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Constitution of the Faculty of California State University, Sacramento

Ratified by the Faculty, April 6, 2011

Preamble

The Faculty of the California State University, Sacramento, acting in its corporate capacity, has adopted this constitution to establish and define the means of its formal participation in the formulation, evaluation, and recommendation of University policy and procedures; to facilitate coordination and cooperation among the several parts of the University; and to provide to members of the faculty a means to express themselves about matters of academic concern.

ARTICLE I. ORGANIZATION

Section 1 – Name

The name of this organization shall be the Faculty of the California State University, Sacramento.

Section 2 – Membership

The Faculty of California State University, Sacramento is composed of the temporary, probationary and tenured Instructional faculty; Library faculty; Counseling faculty; faculty on the Faculty Early Retirement Program; Student Service Professionals (SSPI, SSPII, SSPIII, SSPIV, and Evaluators); administrators holding appointments in academic departments or the Library; and the President.

Section 3 – Powers

A. The Original Power

The membership of this organization remains at all times in possession of the original authority and power of this organization. By constitutional provision, the faculty may establish its agents, to be known as sub-units, and may delegate power to them. The membership reserves to itself the entire power to alter or abolish at will, in any or all respects, the design of its agents, or the terms of the delegation of power to them. The membership may delegate duties to committees or individuals; and further, it may describe the composition of such committees and delegate the power to appoint the members of them.

B. Limitations on the Original Power

1. By self-limiting ordinance, the faculty binds itself not to abridge the academic freedom of any member or group of members by its own action or that of its sub-units.
2. By self-limiting ordinance, the faculty binds itself to take for its own the action of any of its duly authorized sub-units unless the action is referred to it to be ratified or revised in the exercise of its original power as provided in Section 4.

Section 4 – Initiative and Referendum

A. Initiative.

Ten (10) percent of the membership of this organization qualified to vote in the campus-wide elections of this organization may initiate policy and propose resolutions in the following ways:

1. Proponents shall file with the Chair of the Faculty Senate an exact copy of the statement of policy or resolution to be submitted to the voting membership of this organization together with notice of intent to seek the signatures to cause an election.
2. The proponents shall have fifteen (15) instructional days from the filing of an exact text and the required notice in which to collect the signatures of ten (10) percent of the eligible faculty to cause the proposal to be put to a vote. Petitions prepared for signatures under this section shall contain the exact text of the proposed policy or resolution.
3. Within ten (10) days of receiving the required number of signatures, the Chair of the Faculty Senate shall notify in writing each of the eligible voting members of this organization, at his/her campus mailing address, that an election shall be held to determine whether the proposed policy or resolution shall be adopted. The notice of election shall contain the exact text of the proposed policy or resolution and the period of election as defined by the date on which voting may begin and the last date on which voting may take place.
4. Ten (10) instructional days after mailing the notice of election, the Chair of the Faculty Senate shall cause the election to be held. At least ten (10) instructional days shall elapse between the beginning and end of the period of election.
5. Adoption of a proposed policy or resolution under this section shall be by a majority of the votes cast.

B. Referendum.

Any action or proposed action of any sub-unit of the faculty shall be referred to the faculty electorate for final disposition whenever thirty (30) percent or more of the members of that sub-unit agree to the motion to refer. Once agreed to, the motion to refer shall be executed by a submission to the faculty of the act referred within fifteen (15) instructional days following publication or adoption of the act referred. Until the results of the referendum have been certified, the action or proposed action giving rise to the referendum shall have no force or effect. A majority of the votes cast shall be necessary to ratify the act referred and thereby to give to it whatever force and effect it would have had by being adopted by the referring sub-unit.

Section 5 – Meetings

General meetings of the faculty shall be called by the Chair of the Faculty Senate at the request of the President of the University, at the request of forty (40) percent of the members of the Faculty Senate, or upon submission to the Chair of the Faculty Senate of a written petition signed by ten (10) percent of the faculty eligible to vote in the elections of this organization. A general meeting of the faculty shall be convened by the Chair of the Faculty Senate within ten (10) instructional days of receiving such a request or petition. Such meetings shall be for the sole purpose of giving information and conducting a discussion. No action shall be taken or policy adopted by vote or otherwise at such meetings.

