

Northwestern University  
Minutes of the Faculty Senate  
Videoconference  
February 9, 2022

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The Northwestern University Faculty Senate held its standing monthly meeting on February 9, 2022, over Zoom videoconference. President Robert Holmgren called the meeting to order at 5:01 p.m. A quorum was present.

The president noted that the minutes from the January 12, 2022, meeting were approved and entered into the record.

The president then began his report.

The president reminded the Senate a luncheon with the Board of Trustees will be held on March 4, 2022 in the atrium of the Allen Center. He said the discussion topic is “How Can Northwestern Contribute to a Sustainable Future?”

The president said there were 95 positive tests for COVID last week compared to 181 the week prior. He noted that the number of tests given shrunk due to students not being required to test each week. COVID cases in Evanston, he said, are also dropping significantly, which he took as an encouraging sign.

The president said a complaint from ASG indicated that some students in quarantine were having difficulty accessing materials for classes. Access seems to vary dramatically from class to class, but he said it is something worth monitoring.

Lastly, the president said there are a large number of staff openings at Northwestern. Last week, he said, there were 667 job openings, which is roughly double the number the University typically has at this time of year. He also pointed out that later in the meeting, a joint resolution will be brought to the floor for consideration on this very issue.

The president concluded his report. He then opened the floor for questions. Hearing none, the president moved on to the next agenda item.

The president recognized Senator Joshua Hauser, who presented a tribute to former Faculty Senate President Edward. F.X. Hughes, who passed away unexpectedly. Senator Hauser said Dr. Hughes was a treasured teacher, colleague, and friend to many, including several members of the Faculty Senate. During his 45 year career at Northwestern, Senator Hauser said Dr. Hughes was a pioneer in healthcare policy. The Faculty Senate was particularly important in Dr. Hughes' life. He served as Senate President during the 2015-16 academic year, and was instrumental in building the robust model shared governance the Faculty Senate engages in currently. No detail was too small, and his decency and kindness were unmatched, Senator Hauser said. Senator Hauser ended with a touching example of Dr. Hughes' wit, passion, and empathy: a text message he received from Dr. Hughes about the Boston Red Sox postseason run, checking to make sure all is well, and expressing joy about his time on the Cape.

The president then resumed discussion of the [proposed amendments to the Faculty Assembly Bylaws](#). The president noted that there had already been extensive discussion on this matter at the Fall Faculty Assembly, the November Faculty Senate meeting, and a special meeting of the Governance Committee in January. He also said the Executive Committee discussed the proposed amendments at a meeting last week and there was unanimous support for amending the Faculty Assembly Bylaws. He also reminded senators that a two-thirds majority of the entire Senate, not just those in attendance, would be required to pass the proposed amendments.

The president relayed where the Senate's deliberations left off: a motion was made to approve the proposed amendments to the Faculty Assembly Bylaws. That motion was then seconded, opening the floor for discussion. During discussion of the main motion, a secondary motion was made to strike the phrase "nonbinding recommendations and" from the proposed amendments. That motion was seconded at the November Senate meeting and discussion ended with Senator Kyle Henry.

The president then opened the floor for discussion on the secondary motion, beginning with Senator Henry.

Senator Henry said he still had questions about the need to clarify nonbinding versus binding. Senator Mark Witte, the Chair of the Governance Committee, said a question emerged during the proposal stage about whether or not a resolution from the Faculty Assembly was binding. The committee discovered all resolutions from the Faculty Assembly are nonbinding. The committee thought it best to be explicit regarding that fact. Senator Henry then asked if Faculty Senate resolutions are considered nonbinding. The president said the Senate's resolutions are nonbinding. Where the Senate has legislative power, the president said, is the wording of the Faculty Handbook and conferring honorary degrees.

Senator Karen Alter said she was troubled by the addition of nonbinding. By its very nature, she said, a resolution is nonbinding, but the addition of the term signals the faculty have no power. In her view, there is a symbolic resonance when ten percent of the faculty come together and issue a resolution. Faculty governance was designed as a bicameral institution and she said she believes both bodies and their resolutions should matter.

