



University Policy Statement

UPS 100.000

ACADEMIC SENATE CONSTITUTION

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ACADEMIC SENATE CONSTITUTION

PREAMBLE

This Constitution establishes the organization through which the faculty, President, and other members of the Academic Senate electorate exercise their rights and fulfill their responsibilities in the shared governance of the University, including the making of educational and professional policy. As the official voice of the faculty and the electorate, the Academic Senate provides the means to participate in the collegial form of governance, which is based on historic academic traditions as recognized by California law.

ARTICLE I

NAME

The name of this organization shall be the Academic Senate of California State University, Fullerton.

ARTICLE II

MEMBERSHIP

Section 1. The Academic Senate shall consist of (1) the following ex officio members: the President of the University, the Vice President for Academic Affairs, the Immediate Past Chair of the Academic Senate (except in the case when the incumbent Chair is re-elected), the CSU Academic Senators, the President of the exclusive bargaining representative for Unit 3; (2) 38 full-time faculty members, of which 6 shall be at-large and 32 shall represent specific constituencies, all of which shall be elected by the Academic Senate electorate according to the procedures set forth in the Bylaws; (3) two part-time faculty members elected by the part-time faculty according to the procedures set forth in the Bylaws; (4) two students appointed by Associated Students, Inc.; (5) two staff members elected by the staff according to the procedures set forth in the Bylaws and (6) a member appointed by the Emeritus Professors of California State University, Fullerton.

Section 2. The Academic Senate electorate consists of individuals who:

- a. are full-time academic employees or serve as full-time university appointees to a position title or code for which the doctorate is required, preferred, or desired;
- b. hold an academic rank while serving in another position;
- c. are ex officio members of an Academic Senate standing committee;
- d. are on the Faculty Early Retirement Program or the Pre-Retirement Reduction in Time Base Program; or
- e. are employees whose responsibilities are judged by the Executive Committee of the Academic Senate and by the President to be closely identified with the overall management of the University.

Definition: When the term “faculty” is used alone in the Academic Senate Constitution and Bylaws it refers to members of the Academic Senate electorate meeting conditions a., b., or d. above.

Section 3. Elected representatives to the Academic Senate shall consist of Members At-large elected for three-year terms and Constituency Members elected for two-year terms. Two Members At-large and 16 Constituency Members shall be elected in the all-University election of each year and shall take office on the date of the special inaugural meeting of the new Academic Senate, held during the period of final examinations during the spring semester. Any member of the Academic Senate electorate is eligible to be elected to the Academic Senate. All Academic Senate members shall be eligible for immediate re-election.

Section 4. Constituencies shall be of two types: basic and special. Basic constituencies, which shall together include the whole Academic Senate electorate, shall be defined in the Bylaws. Every basic constituency shall be at least large enough to receive a seat on the Academic Senate through the regular allocation of seats, but it shall not exceed twenty-five per cent of the Academic Senate electorate. Special constituencies shall be created when:

- a. Any department is alone of sufficient size that, as a separate constituency, it would receive a seat on the Academic Senate;
- b. Any group of departments shall request to be placed in a special constituency. The total size of such a group must be such that the constituency will receive a seat on the Academic Senate, but such a constituency cannot receive more than one seat; or
- c. For the purposes of this section, any instructional department, division, school or program, or any one of the following units: Administration, Athletics, Counseling, Student Affairs, Library, shall be treated as if it were a department.

Special constituencies shall be dissolved when their size, at the time of the annual allocation of seats on the Academic Senate, no longer justifies their continuance. When any special constituency has been created, those in it shall be removed from their basic constituencies. No special constituency shall be created when doing so would reduce the seats of any basic constituency to nil.

No person shall be a constituency member of the Academic Senate who is not a member of the constituency which the member represents. When a constituency is dissolved, its seat(s) on the Academic Senate shall be vacated.

Section 5. Constituency seat(s) shall be apportioned to a constituency according to the number of members of the Academic Senate electorate in that constituency.

Section 6. Each member of the Academic Senate full-time electorate shall be entitled to vote for Constituency Member(s) representing the member's own constituency and for the Members At-large.

