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PREAMBLE

“The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort.”¹

While the Board of Trustees of the University of Maine System has delegated responsibility for the administration of the University of Southern Maine to the president, the president shares that responsibility with the faculty, the student body, the administration, the professional staff, and the classified staff.

This constitution provides for appropriate participation in the governance of the University and establishes the governance roles and responsibilities of the president, university administrators, and designated governance bodies including university senates, school and college and independent degree program faculty, and department faculty. This constitution also establishes the authority of university-wide senates and the faculty of schools, colleges and independent degree programs. Additional operating details and procedures for these governance units may be found in their respective by-laws and statements of procedure.

The provisions of this constitution are based largely on the widely accepted academic traditions and principles expressed in the American Association of University Professors Policy Documents and Reports, 1984 Edition. To interpret the intent of the policies and procedures in this constitution, the following AAUP statements should be consulted:

“Joint Statement on Government of Colleges and Universities,” pp. 105-110

“Faculty Participation in the Selection, Evaluation and Retention of Administrators,” pp. 111-112

“Statement on Professional Ethics,” pp. 133-134

“Joint Statement on the Rights and Freedoms of Students,” pp. 141-146

The Board of Trustees is the legal governing body of the University of Maine System. Nothing within this constitution shall be construed as granting to the faculty, student, professional staff, classified staff, or other governance body the authority to act outside the policies of the Board of Trustees.

¹ “Statement on Government of Colleges and Universities,” Section IIA, formulated by the American Association of University Professors, the American Council on Education, and the Association of governing Boards of Universities and Colleges.

DEFINITIONS

For the purposes of this constitution, the following definitions apply.

1. **The University.** The University of Southern Maine is referred to as the University.
2. **Faculty.** The faculty includes all persons in the rank of lecturer, instructor, assistant professor, associate professor, and professor holding full-time regular² appointments from the president.
3. **Part-time Faculty.** The part-time faculty includes all persons who teach credit courses or credit equivalent developmental or basic courses and who have been so employed for at least two semesters of the four immediately preceding semesters (fall or spring) and who are so employed in the current semester.
4. **Faculty Participation Rights.** All faculty as defined above shall have full participation rights in any academic unit in which they have full-time faculty responsibilities as defined by that academic unit. An academic unit may recognize those persons holding academic rank but not a full-time regular faculty appointment in the unit as voting members in the unit, with full or fractional vote, upon recommendation of the unit's full-time faculty and approval by the chief academic officer. For purposes of university-wide governance, the president may grant the full participation rights of full-time regular faculty to those persons holding academic rank as joint appointees with other institutions or academic units, visiting faculty, or faculty participating in the Partial Phased Retirement Program following receipt of recommendation from the department, program, school, or college in which the individual serves, and the Faculty Senate. Only those with full-time faculty participation rights may be counted in determining academic unit representation to the Faculty Senate, stand for election to the Faculty Senate or in other university elections, and vote in university elections.
5. **Graduate Faculty.** The graduate faculty shall consist of all faculty so designated by the president.
6. **Students.** Students include all those who are matriculated and registered in courses carrying a total of at least three credit hours.
7. **Administration.** The administration includes the president, the vice presidents, deans, and directors of academic programs independent of a school or college, and the University Librarian.
8. **Professional Staff.** The professional staff includes professional and administrative employees other than those designated above as the administration. This includes System Services employees currently housed at The University.

² A "regular" appointment is an appointment for a term of seven months or longer.

9. Classified Staff. The classified staff includes non-professional employees as defined in the University of Maine Labor Relations Act Section 1022.
10. Colleges and Schools. A college or school is a grouping of faculty members or departments of the University offering courses of study leading to a bachelor's or graduate degree with majors in single disciplines or areas of study.
11. Independent Degree Program. An independent degree program is a grouping of faculty organized apart from a school or college with responsibility for an undergraduate or graduate degree.

PART I: THE UNIVERSITY

ARTICLE I: THE ADMINISTRATION

Section 1

The President. The president is the chief administrative officer of the University responsible for the implementation of plans, policies, and directives from the Board of Trustees and the chancellor. While the president shares governance responsibility with the university community, the president has ultimate authority and responsibility for the establishment of goals and priorities and for the decisions that lead to their attainment; for the management of institutional resources; for the effective performance of all university personnel; and for the representation of the University to its various publics. The president also is responsible for the effective and consistent implementation of this governance constitution to assure appropriate participation of the university community in university affairs.

Section 2

The Chief Academic Officer. The chief academic officer is delegated leadership responsibility by the president of the administration, coordination, monitoring, and development of all academic activities of the University. The chief academic officer has responsibility for assuring the appropriate participation of faculty and students in academic planning and decision making, both campus wide and within individual academic units, consistent with the provisions of this governance constitution.

Section 3

Shared Governance. The president and those administrators to whom authority is delegated must make every reasonable effort to assure the members of the university community full opportunity to exercise their governance responsibilities.

