chairwoman Deb: Yeah. Discussion, other discussion? Yes.
- Speaker 19: Does the president agree with the wording in the motion?
- Pres. Stanley: Thank you for asking. I do, I'm fine with the wording in the motion, and I appreciate the sentiments. I agree, for Michigan State University at this time, I think this is the right direction to go. I think I wouldn't have done it that way if I didn't think so, so yes.
- John Yeun: This is John Yeun again from the college of ed. I fully support this and I'm glad the president supports it. I'm hoping that we can make this vote as overwhelming as possible, to make as strong a statement as possible, and support both of our new president, and for the principles of transparency and openness.
- Chairwoman Deb: Thank you. Other comments, other discussion? We don't need to have a vote about the clickers again, we only have to do it once. A is yes, B is no, C is abstain. Is the vote open?
- Pres. Stanley: Yep.
- Chairwoman Deb: Okay. Make sure your light is on, yeah. Does anyone need more time? Are we ready? Thank you. Next on the agenda is the consideration of proposed faculty senate procedures, Tyler Sylvestre, yes.
- Dr. Ofole: Sorry, but before we get to that, do we need a motion to invite the Attorney General of Michigan, or can we just have somebody go get her?
- Chairwoman Deb: I don't know that we can get the Attorney General of Michigan, but we can surely ask. (silence)
- Tyler Sylvestre: Can folks hear me if I talk like this? My name is Tyler Sylvestre, I'm a third year student at the college of law, I am the chair of the university committee on academic governance, and I was a member of the ad hoc committee on bylaws reform. I'm also a member of the steering committee and technically a member of faculty senate, so I'd say "thanks for having me", but I had part in it, right?
- Tyler Sylvestre: I want to lay some context here. Back in spring 2018, there was significant frustration in faculty senate. A number of senators wanted to hold a vote of no confidence on the board of trustees following the appointment of president Angler, and basically, the problem we ran into was, how do we do that? It wasn't clear how to hold a special meeting. This was at the end of the year, UCAG was asked to make an ad hoc committee to review the bylaws, with this

issue specifically in mind. We reviewed the bylaws with this issue in mind, and about 89 other issues, and that's not a joke, it was actually 89 other issues.

Tyler Sylvestre: In August 2018, we issued a very long, very just thrilling report with our recommendations, one of them being procedures for the special meetings. In October 2018, UCAG amended some of them and then approved those recommendations, and sent them on to steering. I should also say, it was either October or November 2018, the whole package came before faculty senate. It was very long, it was about 90 pages, and the special meetings bit was one part of it, but there was of course a lot. A lot happened between October and April, including the package went to, I think, four standing committees and both student governments for review.

Tyler Sylvestre: We got a lot of feedback on it and incorporated that feedback, none of it was related to the faculty senate procedures or special meetings. In April 2019, Searing sent the faculty senate procedures to university council, and the other 89 to general counsel, those are different councils, like literally in spelling. Also in April 2019, university council took it up and tabled the bit about the faculty senate procedures, pending faculty senate discussion.

Tyler Sylvestre: That's where we are now. I want to show you what the problem was, the broad problem. University council in the bylaws has a lot talked about, the composition, the officers, the functions, the procedures, that's all laid out in the bylaws. Faculty senate sort of has that, composition officers' functions are covered, procedure is where we get a little murkier. It does mention what quorum is, it does mention who presides at faculty senate meetings, and it does mention how the agenda is created. The bylaws do the same for university council.

Tyler Sylvestre: Questions that are answered for university council but not for faculty senate in the bylaws include, how often are meetings? Are they open meetings? How do you call a special meeting? That's the big one, right? Then also, how long before a meeting do people need to have the agenda, know a meeting's happening, et cetera, those just aren't addressed in faculty senate. At this point, someone could wonder, "Well, why doesn't faculty senate just have its own set of procedures?"

Tyler Sylvestre: That's a very good question. I don't know, but they don't, and it's not actually clear through the bylaws that they could. It's a hole, it's an ambiguity. Actually, as I was sitting in back listening to the discussion earlier, I realized another thing that's missing, that I realized after I made this PowerPoint, is the ad hoc committee from the faculty senate that created this report, that I think we've all read on the effectiveness of faculty senate, do you know which bylaw allows the faculty senate to have an ad hoc committee? I'll save you some time, none of them do.

