

# Utah Tech University Policy

## 640: Constitution and Bylaws of the Faculty Senate



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### I. Purpose

- 1.1 The Utah Tech University (“the University”) Faculty Senate is the representative, deliberative, and legislative agency of the University’s faculty and hereinafter will be referred to as the Faculty Senate.
- 1.2 The purpose of the Faculty Senate is to serve the University and further the fulfillment of its mission by providing an authoritative voice for faculty; working to improve the general welfare of faculty; fostering professionalism among the faculty; supporting the Academic Freedom rights of faculty (see Policy 633), students, and the University itself; promoting communication among the faculty, administrators, staff, students, and community members; and encouraging good fellowship among the faculty.
- 1.3 The Faculty Senate maintains bylaws as protocols to function as a senate body. These bylaws pertain to the composition of the Faculty Senate, including election and roles of senate members, and the communicative procedures of the Faculty Senate. These bylaws also pertain to the general faculty of the University as participants in the shared governance of the Faculty Senate.

### II. Scope

- 2.1 The Faculty Senate is subject to the authority of and any required approvals from the University President, the Board of Trustees, and the Utah Board of Higher Education.
- 2.2 The Faculty Senate serves as an advisory body to the administrative officers of the University and is a representative body for the faculty of the

University in matters relating to shared governance in the academic administration and operation of the University.

### III. Definitions

- 3.1 **General Faculty.** The General Faculty is composed of persons with appointments as full-time Regular and Professional faculty (as defined in Policy 631). Each individual General Faculty member has voting rights to elect representative(s) and Officers to the Faculty Senate as outlined in this procedure 6.1 and 6.2.

### IV. Policy

#### 4.1 Shared Governance

- 4.1.1 Faculty Senate will have meaningful participation in curriculum, subject matter, methods of instruction, and aspects of student life that directly relate to the educational process, including requirements for degrees offered, determining when requirements have been fulfilled, and recommending when degrees are conferred.
- 4.1.2 Faculty Senate will have meaningful participation in decisions regarding the general academic operations of the University, including budget to inform administrators about faculty views and communicating relevant information between the parties. It does not include decision-making outside the areas where individual faculty members have been assigned such responsibilities.
- 4.1.3 Faculty Senate will have meaningful participation in formulation and revision of University policies and to make recommendations regarding the approval or disapproval of those policies according to Policy 101. The Faculty Senate may choose to offer a formal recommendation on any proposed new policy or policy revision. If no formal recommendation is received, the consent or agreement of the Faculty Senate is assumed.
- 4.1.4 Faculty Senate will have meaningful participation in faculty employment status and related matters such as appointments, reappointments, nonrenewal of appointments, terminations, and the granting of post-probationary status. Such determinations are first a faculty action through established University procedures, which are reviewed by and submitted for any required approvals from appropriate administrators and governing boards.

- 4.1.5 Faculty Senate will have a minimum of two representatives with full voting rights on Academic Council and University Council that have formal approval of new and revised policies. These representatives will be the Faculty Senate President and President-Elect unless they delegate the responsibility to other elected faculty representatives.
- 4.1.6 The Faculty Senate is an advisory board to the administrative officers of the University. The Senate President and President-Elect will maintain communication and offer input to Academic Affairs and Student Affairs.
- 4.1.7 The Faculty Senate may create its own procedures and standing and ad hoc committees, but will not create any University policy without approval from the senate. A number of University committees and councils are required to include faculty representatives. A complete list of those committees and councils is found in Addendum 7.3.
- 4.1.8 The Faculty Senate is also delegated to consider non-policy matters of professional faculty welfare and make recommendations to administrative officers of the University. Nothing in this delegation of authority impacts the role of faculty in the Academic Structure and its supervisory and reporting responsibilities. As well, nothing in this delegation of authority will prohibit individual faculty members from speaking out in support of or against a Faculty Senate action.
- 4.1.9 In order to provide transparency in faculty workload, the Faculty Senate will review the annual workload and reassignments report provided by the Vice-President of Academic Affairs and Provost in order to assess internal equity and application of external standards. The Faculty Senate will provide feedback to the Vice President of Academic Affairs and Provost and Deans Council regarding the University's workload system each year (see Policy 635).
- 4.1.10 All Policies pertaining to Faculty Senate are subject to approval by the University Academic Council and Board of Trustees. The Faculty Senate has the right to develop its own internal procedures and guidelines (see Procedure 6.7).
- 4.1.11 The Faculty Senate is empowered in specific University policies to develop procedures for electing representatives to Academic committees. However, if the Faculty Senate does not hold fair and open elections in a timely manner, the authority to hold such elections will be assumed by the University Academic Council.