A. Recommendations, Decisions, and Counsel. The president, vice presidents, and deans shall refer to the bodies established by this constitution all matters appropriate to these bodies for formal policy recommendations and, where appropriate, decision; shall counsel directly with appropriate bodies established by this constitution before making major decision; shall respect decisions on matters reserved or delegated to governance bodies; and shall give due weight to the recommendations of those bodies when decisions are reserved to the administration.

B. Response. When the president or other members of the administration alter or reject a formal recommendation from a body established under this constitution, that body shall be informed promptly, normally in writing, of the reasons for the decision or action.

C. Timeliness. The administration shall provide governance bodies with a reasonable period of time to consider issues and to make recommendations. When such recommendations are not forthcoming within this time, the administration may act without recommendations.

ARTICLE II: THE FACULTY SENATE

Section 1

Responsibilities. For effective shared governance to be realized, the academic community through the Faculty Senate must play a major role in guiding the University. The Faculty Senate shall be the academic community's primary advisory body to the president or, as appropriate, the chief academic officer. The Senate shall be responsible for academic policy recommendations applying to the University as a whole, and may make recommendations on any matter of concern to the faculty not reserved to other bodies by this constitution. The Faculty Senate may not concern itself with the internal affairs of a college, school or independent degree program with the exception of recommendations regarding the creation or elimination of degree programs.

The Faculty Senate's areas of responsibility or concern include, but are not limited to, the following:

A. Resources and Planning. The Faculty Senate shall consider the purposes and mission of the University and its educational programs, participate in long-range planning, and review and recommend program and resource allocation priorities. The Faculty Senate may develop recommendations regarding program and resource allocation priorities. It shall also make recommendations regarding the addition of new programs, beginning at the earliest possible or "intent to plan" stages in the program-planning process, and regarding the elimination of existing degree programs.

B. Academic Policy. The Faculty Senate shall review and recommend policies regarding university-wide degree requirements, admissions standards, transfer policies, and academic standards for students. The Senate shall also make recommendations regarding the academic calendar and the overall format for scheduling courses.

C. Faculty Affairs and Research. The Faculty Senate may review and recommend policies not covered by the collective bargaining agreement regarding faculty responsibilities, faculty development, and academic freedom. The Senate shall also review and recommend policies regarding research and related matters and encourage faculty and student research, scholarship, and creative work.

D. Library and Media. The Faculty Senate shall engage in a continuing study and evaluation of library and educational media needs.

E. Scholarly, Cultural, and Intercollegiate Programs. The Faculty Senate shall review and recommend policy regarding extra-curricular, scholarly and cultural programs, including intercollegiate programs and activities funded through university accounts. It shall ensure that these programs contribute to the intellectual and cultural life of the University and shall cooperate with the Student Senate in the enhancement of student life.

F. Administration. The Faculty Senate shall participate in searches for the president and vice presidents and shall be consulted in appointment of an acting president or vice president to serve until a permanent appointment can be made. It shall be responsible for reviewing and making recommendations regarding the effective and efficient administration of the University. This review may include evaluation of these administrative officers.

G. Faculty Representatives. The Faculty Senate shall be responsible for the selection of faculty members to serve on university and University of Maine System committees, other university bodies, and as faculty representatives on intercollegiate bodies.

H. University Honors. The Faculty Senate shall review and recommend policies relating to the award of university-wide academic prizes and honors.

I. Counsel. The Faculty Senate shall advise the president on any matter the president chooses to bring before it and may give counsel to other senates or university officers.

Section 2

Membership. The Faculty Senate shall be composed as defined in the Faculty Senate By-Laws.

Vacancies. Should the seat of a faculty senator elected by a school, college, or independent degree program become vacant, a replacement shall be provided as specified in the Faculty Senate By-laws.

Section 3

Officers. Following the annual elections of senators, a chair, vice chair, and secretary shall be elected by the Senate from its voting membership at an organizational meeting of the next year's Senate. Senate officers shall be provided with appropriate staff assistance.

Section 4

Meetings. The Faculty Senate shall meet at least once each semester, or at the call of the chair, the president, the Executive Committee, any seven members of the Senate acting jointly, or by petition of ten percent of the faculty.

Section 5

Committees. The Faculty Senate may establish standing and ad hoc committees and may delegate to them such powers as it chooses, provided that the motion to delegate powers is published in the meeting agenda. IN the establishment of committees and in the selection of members, due regard must be given to the obligation to chooses those most qualified and/or fairly representative of various constituencies. Each school or college shall be entitled to at least one faculty representative on any committee whose charge includes any matter affecting the interests of that school, college, or independent degree program.

Section 6

Executive Committee

A. Responsibilities. The Executive Committee's primary responsibility shall be to assist the Faculty Senate in the efficient discharge of its duties by recommending actions, referring matters to the appropriate committees or offices, serving as a continuing liaison between the Senate and the administration, and acting on behalf of the Senate during the summer and when immediate action is required, subject to confirmation of such actions at the next senate meeting. It may be delegated other responsibilities by the Senate.

