

The University Senate of Michigan Technological University

Proposal 41-22 (Voting Units: Full Senate)

“Amendments to the University Senate Constitution”

Submitted by: The Senate Constitution and Bylaws Update Committee 2022

I. Introduction

As a result of the passage of Senate Proposal 25-22, the Senate Constitution and Bylaws Update Committee 2022 was constituted and charged to “study and make recommendations concerning any needed changes/revisions to clarify, update, and bring into conformity the Senate Constitution and Senate Bylaws with each other, and with existing University policy.” This particular proposal deals with the amendments made to the Senate constitution.

II. Rationale

As discussed in Proposal 25-22, it is clear that inconsistencies exist between the Constitution and Bylaws and that both documents require updating in order to more closely match current Senate practices. In particular, the formatting and organization of both documents needed to be updated and cross-referencing confirmed. One or both documents required updates to address issues related to the timing and nature of elections, procedures related to the polling of constituents, the previously approved inclusion of academic rank librarians and archivists on the Senate, and removal of references to schools. Additionally, both documents were in need of copy editing.

A draft of the Senate Constitution with changes tracked follows below.

III. Proposal

The Senate Constitution and Bylaws Update Committee 2022 recommends that the Senate vote to approve the needed amendments to the Senate Constitution. Approval requires a 2/3 majority. Amendments to the Constitution will require further approval by vote of a majority of the Senate constituency, followed by final approval from the Board of Trustees.

Constitution of the University Senate of Michigan Technological University

Version History & Notes

- May 6, 2020: Proposed changes based on 41-22 and editorial edits
- February 21, 2020: Proposed changes to II.F.B.ii based on 21-18 noted
- March 18, 2019: Updates Reflecting Approved Revisions: Proposals 19-17, 22-17 renumbered to reflect revisions accordingly.
- October 20, 2017: Approved by the Board of Trustees
- July 14, 2017: Editorial Changes from Administration
- April 12, 2017: Ratified by the Senate constituency
- March 1, 2017: Most recent revision
- December 19, 2014: Most recently amended
- April 27, 2012: Approved by the Board of Control
- April 4, 2012: Ratified by the Senate constituency

Article I — Name

- 1.1. The name of this organization shall be The University Senate of Michigan Technological University.

Article II — Functions

- 2.1. The Senate is the representative body for its constituents and speaks on their behalf on matters under the Senate's jurisdiction. The Senate shall establish, review, and recommend policy and procedures on matters under its jurisdiction. The Senate also is the principal forum for discussion of any matters of interest to the university community.
- 2.2. The Senate shall have the responsibility and the authority to review and establish policy in some matters, and to review and make recommendations in other matters. The University President, the Board of Trustees, or their designated representatives may stipulate additional areas in which the Senate shall have responsibility and authority.
- 2.3. By its approval of this constitution, the Board of Trustees relinquishes none of its constitutional or statutory authority.
- 2.4. Section F 2.6 of this article lists matters in which the Senate has the responsibility and the authority to review and establish policy. Normally, the Board of Trustees will approve policy in these areas only after it receives policy proposals approved by the Senate.
- 2.5. For matters in which the Senate has the responsibility and the authority to review and establish policy, proposals shall be submitted to the Board of Trustees following these procedures.
 - 2.5.1. Policy proposals that originate with the University President (or designated representatives) shall be presented to the Senate for review and approval before being submitted to the Board of Trustees.