## 4.2 Composition of the Faculty Senate

4.2.1 The Faculty Senate consists of members of the General Faculty elected as representatives according to this policy, who are referred to as Senators, as well as Officers and Administrative Members.

4.2.2 For procedures on Replacing Senate Vacancies, see Procedure 6.3.

### 4.2.3 Faculty Senators

4.2.3.1 Each chaired department and the University library will be represented by an elected Senator. Chaired departments are departments with an appointed department chair. Programs without department chairs will be combined with chaired departments for the purposes of electing a representative senator.

4.2.3.1 Full-time tenured or tenure-track members of the General Faculty within an Academic Department (or discipline) are eligible to be elected. An individual may serve up to two (2) consecutive terms of two (2) years each (total four (4) years) and cannot be elected or appointed to the Faculty Senate for at least two (2) years after that. Full-time teaching members may serve in this position at the discretion of their department or discipline.

4.2.3.2 Faculty Senators serve staggered two-year terms.

4.2.3.3 Faculty Senators are expected to represent and vote in the interest of all faculty in their department or program.

4.2.3.4 Responsibilities for Faculty Senators are listed in Addendum 7.1.

### 4.2.4 Faculty Senate Officers

4.2.4.1 The Faculty Senate Executive Committee is the President, President-Elect, Past-President, Secretary-Treasurer, and Parliamentarian. Only Faculty Members in good standing can serve in these capacities.

4.2.4.2 An individual elected to President-elect will serve a term of three (3) one-year terms in the consecutive positions of President-Elect, President, and Past-President. They are expected to fulfill the duties required when occupying each position.

- 4.2.4.3 The President and President-Elect of the Faculty Senate represent the body of the General Faculty as a whole. They do not represent specific colleges, departments, or programs and cannot serve as a Senator at the same time as serving as a Faculty Senate officer.
- 4.2.4.4 The Roles and Responsibilities of the President-Elect, President, Secretary-Treasurer, and Parliamentarian are noted in Addendum 7.1. Addendum 7.1 can be revised as needed subject to a majority vote of the Faculty Senate.
- 4.2.4.5 The President, President-Elect, and Past-President have voting rights similar to Faculty Senators. The Secretary-Treasurer and Parliamentarian do not have voting rights.
- 4.2.4.6 President-Elect
  - 4.2.4.6.1 Each year, a Faculty Senate President-Elect is elected by the General Faculty (see Procedure 6.2).
  - 4.2.4.6.2 Candidates for the office of President-Elect of the Faculty Senate must meet these minimum qualifications:
    - 4.2.4.6.2.1 Have been awarded tenure at the University and be employed as a full-time member of the General Faculty.
    - 4.2.4.6.2.2 Be appointed in a department or program that has not had a Faculty Senate President-Elect in the prior five (5) years.
    - 4.2.4.6.2.3 Be appointed in a college that is not represented by the current President or President-Elect of the Faculty Senate.
    - 4.2.4.6.2.4 Be in good standing with the University.
  - 4.2.4.6.3 The eligibility of nominees for President-Elect will be verified by a subcommittee of current faculty senators.
  - 4.2.4.6.4 The first year of service commences in the summer following the announcement of the election result, meaning the term begins after Spring Commencement.
- 4.2.4.7 President

4.2.4.7.1 The transition from President-Elect to President takes place in the second year of service. This transfer commences in the summer following the announcement of the President-Elect, meaning the term begins after Spring Commencement.

#### 4.2.4.8 Past-President

4.2.4.8.1 The third and final year of service as Past-President commences in the summer following the announcement of the President-Elect, meaning the term begins after Spring Commencement. The Past-President assists and advises the new President and the Executive Committee when requested to do so and is responsible for serving on committees as described in Addendum 7.1.

#### 4.2.4.9 Secretary-Treasurer

4.2.4.9.1 The Faculty Senate President nominates a member of the General Faculty to serve as Secretary-Treasurer during their presidency. The Secretary-Treasurer may not simultaneously serve as a Senator.

4.2.4.9.2 The Secretary-Treasurer is elected by a majority vote from the Faculty Senate. The Secretary-Treasurer must be re-elected by the Faculty Senate after the end of their term.

