

Online Voting Motion for Amending The Constitution

Rationale

The Constitution of The University of Memphis Faculty and The Faculty Senate needs to be amended from time to time to keep it in sync with a changing world. There is a standard procedure to amend the Constitution, which is stipulated in Section 7 of the same Constitution. The amendment procedure has one practical challenge: it needs a quorum of faculty to be present at the University Faculty meeting when the amendment is voted upon. Experience has shown that it is difficult to have a physical quorum at University Faculty meetings, which makes it extremely challenging to amend the Constitution. Sometimes, amendments can take years to go through a vote because of this problem.

To solve the problem of having a physical quorum, a solution is to move to an online voting system where the quorum problem can be solved, at least in theory, because every faculty has an online presence. The Faculty Policies Committee has translated this solution into a reality by developing a procedure for voting proposed amendments to the Constitution online.

The new procedure for amending the Constitution that includes the online voting option was designed following two basic principles: (1) it should follow as much as possible the traditional procedure and (2) it should differ from the traditional procedure in ways that are necessary to make the procedure operational in an online environment. Furthermore, the newly proposed procedure for amending the Constitution was so designed to allow all Faculty to provide input at several points during the amending process as opposed to just at the Faculty meeting when the amendment is voted upon.

One critical issue with moving the traditional amending procedure to an online environment was the implementation of the step dealing with amending the original amendment from the floor (Step E in the current amending process). This becomes a problem online because online the floor and voting changes from synchronous to asynchronous. Substeps E.a-E.d of the new amending procedure deal with the issue of amending the original amendment when voting online. All these substeps were carefully designed to keep the amending process within reasonable time limits.

Motion

The Senate recommends the Constitution be amended to allow online voting as yet another option to vote on future Constitution amendments following the new amending process developed by the Faculty Policies Committee.

The old section on the Constitution outlining the Constitution amending process.

Section 7 AMENDING THE CONSTITUTION

By a two-thirds vote of those present and voting, the University Faculty may amend this constitution during the academic year either at a regularly scheduled meeting of the University Faculty, or at a special meeting of the University Faculty called, with at least fifteen days written notice. The following sequence shall be followed in proposing amendments:

- A. An amendment(s) must be recommended by at least ten members of the University Faculty;
- B. An amendment(s) must be submitted, in writing, to the Faculty Senate for its consideration at a regularly scheduled meeting of the Senate;
- C. The amendment(s) must be voted upon by the Senate at its next regularly scheduled meeting;
- D. The amendment(s) must be submitted, in writing, to all members of the University Faculty, with the recommendation(s) of the Senate attached;
- E. The amendment(s) must be voted upon by the University Faculty. (An amendment so presented to the University Faculty may be amended from the floor at a University Faculty meeting by a majority vote of those in attendance, in accordance with regular parliamentary procedures.)

The new process for amending the Constitution.

Section 7 AMENDING THE CONSTITUTION

By a two-thirds vote of those voting, the University Faculty may amend this constitution during the academic year either at a regularly scheduled meeting of the University Faculty, at a special meeting of the University Faculty, or through online voting, with at least fifteen days written notice. The Executive Committee will decide the type of the first voting attempt. If a first voting attempt fails due to a quorum not being met then the online voting becomes the default type of voting in the second attempt. The following sequence shall be followed in proposing amendments:

- A. An amendment(s) must be recommended, and a rationale provided, by at least ten members of the University Faculty;
- B. An amendment(s) must be submitted, in writing, to the Faculty Senate for its consideration at a regularly scheduled meeting of the Senate. University faculty may come to the Senate meeting and provide input. Online public, non-binding discussions of the proposed amendment(s) must occur for a period of two weeks prior to the Senate meeting mentioned in the next Step C;
- C. The amendment(s) must be considered by the Senate at its next regularly scheduled meeting. The Senate may not modify the amendment before being authorized by the Faculty vote;
- D. The amendment(s) must be submitted, in writing, to all members of the University Faculty, with the recommendation(s) of the Senate attached. The recommendation(s) of the Senate (In Favor, Against, Needs To Be Modified) should include a list of suggested amendments to each of the original amendment(s) together with their rationales. The recommendation(s) should be accompanied by counts of the Senate recommendation(s) tally on the original amendment(s) for each of the four possible outcomes: In Favor, Against, Needs To Be Modified, and Abstain;
- E. The original amendment(s) must be voted upon by the University Faculty. If the vote is cast at a regular or special University Faculty meeting, an amendment so presented to the University Faculty may be amended from the floor at a University Faculty meeting by a majority vote of those in attendance, in accordance with regular parliamentary procedures. For online voting, the following steps must be followed:
 - a. A first online vote is initiated for the originally proposed amendment to the Constitution. University Faculty will be given a 2-week period for expressing their vote. The vote will include three options: In Favor, Against, Needs To Be Modified. If the Needs To Be Modified option is chosen, the voter will have the opportunity to explain the reason and propose an amendment to the original amendment in a text box. At the end of the voting period, assuming a quorum has been met, the original amendment passes if two thirds of the votes are In Favor. If more than one third of the votes are Against, the amendment is rejected and the Constitution does not get amended. Otherwise, if the total number of votes In Favor and Needs To Be Modified are more than two thirds the amendment is passed on to the Senate for possible amendments.
 - b. The Faculty Policies Committee with optional input from other Senate committees will analyze the proposed amendments to the original amendment(s) and reword the original amendment(s), which will be passed on to the Senate for parliamentary voting. The Faculty Policies Committee will have to initiate this task in the first meeting of the committee following the closing of the online voting and send the Senate the new amendment(s) after the committee's second meeting following the closing of the online voting process.
 - c. The Senate must vote on the new amendment(s) at the first meeting following the second meeting of the Faculty Policies Committee after the online voting. The Senate may amend the new amendment(s). The Senate will recommend to either accept or reject the new amendment(s). The new amendment(s) will be passed on to the University Faculty along with Senate recommendations for online voting following the rules stipulated in Step D of this Section. The second round of voting will be preceded by a 2-week online, public, and non-binding, discussion period.
 - d. The second online voting will be initiated giving University Faculty a time window of two weeks to express their vote. The vote will only include two options: In Favor or Against. If two thirds of those voting are in favor, assuming a quorum has been met, the new amendment passes. Otherwise, it fails and the Constitution does not get amended.