- 2.5.2. Likewise, proposals approved by the Senate shall be transmitted to the University President for approval.
- 2.5.3. Proposals approved by the Senate and the University President **that require changes to Board Bylaws or otherwise require Board approval** shall be submitted by the University President to the Board of Trustees. Senate officers should work with the University President to ensure such submission.
- 2.5.4. **Proposals approved by the Senate and the University President that require changes to University Policy shall be submitted by the Senate to the Secretary to the Board of Trustees. The Board Secretary will work with the Senate officers regarding the submission of policy language and relevant procedural matters pertaining to University Policy.**
- 2.5.5. **Proposals approved by the Senate and the University President that require changes to the Faculty Handbook shall be submitted by the Senate to the Provost. The Provost will work with the Senate officers regarding the Faculty Handbook.**
- 2.5.6. **Proposals approved by the Senate and the University President that are not properly situated in Board Policy, University Policy, or the Faculty Handbook shall be considered agreements between the current administration and the Senate. The Secretary to the Board of Trustees shall maintain a current listing of all such agreements and shall circulate it at least annually to the University Senate and President.**
- 2.5.7. Proposals approved by the Senate may be vetoed by the University President within three months (not including the time from the end of the spring semester of one academic year to the start of the fall semester of the next academic year) of their transmittal to the University President.
- 2.5.8. If the University President vetoes a proposal passed by the Senate that veto shall be presented in writing to the Senate President. The Senate President shall report the veto to the Senate at its next meeting. The Senate may appeal the veto to the Board of Trustees upon a two-thirds majority vote of eligible senators. Written notice of the appeal shall be transmitted immediately to the University President who shall submit a written copy of the veto to the Board of Trustees. The Senate President shall also submit a written copy of the Senate's appeal to the Board of Trustees.
- 2.5.9. If, within three months (not including the time from the end of the Spring term of one academic year to the start of the Fall term of the next academic year) of transmittal to the University President, a proposal passed by the Senate is neither vetoed nor approved by the University President, the proposal will be deemed approved by the University President and will be submitted by the Senate President to the Board of Trustees for its approval. Procedures for temporarily extending the three-month period for particular proposals shall be contained in the Bylaws (Bylaws, Section 1.2.4).
- 2.6. List of Matters of Responsibility and Authority

2.6.1. Matters of Academic Policy and Procedures

2.6.1.1. The Senate has the responsibility and authority to review and establish policy and procedures in these areas:

- All curricular matters, including establishment, dissolution, and changes in degree programs.
- Requirements for certificates and academic degrees.
- Regulations regarding attendance, examinations, grading, scholastic standing, probation, and honors.
- Teaching quality and the evaluation of teaching.
- All matters pertaining to the academic calendar.
- The appointment, promotion, tenure, dismissal, and leaves of the academic faculty.
- Criteria for positions that are to be accorded academic rank.
- Academic freedom: rights and responsibilities.
- Regulations concerning the awarding of honorary degrees.
- Procedures for the selection of Deans and Department Chairs.
- Requirements and criteria for unit charters for each academic unit.
- Other areas under authority as may be granted by the Board of Trustees, the University President, or their designated representative.

2.6.1.2. The Senate has the responsibility to review, make recommendations, initiate, and participate in the formulation of policy and procedures in these areas:

- Academic organization, including the establishment or elimination of schools, colleges, or departments, and the reorganization of the academic structure.

2.6.2 Matters of Research Policy and Procedures

2.6.2.1 The Senate has the responsibility and authority to review and establish policy and procedures in these areas:

- All issues and performance, other than the allocation and distribution of resources.

2.6.2.2 The Senate has the responsibility to review, make recommendations, initiate, and participate in the formulation of policy and procedures in these areas:

- Allocation and distribution of unrestricted funds made available to the university for discretionary allocation in support of research or scholarly work.

2.6.3. Matters of Policy and Procedures Concerning Professional Staff

2.6.3.1 The Senate has the responsibility to review, make recommendations, initiate, and participate in the formulation of policy and procedures in these areas:

- All issues of concern only to professional staff.

2.6.4. Other Matters of Policy and Procedure

2.6.4.1 The Senate has the responsibility and authority to review and establish policy and procedures in these areas:

- Internal function of the Senate, including Bylaws, committee structure, etc.
- Other areas under authority as shall be granted by the Board of Trustees, the University President, or their designated representative.

2.6.4.2 The Senate has the responsibility to review, make recommendations, initiate, and participate in the formulation of policy and procedures in these areas:

- Fringe benefits.
- Institutional priorities.
- Allocation and utilization of the university's human, fiscal, and physical resources.
- The Van Pelt and Opie Library, computing facilities, audiovisual support, bookstore, Seaman Museum, etc. as they affect scholarly, instructional, and research activities.
- Admission standards and procedures.
- Student financial aid.
- Selection of the University President, the Provost, and other major university-wide administrators.
- Administrative procedures and organizational structure.
- The evaluation of administrators.
- All areas of student affairs not mentioned specifically above, including their effect on the educational process and on academic achievement.

2.7. Voting on the various matters shall be limited to subsets of senators and their constituents. (Const. 3.6).

2.7.1 Only Senators shall vote on matters before the Senate, or their Alternates may vote, if the Senator is not present.

