

Policy Recommendation

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

9 Rationale

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

14 Senate representation has been the subject of seven policy referrals between 2000 and
15 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,
16 and O&G-S24-1). Many of these referrals called for adding non-MPP, non-SSP staff
17 seats to the Senate. Staff comprise 35% of all employed personnel at San José State
18 University, as of fall 2023, and many staff interact with students and faculty in their daily
19 work.

20 Furthermore, the 2022 Report of the WASC Senior College & University Commission
21 (WSCUC)¹ Team for Reaffirmation of Accreditation identified shared governance as one
22 of the key areas of concern and encourages the university to continue work on “to be
23 more inclusive of all stakeholders.” The CSR engaged in thirteen stakeholder meetings
24 between January 2024 and August 2024, and conducted a staff survey in February
25 2024, which yielded data of about 250 respondents. A consistent theme throughout
26 these meetings and the survey was the importance of staff serving on the Senate and
27 other bodies of shared governance.

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

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

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

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

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

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

50 Another area is the membership of the President of the University, who is the ultimate
51 authority regarding all university policies. Ratification of all policy resolutions approved
52 by the Senate requires approval by the President. As such, and aligning the practices
53 employed by other CSU campuses, the committee found it beneficial to change the
54 President to a non-voting member.

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

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

61 **Resolved:** That the following amendment to the Constitution of the Senate be adopted
62 and enacted upon the adoption of the amendment of the Bylaws as proposed in AS
63 1877.

64 Approved: September 25, 2024

65 Vote: 10-0-0

66 Present: Harish Chander, Denise Dawkins, Katelyn Gambarin,
67 Reiko Kataoka, Michael Kaufman, Eduardo Munoz-Munoz, Annette
68 Nellen, Nha-Nghi Nguyen, Kenneth Peter, Janet Sundrud

69 Absent: Acacia Clark, Behin Elahi, Jahmal Williams

70 Financial Impact: If hours of work is taken from those hours otherwise spent for the
71 regular work of the staff members, then it may incur financial cost to

72 the organization/division. Staff participation in the Senate may
73 result in facilitating operation university-wide, contributing to
74 reducing overall operational costs.

75 Workload Impact: Increased workload for University Personnel

76 **CONSTITUTION OF THE ACADEMIC SENATE**
77 **SAN JOSE STATE UNIVERSITY**

78 **PREAMBLE [UNCHANGED]**

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

82 **ARTICLE I -- THE ACADEMIC SENATE [UNCHANGED]**

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

89 **ARTICLE II -- MEMBERSHIP**

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

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

106 **Section 3.** a) For the purposes of this Constitution, the faculty consists of all
107 members of Collective Bargaining Unit 3 University staff holding the title of Professor,
108 Associate Professor, Assistant Professor, Instructor or Lecturer, and holders of such
109 other professional and administrative staff positions as may be declared by bylaw to be
110 directly related to the instructional program of the University. Faculty representatives
111 shall consist of no less than ~~twenty-seven (27)~~ forty (40) faculty members apportioned

112 among the representative units as much as possible in proportion to faculty population.
113 Apportionment shall be provided for in the bylaws, but each representative unit shall
114 have at least one representative.

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

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

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

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

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

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

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

149 not retained or rehired.

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

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

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

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

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

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

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

174 **ARTICLE III – ORGANIZATION [UNCHANGED]**

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

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

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

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

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

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

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

193 **ARTICLE IV -- POWERS AND RESPONSIBILITIES**

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

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

204 **ARTICLE V – REFERENDUM [UNCHANGED]**

205 **Section 1.** Any action of the Academic Senate may be referred to the faculty
206 electorate when forty per cent (40%) of the Academic Senate members present support
207 a motion for a referendum or when twenty per cent (20%) of the faculty electorate
208 submit a petition for a referendum to the Associate Vice Chair of the Academic Senate.
209 A petition calling for a referendum shall indicate the specific action of the Academic
210 Senate which is the subject of the referendum. Such a petition must be submitted within
211 a period of thirty (30) working days of a regular academic session following the action to
212 be referred. A majority of the votes cast shall be necessary to sustain the action.

213 **ARTICLE VI – AMENDMENTS [UNCHANGED]**

214 **Section 1.** Amendments to this Constitution may be proposed for faculty
215 consideration by a majority of the total membership of the Academic Senate or by a

216 petition signed by twenty per cent (20%) of the faculty electorate. Ratification shall
217 require approval by a majority of the votes cast by the faculty electorates, and by the
218 President of the University.

219 **ARTICLE VII – ADOPTION [UNCHANGED]**

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