Tyler Sylvestre: Standing committees can and university council can, faculty senate is not empowered by the bylaws to make an ad hoc committee. Is that bananas? Yeah, of course faculty senate should be able to do that, and I really thank the ad hoc committee as such for the work they did. We should formalize that sort of thing, so there are holes abound. This was our first bit, was just general procedures. Meet at least once a month, and they'll be open with observers seated separately, this is directly mirroring the university council procedures.

Tyler Sylvestre: Also directly mirroring the university council procedures, the steering committee preparing the agenda is already in the bylaws, but the agenda being public and circulated a week in advance, that's not there. Each meeting allowing you to introduce new business, not in the bylaws, and steering committee canceling a faculty senate meeting if there's nothing to talk about, the way that they can for university council, nothing in the bylaws empowers them to do that right now. That's a problem. Again, this directly mirrors what we currently have in university council.

Tyler Sylvestre: Then there's the big bit, right? Here was our proposal, and you have the full text in front of you, so here's a cute little flowchart for it. The first thing is that one-third of faculty senate, the voting membership of faculty senate, emails or communicates by, I think the language is "electronic or writing", a request for a special meeting to one of the at large members of the steering committee. Keep in mind, the chair of steering is an at large member, but it goes to these at large members, and one-third needs to do that. At which point, if that one-third threshold is reach, an electronic vote of the faculty senate is immediately taken, again, the full voting membership.

Tyler Sylvestre: Is that passes by two-thirds, the special meeting will be called, not within 48 hours, that's still a notice provision that they want to make sure people have time to know what's going on, but it will be right quick, after 48 hours. That was our proposal. In reaching that proposal, we did a lot of research. We had, I think, a benefit that this other ad hoc committee, when I talked to some of their members, they said, "We didn't really have a lot of time to look at other schools' bylaws to see what their systems were." We did actually, we had a ton of time. We met 13 times and did a lot of work in between, and I have read so many schools' bylaws, and I hated all of it, but here we are.

Tyler Sylvestre: I actually even went historically back to look at previous faculty bylaws for this university. Back in '65, the president could assemble the academic council, and that is it. I have to say, interim provost, I loved what you had to say about being part of the inaugural class, because it's so struck me as exactly what we're trying to do here, right? Where before your class, students were in a really bad spot as far as academic governance, and it got better. Did it get perfect? No, I have got gripes left and right, but it was better. This is our turn to make it better, even if not perfect.

Tyler Sylvestre: Moving on, 68 and 71, the academic senate could be called again by the faculty, and then they changed it so that the academic council could also call the academic senate. U of M's bylaws right now require 15 of their 74 senators, 20.3, University of Maryland-Baltimore required 25%, Indiana University, only their equivalent of the steering committee can call it, the faculty themselves have no ability to call a faculty senate meeting, a special meeting, at least in my reading of the bylaws. University of Minnesota, 10 out of approximately 166, I say approximately because it's a very long list, and the odds of me having miscounted are decent, but it is in that area, it's about 6%.

Tyler Sylvestre: Our proposal, as I said, one-third to open the door, two-thirds to vote on the meeting, and then the meeting. This other ad hoc committee, asterisk, they had this idea which actually doesn't involve special meetings, it involves a senator, anyone can send proposed agenda items to regular meetings to the steering chair two days in advance, and then if the steering chair likes it, it goes on the agenda. That's a different way to deal with it, it's not quite special meeting per se, but I thought I'd mention it.

Tyler Sylvestre: You'll notice ours are higher than a lot of them where a percentage is required, our proposal was higher, accurate. What we were really worried about was constant special faculty senate meetings. We wanted a high bar, with the idea that if it is actually an emergency, that'll be an okay bar to clear, but frivolous reasons for special meetings will not get passed, that was the thought. I should say too, the ad hoc committee on bylaws reform, I forget the exact numbers, but I want to say 15-ish professors, many of whom had experience in academic governance, most of whom, and then a handful of students.

Tyler Sylvestre: As I said, this went to university council in April, there was a discussion that led to it being tabled. Here were some of the concerns raised, based on my review of the audio and the transcript. This didn't go to faculty senate, it sort of did back last fall, but it went as one little part, literally one-90th of what we had proposed. That's a problem, the point's well taken, and that's why here I am, with a whole discussion based on one of 90 things. I don't think the other 89 will require a whole meeting, but the point's well taken.

