

## 6 **Policy Recommendation**

### 7 **Amendment to the Constitution of the Academic Senate of** 8 **San José State University**

#### 9 **Rationale**

10 In August 2023, SM-F23-1 was passed, which established the Committee on Senate  
11 Representation (CSR). The committee consists of administrators, faculty, staff, and  
12 students, and is tasked to develop “recommendations on ways to further strengthen  
13 equitable, inclusive, and effective shared governance” at San José State University.

14 Senate representation has been the subject of seven policy referrals between 2000 and  
15 present (O&G-F00-2, O&G-F03-3, O&G-F18-4, O&G-F21-1, O&G-F22-1, O&G-S23-1,  
16 and O&G-S24-1). Many of these referrals called for adding non-MPP, non-SSP staff  
17 seats to the Senate. Staff comprise 35% of all employed personnel at San José State  
18 University, as of fall 2023, and many staff interact with students and faculty in their daily  
19 work.

20 Furthermore, the 2022 Report of the WASC Senior College & University Commission  
21 (WSCUC)<sup>1</sup> Team for Reaffirmation of Accreditation identified shared governance as one  
22 of the key areas of concern and encourages the university to continue work on “to be  
23 more inclusive of all stakeholders.” The CSR engaged in eleven stakeholder meetings  
24 between January 2024 and April 2024, and conducted a staff survey in February 2024,  
25 which yielded data of about 250 respondents. A consistent theme throughout these  
26 meetings and the survey was the importance of staff serving on the Senate and other  
27 bodies of shared governance.

28 From the establishment of the General Unit in the Senate Constitution in 1994, a  
29 specific segment of staff have served as senators; specifically Unit 4 members who hold  
30 the title of Student Services Professionals (SSP) III and IV. This constituency has had  
31 varying amounts of representation over the years, because they do not have dedicated  
32 seats, but rather, they must be elected from within the General Unit. The committee  
33 found two issues on this state of affairs.

34 First, it can be confusing to identify a specific segment of the staff as “faculty” when they  
35 are in fact classified as staff employees according to University Personnel. Second,

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36 <sup>1</sup> The organization is under the umbrella of the Western Association of Schools and Colleges (WASC).

37 while voices of the SSP III and IV members have been important, it is not sufficient  
38 because “staff” of the university encompasses a much larger group of SJSU employees.  
39 It is the committee’s finding that staff members merit broader, more inclusive  
40 representation at the Senate.

41 This policy recommendation proposes to amend the Constitution of the Academic  
42 Senate of San José State University so that the terms “faculty” and “staff” used in the  
43 Constitution of the Senate would align with the usage of these terms in a broader  
44 context. This policy recommendation also proposes to broaden the membership of the  
45 Senate to implement a more inclusive and equitable shared governance model.

46 More specifically, this recommendation seeks to:

- 47 1. Redefine “faculty” as exclusively Unit 3 employees;
- 48 2. Preserve SSP staff participation in the Senate;
- 49 3. Allow other general staff participation in the Senate; and
- 50 4. Make changes to non-faculty seats.

51 **Resolved:** That the following amendment to the Constitution of the Senate be adopted.

52 Approved: August 27, 2024

53 Vote: 9-0-0

54 Present Ariana Lacson, Annette Nellen, Behin Elahi, Denise Dawkins,  
55 Harish Chander, Janet Sundrud, Kenneth Peter, Michael Kaufman,  
56 Nha-Nghi Nguyen, Reiko Kataoka

57 Absent: Acacia Clark, Eduardo Munoz-Munoz, Janet Sundrud

58 Financial Impact: If hours of work is taken from those hours otherwise spent for the  
59 regular work of the staff members, then it may incur financial cost to  
60 the organization/division. Staff participation in the Senate may  
61 result in facilitating operation university-wide, contributing to  
62 reducing overall operational costs.

63 Workload Impact: Increased workload for University Personnel

64                                   **CONSTITUTION OF THE ACADEMIC SENATE**  
65                                   **SAN JOSE STATE UNIVERSITY**

66                                   **PREAMBLE [UNCHANGED]**

67                   To provide for effective participation and deliberation by the academic community  
68 of San José State University in the formulation of governing policies for the University,  
69 this Constitution is ordained and established.