B. Membership. The Senate shall establish and elect an Executive Committee.

Section 7

By-laws. The Faculty Senate shall establish by-laws for the conduct of its affairs and proper notice of elections, meetings, agenda, and actions. By-laws shall be distributed to all members of the faculty and other interested parties.

Section 8

Referendum. Upon petition by thirty faculty members filed with the Faculty Senate Chair within ten school days of the date of distribution of the minutes of the Faculty Senate, a report or recommendation acted upon by the Faculty Senate must be put to a faculty referendum. Ballots must be circulated within five school days of receipt of a petition. If a majority of those voting oppose the report of recommendation, provided that at least fifty percent of the faculty votes, the report or recommendation shall be of no further force or effect. The Senate may submit to referendum any matter before it.

Section 9

Jurisdictional Conflict. Jurisdictional disputes between the Faculty Senate and a school, college of independent degree program maybe referred by either party to the Judiciary Screening Committee for recommendation.

Section 10

Response to Senate Academic Policy Recommendations. On questions of academic policy (Section 1.B), the president or the chief academic officer acting on behalf of the president should ordinarily defer to faculty judgments and should find it necessary to modify or overrule a Faculty Senate recommendation only rarely and for compelling reasons. With the spirit of shared governance in mind, the following procedures are designed to reach consensus between the Senate and the president on matters of academic policy.

A. When a formal recommendation regarding academic policy is made by the Senate to the president, the president may accept the recommendation in total and initiate implementation, or the president may return the recommendation to the Executive Committee of the Senate indicating the reasons for nonconcurrence and suggesting changes as appropriate. If necessary, the president and the Executive Committee of the Senate shall meet in conference to attempt to reach consensus.

B. If a consensus recommendation is reached between the president and the Executive Committee, that recommendation will be returned to the Senate. If the Senate accepts the consensus recommendation, the policy will be implemented by the president. If after taking these steps the president and the Executive Committee cannot reach consensus, or if the Senate fails to accept a consensus recommendation, then the president may establish and implement the policy independent of senate approval.

ARTICLE III: FACULTY MEETING

The faculty in a Faculty Meeting may exercise the role and responsibilities of the Faculty Senate. A Faculty Meeting of those persons with full faculty participation rights, to which the president, the chief academic officer, deans, and directors of independent degree programs shall be invited, shall be convened upon call of the president or fifteen percent of the faculty. The Chair of the Faculty Senate or a designee shall announce the agenda in advance and chair the meeting. Provided that there is a quorum of fifty percent of those with full faculty participation rights, the faculty may act. Should a quorum be lacking, thirty faculty members may initiate a petition for a referendum to be conducted promptly by the Faculty Senate. For approval, the referendum requires the participation of fifty percent of the faculty with full faculty participation rights and the majority vote of those voting.

ARTICLE IV: THE STUDENT SENATE

Section 1

Responsibilities. The Student Senate may make recommendations on any matter of concern to undergraduate students, including academic matters, to the appropriate university officer or body established under this constitution. The Student Senate's areas of responsibility or concern include but are not limited to the following:

A. Student Government. The Student Senate shall be responsible for functions normally associated with student government, such as the conduct of social and student affairs; the certification or sponsorship of student publications and communications; the chartering of student social, political, and other organizations; and the sponsorship of cultural programs. The Student Senate or its designee shall disburse and manage the student activity fee monies.

B. Student Life. The Student Senate shall be responsible for reviewing and making policy recommendations concerning such areas of student life as admissions, financial aid, discipline, advising, counseling and career placement, housing, food service, and recreational facilities and activities.

C. Nominations. The Student Senate shall be responsible, upon request, for the nomination of student members to the university committees.

D. Counsel. The Student Senate shall advise the president on any matter the president chooses to bring before it.

Section 2

Membership. The Student Senate shall be composed of nine commuter students and six resident students chosen by their respective constituencies, and six students elected at large, all of whom must be activity-fee-paying students, for one-year terms; one representative each from the Faculty Senate, the Professional Staff Senate, and the Classified Staff Senate, non-voting; the Executive Director for Student Development and the Director of Student Life or their designees, ex officio and non-voting; and such representatives of student organizations as the Student Senate determines, ex officio and non-voting. The member from the Faculty Senate may act as advisor to the Student Senate. Definitions of commute and resident student groups and procedures for elections are contained in the by-laws of the Student Senate.

Section 3

Officers. The members of the Student Senate shall elect from its membership a chair, a vice chair, a secretary, a treasurer, and a parliamentarian.

Section 4

By-laws. The Student Senate shall develop by-laws for the conduct of its affairs and proper notice of meetings, agendas, and actions. By-laws shall be distributed to all members of the Student Senate and other interested parties.