Tyler Sylvestre: This is too burdensome or slow, and one student member pointed out that ASMSU uses a quarter to get there, which is a little closer to some of those other universities that we talked about, and I think we should discuss that. Then the other was, and this is technical but an important issue, they wanted to add voting to what's there, 3.3.3.5. The question was, so you get the one-third of the voting membership to have an electronic vote, how many do you need at that point? How many people have to electronically say, "Yeah, I'm in," is it two-thirds of the voting membership, or is it two-thirds of the people responding?

Tyler Sylvestre: The ad hoc committee's intent I think was of the full membership, this person said that's a bad move, and university council seemed to agree with that. I think they had something like a motion to that effect, but it's a good point that we

should discuss, and I can come back to this slide as we actually discuss if people want, or we can bring up new stuff, whatever you want. Because I really want to emphasize this, I don't care what you want, it's all the same to me. I'll be in faculty senate for five more meetings or something, and then I'm going to go on and live my life outside of the university, a lot of you will still be here in faculty senate.

Tyler Sylvestre: I'm just this much jealous and exactly no more, but so this is up to you. When we had review with all the standing committees, a number of them said, "Hey, in your ..." What's the phrase the president's using right now, unmatched and unparalleled wisdom or something? "In our unmatched wisdom, we thought this was best for your standing committee." The standing committee said, "We disagree, we think that's a bad idea and we know better than you, because we're the standing committee," and we said, "Okay, you're right." We took it up, because it's not about us, we were just people who nominally had time to spend to this. Others didn't, and that's fine, we are so open to feedback. If you don't like our proposal, get rid of it, I don't care. We'll work on it with UK, [crosstalk] the point is to have the discussion with me.

Chairwoman Deb: Thank you, Tyler. Thank you very much.

Tyler Sylvestre: You're very welcome.

Chairwoman Deb: We understand that you don't care.

Tyler Sylvestre: Is it clear? Okay.

Chairwoman Deb: This is not an action item, because all bylaws have to go to university council, so this is an item for discussion only, so discussion? Andaluna, she's right-

Kyle Miller: Hello, Kyle Miller. Yeah, so one question I had really goes back to the timing of the special meetings. If I recall correctly, we were in a situation where we kind of wanted to have a special meeting perhaps immediately after the one that we were in. I think that the ideas are really good and I think it's a great idea to formalize things, but opening up the possibility that, for example, if two-thirds of the faculty voted that, we would have a meeting immediately, would be fine in terms of moving things forward that are particularly urgent.

Tyler Sylvestre: Sorry, are you saying a vote to have a faculty senate meeting immediately following the faculty senate meeting?

Kyle Miller: Or at whatever time. I understand the 48-hour delay has the idea of allowing people to gather their thoughts or make sure that they can come, but if there really is something urgent, I think, and if we got two-thirds of the faculty to agree to have a meeting whenever, even before the 48 hours, it could address at least the concern that this sort of discussion arose from.

Tyler Sylvestre: Sure. I think the first part of that, the case of immediately after, is solved by this other bit, where we said, "There will always be an agenda item allowing you to discuss new business," which does not currently exist. I think that would solve that limited case. There is still now a 47-hour gap, which discuss as you please, but thanks for going.

Chairwoman Deb: Could I just speak a little bit too to this? The problem at the time was not the vote of confidence in the board of trustees, the problem was that somebody wanted to put on the agenda a motion for a vote of no confidence on the president of the university. That was something that wanted to happen immediately, and what happened instead was, after a lot of discussion, the steering committee met after the faculty senate, and then that vote was going to be sent out to the academic congress, which is all of the voting faculty.

Chairwoman Deb: The problem was that nobody really seemed to know how to do it, and what it was that we were supposed to do, and it was very confusing, and we were all very confused. I think that one of the things that would be possible is, when we talked at the very first meeting about simply suspending the rules of the faculty senate, which can be done with a two-thirds majority of the faculty senate, I think that would've solved that problem entirely, but we were not aware of that at the time. If you suspend the rules of the faculty senate, then another item can be put on the agenda, so that would have dealt with that problem. Discussion, yes.