Past President Therese McGuire said the insertion of the word nonbinding does not remove the ability for the Faculty Assembly to pass resolutions. She then called the question.

The president noted that Senator Luís Amaral raised his hand and asked if Past President McGuire would allow him to speak before he entertained a second. Past President McGuire agreed.

Senator Amaral expressed concern about the move to limit democracy. He cited the end of discussion with the Provost at the January meeting and the current example as a pattern of quashing dissent. He said he recognizes the same sentiment in the effort to change the Faculty Assembly Bylaws, and for that reason he opposed the amendments.

The president made a clarification: the question was called to end discussion on only the motion to strike “nonbinding recommendations and” from the proposed amendments. The motion made by Past President McGuire would not end discussion of the amendments as a whole.

Past President McGuire's motion was then seconded and approved.

Following that vote, the Senate approved the motion to strike the phrase "nonbinding recommendations and" from the proposed amendments to the Faculty Assembly Bylaws.

The Senate then returned to discussion of the main motion. The president called on Senator Carol Heimer first.

Senator Heimer urged her colleagues to vote in favor of the proposed changes. She said clarity in administrative matters is consequential because it helps faculty know where to invest their limited time in faculty governance. She said the Faculty Assembly does have an important role to play, but on matters of day-to-day governance, the Faculty Senate is the consequential body, and it is important to make that clear. The Faculty Senate has a structure in place, she said, to carryover matters from year to year, and committees that orient towards the administration and vice versa. She said she's also had concerns about the administration splitting the faculty, playing the two governing bodies off of one another, thereby weakening the voice of the faculty as a whole.

Senator Judy Franks expressed some concern over the timing of these changes. With a new University President coming in the fall, these amendments, she said, might be perceived as limiting the faculty's voice on matters of governance. Instead, she claimed the Senate could do a better job educating faculty on the role of these two bodies rather than assuming the Faculty Assembly will simply be ineffective.

Senator Amaral said the central question is why a bicameral system was selected in the first place and what was done to give both bodies the opportunity to legislate. He said he was wary of making changes, beyond the cosmetic, without hearing from the entire faculty. Therefore, he encouraged senators to vote against the motion.

Senator Barbara Newman spoke in favor of the motion. In her view, there weren't many substantive changes being proposed, and more so clarification of the language. She also said the motivating force for the legislation was to acknowledge reality as opposed to the world faculty wished existed, in which all faculty took a profound and active interest in the governance of the University. It's been her

experience that faculty are incredibly resistant to even serve a term as a senator, let alone consistently engage with the Senate. But the fact remains the Faculty Assembly has never had a quorum, nor active participation, she said, and to say the Faculty Assembly should have expansive powers is nonsensical given that fact. Still, the Faculty Assembly has two important functions in Senator Newman's view: a sounding board for the administration to speak with faculty and as a collective voice during extraordinary circumstances, like a vote of no confidence.

Senator Rachel Zuckert said colleagues from her department (Philosophy) are not comfortable with the changes to Article II, Section 2, which strikes the phrase "ultimate legislative body." Her department agreed "legislative body" is the wrong term for the Faculty Assembly because it does not pass any laws. But they did however believe the removal of the phrase takes away power from the larger faculty by abolishing the right to override when they care enough about a topic for ten percent of the full-time faculty to gather.

Senator Henry said he still had concerns about the University President's ability to designate an alternate. Currently, the main function of the Faculty Assembly is to speak up to the administration, he said. And because there are so few avenues for faculty to speak directly to the University President, he disagreed with the provision granting the University President the power to choose when to come. For those reasons, he said he would vote against the motion.

Senator Lois Hedman said the decision to split faculty governance into a bicameral system might have initially been a good idea, but after twelve years it is clear the system does not work. She said every Faculty Assembly she has witnessed, and even the one she led, were poorly attended, and oftentimes administrators outnumbered faculty, which unfortunately demonstrated some apathy on the part of the faculty to participate in governance. Over a number of years, a lot of effort by Senate leaders has been dedicated to increasing attendance and engagement at the Assemblies, and it simply has not happened, she said. Regardless, Senator Hedman said the proposed amendments preserve the mechanism for ten percent or more of the faculty to pass a resolution. For those reasons, she said she would be voting in favor of the motion.