Section 5

Committees. The Student Senate may establish standing and ad hoc committees and may delegate to them such powers as it chooses, provided that the motion delegating powers is published in the meeting agenda. In the establishment of committees and in the selection of members, due regard must be given to the obligation to choose those most qualified and fairly representative of various constituencies.

Section 6

Student Body Meetings. Upon request of the president, by vote of the Student Senate or its Executive Committee, if constituted, or upon petition of fifty students, the Chair of the Student Senate shall call and chair a meeting of the student body.

Section 7

Student Grievance Committee. The Student Senate is empowered to establish a student grievance committee, which shall report its findings to the president.

ARTICLE V: THE PROFESSIONAL STAFF SENATE

Section 1

Responsibilities. The professional staff through the Professional Staff Senate must play a role in guiding the University. The Professional Staff Senate shall be the professional staff's primary advisory body to the president. The Professional Staff Senate shall be responsible for policy recommendations applying to the University as a whole and to the professional staff in particular, and may make recommendations on any matter of concern to the professional staff not reserved to other entities in this constitution.

The Professional Staff Senate's areas of responsibility include, but are not limited to, the following:

A. Resources and Planning. The Professional Staff Senate shall consider the mission, goals, and objectives of the University and its educational programs, participate in long range planning, and review and recommend resource-allocation priorities where appropriate.

B. Academic Policy. The Professional Staff Senate may review and recommend policies regarding the administration and implementation of academic policies when such policies will affect the responsibilities of the professional staff.

C. Professional Staff Affairs. The Professional Staff Senate may review and recommend policies regarding professional staff responsibilities, professional development, and other related issues that are not covered by the collective bargaining agreement.

D. Administration. The Professional Staff Senate shall participate in searches for the president and vice-presidents and shall be consulted in the appointment of acting presidents or vice presidents. It shall be responsible for reviewing and making recommendations regarding the effective and efficient administration of the University.

E. Professional Staff Senate Representatives. The Professional Staff Senate shall be responsible for the selection of professional staff members to serve on university and University of Maine System committees and other university bodies as appropriate.

F. Counsel. The Professional Staff Senate shall advise the president on any matter the president chooses to bring before it, the Coordinating Counsel of the Senates chooses to bring before it, or which the Professional Staff Senate determines is within its purview.

Section 2

Membership. The Professional Staff Senate shall consist of up to twenty members. All members will be elected at large for two-year terms, except when elected to complete a vacated, uncompleted term. A member may serve a maximum of three (3) consecutive terms, where any fraction of a term is to be considered a whole term. When a vacancy occurs on the Professional Staff Senate, one of the following will apply:

- A. If the vacancy occurs prior to the July meeting in a position which was filled in the election that spring, then the person receiving the next highest vote total shall be considered elected to the position.
- B. If more than one year remains in the term of the vacated position and the annual election has not occurred, then the position shall be filled by the election. The Senate may appoint a person to fill that position until the election results are determined.
- C. In any other situation, the Senate may appoint a person to complete the remained of the term.

Section 3

Elections. Elections will be completed by May 15 of each year with the new terms of office beginning in July.

Section 4

Officers. There will be four officers: chair, vice chair, and two co-secretaries. Officers will be elected at the July meeting each year. Any individual running for chair of the Senate must have served in the Professional Staff Senate the previous year or in a previous term.

Section 5

Meetings

- A. Regular Meetings. Meetings will be held monthly on dates to be determined at the first meeting of the new term. Regular meetings shall normally be held monthly via videoconference technology, allowing senators to attend meetings from whichever campus is most convenient. A quorum consists of a majority of the Professional Staff Senate, and a quorum must be present for any vote. Meetings shall be open to all members of the university community.
- B. Special Meetings. The President of the University, any twenty members of the professional staff, or a majority of the Executive Committee of the Professional Staff Senate may call a special meeting.

Section 6

Committees

- A. Executive Committee. The Executive Committee shall serve as the continuing liaison between the Professional Staff Senate and the administration and to act on behalf of the Professional Staff Senate when immediate action is required. It may be delegated other responsibilities by the Professional Staff Senate. The Executive Committee will consist of the four officers.
- B. Ad Hoc and Standing Committees. The Professional Staff Senate (ProSen) shall establish ad hoc and standing committees as needed. Except for the Executive Committee, ProSen committees are subject to refocus and reorganization upon recommendation of the committee members and a majority vote of the ProSen. Except for the Executive, Professional Recognition and Awards, Election, Communications & Professional Development Committees, ProSen committees are subject to discontinuance upon recommendation of the committee members and a majority vote of the ProSen. Unless otherwise noted, membership to ProSen committees shall be open to all professional staff members.

Section 7

By-Laws. The Professional Staff Senate shall establish by-laws for the conduct of its affairs and proper notice of elections, meetings, agenda, and actions. By-laws shall be distributed to all members of the professional staff and other interested parties.