Andaluna B: Andaluna Borcilla, James Madison College. Yeah, thank you for Professor Moriarty for bringing up the specifics of that history, because I think it's important. We didn't know what to do as a senate to have an emergency meeting. There was also then the fact that the provost's office didn't send out the email for people to vote on, and we can all draw conclusions about that. That was an emergency situation, and so I really appreciate all of the work that this committee has done and Tyler has done, but I just worry about a couple of the assumptions there.

Andaluna B: One is that faculty would frivolously ask for emergency meetings. This came out of a context that clearly showed us that if we want to have an emergency meeting, we have no process and we weren't able to have that meeting. This needs to make that process clear, transparent, and possible. The problem was not that we were frivolously asking for emergency meetings, though I guess you could consider that, I'm not saying you're saying that, but that's the problem? No, people on senate are not running around frivolously asking for meetings, so that's the kind of emergency and crisis we faced in this institution, unfortunately.

Andaluna B: Now, and the way in which this policy is written at this point, it has too high thresholds we have to pass. One-third of the senate needs to appeal to the one steering committee person, do they have a choice as to whether or not to call the meeting? Then two-thirds of the senate need to approve for emergency

meeting to take place, that seems like a whole lot of obstacles for an emergency meeting. It doesn't seem like it's built in to allow an emergency meeting if it's necessary, it seems more like it's built in to discourage from an emergency meeting if we need it.

Andaluna B: That is a concern to me, there are some operating assumptions here, and the procedure itself would make it more burdensome for us to do an emergency meeting if we need to. I didn't frivolously ask for a vote of no confidence on the president of the institution, whatever my people might think about that, we were at a crisis mode. Unfortunately, crisis has been the way in which this institution has functioned, and I don't want it to function that way, but as a senate, we need to be able to deal with that. Thank you.

Tyler Sylvestre: Really briefly, I'm very sorry if it came off that I was suggesting that that particular one was frivolous. No, it wasn't, I'm very glad it went the way it did. It's not that we think that senators would do that, it's sealing up the possibility that they could. We take all sorts of precautions for things that aren't likely to happen, but we still lock our doors at night, et cetera, even if we're not accusing anyone per se of doing something. I'm very sorry if it came off that that one was frivolous, I'm not suggesting that at all.

Chairwoman Deb: Dr. Ofole?

Dr. Ofole: Robert Ofole, college of engineering. I also think that those thresholds are way too high. I think requesting a third of the senate to request a meeting when something is happening around campus that should be addressed really is, I don't think it serves to open things up the way we are thinking of this. I think something in the neighborhood of 15 to 20% is perhaps more considerate, and then we are not in congress asking for two-thirds approval, that's another very high threshold. I would like to see us collectively come up with numbers that say, "Yes, if there is an issue, we are willing to work out that." That's why we're elected here, and if we're going to be that reluctant to address issues, then we shouldn't be here.

Chairwoman Deb: Thank you. Other discussion? Yes, in the back, Dr. Nunes?

Dr. Nunes: Tyler, I really appreciate the work that you've done on this, and I have the same sentiment, that the threshold is too high, but I want to make a different point. My point has to do with what is not in the bylaws. All right, so the bylaws cannot cover everything, and when the bylaws is amiss, then the chair of the body, in this case it would be the chair of the steering committee, has some freedom. It should not be interpreted as, "Oh, you can't do anything," and the proof is, an ad hoc committee was formed, worked on something, came up with solutions, and they're being considered, right?

Dr. Nunes: We shouldn't interpret that the bylaws need to have every single small step in the process, because that would be actually paralyzing. You don't want bylaws



to be over-prescriptive, you want to have some flexibility because there will be situations in which you want to take a different route than what might be envisaged in the bylaws. The bylaws has the rough draft of how things should happen, but then there may be some details that you want to have flexibility. Having said that, I don't know that the special meeting is one of them, but you have 89, and so that worries me, right?

Dr. Nunes: We don't want to go overboard, and I really like those balanced bylaws that still allow flexibility in how we implement some things. Regarding special meetings in exceptional circumstances, I also believe that you want to cut the red tape to the bare minimum. Really, I may be on the other end of the spectrum that you only need a few people, or perhaps even give the flexibility for the chair of the steering committee to call a special meeting regardless of whether there's been 20 faculty calling for it, because these are exceptional circumstances and there should be exceptional measures that go with it.