70                                   **ARTICLE I -- THE ACADEMIC SENATE [UNCHANGED]**

71 **Section 1.**    The Academic Senate is the principal agency for the formulation and  
72 recommendation of policy for the University. Regular meetings shall be held at least  
73 once every month during the academic year. Special meetings of the Academic Senate  
74 shall be called at the request of the President of the University, or of the Chairperson of  
75 the Academic Senate, or on a written petition of thirty per cent (30%) of the members of  
76 the Academic Senate. A majority of the members constitutes a quorum.

77                                   **ARTICLE II -- MEMBERSHIP**

78 **Section 1.**    The Academic Senate shall consist of representatives from the University  
79 administration, faculty, staff, and students. In the interests of communication and  
80 cooperation, the Emeritus Faculty Association and the Alumni Association shall also  
81 each have a representative. Student, administration, staff, emeritus faculty, and alumni  
82 representatives have the same rights to speak and vote as other members, but may not  
83 serve concurrently as elected representatives of the faculty, and are not qualified for  
84 election as officers of the Senate. At least two-thirds of the total membership of the  
85 Senate shall be members holding office under ~~sections 3, 4 and 5 of this Article~~ sections  
86 3, 5 and 6 of this Article.

87 **Section 2.**    Administration representatives shall consist of the President (non-voting  
88 member), the Provost, the Vice President for Administration and Finance, the Vice  
89 President for Student Affairs, and the Chief Diversity Officer, ex officio; and ~~four (4)~~ two  
90 (2) academic deans, at least ~~two~~ one of whom shall be deans of colleges, elected by the  
91 academic deans for staggered two-year terms.

92 **Section 3.**    a) For the purposes of this Constitution, the faculty consists of all  
93 members of Collective Bargaining Unit 3 ~~holders of such other professional and~~  
94 ~~administrative staff positions as may be declared by bylaw to be directly related to the~~  
95 ~~instructional program of the University.~~ Faculty representatives shall consist of no less  
96 than ~~twenty-seven (27)~~ forty (40) faculty members apportioned among the  
97 representative units as much as possible in proportion to faculty population.  
98 Apportionment shall be provided for in the bylaws, but each representative unit shall  
99 have at least one representative.

100 b) Tenured faculty and probationary regular faculty who have completed at  
101 least one year's service and temporary faculty who have completed at least one  
102 Academic year of service at the University are eligible as Senate faculty  
103 representatives. Election of probationary or temporary faculty to the Senate does not  
104 assure or imply retention or tenure or rehiring. Probationary and temporary faculty  
105 elected to the Senate shall have the same term of office as other faculty  
106 representatives, but shall cease to be members of the Senate if not retained or rehired.

107 c) All faculty may vote for representatives. Each part-time faculty member  
108 shall have a weighted vote equal to the fraction of time for which ~~the faculty~~~~he or she~~ is  
109 appointed or, in the case of voluntary faculty employees, the fraction of time actually  
110 being taught, except that a tenured faculty member serving on a part-time appointment  
111 shall retain a full vote. Representatives shall be members of and be nominated and  
112 elected by the faculty of the representation units to which they are assigned. Terms shall  
113 be three (3) years, one-third (1/3) of the faculty representatives to be elected each year.

114 d) An elected faculty member is subject to recall by a majority vote of his  
115 ~~or her~~their constituents. A recall election shall be held whenever twenty per cent (20%)  
116 or twenty-five (25) of the qualified voters of the constituency, whichever is greater, sign  
117 a petition to recall. No member shall be subject to a recall election more than once in an  
118 academic year.

119 **Section 4.** a) For the purpose of this Constitution, the staff consists of all University  
120 employees who are not members of Collective Bargaining Unit 3, nor students, and do  
121 not hold positions as Management Personnel Plan (MPP).

122 b) When further delineation is needed, the term "SSP staff" is used to refer  
123 to those staff members who are represented by Bargaining Unit 4 and hold positions as  
124 Student Service Professionals (SSP), and the term "general staff" is used to refer to all  
125 other staff members of the university.

126 c) Staff representatives shall consist of two (2) SSP staff and two (2)  
127 general staff representatives elected as provided for in the bylaws.

128 d) All staff may vote for their respective representatives. Each part-time  
129 staff member shall have a weighted vote equal to the fraction of time for which the staff  
130 member is appointed. Representatives shall be members of and be nominated and  
131 elected by staff members for staggered three-year terms.

132 e) An elected staff member is subject to recall by a majority vote of their  
133 constituents. A recall election shall be held whenever twenty per cent (20%) or  
134 twenty-five (25) of the qualified voters of the constituency, whichever is greater, sign a  
135 petition to recall. No member shall be subject to a recall election more than once in an  
136 academic year.