Section 6 – Qualifications to Vote

To be qualified to vote in the elections of this organization, a person must be a member of this organization as defined in Article I, Section 2 of this Constitution. In addition to this qualification, a person must (1) be employed by the University full-time or full-time on reduced load, or be participating in the Pre-reduction in Time Base Program or Faculty Early Retirement Program, and (2) be a member of an electing unit as defined in Article II, Section 5 of this Constitution or otherwise qualified to vote in an election called to select the representatives of the faculty. All Student Service Professionals included in the membership of the faculty (Article I, Section 2) shall be eligible to vote in elections held to choose representatives of their electing unit. Only Student Service Professionals classified as Academic Related (AR) shall be eligible to vote in elections of this organization other than those held to choose representatives of electing units. Members of the faculty holding an administrative appointment shall be ineligible to vote in elections of or to hold office ex-officio or otherwise in this organization, its sub-units or its committees.

ARTICLE II. FACULTY SENATE

Section 1 – General

The Faculty Senate shall be the principal sub-unit of the faculty, the body of representatives through which the membership of this organization shall normally exercise its powers. It shall consist of representatives of the membership, students, and staff, as provided.

Section 2 – Powers

- A. The Faculty Senate shall have power to formulate, review, revise, adopt and recommend policy and procedures to the President of the California State University, Sacramento. Its power shall extend to any academic matter delegated to the President by law and by the Trustees and Chancellor of The California State University. The extent of this power shall include but not be limited to academic, personnel, and fiscal policies. All policies adopted by the President that have not been initiated by the Faculty Senate or have not been the subject of formal consultation with the Faculty Senate shall be reported to the Faculty Senate for its information.
- B. The power described in Section 2.A of this Article shall be exercised in a manner and to an extent consistent with the provisions of state and federal law, the regulations of the Trustees of The California State University, and the directives of the Chancellor.
- C. Senate action taken to establish, modify, or repeal the policies and procedures of the University to which the power of the Senate extends shall take the form of recommendations to the President for consideration and action. Within fifteen (15) instructional days of receiving these recommendations, the President shall respond to them by announcing the decision he/she has made in light of them. If the President's decision is not entirely in keeping with the Senate's recommendation in any instance, the President shall notify the Chair of the Faculty Senate of the reasons for each departure from the Senate's recommendation. If the President has made no decision at the end of the initial period of fifteen (15) instructional days, the President shall inform the Senate of that fact and of the progress being made toward the decision. At the end of every subsequent period of fifteen (15) instructional days until the decision is made, the President shall again inform the Senate of the progress being

made toward the decision. No recommendation to the President shall have the force or effect of University policy or procedure without the concurrence of the President.

- D. The Faculty Senate may present to the Trustees, the Chancellor, or the Academic Senate of The California State University any recommendation which it judges to be for the benefit of The California State University or any part of it.

Section 3 – Duties

- A. The Faculty Senate shall perform all of the duties consistent with the exercise of its power to formulate, review, revise, and adopt recommendations of University policy and procedure.
- B. The Faculty Senate shall create such committees as it deems necessary to the performance of its duties, shall establish rules and procedures for its committees, and shall establish methods of selecting the membership of all required or requested committees. These committees shall not be construed to be sub-units of the faculty, and may not assume duties constitutionally assigned to other sub-units of the faculty. In addition, the Faculty Senate shall elect the Chairs of certain standing Policy Committees (as specified in the committee's charge).
- C. The Faculty Senate shall establish reasonable methods of selecting nominees for all elective offices created by or under this Constitution, and shall conduct all such elections.
- D. The incumbent Faculty Senate and its newly elected officers shall attend to matters within the scope of the Senate's power which arise during the summer and on which action cannot be delayed.

Section 4 – Responsibilities

The following statement sets forth the academic matters explicitly reserved to the faculty or its Faculty Senate (adapted from the Statement on Responsibilities of Academic Senates in a Collective Bargaining Context, adopted by the CSU Academic Senate, AS 1217–81).

It is the responsibility of the Faculty Senate to formulate, review, revise, adopt, and make policy recommendations about any academic matters delegated to the President by law, and by the Trustees and Chancellor of the CSU, including but not limited to academic, personnel, and fiscal policies and to forward them to the President of the University.