Section 8

Referendum. Upon petition by at least thirty members or more of the professional staff filed with the Professional Staff Senate Chair within five working days of the date of publication of the minutes of the Professional Staff Senate, any report or recommendation acted upon by the Professional Staff must be put to a professional staff referendum. If a majority of those voting oppose the report or recommendation, the report or recommendation shall be null and void. The Professional Staff Senate may submit to referendum any matter before it.

ARTICLE VI: THE CLASSIFIED STAFF SENATE

Section 1

Responsibilities. The Classified Staff Senate shall make recommendations to the president on matters of concern to the classified staff not addressed by collective bargaining agreements. It shall be responsible for nominating classified staff members to university committees.

Section 2

Membership. The Classified Staff Senate shall include sixteen members elected at large for two-year terms, with eight elected each year and three non-voting representatives, one each chosen by the Faculty, Student and Professional Staff Senates.

Section 3

By-Laws. The Classified Staff Senate shall establish by-laws for the conduct of its affairs and proper notice of elections, meetings, agenda, and actions. Meetings shall alternate among campuses; released time shall include an additional thirty minutes of travel each way when necessary. By-laws shall be distributed to all members of the Classified Staff Senate and all other interested parties.

Section 4

Officers. The Classified Staff Senate shall elect a chair, vice chair, secretary, and treasurer from its membership. These officers shall constitute the Executive Committees.

Section 5

Classified Staff Meeting. A meeting of the classified staff shall be held upon the request of the president or upon petition of two-thirds of the Classified Staff Senate of any fifteen classified staff addressed to the Chair of the Classified Staff Senate. Meetings scheduled during working hours may be held with the approval of the president. Meetings shall be chaired by the Chair of the Classified Staff Senate.

ARTICLE VII: COORDINATING COUNCIL OF THE SENATES

The chairs of the senates or their designees shall constitute the Coordinating Council of the Senates for the purposes of facilitating communication among the senates, the establishment of joint committees and activities, and consideration of matters of general welfare. Although the Coordination Council of the Senates may make recommendations to the president on matters regarding university-wide issues and concerns upon endorsement of such recommendations by the senates, nothing in this section shall suggest that the Coordinating Council need be consulted by the administration.

Meetings of the Coordination Council shall be held at least once each September and upon the call of any of its members and assent of the majority of its membership

ARTICLE VIII: RECOMMENDATIONS TO CHANCELLOR AND BOARD OF TRUSTEES

On matters which require the approval of the chancellor or the Board of Trustees, recommendations of senates not concurred in by the president shall, upon a two-thirds vote of those voting, be forwarded with the president's recommendation.

ARTICLE IX: THE JUDICIARY

Section 1

Preamble. The normal and preferred resolution of differences in the University is through conciliation, the mediation of fellow students, colleagues, counselors, chairs, and administrators; or appeal to a faculty member's dean, or a professional staff member's or classified staff member's supervisor. The purposes of the judicial process are: to settle constitutional and by-laws conflicts; to assure conformity to the constitution and by-laws; to interpret the meanings of the constitution.

Section 2

The Judiciary Screening Committee

- A. Membership. The Judiciary Screening Committee shall include three faculty members elected by the Faculty Senate from nominations by the Executive Committee of the Senate; one student elected by the Student Senate; one professional staff member elected by the Professional Staff Senate; one classified staff member elected by the Classified Staff Senate; and one administrator appointed by the president.

- B. Responsibility. The Judiciary Screening Committee shall review allegations regarding constitutional conflicts and questions about interpretation to determine those that have sufficient basis for a complaint. If the Committee finds sufficient basis or such basis is found upon appeal, the Committee ordinarily will seek an informal resolution. If an effort at informal resolution is inadvisable or unsuccessful, the Screening Committee will establish a Mediation Committee for formal hearing and recommendation to the president.
- C. Appeal Procedures. If the Screening Committee finds insufficient basis for a complaint, the individual or individuals may request reconsideration by the Committee. If the individual or individuals find the Committee's decision to be unacceptable; the individual may appeal to the Chair or the Vice Chair of the Faculty Senate, or to the Professional Staff Senate Chair if the Faculty Senate or its chair is a party to the complaint.

Section 3

The Mediation Committee

- A. Responsibilities. The Mediation Committee shall hear complains referred to it by the Screening Committee and make written recommendation to the president. Its deliberations and recommendation shall be consistent with the provisions of this constitution. Copies of the recommendation shall be provided to all parties to the complaint, who may forward comments on the recommendation to the president in a timely fashion.
- B. Membership. The Mediation Committee shall consist of five members appointed by the Screening Committee on an ad hoc basis. Members shall be chosen for their qualifications, objectivity, ability, and willingness to address the specific matter referred to the committee.