- Section 7. For purposes of electing a member of the Academic Senate, the part-time electorate is composed of all persons who hold a part-time faculty appointment during the semester of the election. Should individuals in the part-time faculty electorate also be part of the staff or academic senate electorate, they shall vote and participate as a member of the electorate in which they are full-time. Each part-time faculty member of the Academic Senate will serve for a one-year term. To be eligible for nomination to serve as a member of the Academic Senate, the part-time faculty candidate must have a one or more year appointment as a part-time faculty member (as specified in the CBA, Article 12, provision 12.3, or its successor agreement). Part-time faculty members appointed to more than 29 units total in the fall and spring semesters of their senate term would be considered full-time and are not eligible to serve.
- Section 8. For purposes of electing a member of the Academic Senate, the staff is defined as all full-time university staff members paid by state funds except those in Administration and Student Affairs constituencies. This includes all bargaining units, MPP program employees, and confidential employees (except Administration and Student Affairs constituency members). Each staff member of the Academic Senate will serve for a one-year term.
- Section 9. The Elections Committee shall supervise the nominations and elections described in this Article, and it shall conduct all Academic Senate balloting provided for in the Constitution and Bylaws.
- Section 10. The Academic Senate shall make such other rules as are necessary for the conduct of elections.

ARTICLE III

POWERS AND RESPONSIBILITIES

- Section 1. Jurisdiction: The Academic Senate shall be governed by its Constitution and Bylaws provided that nothing in the Constitution and Bylaws exceeds its power and authority as determined by regulations and policies established by the Trustees of the California State University, the current Agreement between the Trustees of the California State University and the bargaining agent of the faculty, the Higher Education Employer-Employee Relations Act, or the laws of the State of California.
- Section 2. The Constitution Committee of the Academic Senate shall consist of three past Chairs of the Senate (excluding immediate past Chair), and two faculty members elected by the Academic Senate for two-year terms. The current Academic Senate Chair shall serve as a non-voting *ex-officio* member. This Committee shall rule on requests for formal rulings on questions of interpretation of this Constitution and the Academic Senate Bylaws. These requests shall be submitted in writing to the Chair of the Academic Senate for transmission to the Constitution Committee. The request and the ruling of the Constitution Committee shall be communicated to the Academic Senate. Any such ruling may be overridden by an absolute majority of the Academic Senate.

This Committee shall review the Constitution and Bylaws of the Academic Senate each year and shall recommend such changes as may be needed.

- Section 3. The Academic Senate shall develop and formulate educational and professional policy, which shall become University policy if approved by the President. It shall also review such policy. Educational and professional policy shall include, but not be limited to: academic programs; curricula; academic standards; criteria and standards for the selection, retention, and promotion of faculty members; academic and administrative policies concerning students; allocation or disposition of resources and space; and strategic, budgetary, and long-term planning.
- Section 4. The Academic Senate shall grant any member of the Academic Senate electorate a hearing by an appropriate committee or by the Academic Senate on any matter of concern to the University.
- Section 5. The Academic Senate shall have power to consider any matters properly brought before it.
- Section 6. The Academic Senate shall determine the times and places of its regular meetings. Special meetings of the Academic Senate or of the Academic Senate electorate may be called by the President of the Faculty, by the Chair of the Academic Senate, or upon petition by ten per cent of the Academic Senate electorate.
- Section 7. Academic Senate meetings shall be open. Agendas of coming meetings shall be sent to all Academic Senate electorate members, and minutes of past meetings shall be deposited in the archives and made available to the Academic Senate electorate.
- Section 8. Members of the Academic Senate electorate who enter upon a full or partial leave or the Faculty Early Retirement Program may, if willing, continue to serve in any positions under this Constitution for which they remain eligible per University Policy, the Collective Bargaining Agreement, California State University Policy, or the California Administrative Code, Title 5; California Education Code.
- Section 9. Entering upon a full or partial leave does not prevent a member of the Academic Senate electorate from voting in any Academic Senate election in which the member is normally eligible.
- Section 10. All decisions of the Academic Senate shall be made by majority vote and shall thereafter be published.
- Section 11. A referendum on any document approved or disapproved by the Academic Senate shall be conducted whenever both of the following conditions are met:
- a. A member of the Academic Senate electorate has given written notice to the Academic Senate Chair, within seven calendar days of the Academic Senate action, of intention to circulate a petition challenging the Academic Senate's action; and,

- b. A petition challenging the action, signed by at least ten per cent of the Academic Senate electorate, is received by the Academic Senate Chair within fourteen calendar days of the Academic Senate action.

A referendum of the Academic Senate electorate shall be conducted according to procedures set forth in the Bylaws.

