

## 10/30/18 Senate Meeting Discussion Item: Election of Faculty Representatives to the ACTCSP

### Consideration of a resolution similar to 06-13/14-EX passed on October 1, 2013 Report by Chair Stephanie Burkhalter

My role as University Senate Chair is ex-officio (with voting rights) based on my election as General Faculty President. In the 10-16-18 Senate meeting it was my understanding that as Chair of the Senate Executive Committee, I was asked by faculty senators to bring to Senate Executive Committee a resolution similar to 06-13/14-EX passed on October 1, 2013. If passed in Senate Executive Committee, it would be expected to come forward in Senate on 10-30-18 for a first/second reading/vote. As I wrote the resolution in response to this request, I examined the Guiding Documents of the Senate for clarity and support. These documents are: The Humboldt State Faculty Handbook, the Humboldt State General Faculty Constitution (Appendix E to the Faculty Handbook), the Humboldt State University Senate Constitution (Appendix F, Part 1 of the Faculty Handbook) and the University Senate of Humboldt State Bylaws and Rules of Procedure (Appendix F, Part 2 of the Faculty Handbook).

After reading the Guiding Documents carefully, consulting informally with the chair of the Constitution and Bylaws Committee to clarify the references within certain clauses in these documents, and considering the opinion of the Senate Parliamentarian, I have concluded that passage of a resolution like 06-13/14-EX would violate the Constitution of the General Faculty, even if passed in a faculty-only session of the Senate. My reasoning is provided in the following discussion.

**1. While the Senate does have a role to “assist” in the presidential search process provided in Section 2.3 of its “duties” in the University Senate Constitution (see below), it is not clear that the University Senate has the authority to determine representation restrictions in a General Faculty Election for offices that are not Senate or committee-based.**

Faculty Handbook, Chapter IV (Section 400) states

#### **GENERAL FACULTY ORGANIZATION**

The General Faculty of HSU is governed by and functions under the “*Constitution of the General Faculty of Humboldt State University*” (Appendix E). The *Constitution* contains articles dealing with name and purpose, membership, responsibilities for shared governance, officers, finances, committees, elections, and amendments. The *Constitution* also establishes the General Faculty’s relationship with the University Senate.

#### **GENERAL FACULTY RELATIONSHIP TO THE UNIVERSITY SENATE**

Through its elected delegates to the University Senate, the General Faculty exercises its responsibilities to formulate, review, and recommend academic policies for the University to the President and other appropriate agents.

The Constitution of the General Faculty of HSU (Appendix E) states

#### **3.0 POWERS AND STRUCTURE**

3.1 Functions – The function of the General Faculty shall be to formulate and recommend to the University President policies for the University affecting matters of common concern to the general faculty; to implement authority assigned to it by the University President; to assist in the

selection of future presidents of the university and future administrators of high rank; to administer elections wherein the General Faculty vote; to help the University gather and express the views of the faculty regarding issues of governance; and to act for the faculty in other matters within its jurisdiction.

3.2 Representation to Other Organizations – The General Faculty shall elect those persons who represent it to appropriate university committees, campus auxiliary governing boards, and state organizations. In cases of appointment of representatives, names of appropriate appointees shall be put forward by the University Senate Appointments and Elections Committee's Faculty Subcommittee to be confirmed by the Executive Committee of the General Faculty. The General Faculty may authorize these representatives to use such funds as are available for such purpose.

3.3 Exercise of Powers – All powers of the General Faculty shall reside in the General Faculty except that certain functions, including policy recommendations, may be exercised through the University Senate as herein provided in Section 6.0.

## **6.0 RELATIONSHIP TO THE UNIVERSITY SENATE**

6.1 The General Faculty exercises its responsibilities to formulate, review, and recommend academic policies for the university to the President and other appropriate agents through its elected delegates to the University Senate.

6.2 The General Faculty may, by majority vote – a quorum being present – require the University Senate to report progress on any matter before it or refer any such matter to the general faculty for consideration.

The University Senate Constitution (Appendix F, Part 1) states

### **2.0 Duties**

2.1 The Senate shall consider policies with respect to the general welfare of the university. It shall review established policies, consider new policies, and study matters of concern to the University community.

2.2 It shall formulate educational policy, including admissions, curricula, and criteria for the granting of degrees. It shall analyze established and proposed policies of instruction and consider variations in policy in exceptional cases.

2.3 It shall advise the President in the selection of administrative personnel and assist in the selection of future Presidents.

2.4 It shall maintain open lines of communication between the faculty, staff, students and administration. Senators shall distribute information to and solicit input from the group(s) for which they serve as delegate.

2.5 It shall appoint members of Senate Standing and *Ad hoc* committees and Campus committees through the Appointments and Elections Committee. It shall establish rules and procedures for Senate committees and shall establish procedures for the Senate.

2.6 The ultimate authority to recommend approval of candidates for graduation shall reside with the tenure-line faculty. Only members of the Senate who are elected as tenure-line faculty shall vote in the matter of approving the list of candidates for graduation.