Section 4

The President

- A. Disposition. The president shall make a decision regarding the complaint in a timely and considered manner including, where appropriate, directives for the corrective action. The president shall notify the chairs of the appropriate senates and all interested parties of the Mediation Committee's recommendation, and of the president's decision and any order there under.
- B. Appeal. He president's decision may be appealed to the chancellor if the president has been a party to the complaint. If such an appeal is made within ten working days of notification by the president, the president shall stay any order for the corrective action issued under the paragraph above until the appeal is decided.

ARTICLE X: ELECTIONS

Section 1

Regular Elections

A. School, College, and Independent Degree Program Faculty Senate Elections. Schools, colleges, and independent degree programs shall elect their representatives to the Faculty Senate by the last day of March and forward the results to the Senate via the unit's representative to the Faculty Senate Committee on Committees.

B. University Elections. At least ten days before elections, nominations for bodies and offices chosen in university-wide elections, including at-large elections to the Faculty Senate, as well as for such other offices and bodies as shall be created within this constitution, shall be made as appropriate to the Chairs of the Professional Staff, Classified Staff, and Student Senate, or to the Chair of the Faculty Senate Committee on Committees. Faculty Senate at large nominations shall be made after school, college, and independent degree program elections. Faculty Senate and Student Senate, elections shall be completed at least three weeks prior to the end of spring semester classes. Student balloting shall be conducted on two successive school days.

Section 2

Special Elections. Special Elections to fill vacant senate seats shall be held as soon as practicable except where other provision is made for the Faculty Senate and the Professional Staff Senate in Article II, Section 2F and Article V, Section 2B respectively.

Section 3

Eligibility. All faculty with full faculty participation rights, students, professional staff, and classified staff as defined in this document, are eligible to vote in university elections. In other elections, constituencies may decide the voting rights of part-time faculty, part-time classified staff and temporary professional staff, except when the process of determining voting rights regarding faculty personnel recommendations and department chair nominations is defined by the collective bargaining agreement.

Section 4

Certification. The chair of the body holding an election or designated voting officer shall declare elected those candidates for each office who receive a plurality of the votes cast except where procedures provide otherwise. Should a tie result, the winner shall be decided by a draw. Any election dispute shall be referred to the Judiciary Screening Committee.

Section 5

Recall. Upon receipt by the chair of a petition signed by ten percent of the members of any constituency, the highest ranking officer in the body who is not the object of the petition shall conduct a recall ballot in the constituency. If two-thirds of those voting favor recall, a special election to fill the vacancy shall be held.

Section 6

Amendments and Referenda. A referendum may be submitted to voters at any time during the academic year. Amendments or referenda, other than referenda described in Article II, Section 8 or Article V, Section 8, must be submitted to the person responsible for overseeing balloting in that constituency at least twenty days prior to the vote and circulated to the constituency at least ten days prior to the vote.

PART II: THE ACADEMIC DEPARTMENT

ARTICLE I: ESTABLISHMENT AND MEMBERSHIP

A department is an established organization, consisting of full-time faculty with the rank of lecturer or higher in a field or fields of scholarship or teaching, which is assigned responsibility for the programs in a discipline or related disciplines. Participation rights for others are defined in the definitions section of this constitution. The decision to establish, change, or discontinue a department requires, before administrative review, a recommendation from the faculty of the school or college to the dean.

ARTICLE II: ACADEMIC ACTIONS

Section 1

Authority. A department shall have primary responsibility for governing its teaching, research, and service activities, consistent with department, school, college, and university policies and procedures.

Section 2

Personnel Actions. Departments shall make personnel recommendations and decisions in accordance with university policy and existing collective bargaining agreements and personnel regulations.

Section 3

Curriculum. A department shall make curriculum recommendations and decisions in conformity with established department, school, college, and university policy and procedures. Procedures by which departments make curriculum decisions must be made known to all interested parties and shall include provision for student membership, with voting privilege, on curriculum committees. Department curriculum recommendations regarding course descriptions, programs, and degree requirements are subject to review when required by the school or college, by the dean, and by the chief academic officer. Recommendations affecting university-wide educational requirements are subject to review by the Faculty Senate.

Section 4

Admissions. A department, independent degree program, or faculty responsible for a degree program, may establish criteria and procedures for admission or transfer to programs in accordance with the special requirements of the department or program. Such criteria and procedures must be approved by the dean and the chief academic officer.

Section 5

Program Review. Departments and independent degree programs shall periodically engage in a thorough review of their missions and programs. The department's self-study report shall fully reflect members' evaluations of the department and its programs and include a plan for the next five years. A memorandum of understanding shall be negotiated with the dean and chief academic officers. This memorandum shall be used to determine resource allocations to guide implementation of a five-year plan.

ARTICLE III: ORGANIZATION AND ADMINISTRATION

Section 1

Organization. A department shall be organized and administered in accordance with university, college, school, and department policies, including any collective bargaining agreements. Besides the chair, the department may create such officers and committees, as it deems necessary and may delegate to the academic and administrative responsibilities.