- Section 12. Any recommendation on educational, professional, or other policy adopted by the Academic Senate shall be communicated to the President, but no sooner than seven days after its adoption. If during that time a member of the Academic Senate electorate has given written notice to the Academic Senate Chair of an intention to circulate a petition challenging the Academic Senate's action, the recommendation shall not be communicated to the President sooner than fourteen days after adoption by the Academic Senate. If a petition challenging the action, signed by at least ten percent of the Academic Senate electorate, is received by the Academic Senate Chair within fourteen calendar days of the Academic Senate action, the recommendation shall not be communicated to the President until a referendum of the Academic Senate electorate has been conducted.
- Section 13. If the President approves an Academic Senate recommendation, it shall become a policy of the University. If the President disapproves an Academic Senate recommendation or wishes to have further consultation on the matter, the President shall notify the Academic Senate. The reasons for presidential disapproval shall be recorded and publicized in such ways as the Academic Senate shall deem necessary. In any case, the President shall respond within forty-five days after the date of transmittal of a recommendation.
- Section 14. In all cases not covered by other provisions, the most recent edition of *Robert's Rules of Order* shall govern the conduct of business.
- Section 15. The Academic Senate shall authorize collections and disbursements of appropriate Academic Senate funds.
- Section 16. In the event of an extended emergency situation that prevents normal operations, appropriate action by the Academic Senate and Administration may be implemented which temporarily suspends or changes implementation of University Policy Statements.

ARTICLE IV

OFFICERS OF THE ACADEMIC SENATE

- Section 1. The President of the University is the President of the Faculty.
- Section 2. At the special inaugural meeting, the Academic Senate shall by secret ballot elect from its elected members and the CSU academic senators for the upcoming term a Chair, a Vice-Chair, a Secretary, and a Treasurer, who shall take office at the conclusion of the meeting and who shall serve until their successors take office.

- Section 3. The Chair of the Academic Senate shall preside over all Academic Senate meetings.
- Section 4. The Vice-Chair shall assume the duties of the Chair in the event of the Chair's absence or in the event that the chair becomes vacant before the end of the term. In the absence of the Chair and Vice Chair, the meeting shall be chaired by a member of the Executive Committee in the following order: Secretary, Treasurer, Immediate Past Chair.
- Section 5. The Executive Committee of the Academic Senate shall consist of the four elected officers of the Academic Senate, the Immediate Past Chair of the Academic Senate unless the current chair is serving a second term, three at-large members of the Academic Senate elected for one-year terms, and the CSU Academic Senators, who shall serve as ex officio, voting members of the Executive Committee. No member of the Executive Committee shall be an elected member of any standing or general committee of the Academic Senate.
- Section 6. Voting members of the Executive Committee shall serve no more than two years consecutively in the same office or as an at-large member.

ARTICLE V

COMMITTEES OF THE ACADEMIC SENATE

- Section 1. The Academic Senate shall provide for the operation of all special and standing committees created by this Constitution, created in the Academic Senate Bylaws, and for such ad hoc committees as it may create. Policy proposals shall be presented or referred to an appropriate committee for study. This committee shall report its findings to the Academic Senate, which shall then take action upon them. The Academic Senate shall have the power to require a committee to report on any policy matters which it is studying.
- Section 2. The Academic Senate shall have the power to create ad hoc committees. All such committees shall cease to exist on June 15th of each year unless specifically authorized by the Academic Senate to continue beyond that date.
- Section 3. The President of the Faculty shall be an ex officio member of all standing committees and all ad hoc committees created by the Academic Senate, but shall not have the right to vote and shall not be included in the determination of a quorum.
- Section 4. At least one of the members elected to a standing committee by the Academic Senate shall be a member of the Academic Senate.
- Section 5. Each standing committee shall include, as a non-voting member, a member of the Executive Committee appointed for a one-year term by the Chair of the Academic Senate in consultation with the Executive Committee.