President-Elect Ceci Rodgers added her voice to those in support of the motion. She said she agrees with the idea that clarity in faculty governance is important. She also said she believed it was a particularly good time to amend the Faculty Assembly Bylaws in order to signal to the new University President how faculty procedurally govern at Northwestern.

Senator Witte said there was no discussion of getting rid of the Faculty Assembly. The roles are simply different, and these amendments are meant to clarify those roles. He also wanted to clarify a point about the bicameral system. He said faculty governance at Northwestern is different from the system in the U.S. because it does not need agreement from both bodies to pass resolutions.

Senator Enectali Figueroa-Feliciano asked if the University Statutes are the constitution of the University, superseding all other governing documents. Assuming that, he said that in Article III, Section 2, Faculty Assembly Part B, it says that “while the Faculty Senate is the elected, representative body of the faculty, when the Faculty Assembly is convened with a quorum (10%), it becomes the ultimate legislative body of the faculty.” He said in Section C, under the “Presiding Officer” the Statutes state that the “President or the President’s designate shall preside over meetings of the University Faculty Assembly, and cast the deciding vote in case of a tie.” Senator Figueroa-Feliciano also asked why the Senate is considering a motion to amend the Faculty Assembly Bylaws when it contradicts the University Statutes. And he also wondered who has the power to change the University Statutes and what the procedure is to do so. The president said if the Senate votes to approve the proposed amendments, then the amendments must go to the Board of Trustees for their consideration. Only the Board of Trustees has the power to change the University Statutes. However, the president said the faculty must choose to amend the Faculty Assembly Bylaws first before the Board of Trustees can consider making a change. Senator Figueroa-Feliciano asked when the last time the University Statutes were changed. Past President McGuire said there was a conflict between the Faculty Assembly Bylaws and the Statutes, and the Senate, after the Faculty Assembly did not achieve a quorum, passed a resolution asking for the Board to align the Statutes with the final article in the Faculty Assembly Bylaws, which had been in place since the Faculty Assembly’s inception. She said the Board ultimately approved the Senate’s request. She also added the group working on the proposed amendments included representatives from the Provost Office, General Counsel, and the Office of Administration and Planning, which has a direct line to the Board of Trustees.

Senator Alter said the reforms are mostly housecleaning items, which is good and necessary in her view. But she was confused why Section 1 needed to be changed. Likewise, the language regarding the University President's designate and the removal of the phrase "ultimate legislative body." She said she was frustrated at having to vote against something a committee spent a long time working on, especially when a number of the changes are useful updates, but the more substantive changes force her hand. She lastly made a suggestion to send the changes back to the Governance Committee for more clarifications.

Senator Hannah Feldman said she agreed with Senator Alter. She said every member of her department (Art History) came to the department meeting she held to discuss the proposed changes to the Faculty Assembly Bylaws, and they each voted against moving forward with the changes. Their sense was, real or perceived, that the changes would limit faculty powers. They raised objections to the same sections Senator Alter pointed to. She also expressed concern over prompting the Board to make changes to faculty governance in the University Statutes. For those reasons, she encouraged senators to vote no and seconded Senator Alter's idea of sending the changes back to the Governance Committee.

Senator Steve Adams said he was interested in calling the question. He said he was concerned this issue was taking up too much of the Senate's bandwidth. The president acknowledged there were more hands raised. He then asked if Senator Adams would be willing to let them speak first. Senator Adams agreed.

Senator Henry suggested voting no on the proposal and sending it back to the Governance Committee for further revision. He felt that committee could parse through uncontentious housecleaning clauses versus the more contentious clauses.

Past President McGuire said, in her view, there is nothing in the proposed amendments that strips any power from the Faculty Assembly, and that is why she encouraged her colleagues to vote in favor of the motion.