2.7 The Senate shall hold the authority for censure of its members. The Senate shall follow procedures specified in the *Bylaws*

**2. The Constitution of the General Faculty (Section 8.4) gives the General Faculty President the power to hold a “special election,” which is the category of the election for faculty representatives on the ACTCSP, but it stipulates that the election process must be consistent with the description of elections in Section 8.3. Section 8.3 requires that regardless of their college appointment, the two faculty candidates who eventually win 66.7% of the vote will be chosen for the ACTCSP (note: the election clauses In the University Senate Bylaws and Rules of Procedure, Appendix F, Part 2, clause 10.4 and section 12 clauses, apply only to elections to Senate vacancies). The Constitution of the General Faculty of HSU (Appendix E) Election clauses state**

8.2 Nominating and Elections – The University Senate’s Appointments and Elections Committee shall serve as the Elections Committee of the General Faculty. Nominations for General Faculty Officers and other General Faculty Representatives shall be made by the Committee in accordance with the provisions of the General Faculty Constitution, the Faculty Handbook and University Senate Constitution and Bylaws. The Committee shall conduct all elections of the General Faculty in accordance with the following provisions.

8.21 – Lecturers holding one-year or longer appointments with a time base averaging at least .40 of full time shall nominate and elect the Lecturer senators.

8.22 – The General Faculty shall nominate and elect Faculty senators-at-large.

8.23 – If a single candidate appears on the ballot, provision shall be made for a “write-in” candidate.

8.231 – If a single candidate appears on the ballot, that person must receive a simple majority (51%) of the votes cast in order to be considered elected.

8.24 – All ballots shall list nominees in alphabetical order.

8.3 Election Process – The General Faculty Officers and other General Faculty representatives selected through an election process shall be elected by a majority vote of those voting consistent with the following provisions:

8.31 With one position to fill – All nominees shall be listed on the first ballot. Those having the highest number of votes, and whose votes, when added together, constitute a majority of the votes cast, shall appear on the next ballot. Voting shall continue in this manner until one candidate receives a majority of votes cast.

8.32 With multiple positions to fill – In elections where multiple positions are to be filled, those whose votes when added together constitute 66.7% or more of the votes cast will be elected. If there are more candidates retained than required for multiple positions, a run-off election will be held of those candidates.

8.4 Special Elections -The President of the General Faculty may call special elections consistent with the provisions above (8.3).

**3. If the General Faculty would like to amend the elections clauses of the General Faculty Constitution to specify that the selection of faculty representatives for the ACTCSP election require equal representation from CAHSS, CNRS, and CPS, they would need to do so in compliance with the amendment process provided for in section 9 of the General Faculty Constitution:**

9.1 Proposing Amendments – Amendments to this Constitution may be proposed to the General Faculty President/University Senate Chair by any member of the General Faculty. The proposed amendment(s) shall be presented at a faculty session of the University Senate for passage of a resolution calling for the amendment(s) to be forwarded to a vote of the General Faculty.

9.2 Notification of Members – The complete wording of any proposed amendment shall be made electronically available to all members of the General Faculty. This notification shall occur at least seven days prior to the election.

9.3 Ratification – Amendments to this Constitution shall be ratified by a majority of General Faculty votes cast in an election of the General Faculty, consistent with the provisions in section 8.0.

**4. As General Faculty President I advise against amending the General Faculty Constitution for this presidential search because doing so would create an untenable election timeline that might endanger faculty representation altogether on the ACTCSP.** If at the 10-30-18 Senate meeting an amendment to the General Faculty Constitution was proposed by a faculty senator, we would move into a “faculty-only” session. If 2/3 vote were garnered a first reading of the amendment could be waived. If approved by a majority and this amendment moved forward, then on 11/1/18 the General Faculty would be notified of the election, and according to section 9.2, the notification of the election must stay open for seven days, which would end on 11/8/18. Then the election to amend the GF Constitution would open and, according to generally accepted election rules, would be open for five business days. The results of this election would not be filed until 11/16. Regardless of the outcome of the election to amend the GF Constitution (i.e., whether it was supported or not by the general faculty), nominations for the position of faculty representative to the ACTCSP would not open until 11/17 and would close 11/30 (Fall Break is 11/19-11/23). After nominations are received on Friday, 11/30, the elections process to select the faculty representatives from the nominees would not begin until Monday, 12/3. This means the first run-off election could not be scheduled until 12/11, putting us past the post-11/30 grace period granted (if necessary) by the Chancellor’s Office.

**5. The Appointments and Elections Committee (AEC) plays a role in shaping the nominations requirements for candidates, which could include restrictions, such as the requirement that a candidate be a full-time faculty unit employee. If there are no specified nominations restrictions (other than the candidates must commit to the search schedule as laid out by the Chancellor’s office) any member of the General Faculty would be eligible to self-nominate. Depending on AEC’s position, it is possible to restrict nominations to those candidates whose college is either CNRS or CPS; however, given the election procedure as specified in section 8.3 of the General Faculty Constitution, if two candidates from one college received votes totaling 66.7%, they would both be elected.**

**Membership in the General Faculty is defined in the Constitution (Appendix E) as**

2.11 Full-time faculty unit employees (including tenured faculty, probationary faculty, lecturers, librarians, counselors and coaches)

2.12 Part-time faculty unit employees (including lecturers, librarians, counselors, coaches, and rehired annuitants) holding at least a one-year appointment with a time base averaging at least .40 of full time

2.13 FERP faculty

## 2.14 Administrators with academic retreat rights