Section 2

Chair

- A. Responsibilities. The chair shall normally exercise the ordinary administrative responsibilities of that office as well as those delegated by the department. These include development of budgets for the department in consultation with its members for submissions to the appropriate dean, allocation and disbursement of funds, proper implementation of all policies

and procedures governing the department, and filing of all department policies and procedures with the dean.

- B. **Selection and Term.** The chair shall be appointed following nomination by the department in accordance with provisions of the collective bargaining agreement. Each department shall maintain procedures, consistent with established policy, for the nomination of a chair including any provision for absentee voting, and shall establish the qualifications for office, the term of office, and provision for vacancy. No person shall serve more than six successive years and no single term shall exceed three years. Any change in the length of term of office shall apply only the subsequent term. When a chair is on leave for as long as a semester, a nomination of a new chair for the period of absence may be made upon vote of the department.
- C. **Removal.** The department may, at any time, vote to recommend removal of a chair by a two-thirds majority vote of the department membership and, if the recommendation is accepted by the administration, proceed to nominate a replacement. The administration may, for good reason provide to the department, remove a chair.

Section 3

By-laws and Meetings. The department shall establish by-laws for the conduct of its affairs and proper notice of elections, meetings, agenda, and actions. By-laws shall be distributed to all members of the department, to the dean and to all other interested parties.

Section 4

Meetings. Meetings shall be called, upon reasonable notice, by the chair and must be called upon petition of a majority of the department. Reasonable notice shall normally be five days from dispatch of the notice or by unanimous consent.

Section 5

Disposition of a Recommendation. When a department decision or recommendation is not concurred with by the administrator or body to whom it is submitted, the department or its appropriate committee shall be informed promptly, normally in writing, of the reasons.

Section 6

Committee Membership. Each department shall determine by a majority vote how faculty and student members of department committees shall be selected. Selections of student members shall be made only after consultation with student major organizations or students served by the department.

PART III: SCHOOLS AND COLLEGES

ARTICLE I: DEFINITIONS AND ORIGINATION

Section 1

Faculty. All full-time faculty members in the rank of lecturer or higher and holding appointments in a school or college or its constituent departments are members of the school or college, including the dean and associate or assistant deans. Participation rights for others are defined in the definitions section of this constitution.

Section 2

Formation. Proposals for the establishment, change, or discontinuance of schools or colleges shall be referred to the Faculty Senate for a recommendation to the president.

ARTICLE II: ACADEMIC AFFAIRS

Section 1

Authority. The school or college is responsible for its policies, decision, and recommendations.

Section 2

Personnel Actions. Schools or colleges shall make personnel decisions in accordance with university policy and existing collective bargaining agreements.

Section 3

Curriculum. The school or college shall establish policies and procedures for making its curriculum decisions in conformity with university policy. Provision should be made for student involvement in curriculum deliberations. Course and curriculum changes which involve additional funds require the dean's approval. Course or curriculum changes substantially affecting the school or college curriculum but not having financial implications require the dean's approval except that, upon reconsideration, a two-thirds vote of the school or college is determining. School or college curriculum decisions affecting other schools or colleges or independent degree programs shall be promptly reported by the dean or director to all other deans and directors and to the Chair of the Faculty Senate. When the scope of a decision extends beyond an individual school or college, the decision is subject to review by the Faculty Senate and/or the affected schools or colleges.

Section 4

Admissions. The faculty of a school or college may establish admission criteria and procedures for that school or college. Only those faculty designated as graduate faculty may vote on admissions criteria and procedures for the school or college's graduate programs; only undergraduate faculty may vote on criteria and procedures for undergraduate programs. Such criteria and procedures must be approved by the dean and the chief academic officer.

ARTICLE III: ORGANIZATION, MEETINGS AND BY –LAWS

Section 1

Organization. A school or college may organize itself as it chooses, in accordance with university policies. It may establish standing and ad hoc committees which shall be answerable to the school or college, and it shall establish procedures for the selection of faculty, student, and other members of committees. Procedures to do so require a two-thirds vote for approval.

Section 2

Meetings. The school or college shall normally conduct its affairs at meetings of the school or college. It shall meet upon vote of the body, call of the dean, or petition or fifteen faculty members or one-fourth of the body's membership, whichever is smaller. The dean or the dean's representative shall preside.

Section 3

By-laws. The school or college shall establish by-laws for the conduct of its affairs and proper notice of elections, meetings, agenda, and actions. By-laws shall be distributed to all members of the school or college, the chief academic officer and all other interested parties.

ARTICLE IV: ADMINISTRATION

Section 1

Dean

A. Responsibilities. The dean is the chief academic and administrative officer of the school or college. The responsibilities of the dean include, but are not limited to, the following: implementing the educational objectives of the school or college in cooperation with chairs, faculty, staff, and students to develop quality teaching and scholarship; academic planning; faculty and curricular development; budget; implementation of personnel decisions; and administering

governance policies and procedures established by the school or college under this constitution. IN meeting these various responsibilities, the dean is specifically obliged to involve the faculty in the budget process and to meet at least biennially with each department regarding its programs and effectiveness.