Senator Witte said there were individuals wondering why the Senate was discussing the matter of changing the Faculty Assembly Bylaws now. He said the process has been going on for months and now the Senate reached the stage where discussion and vote is required. As for the issue of the University President's designate, Senator Witte said the faculty cannot compel the University President to show up. However, if the President did not show up, then the Faculty Assembly would be prevented from performing any of its other roles that did not involve being a mode of communication between the faculty and the University President.

Senator Feldman said she sees the striking of the phrase "ultimate legislative body" as a significant change to the power of the Faculty Assembly.

Senator Amaral said there is different understanding among faculty of the importance the University President attending the Faculty Assembly. He said if a University President chooses not to attend the Faculty Assembly, it would demonstrate a lack of respect for the faculty. Changing the language to allow the University President to designate a replacement builds in an excuse, and that would be a bad result, he said.

Following that, Senator Adams motion to call the question was seconded. The motion was approved.

The Senate then voted on the main motion, to approve the proposed amendments to the Faculty Assembly Bylaws, with an amendment to the motion to strike the phrase "nonbinding recommendations and." The motion failed. The final vote was 49 to 22 in favor of the motion (the Faculty Assembly Bylaws required two-thirds approval of the full Senate membership, which was 63 votes at the time the vote was taken).

Senator Newman said she hated to see the work of a key Senate committee come to nothing. She was curious if the Senate could reconsider the proposed amendments and vote on them one section at a time, so at least the less controversial items could be codified. The president suggested the amendments get sent back to the Governance Committee, but before the Senate sees the amendments again, they must be sent to the Faculty Assembly for consideration.



Senator Henry asked if there was a still a way to send the amendments back to committee and then present them to the Faculty Assembly again. Senator Witte clarified that the Governance Committee could write a new proposal then present those changes to the Faculty Assembly. The president said the Governance Committee would also need to work with the Office of Administration and Planning to ensure the Board of Trustees would approve such changes.

Senator Alter asked if the Senate could have taken a straw poll, or could consider the most recent vote a straw poll, in which case the amendments could formally get sent back to the Governance Committee. The president said the idea of a straw poll was put forward, but Robert's Rules does not allow for such an action before a formal vote is taken.

Senator Amaral said he thought there would be almost unanimous agreement on all but two or three of the proposed changes. He also wondered if a poll could be launched, not on a yes or no scale, but a spectrum of choices, which would give the Senate an idea of where the outcome might lead. He also seconded the idea of allowing for the vote on the main motion to be a straw poll.

The president asked the parliamentarian, Roger Boye, for a ruling. The parliamentarian said a vote was taken and the motion failed. He said it would be inappropriate to nullify the results of a clear and obvious vote.

Senator John Thorne said he was frustrated by senators speaking against the motion now trying to reverse the outcome they sought in the first place. He encouraged the Senate to be more strategic in the future at the risk of being labeled ineffective.

Senator Mark McCareins filed a motion for reconsideration of the vote given that the main motion wasn't made or seconded. He also concurred with Senator Thorne's statement about the process being flawed. The president said the motion was made and seconded at the November Faculty Senate meeting, and also that motions from standing committees do not require a second.

Senator Feldman said she felt early truncation of conversation was to the detriment of the Senate. She also wondered if an ad hoc committee could be convened to review these amendments again. The president said the Governance Committee is devoted to amending the Bylaws and they will decide how to move forward.

Senator Hedman asked if the Senate could move on. The vote took place, the results are being honored, and she said it was time to move on to the next agenda item. The president said he would like to let the people with hands raised speak and then move on to the other agenda items.

Senator Hao Zhang thanked the president and all the committee members for all their time and effort.

Senator Angela Lee asked if the Governance Committee could meet and provide a recommendation to the Faculty Assembly. The president said yes, and added that a special committee meeting, like the one in January, could be called by the Governance Committee.

Senator Henry said he was relieved a flawed proposal did not pass. He said discussion and votes like this one are still important even if the outcome isn't a conclusive ending.

Senator Amaral said he agreed that the discussion was very important. He said faculty should talk about ways they want to contribute to the governance of the University. He also commended the president for allowing discussion to play out organically during the meeting.