- Section 6. Executive Committee members shall not serve as regular members on standing or general committees. If any elected member of a standing or general committee is elected to the Executive Committee, the member's seat(s) on the general or standing committee(s) shall be vacated immediately.
- Section 7. Faculty serving on General Committees of the Faculty are elected by the probationary and tenured faculty including faculty in the Faculty Early Retirement Program who have assigned duties during the semester that the election occurs. The General Committees of the Faculty shall be:
- (a) The **Faculty Personnel Committee** shall include tenured faculty holding the academic rank of Professor, one member from each college, except the College of Humanities and Social Sciences, which shall have two members, one each from the Humanities and one from the Social Sciences, and one member of the Library faculty. Members of the Faculty Personnel Committee may not serve on other personnel review committees at the department or college level. [CBA 15.41]
 - (b) The **Professional Leaves Committee** shall include tenured faculty, one member from each college, except the College of Humanities and Social Sciences, which shall have two members, one each from the Humanities and one from the Social Sciences, and one member of the Library faculty. Faculty members applying for a sabbatical leave are not eligible to serve on the Professional Leaves Committee. [CBA 27.5]
 - (c) The **Research Committee** shall include the Associate Vice President for Research, Creative Activities, and Technology Transfer; a fiscal officer of the California State University, Fullerton, Auxiliary Services Corporation, one student appointed by Associated Students, Inc., and the following tenured faculty elected by full-time Unit 3 faculty (including Unit 3 full-time members from library, athletics, and counseling), one from each college, except the College of Humanities and Social Sciences, which shall have two members, one each from the Humanities and one from the Social Sciences, and one member of the Library faculty.
- Section 8. No person shall be an elected member of more than two standing committees or one standing and one general committee. No person shall serve on more than one general committee. The Executive Committee will make every attempt to ensure that as many faculty members as possible serve in standing committee positions.
- Section 9. Each committee shall elect a chair from its members.
- Section 10. All committee minutes and reports shall be deposited in the Archives and made available to the Academic Senate electorate except that reports of personnel review cases may be made available only if requested by the person involved, the committee concerned, or the President of the Faculty.
- Section 11. The standing committees of the Academic Senate shall be constituted as set forth in the Academic Senate Bylaws.

ARTICLE VI
BYLAWS OF THE ACADEMIC SENATE

- Section 1. Bylaws shall be approved by an absolute majority of the Academic Senate and shall be recorded by the Secretary of the Academic Senate, who shall deposit them in the Archives and make copies of them available to all Academic Senate electorate members.
- Section 2. All amendments to the bylaws shall receive two readings in the Academic Senate. The first reading shall introduce the text of the amendment. The amendment may be discussed but no vote shall occur. The amendment shall be automatically referred to the Constitution Committee. No later than five days after the first reading, the Constitution Committee should issue a report to the Academic Senate regarding the impact of the amendment and make suggestions for clarity and to ensure that form and language be consistent with the constitution and bylaws. The second reading should occur at the next Academic Senate Meeting at a time certain.
- Section 3. When two bylaws conflict, the most recent shall prevail. Any bylaw or other action by the Academic Senate or by the Academic Senate electorate which violates this Constitution is void.

ARTICLE VII
AMENDMENTS TO THE CONSTITUTION

- Section 1. All amendments to this Constitution shall be proposed in the Academic Senate.
- Section 2. All amendments to this constitution shall receive two readings in the Academic Senate. The first reading shall introduce the text of the amendment. The amendment may be discussed but no vote shall occur. The amendment shall be automatically referred to the Constitution Committee. No later than five days after the first reading, the Constitution Committee should issue a report to the Academic Senate regarding the impact of the amendment and make suggestions for clarity and to ensure that form and language be consistent with the constitution and bylaws. The second reading should occur at the next Academic Senate Meeting at a time certain.
- Section 3. If, during the second reading, the Academic Senate approves a proposed amendment without dissent by vote of those Academic Senate members present and voting, then the proposed amendment shall be circulated to the Academic Senate electorate. If a petition signed by ten percent of Academic Senate electorate members challenging the proposed amendment is filed within two weeks of such publication, the proposed amendment shall be placed on the ballot at the next all-University election. The amendment shall be adopted if approved by a majority of those voting. If no such petition is received, the amendment shall be declared adopted.

Section 4. If, during the second reading, the Academic Senate approves a proposed amendment by an absolute majority, but with dissent, then the proposed amendment shall be placed on the ballot at the next all-University election. The amendment shall be adopted if approved by a majority of those voting.

Section 5. If, during the second reading, the Academic Senate does not approve a proposed amendment by an absolute majority, then the proposal shall be placed on the ballot at the next all-University election only if at least ten per cent of the Academic Senate electorate petition the Academic Senate Chair within fourteen calendar days after the day of the meeting at which the vote was taken. The amendment shall be adopted if approved by a majority of those voting and at least fifty per cent of the Academic Senate electorate vote in this election.

EFFECTIVE DATE: December 2, 2021

Supersedes: UPS 100.000 4-9-20
and ASD 20-36