- A. **Responsibility shall be vested in the faculty or its Faculty Senate for:**
 - 1. approval of degree candidates
 - 2. development of policies governing the awarding of grades.
- B. **Through the Faculty Senate, responsibility shall be vested in the faculty or its elected Senate representatives for developing policies and making recommendations to the President on the following matters:**
 - 1. criteria and standards for the appointment, retention, awarding of tenure, promotion and evaluation of academic employees including preservation of the principle of peer evaluation and provision for the direct involvement of appropriate faculty in these decisions;
 - 2. determination of membership in the faculty;
 - 3. curricular policies, such as admission and degree requirements, approval of new courses and programs, discontinuance of academic programs and academic standards;
 - 4. faculty appointments to institutional task forces, advisory committees, and auxiliary organizations;
 - 5. academic standards and academic policies governing athletics.

C. **The Faculty Senate shall be the primary source of policy recommendations to the President on decisions related to the following matters:**

1. establishment of campus-wide committees on academic or professional matters;
2. the academic role of the Library;
3. academic awards, prizes, and scholarships;
4. the academic conduct of students and means for handling infractions;
5. development of institutional missions and goals.

D. **The Faculty Senate shall be consulted by the President concerning:**

1. the academic calendar and policies governing the schedule of classes;
2. policies governing the appointment and review of academic administrators.

Section 5 – Membership

A. The membership of the Faculty Senate shall be composed of (1) the representatives of the electing units; (2) four representatives to be elected at-large by the temporary faculty from those temporary faculty who are teaching six or more units during the semester in which the election is conducted; (3) Chairs of certain standing Policy Committees of the Faculty Senate (as specified in the committee's charge), as ex-officio, non-voting members, unless such Chairs are serving concurrently on the Senate as representatives of electing units; (4) the statewide academic Senators, as ex-officio, non-voting members; (5) a faculty emeritus member of the California State University, Sacramento Retirees Association, as an ex-officio, non-voting member, chosen by and in a manner determined by, the Association; (6) three student representatives, as non-voting members, chosen by, and in a manner determined by Associated Students, Inc.

B. Representatives of electing units shall be elected by and from those units. There shall be two (2) types of electing unit, single and combined.

1. **Single electing units** shall normally be academic departments or divisions having ten (10) or more probationary, tenured, and full-time temporary faculty appointments (including faculty participating in the Faculty Early Retirement Program, and faculty on paid leave or reduced load, but excluding faculty holding administrative appointments). The Library shall be a single electing unit. A single electing unit, named the Student Services electing unit, composed of all Student Service Professionals and Academically Related Counseling Faculty included in the membership of the faculty (Article I, Section 2) shall be established for the purpose of electing their representative(s). Academic departments or divisions having fewer than ten (10) probationary, tenured, and full-time temporary faculty appointments (including faculty participating in the Faculty Early Retirement Program, and faculty on leave or reduced load, but excluding faculty holding administrative appointments), may choose to become single electing units or may choose to form combined electing units as described below.
2. A **combined electing unit** shall be formed when an academic department or division with fewer than ten (10) probationary, tenured, and full-time temporary faculty appointments (including faculty participating in the Faculty Early Retirement Program, and faculty on leave or reduced load, but excluding faculty holding administrative appointments) combines by mutual consent with another academic department or division to elect a representative.

- C. The number of representatives to which an electing unit is entitled shall be determined annually prior to holding the annual election of representatives to the Faculty Senate. Each electing unit shall be entitled to one representative. Electing units having twenty-four (24) or more probationary, tenured, and full-time temporary faculty appointments (including faculty participating in the Faculty Early Retirement Program, and faculty on leave or reduced load, but excluding faculty holding administrative appointments) shall be entitled to one additional representative.
- D. To assist in determining the number of faculty appointments in the departments, faculty members holding joint appointments shall designate one of the departments in which they serve as the electing unit in which they intend to vote. The Chair of the Faculty Senate shall ascertain the faculty member's designation prior to apportioning representatives among the electing units during the first year of the joint appointment. The faculty member may designate another of the departments in which he or she serves by informing the Chair of the Faculty Senate of his or her change of designation prior to the apportionment of representatives during subsequent years. Having designated an electing unit, a faculty member holding a joint appointment shall vote in that unit and no other.