137 **Section 4. 5.** Representatives to the Academic Senate, California State University, shall  
138 be members ex officio of the Academic Senate of San José State University. They shall  
139 be elected according to procedures established by the Academic Senate, California  
140 State University, and the Academic Senate of this University.

141 **Section 5. 6.** The Chair of the Academic Senate and the previous year's Chair (if not  
142 the same person as the current chair) shall be members of the Senate ex officio.

143 **Section 6. 7.** Student representatives shall consist of the President of the Associated  
144 Students and six (6) students in good standing selected according to policies and  
145 procedures prescribed by Associated Students, Inc. These students shall serve  
146 one-year terms, and may serve more than one term. Vacancies in these Senate seats  
147 will be filled according to Associated Students, Inc. policies and procedures.

148 **Section 7. 8.** The Alumni Association representative shall be elected by the Association  
149 in the same manner as Association officers, to a three (3) year term.

150 **Section 8. 9.** The representative of the Emeritus Faculty Association shall be an officer  
151 of the Association designated by the Association.

152 **ARTICLE III – ORGANIZATION [UNCHANGED]**

153 **Section 1.** The presiding officer of the Academic Senate shall be the Chair. The Vice  
154 Chair shall preside in the absence of the Chair. The Senate shall have such other  
155 officers as may be provided for by bylaw.

156 **Section 2.** The times and procedures for the election of all Senate officers shall be as  
157 provided for by bylaw.

158 **Section 3.** Budgetary support for the Academic Senate, including secretarial service  
159 and operational expense, shall be provided by the University.

160 **Section 4.** A record shall be kept of the proceedings of the Academic Senate. The  
161 agenda shall be published as long before and the minutes as soon after each meeting  
162 as is practicable.

163 **Section 5.** The Academic Senate may adopt bylaws consistent with this Constitution.  
164 Bylaws may be enacted only by a two-thirds (2/3) majority at a regular meeting  
165 subsequent to the meeting at which such bylaws are introduced.

166 **Section 6.** The Academic Senate may establish its own rules of procedure consistent  
167 with this Constitution. A standing rule may be established, amended or rescinded by a  
168 majority vote at any meeting.

169 **Section 7.** The Academic Senate shall appoint committees of its own as specified in

170 the bylaws. Any member of the University community may serve on such committees.

171 **ARTICLE IV -- POWERS AND RESPONSIBILITIES**

172 **Section 1.** The Academic Senate, subject to the laws of California and the policies  
173 and regulations of the Board of Trustees, shall formulate policies and procedures on  
174 matters affecting the general welfare of the University, including (a) educational policies,  
175 (b) faculty affairs, (c) student affairs, ~~and~~ (d) budget and finance, and (e) staff affairs to  
176 the extent they relate to the prior four matters (a-d).

177 **Section 2.** Upon passage by the Academic Senate, proposed policies and  
178 procedures shall be submitted to the President of the University for consideration and  
179 action. Those approved by the President become official University Policy and will be  
180 implemented as soon as practicable. The President will report to the Senate promptly  
181 on those proposed measures of which the President~~he or she~~ does not approve.

182 **ARTICLE V – REFERENDUM [UNCHANGED]**

183 **Section 1.** Any action of the Academic Senate may be referred to the faculty  
184 electorate when forty per cent (40%) of the Academic Senate members present support  
185 a motion for a referendum or when twenty per cent (20%) of the faculty electorate  
186 submit a petition for a referendum to the Associate Vice Chair of the Academic Senate.  
187 A petition calling for a referendum shall indicate the specific action of the Academic  
188 Senate which is the subject of the referendum. Such a petition must be submitted within  
189 a period of thirty (30) working days of a regular academic session following the action to  
190 be referred. A majority of the votes cast shall be necessary to sustain the action.

191 **ARTICLE VI – AMENDMENTS [UNCHANGED]**

192 **Section 1.** Amendments to this Constitution may be proposed for faculty  
193 consideration by a majority of the total membership of the Academic Senate or by a  
194 petition signed by twenty per cent (20%) of the faculty electorate. Ratification shall  
195 require approval by a majority of the votes cast by the faculty electorates, and by the  
196 President of the University.

197 **ARTICLE VII – ADOPTION [UNCHANGED]**

198 This Constitution shall become effective on approval by a majority of the faculty  
199 and staff and by the President of the University.