Tyler Sylvestre: Thank you for that, just two brief points. To the first part, I didn't mean to suggest that we had 90 additions, we had 90 amendments, so some things where the current system isn't working so they're changed, it doesn't add 90. To the other part, there's a legal maxim, and one of my law professors is here and she knows I don't know Latin, so I'm not going to attempt it, but there's a principle where if it's said in one spot and then left out of the other, you assume it was meant to be left out. The fact that university council does cover these things, and then over here it's not there, generally when interpreting bylaws and laws and such, the principle then is, "It's not there for a reason because they're not empowered to do it."

Tyler Sylvestre: A great example of this is, every chair of a standing committee, it says in their description, the chair of whatever will be on steering, except UCSA because the chair is generally a student. That is the only one it doesn't say, "They're guaranteed to be a voting member of steering committee," and so it's read that way to exclude it, because it's mentioned everywhere else but not there.

Dr. Nunes: [inaudible]

Tyler Sylvestre: Right.

Dr. Nunes: I don't see how, because the university council that could tell the faculty senate to have a special meeting. These are separate bodies, so I don't know that that holds.

Tyler Sylvestre: Fair.

Chairwoman Deb: Are there other ... Yes, thank you.

Dan Gold: Dan Gold, education, just real quick, and I don't want to bog us down with too many details, but does the senate exist for nine months or 12 months? If a

circumstance came May 14th, can you implement this May 16th with some senators being on nine-month appointments? It would seem like that should be in here somewhere, whatever the operationalization of it is, am I a senator in the summer?

Chairwoman Deb: Right, exactly. Most of us are not on faculty in the summer, yeah. Other discussion?

Amelia M: Amelia [Marcek-Taylor 01:21:32], I'm representing the libraries. It seems like a lot of folks are feeling like this threshold is really high. Is there any kind of mechanism to maybe come up with an alternate proposal? I don't know if before university council is probably too soon, but yeah.

Tyler Sylvestre: Absolutely, there is. UCAG is always happy to look at that, the committee I chair, and this is technically part of the bylaws proposal that's going in front of university council in November, so we actually have a lot of time. There will be another faculty senate meeting before university council votes on this, and I can come back to you and say, "Here's what UCAG came up with in response to faculty senate's concerns," but so there is very much a mechanism.

Amelia M: [inaudible 01:22:15].

Tyler Sylvestre: Sorry, what was that?

Amelia M: It seems like that would be well-taken, if you wanted to do that.

Tyler Sylvestre: Thank you.

Chairwoman Deb: Could we have an advisory vote, just a show of hands as to whether or not we would like to hear this again, a faculty senate with a slightly different proposal, with a proposal that responds to today's discussion? [inaudible] Pardon me? This is just an advisory vote, this is not an action item vote, right? Just whether or not we want to move this discussion to the next faculty senate meeting, with a proposal that has reacted to today's discussion at faculty senate. All in favor, raise your hand. Opposed, raise your hand. Thank you very much, thank you Tyler.

Tyler Sylvestre: Can we have, really briefly, one more advisory vote, just so I can take UCAG with more than less? Can I pitch a number, for example? If I said 15% of faculty senate, is that, A, is a vote in order, and B, is that something you want? [crosstalk]

Chairwoman Deb: I would actually suggest that you bring multiple actions, that you bring an option that has the executive committee is able to do it, or the president is able to do it, or just bring a slate of things for people to look at.

Tyler Sylvestre: Okay, we can do it. Great, thank you so much.

Chairwoman Deb: Thank you.

Dr. Nunes: I'm sorry, could I ask the question, Tyler, what does ASMSU do again when they want to call an emergency meeting?

Chairwoman Deb: Nora, stop me if I say anything not accurate, I believe it's a quarter.

Dr. Nunes: They're not in two steps though, this is two steps.

Tyler Sylvestre: Correct.

Dr. Nunes: No, so they just have one step to call for an emergency meeting.

Tyler Sylvestre: Correct.

Dr. Nunes: It's not two steps, it's not like [crosstalk 01:24:04], so having one step might be a consideration, or lowering the threshold for each step certainly as well. I just want you to think about that as an option, thank you.

Tyler Sylvestre: Thank you.

Chairwoman Deb: Okay, next item on the agenda, provost search. You all received the email asking for nominations, I would like to read to you from the very long, this is the procedures for faculty and student participation in the selection of specified university level administrators. This is from academic human resources in the faculty handbook: "1.5: When advising the president or the provost regarding a specific procedure to be used, the steering committee shall consult with the faculty senate. Consultation with the faculty senate shall take place prior to final steering committee advice to the president or the provost." This is in regard to the search for a provost.