B. Selection. The dean shall be appointed by the Board of Trustees upon the recommendation of the chief academic officer and the president. In conducting a search for a dean, each school or college shall, in consultation with the chief academic officer, establish search and screening procedures, including designation of the search committee, designation of the committee or body to make nominations of finalist candidates to the chief academic officer if other than the search committee, qualifications of candidates, and term of office, all to be consistent with university policies. At least half of the members of a search committee shall be faculty elected by the school or college faculty. Provision shall be made for student participation in dean searches. Each finalist candidate who is nominated to the chief academic officer must have received majority approval of the search committee, or of the nominating committee as appropriate. IN the event of an impasse, the chief academic officer shall meet with the search or the nominating committee and may ask for one or two additional candidates.

C. Term. Deans shall serve at the pleasure of the president and normally for no more than ten years.

D. Evaluation. At the initiation of the chief academic officer, each school or college shall conduct a review of its dean at least once every three years. The results of this review shall be considered in the administration's evaluation of the dean. The school or college should normally make a recommendation regarding the continuation of the dean's appointment. Evaluation procedures shall be established by the school or college in consultation with the chief academic officer.

Section 2

Associate and Assistant Deans. Each school or college shall develop policies for the selection and evaluation of assistant and associate deans which shall include timely consultation with the faculty of the school or college.

PART IV: THE GRADUATE COUNCIL

ARTICLE I: RESPONSIBILITIES

The Graduate Council is the graduate faculty's advisory body to the chief academic officer regarding graduate affairs. The Council shall make recommendations to the chief academic officer concerning the qualifications for designation as graduate faculty, the organization and administration of graduate affairs, the review of existing graduate programs, and the development of graduate programming including the review of proposals for new graduate degrees.

ARTICLE II: MEMBERSHIP

Each school, college, or independent degree program offering graduate degrees shall be presented on the Council by one member for each ten full-time-equivalent graduate faculty or major fraction thereof except that each school, college, or program shall be represented by at least one member. Each academic unit may determine its method of selecting representatives to the Council. Two students will be appointed by the chief academic officer from recommendations by members of the graduate faculty. Terms of office shall be one year, and no elected faculty member shall serve more than four consecutive full terms. The chief academic officer may appoint to the Council an administrator from the Division of Academic Affairs.

ARTICLE III: CHAIR

The Chair of the Council shall be elected by its members.

ARTICLE IV: BY-LAWS

The Graduate Council shall establish by-laws for the conduct of its affairs and proper notice of meetings, agenda, and actions. By-laws shall be distributed to all members of the graduate faculty and other interested parties.

PART V: INDEPENDENT DEGREE PROGRAMS

Decisions and administration regarding curriculum, personnel, and other affairs shall be carried out in a manner consistent with that of a department, school, or college as appropriate. The director shall be appointed in accordance with procedures consistent with those for the selection of a dean.

PART VI: AMENDMENTS

ARTICLE I: STUDENT SENATE AMENDMENTS

Amendments to the Student Senate articles (Part I, Article IV and Part VI, Article I) may be initiated by the petition of one-third of the Student Senate or any seventy-five students. The vote shall be held no earlier than three school weeks after notice of the amendment petition is given the student body. Ratification shall require a two-thirds vote of students voting and the approval of the president.

ARTICLE II: PROFESSIONAL STAFF AND CLASSIFIED STAFF SENATE AMENDMENTS

Amendments to Professional Staff Senate or Classified Staff Senate articles (Part I, Articles V & VI and Part VI, Article II) are initiated and approved by the professional staff or classified staff respectively. Amendments may be initiated by petition or a majority of the body or any

thirty members of the constituency. The vote shall be held no earlier than two weeks after notice of the amendment petition is given the affected group. Ratification shall require a two-thirds vote of those voting and the approval of the president.

ARTICLE III: OTHER AMENDMENTS

Section 1

Initiation. With the exceptions noted in Articles I and II [dealing with other senates], amendments may be initiated by petition of the president or a school, a college, an independent degree program, or the Faculty Senate or a vote by the Faculty or the Student Senate or anyone hundred members of the university community or forty faculty members or thirty professional or classified staff members.

Ratification. With the exceptions noted in Articles I and II, amendments require ratification by a two-thirds vote of the faculty voting and the approval of the president. A proposed amendment must be published to the university community at least fourteen school days before the vote is taken. The chair of the Faculty Senate will schedule a public hearing to take place at least five school days before the balloting. The ratification vote may be at a faculty meeting or by mail ballot. The Faculty Senate Chair shall be responsible for preparing all amendment ballots and conducting the vote. The president may elect to request student, professional staff and classified staff referenda before deciding upon approval of such amendments.