

Policy Recommendation

Amendment to the Constitution of the Academic Senate of San José State University

Rationale

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

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

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

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

First, it can be confusing to label a specific segment of the staff as “faculty” when they are in fact classified as staff employees in the University. Second, while voices of the

¹ The organization is under the umbrella of the Western Association of Schools and Colleges (WASC).

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

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

The committee has also learned other areas of opportunity to propose further changes. One area is the representation of deans, which is one of the most widely represented constituencies. While each dean has their own discipline-specific expertise and unique leadership perspectives, which is indispensable for the function of the Senate, given frequent and collegial communication and collaborations among the deans, as has been always exercised, the committee found it feasible to adjust the extent of representation.

Another area is the membership of the President of the University, who is the ultimate authority regarding all university policies. Ratification of all policy resolutions approved by the Senate requires approval by the President. As such, and aligning the practices employed by other CSU campuses, the committee found it beneficial to change the President to a non-voting member, who, nevertheless, maintains voting rights for the non-policy resolutions, i.e., Senate Management resolutions and Sense of the Senate resolutions, for the latter of which, especially, the vote of the President would provide significant symbolic value to the resolution.

It is the past practice of this Senate to address each member, including administrators, students, staff, faculty, and the President as "Senator" rather than using formal titles. This practice emphasizes the esteem we have for each other as equal participants when deliberating on matters concerning the best interests of the university, including our esteem for the President's opinions when expressed during Senate meetings as a Senator. We expect and hope for this tradition to continue. The removal of the President's vote on policy recommendations reflects the fact that the President has the ultimate authority to sign or return each policy recommendation, making a vote on the floor redundant and possibly placing the President in an awkward position.

Based on these reasons, and specifically, this recommendation seeks to:

1. Redefine “faculty” as exclusively Unit 3 employees;
2. Preserve SSP staff participation in the Senate;
3. Allow other general staff participation in the Senate;
4. Make changes to non-faculty seats; and
5. Increase the number of faculty seats.

Resolved: That the following amendment to the Constitution of the Senate be adopted and enacted upon the adoption of the amendment of the Bylaws as proposed in AS 1877.

Approved: September 27, 2024

Vote: 9-0-0

Present: Harish Chander, Behin Elahi, Katelyn Gambarin, Reiko Kataoka, Eduardo Munoz-Munoz, Annette Nellen, Nha-Nghi Nguyen, Ken Peter, Janet Sundrud

Absent: Acacia Clark, Denise Dawkins, Michael Kaufman, Jahmal Williams

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

Workload Impact: Increased workload for University Personnel

CONSTITUTION OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

PREAMBLE [UNCHANGED]

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

ARTICLE I -- THE ACADEMIC SENATE [UNCHANGED]

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

ARTICLE II -- MEMBERSHIP

Section 1. The Academic Senate shall consist of representatives from the University administration, faculty, staff, and students. In the interests of communication and cooperation, the Emeritus Faculty Association and the Alumni Association shall also each have a representative. Student, administration, staff, emeritus faculty, and alumni representatives have the same rights to speak and vote as other members, but may not serve concurrently as elected representatives of the faculty. Student, administration, emeritus faculty, and alumni representatives are also, and are not qualified for election as officers of the Senate. The President of the University, who has ultimate authority over university policies, shall not vote on policy resolutions. At least two-thirds of the ~~total membership of the Senate~~ senators who are eligible to vote on policy resolutions shall be members holding office under ~~sections 3, 4, and 5~~ section 3, section 5, and section 6 of this Article.

Section 2. Administration representatives shall consist of the President (non-voting on policy resolutions), the Provost, the Vice President for Administration and Finance, the Vice President for Student Affairs, and the Chief Diversity Officer, ex officio; and ~~four~~ (4)three (3) academic deans, at least two of whom shall be deans of colleges, elected by the academic deans for staggered two-year terms.

Section 3. a) For the purposes of this Constitution, the faculty consists of all members of Collective Bargaining Unit 3 University staff holding the title of Professor, Associate Professor, Assistant Professor, Instructor or Lecturer, and holders of such other professional and administrative staff positions as may be declared by bylaw to be directly related to the instructional program of the University. Faculty representatives

shall consist of no less than ~~twenty-seven (27)~~ thirty-five (35) faculty members apportioned among the representative units as much as possible in proportion to faculty population. Apportionment shall be provided for in the bylaws, but each representative unit shall have at least one representative.

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

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

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

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

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

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

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

not retained or rehired.

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

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

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

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

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

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

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

ARTICLE III – ORGANIZATION [UNCHANGED]

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

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

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

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

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

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

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

ARTICLE IV -- POWERS AND RESPONSIBILITIES

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

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

ARTICLE V – REFERENDUM **[UNCHANGED]**

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

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

ARTICLE VI – AMENDMENTS **[UNCHANGED]**

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

ARTICLE VII – ADOPTION **[UNCHANGED]**

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