The president then introduced Open Education Librarian Lauren McKeen McDonald. Librarian McDonald gave a [presentation](#) to the Senate on the Open Educational Resources (OER) Grant.

The president then opened the floor for discussion.

Senator David Uttal said this was a very important topic. However, he expressed some concern about the expectation, on the part of students, that they will not have to purchase any course materials. The total cost of books in his class is \$22, and yet he has received some pushback from students for having to buy a book. He conveyed how important it is to read a book cover to cover. He also said he is

sympathetic to financial needs, but still worries about the culture shifting to one without books. Librarian McDonald said the OER program was created in response to high cost, high enrollment classes. She said they want to provide opportunities in those classes to reduce costs. She was sympathetic to Senator Uttal's plea.

Senator Franks said if faculty participate in OER, how would the intellectual property of faculty be credited on their activity report. Librarian McDonald said that was a good question. She said many universities are looking at how OER documents can be recognized in tenure and promotion decisions.

Senator Regan Thomsen said the Chemistry Department, particularly in Organic Chemistry, is talking a lot about textbooks and their cost. He asked if Librarian McDonald's office would provide support, regardless of whether or not they applied for an OER grant, if they chose to create their own OER. Librarian McDonald said the libraries do support OER development outside of the grant.

The president thanked Librarian McDonald for joining the Senate.

The president then recognized Senator Fred Turek and Senator Martin Lariviere, chairs of the Research Affairs and Budget and Planning Committees, respectively. Senator Lariviere said the resolution they planned to present followed up on the conversation the Senate had last month with Provost Kathleen Hagerty, during which a number of questions about staffing levels—the difficulty in hiring and retaining staff—came up. He then gave an overview of the resolution. Senator Turek said in the Research Affairs Committee it became clear there were serious staffing shortages, which was putting a strain on faculty time and attention. He said they wanted to provide the Office of Research with a resolution to provide the Board with a sense of the struggles the University is facing right now.

Senator Turek and Senator Lariviere then presented the following resolution to the Senate for consideration.

Whereas staff support is essential to completing every aspect of the University's mission,

And whereas current economic conditions have greatly increased competition for competent employees,

And whereas staff salaries were largely frozen for several years before the pandemic undermining the University's standing in the local labor market,

Be it resolved that the University should increase staff compensation, adjust job design, and take other necessary actions to be a preferred employer in Chicago and Evanston so that it can both attract new staff and retain the staff it has,

And be it further resolved that the University provide the Faculty Senate with regular reports of the number of open positions and how long it is taking to fill positions so faculty can adequately anticipate timelines for hiring.

The president opened the floor for discussion.

Senator Hauser thanked the chairs. He noted the distinction between staff funded by grants versus staff that are paid for with University funds. He said he finds that process opaque, and he wondered if a number of staff are being supported by grants. Senator Turek said it can be hard to determine a ratio between the two categories because some staff are paid on both grants and directly from the University. Senator Hauser said a lot gets offloaded on faculty raising money for their staff. Senator Turek said that was an excellent point. Senator Lariviere said the staff he deals with are all directly paid by the University. He added that the thought of losing one of them right now is frightening.

Senator Alter said she supported the resolution.

Senator Feldman agreed. She thanked the committee chairs for their resolution.

Senator Figueroa-Feliciano said the Physics Department has seen staff leave at an alarming rate. For that reason, he said he supported the resolution.

Senator Amaral said this was an important issue. He said the origin for the staff crisis began with the staff layoffs. He proposed putting an accountability measure in the resolution i.e. who made the decision to cut staff and why. Senator Turek said he may have agreed with this in principle, but the resolution is looking forward, and so he did not favor any amendments of that kind. Senator Amaral agreed to not alter the resolution.

Senator Newman called the question. The motion was seconded and approved.

Following that, the Senate approved the above resolution from the Research Affairs and Budget and Planning Committees.

A motion was made and seconded to adjourn the meeting. The Senate approved that motion and the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Jared Spitz

Secretary to the Faculty Senate