2.7.2 Only Faculty Senators or their Alternates, including at-large Faculty Senators, may vote on academic matters.

2.7.3 Only Faculty Senators or their Alternates, including at-large Faculty Senators and Professional Staff Senators representing independent research units or their Alternates may vote on research matters.

2.7.4 Only Professional Staff Senators or their Alternates, including at-large Professional Staff Senators, may vote on matters affecting the professional staff.

2.7.5 All Senators or their Alternates may vote on Senate matters affecting the entire university.

2.7.6 All Senators and their Alternates may vote in Senate committee deliberations.

2.7.7 The Bylaws shall include procedures for classifying the academic, research, staff, and other matters brought before the Senate.

- 2.8. As part of its functioning, the Senate should coordinate its activities and cooperate with appropriate representative groups of faculty, staff, and students on campus.

Article III — Constituents

- 3.1. The University Senate's constituency is the University's academic and research faculty and professional staff, including staff employed at independent research units. These groups meet and operate as a unit under a single Constitution and Bylaws, with a single set of University Senate officers and committees. Voting on certain issues will be confined to subsets of these groups, as defined above (Const. 2.7).
- 3.2. **Individuals:** University Senate constituents are University professional staff and faculty who are employed full time for a minimum of 9 months per year, unless otherwise excluded because of major administrative functions (Const. 3.5). Full time is defined as a minimum of 30 hours per week.
- 3.3. **Faculty Constituents:**
 - 3.3.1 Academic faculty shall be constituents of the University Senate, unless otherwise excluded. The academic faculty are individuals holding a rank of instructor, assistant teaching professors, associate teaching professors, teaching professors, librarian, senior librarian, principal librarian, archivist, senior archivist, principal archivist, professor of practice, assistant professor, associate professor or professor for a minimum of nine months full-time.
 - 3.3.2 Research faculty shall be constituents of the University Senate, unless otherwise excluded, and will be represented by the Faculty Senator elected from the academic unit in which they are appointed. The research faculty are individuals holding a rank of research assistant professor, research associate professor or research professor for a minimum of nine months full-time.
- 3.4. **Professional Staff Constituents:** Professional staff including members of independent research units, shall be constituents of the University Senate, unless otherwise excluded because of major functions as defined in the Bylaws (independent research units are not administered by one or more academic units).
 - 3.4.1. The Bylaws shall contain procedures for identifying the University professional staff that form the constituency of the professional staff membership and for resolving problems of constituency of individuals not clearly specified in this Article.
- 3.5. **Special Constituencies:** The Professional Staff Policy Committee shall make a determination regarding equivalences for special constituencies, which shall be approved by the whole Senate.
 - 3.5.1 Department chairs, associate deans, and assistant deans, despite their additional status as academic faculty members, shall not serve as senators or alternates. They are considered constituents of the Senate.

- 3.5.2 All Directors that are equivalent to Department Chair, Associate Dean, Assistant Dean, or Assistant Vice Presidents may be constituents of the Senate, but may not serve as Senators or Alternates.
- 3.5.3 The University President, Provost, Vice Provosts, Vice Presidents, Chief Financial Officer, and all deans and equivalent directors, shall not be constituents of the Senate.
- 3.6. **Representation Units:** Each constituent of the Senate shall be a member of one representation unit. A senator elected by members of a unit shall represent that unit. The units and their included constituents are:
 - 3.6.1 **Academic Units:** Academic and research faculty holding appointments in an academic unit or college shall be the only faculty constituent members of that unit or college.
 - 3.6.2 **Research Units and Professional Staff:** The Senate's Professional Staff Policy Committee will define the composition of the professional staff and independent research representation units.
 - 3.6.2.1 Professional staff representation units, including independent research units, shall be composed as defined by the Bylaws (Bylaws 1.2). The groupings of the professional staff units are only for Senate representation. The reporting structures of constituents within any one unit may differ.
 - 3.6.2.2 All Senate constituents employed in an independent research unit shall be constituent members of that unit. A research unit may be included as part of another constituent unit.
 - 3.6.2.3 Senate constituents as defined above who are not members of an academic or research unit shall be members of a professional staff representation unit.
- 3.7 In cases where a constituent is eligible to belong to more than one unit, that person will permanently select one unit and inform the Senate Secretary of that selection.
- 3.8 The representation units shall be listed in the Bylaws (Bylaws 1). The Bylaws shall contain procedures for reviewing and updating the list as recommended by the Professional Staff Policy Committee.