Section 6 – Term of Office

- A. The term of office of a representative, whether of an electing unit or the temporary faculty, shall be two (2) years, with terms so arranged that approximately one-half (1/2) of the Senate shall be elected each year. The term of office shall begin at noon on the last day of the spring semester and end at noon on the last day of the spring semester two years hence.
- B. Representatives who have served for six (6) consecutive years shall not be eligible for re-election until at least one (1) academic year has elapsed between the conclusion of the sixth consecutive year of service and the beginning of a new term.
- C. When a vacancy occurs in the representation of any electing unit not caused by the expiration of a term of office, a successor shall be elected by the electing unit in a manner to be determined by the electing unit.

Section 7 – Recall

The representative of an electing unit or the temporary faculty may be removed from office by a two-thirds (2/3) majority of those voting in a recall election confined to the faculty members eligible to elect the representative. A recall election shall be conducted within ten (10) instructional days following presentation to the Chair of the Faculty Senate of a recall petition signed by twenty-five (25) percent of the faculty members eligible to elect the representative. No representative shall be subject to recall more than once in any academic year.

ARTICLE III. JUDICIARY

Section 1 – General

The Judicial Review Board shall be a sub-unit of the faculty, constituted to decide disputes relating to the interpretation of the Constitution of this organization and By-Laws of the Faculty Senate. The departments, electing units, sub-units of the faculty, or combinations thereof, acting by a majority of the members of each, may seek its decision. Faculty members may also seek its decision by a petition containing the signatures of fifteen (15) members eligible to vote in the elections of this organization.

Section 2 – Powers

Rulings made by the Judicial Review Board shall be final and binding, unless (under the rules provided) appealed to and reversed by the faculty.

Section 3 – Membership

- A. Membership on the board shall be open to probationary and tenured instructional faculty and library faculty
- B. Membership on the Board shall not be open to members of other sub-units of the faculty.
- C. The Board shall be composed of nine (9) members elected at-large. The Board shall determine its own method of paneling for hearings, but no hearings shall be conducted with fewer than three (3) Board members.
- D. No more than four (4) members of the Board may be from the Library or the same school.

Section 4 – Term of Office

- A. Board members shall serve for a term of three (3) years, with terms so arranged that one-third of the membership of the Board shall be elected each year. A member who has served for six (6) consecutive years shall not be eligible for re-election to the Board until at least one (1) academic year has elapsed between the conclusion of his or her sixth consecutive year of service and the beginning of his or her next term.
- B. The membership of the Board shall be chosen by annual election only. If in any instance the office of a member becomes vacant between annual elections, it shall remain vacant until the next annual election.

Section 5 – Recall

A member of the Board may be removed from office by a two-thirds (2/3) majority of those voting in a recall election. A recall election shall be conducted within ten (10) instructional days following presentation to the Chair of the Faculty Senate of a recall petition signed by twenty-five (25) percent of the members of the faculty eligible to elect members of the Board. No member of the Board shall be subject to recall more than once in any academic year.

ARTICLE IV. CONSTITUTION AND BY-LAWS

Section 1 – Adoption of this Constitution

This Constitution shall be adopted after approval by a majority of the faculty voting in an election called for this purpose, and upon approval by the President of the University.

Section 2 – Amendments to this Constitution

Amendments to this Constitution may be proposed by two-thirds (2/3) of the voting members of the Faculty Senate present and voting to do so, or by an initiative petition signed by twenty (20) percent of the faculty eligible to vote in the elections of this organization and presented to the Chair of the Faculty Senate. Amendments shall go into effect when they have been approved by a majority of the members of this organization voting upon the amendment, and by the President of the University.

Section 3 – Adoption of By-Laws

Initially, the By-Laws of each sub-unit shall be adopted by an absolute majority of the Faculty Senate and submitted to the members of this organization for approval. Subsequent revisions of the By-Laws of a sub-unit shall be made by the vote of an absolute majority of the sub-unit. A minimum of three (3) instructional days shall elapse between the meeting at which By-Laws or revisions to the By-Laws are proposed and the meeting at which they are voted upon.

2/23/1989:	Adopted by the Faculty Senate	7/18/1997:	Approved by the President.
3/17/1989:	Ratified by the Faculty.	12/18/1998:	Amended.
4/11/1989:	Approved by the President.	3/1/1999:	Approved by the President.
5/15/1997:	Amended.	4/6/2011:	Ratified by the Faculty

*Updated: August 1, 2012
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