Chairwoman Deb: "An advisory committee will be appointed by the president or provost to provide them with evaluation or recommendations on individuals under consideration. The steering committee shall advise the president or the provost on the general composition and specific membership of the advisory committee. The advisory committee shall consist primarily or wholly of faculty and students, and shall include women and minorities. Selected members who might be judged appropriate by the steering committee may be added. All persons or groups involved in selecting or identifying the members of the special advisory committee share the responsibility of including women and minority committee members."

Chairwoman Deb: Based on that, president Stanley asked us to recommend a slate of three people that we would bring forward to him, he has agreed to choose one of those

three. We asked the faculty senate in consultation mode to supply nominations. What we will do after this meeting is finished is, the faculty members of the steering committee will remain. Each one of them, based on the slate of nominees that we have, will put forward their top three people. We will have a vote, we'll do it by paper ballot, Gary and Sherry will compile the ballots. We will then discuss the results, we will discuss the people who have been nominated, and after that discussion we will vote again, and then we will take the top three nominees and we will give those to president Stanley.

Chairwoman Deb: I just wanted to let you know exactly what the process is, and where this came from. This is, in case anyone ever asks you, this is commonly called Taylor 2, rather than the procedures for faculty and student participation and selection of specified university level administrators. If you ever are looking for Taylor 2, it took us an hour to find this, because we were looking for Taylor 2, so it was not an easy search. Anyway, that is the plan, that's what we're planning to do. Next is, comments from the floor.

Andaluna B: Andaluna Borcilla, James Madison College. When we worked on our language for our resolution, Sandra, maybe you can help me out with this, we really were thinking about some important things as well, in terms of the search committee for the provost. I'm just going to take this opportunity to actually maybe point Sandra in on this. I think one of the things that's happened is that the humanities as well as the arts have been marginalized, and it seems really important that president Stanley, when you're putting your committee together, if you could pay attention to the fact that there are parts of our university that have been marginalized and left without a voice.

Andaluna B: I think that having representation from particular colleges that have been left out of the conversation and that are really important historically, that we pay attention to, as well as having the diversity that comes from different parts of the university that might not have the numbers, in terms of size, or might not bring the dollars that added this value to the university, including programs and colleges, I'm going to say James Madison College because it's a residential college, but it's not the only one, programs that value teaching and put teaching at their fore. Thank you.

Chairwoman Deb: Thank you. Other comments? Yes.

Marty Krim: Just discussing amongst us here ... Yeah, Marty Krim, you know who I am, okay? It's not clear to me how many faculty representatives will be on this search committee. I'm a little bit concerned when I hear at least one nominated by faculty senate. The provost is a chief academic officer in the university, and is the leader of the faculty, and so I'd like some clarification if our president is willing to give us some clarification on this.

Pres. Stanley: I haven't come up with a number yet, in terms of the number of faculty, but obviously I hope faculty will be very well-represented on the search, for all the

reasons you've talked about. I think, I guess what I'd say is I've done three provost search before, go back and take a look at Stony Brook University and look at the composition of those committees to get an idea of what I valued.

Marty Krim: There was a possibility that faculty will be included on this search that don't come from the faculty senate?

Pres. Stanley: Absolutely, absolutely.

Marty Krim: Thank you, that's the clarification I was looking for.

Pres. Stanley: No, we would never move forward with one faculty member, not having that, not at all.

Chairwoman Deb: Other comments? Yes.

Speaker 25: This is on? Okay. I just wanted to put forward one more suggestion, that when you're considering faculty, to actually consider how many of them have an administrative position compared to just rank and file faculty. When the presidential search committee was put together, there was exactly one rank and file faculty member who did not also have an administrative position. If we're looking for cultural change, I think you need fewer administrators.

Pres. Stanley: Thank you.

Dr. Ofole: Robert Ofole, engineering. Knowing what I've already read about you, I probably don't need to ask this question, but I want some assurance, that we're also going to have representation from students, because while the provost is our leader, his or her biggest job is really to make sure we have a distinctive program here that our students will benefit from.

Pres. Stanley: Thank you, yes. I've asked for nominations both from undergraduate student government and graduate students as well.