Article IV — Membership

- 4.1. **Number and Composition:** Membership in the Senate shall be determined as follows:
 - 4.1.1. One senator and one alternate elected by and from the academic and research faculty of each academic unit.
 - 4.1.2. One senator and one alternate elected by and from each of the professional staff and research unit representation units.
 - 4.1.3. Four at-large academic and research faculty senators shall be elected by the entire faculty constituency.
 - 4.1.4. Three at-large professional staff senators shall be elected by the professional staff and research unit constituencies.

4.1.5. Academic representation units and academic and research faculty senators at-large shall comprise at least 60 percent of the Senate's total membership.

4.1.6. Official non-voting liaison members from units designated by the Senate and listed in the Bylaws.

4.2. Election and Terms of Office

4.2.1. The term of office of elected senators and alternates shall be three years except as set forth in Bylaws 4.2.3. After serving for six consecutive years as a senator and/or alternate, an individual shall not be eligible for re-election for a period of one year. The term limit shall be waived on presentation to the Executive Committee a request approved by a majority vote of the constituents of the Representation Unit.

4.2.2. The election years shall be distributed as equally as possible among the various representation units and at-large positions.

4.2.3. Election of senators and alternates shall be held by their representation units in March of each year, with the results promptly reported to the Senate Assistant. The term of office shall commence on July 1. Vacancies in at-large membership created by resignation or otherwise may be filled by appointment by the President of the Senate until the next election, at which time vacancies shall be filled for the unexpired terms by elections.

Article V — Officers

5.1. The officers of the Senate shall be a President, Vice-President, and Secretary. Their duties shall be defined in the Bylaws. These officers shall be chosen from serving senators and alternates by the continuing senators-and the senators-elect following the annual spring elections in a manner described in the Bylaws (Bylaws 4.2.2). The officers-elect of the Senate shall assume their duties on July 1.

Article VI — Committees

6.1. The number, responsibilities and membership of committees of the Senate shall be determined by the Senate using procedures contained in the Bylaws.

6.2. Committee chairs shall be senators or alternates.

Article VII — Meetings and Procedures

7.1. The Senate shall meet at least once during each term of the regular academic year, in meetings scheduled before the end of spring term of the preceding academic year. Additional meetings shall be called by the Senate President as needed, or upon written request of 20% of senators. All meetings shall be open.

7.2. The business of the Senate shall be conducted according to the current edition of *Robert's Rules of Order Newly Revised* (RONR) when these are not in conflict with the Bylaws of the Senate.

7.3. The full Senate, by two-thirds majority vote, shall rule on interpretation of ambiguous language in this Constitution and/or the Bylaws. Such interpretations shall be

considered as amendments to the Bylaws. Proposed constitutional amendments will follow the procedure defined in Article IX (Const. 9.1).

Article VIII — Petitions, Ballot Initiatives, and Referenda

- 8.1 The Bylaws shall contain procedures for petitions and the conducting of Ballot Initiatives and Referenda (Bylaws 4.3).
- 8.2 Petitions may be submitted to the Senate by constituents to require:
 - 8.2.1 An expeditious vote on policy proposals specified in the petition; or
 - 8.2.2 To request a referendum of eligible constituents be conducted expeditiously as a challenge to some vote of the Senate.
- 8.3 Such petitions must be signed by at least 20 percent of constituents eligible to vote on the matter. (Bylaws 4.3).
- 8.4 A majority of eligible Senators may vote to require a referendum of eligible constituents to confirm an action of the Senate or a non-binding referendum of eligible constituents to confirm an action of the Senate or a non-binding referendum of eligible constituents on matters of interest to the Senate.
- 8.5 The President of the University or the Board of Trustees or their designated representatives can request a referendum on a designated issue other than the appeal of a presidential veto.

Article IX — Amendments

- 9.1. Amendments to this Constitution may be proposed at any meeting. If passed both at this meeting and at any subsequent meeting within six calendar months by a two-thirds majority, the proposed amendment shall be submitted to the Senate Constituency. Ratification shall require a majority vote in a referendum of eligible of Senate constituents. The amendment shall then become effective upon approval by the Board of Trustees.