

# CONSTITUTION OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

## PREAMBLE

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

## ARTICLE I -- THE ACADEMIC SENATE

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

## ARTICLE II -- MEMBERSHIP

**Section 1.** The Academic Senate shall consist of representatives from the University administration, faculty, staff, and students. In the interests of communication and cooperation, the Emeritus Faculty Association and the Alumni Association shall also each have a representative. Student, administration, staff, emeritus faculty, and alumni representatives have the same rights to speak and vote as other members, but may not serve concurrently as elected representatives of the faculty. Student, administration, emeritus faculty, and alumni representatives are also not qualified for election as officers of the Senate. The President of the University, who has ultimate authority over university policies, shall not vote on policy resolutions. At least two-thirds of the senators who are eligible to vote on policy resolutions shall be members holding office under section 3, section 5, and section 6 of this Article.

**Section 2.** Administration representatives shall consist of the President (non-voting on policy resolutions), the Provost, the Vice President for Administration and Finance, the Vice President for Student Affairs, and the Chief Diversity Officer, ex officio; and three (3) academic deans, at least two of whom shall be deans of colleges, elected by the academic deans for staggered two-year terms.

**Section 3.** a) For the purposes of this Constitution, the faculty consists of all members of Collective Bargaining Unit 3. Faculty representatives shall consist of no less than thirty-five (35) faculty members apportioned among the representative units as much as possible in proportion to faculty population. Apportionment shall be provided for in the bylaws, but each representative unit shall have at least one representative.

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

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

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

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

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

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

d) Staff members who have completed at least one year's service at the University are eligible as Senate Staff representatives. Election of probationary or temporary staff to the Senate does not assure or imply retention or tenure or rehiring. Probationary and temporary staff elected to the Senate shall have the same term of office as other faculty representatives, but shall cease to be members of the Senate if not retained or rehired.

e) All staff may vote for their respective representatives. Each part-time staff member shall have a weighted vote equal to the fraction of time for which the staff member is appointed. Representatives shall be members of and be nominated and

elected by staff members for staggered three-year terms.

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

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

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

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

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

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

### **ARTICLE III – ORGANIZATION**

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

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

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

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

**Section 5.** The Academic Senate may adopt bylaws consistent with this Constitution.

Bylaws may be enacted only by a two-thirds (2/3) majority at a regular meeting subsequent to the meeting at which such bylaws are introduced.

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

**Section 7.** The Academic Senate shall appoint committees of its own as specified in the bylaws. Any member of the University community may serve on such committees.

#### **ARTICLE IV -- POWERS AND RESPONSIBILITIES**

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

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

#### **ARTICLE V – REFERENDUM**

**Section 1.** (a) For purposes of referenda (Article V) and constitutional amendments (Article VI), the electorate shall be Unit III faculty and holders of such other professional and administrative staff positions as may be declared by the bylaws to be directly related to the instructional program of the University.

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

#### **ARTICLE VI – AMENDMENTS**

**Section 1.** Amendments to this Constitution may be proposed for the consideration of the electorate by a majority of the total membership of the Academic Senate or by a

petition signed by twenty per cent (20%) of the electorate. Ratification shall require approval by a majority of the votes cast by the electorates, and by the President of the University.

#### **ARTICLE VII – ADOPTION**

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