Chairwoman Deb: Other comments from the floor?

Pres. Stanley: Just thank you for the input. Well, there's still more, yes, thank you.

Jeff Wray: Hello, Jeff Wray, English and CAC representative. I guess my question is, first, has a search firm been chosen? Secondly, having been on a number of searches here with search firms, in regards to how well they do diversity, it has been wildly very different. At some points, I've been extremely disappointed with the firms' efforts, and so I just want to, again, reiterate that the both broad and narrow diversity component, especially of the search firm, is very, very important. I feel like a lot of search firms end up getting away with being just okay, and that's not good enough.

Pres. Stanley: Thank you, I appreciate that comment. We've not selected a firm yet, we're looking at a number of ones. Those who've successfully completed provost searches recently are leading the pack, but we'll also look at numbers related to diversity as well in terms of their placements. As I said, I'm committed here, and members who serve around the committee hopefully will back up that in post fact, that we will have a diverse pool to work with. Again, if the search firm cannot put together a diverse pool, then we won't move the search forward 'til they can, and if they can't at that point in time, we'll get another firm that will do it. Hopefully we won't run into that kind of delay, but that'll be my expectation, that we will have a diverse pool.

Calia Benitez: Calia Benitez, James Madison College. I would like to urge you to have different types of institutions or something that we can actually participate, so when we want to nominate someone or if we want to be actually the nominees, then we can actually do it, to be in that committee. It's going to be possible to have something like this, or it's just you deciding, I would like to actually have a much more wider approach to who is actually on the table.

Pres. Stanley: Well, I think again, the process you've just gone through, with asking the senate members to nominate people, so all of you had the chance essentially to nominate people for the committee, so that's been taking place. Nominations for the provost will be available, for the provost we'll set up a website once the firm is hired, so that we can get nomination for the provost position itself, if you're talking about that. For the committee, that's what I've done essentially, is reach out to faculty on the faculty senate to make nominations and so on for members of the committee, and that's what's going to be taking place afterwards.

Pres. Stanley: At the same time, there's outreach and we've talked to all the deans of colleges and asked them to nominate faculty as well that they think might be good participants. That's the ways in which we've tried to be broader in this.

Calia Benitez: I'm not understanding. I thought that it just was one, so you were going to select one. What I'm asking you is, the much more broader approach than just one from this committee.

Pres. Stanley: Yeah. I just think, again, we're trying to keep the committee at a manageable level, so I've made the commitment that there will be one if I was satisfied with the qualifications and the composition in the committee. These things are extraordinarily difficult, I think, in some sense, to do well, because one wants to represent as many constituents as possible without putting together a committee that's so large and cumbersome that it can't reach and do the work it needs to do. Again, I know there's concerns about trust, but there has to be some trust in this process, that I'm trying to look as broadly as I can.

Pres. Stanley: Please don't laugh, but yes, I'm trying to look as broadly as I can. It's in my interests, obviously, I think to put together the most representative committee I

can, because I think that's how we're going to get the best person. Again, I think if you have ideas of people you think would be good ... The other thing I'm trying to look is diversity, it'll be not just full professors, but have assistant professors on the committee as well, so we have that broad view that comes from that.

Pres. Stanley: We'll put together something that I hope is representative, I'm sure at some point in time I'll miss something, and if I do, then I'll listen to the feedback that comes as the committee is announced, and occasionally I've been known to add people after that, which I've done in the past if it looks like we missed a key constituency. There'll be an opportunity for input when it's announced to come through as well, but thank you.

Joyce Meyer: Joyce Meyer, writing, rhetoric, American cultures. I just want to put in a plug, that also the president consider the large numbers of non-tenure track faculty here and academic specialists. They tend to fall in a hole between tenured professors and the graduate/undergraduate student cohorts. I'm saying that in light of also a prior report we saw last year about the large numbers of those constituents here on our campus.

Pres. Stanley: Thank you, that recommendation has been made, and so we're definitely looking at, and I've again solicited requests from a number of units for people who are academic specialists, as well as for non-tenure track faculty, so thank you.

Chairwoman Deb: Thank you all. I would just like to say a thank you to our microphone holders. I don't think I can think of a worse job than having to come to faculty senate and carry microphones, so thank you very much. Is there a motion to adjourn? Is there a second? All in favor? Thank you, see you next time.