

# The University Senate of Michigan Technological University

## PROPOSAL 3-05

(Voting Units: Full Senate)

### AMENDMENT OF THE SENATE CONSTITUTION

#### Background

Once certified, the recent collective bargaining election will disenfranchise tenured and tenure track faculty from the Senate constituency since Article II, Section A, Paragraph 6 states: "Members of collective bargaining units recognized by the University shall not be constituents." This paragraph must be deleted to ensure continued tenured and tenure-track faculty involvement in the Senate constituency. It also should be deleted since it may be illegal to use membership in a collective bargaining unit to exclude a class of possible constituents. In addition, the Senate's professional staff constituency needs better definition. Most likely Paragraphs 4-6 were included in the Constitution in order to provide such a definition. The Senate proposes to delete Paragraph 5 and change Paragraph 4 to allow the Senate's Bylaws to provide this definition. These changes will eliminate the need to return to the issue of collective bargaining, should any other Senate constituency opt for collective bargaining. The Senate approved a companion amendment to its Bylaws to implement the changed paragraph 4 at Meeting 410.

The Senate also approved an amendment to Paragraph 1 in Meeting 410 that will allow representation of academic faculty and professional staff employed at least 30 hours per week. Bold print identifies the additions to Paragraphs 1 and 4 and strikethroughs identify the deletions in Paragraphs 1, 5 and 6.

#### ARTICLE II - CONSTITUENTS

##### A. Individuals

1. Constituents of the Senate must be University employees who are employed for a minimum of 9 months ~~full-time~~ **40 for 30** hours per week or equivalent hours. This is the primary criterion for Senate constituency; individuals otherwise qualified but not meeting this criterion cannot be constituents of the Senate.
2. Academic faculty shall be constituents unless otherwise excluded. (The academic faculty are individuals holding one of the ranks of instructor, lecturer, assistant professor, associate professor, or professor, for a minimum of nine months full-time.)
3. Research faculty shall be constituents unless otherwise excluded.
4. Professional staff, **as defined in the Senate Bylaws**, including athletic coaches shall be constituents unless otherwise excluded.
- ~~5. Staff employed on an hourly basis shall be constituents unless otherwise excluded.~~
- ~~6. Members of collective bargaining units recognized by the University shall not be constituents.~~
7. ~~7.~~ 5. The University President, the Provost, the Vice Provosts, the Vice Presidents, the Chief Financial Officer, and all deans and equivalent directors, shall not be constituents.
8. ~~8.~~ 6. The Bylaws shall contain procedures for resolving problems of constituency of individuals not clearly specified above.

Approved at Meeting 410.