#### 4.2.4.10 Parliamentarian

4.2.4.10.1 The Faculty Senate chooses a member of the General Faculty to serve as Parliamentarian. The Parliamentarian may not simultaneously serve as a Senator.

4.2.4.10.2 The Parliamentarian is elected by a majority vote from the Faculty Senate. The Parliamentarian must be re-elected by the Faculty Senate after the end of their term.

#### 4.2.5 Administrative Members

4.2.5.1 The Administrative membership of the Faculty Senate is comprised of the University President, the Vice-President of Academic Affairs and Provost, the Academic Deans, and other

administrators once approved by the Faculty Senate Executive Committee.

- 4.2.5.2 Administrative Members are generally invited to attend and participate in Faculty Senate or General Faculty meetings. The Faculty Senate may ask Administrative Members to provide information, viewpoints, and reports as appropriate. Administrative Members have the right to add agenda items, make motions, second motions, and participate in discussions within Faculty Senate.
- 4.2.5.3 Administrative Members do not have voting rights and may not be elected or appointed to serve as Senators or Officers.

### 4.3 Meetings

#### 4.3.1 General Faculty Meetings

- 4.3.1.1 The Faculty Senate Executive Committee will schedule at least one meeting of the General Faculty per month during the months of September, October, November, January, February, March, and April. The dates of these meetings will be scheduled no later than the beginning of each semester, and insofar as is reasonable the meetings will be held as scheduled. If a meeting is cancelled for any reason, a substitute meeting will be scheduled as soon as possible.
- 4.3.1.2 Notice will be given at least two (2) days prior to the meeting and will include the agenda for the meeting.
- 4.3.1.3 Attendance at meetings of the General Faculty is limited to members of the General Faculty except when specific individuals are invited by the Faculty Senate Executive Committee or the voting members of the Faculty Senate based on majority vote.
- 4.3.1.4 Additional meetings of the General Faculty may be scheduled as follows:
  - 4.3.1.4.1 A majority vote of the voting members of the Faculty Senate will require the Executive Committee to hold a meeting. The agenda of that meeting will include the motion or issue justifying the meeting.
  - 4.3.1.4.2 The Executive Committee will be required to hold a meeting if 10% of the General Faculty petition the

Faculty Senate to hold a meeting. The agenda of that meeting will include the motion or issue requested by those members of the faculty.

4.3.1.4.3 The University President may, at any time, request the Executive Committee to schedule a special meeting on any topic of their choosing.

4.3.1.5 The minutes of each General Faculty meeting will be posted online after being approved by the Executive Committee.

4.3.1.6 See Procedure 6.4 for voting procedures in general faculty meetings.

#### 4.3.2 Faculty Senate Meetings

4.3.2.1 Regular meetings of the Faculty Senate will be held at least once per month during the months of September, October, November, January, February, March, and April as scheduled by the Executive Committee.

4.3.2.2 Additional or special meetings can be scheduled using the following methods: request of the Faculty Senate President; majority vote of the Executive Committee; majority vote of the voting members of the Faculty Senate at any regular or special meeting; and, at the request of the University President.

4.3.2.3 See Addenda 7.5 for information on how Faculty Senate meetings are conducted.

#### 4.4 Faculty Senate Affiliations

4.4.1 The Faculty Senate will affiliate with other professional organization(s) upon the recommendation of the voting members of the Faculty Senate and a two-thirds (2/3) majority vote of the General Faculty.

#### 4.5 Fiscal Authority of the Faculty Senate

4.5.1 The Secretary-Treasurer, under the direction of the Faculty Senate President, is responsible for maintaining appropriate records of all Faculty Senate fiscal matters. All disbursements are subject to University and other relevant policies and procedures.

4.5.2 The Secretary-Treasurer will provide finance information as requested at each regular meeting of the Faculty Senate.



- 4.5.3 The Secretary-Treasurer will prepare an annual report of the expenditures of the Faculty Senate. The report will be made available to the General Faculty.
  - 4.5.4 Expenditures of less than \$250 require the approval of the Executive Committee.
  - 4.5.5 Expenditures of \$250 or greater require the approval of the voting members of the Faculty Senate.
- 4.6 General Faculty Review Authority of the Faculty Senate
- 4.6.1 The General Faculty can review and recall Faculty Senate actions through the following ways:
    - 4.6.1.1 A petition signed by 10% of the General Faculty submitted to the President can serve as a motion and a second in Faculty Senate. Such a petition can compel further discussion, re-voting, and/or sending the matter to the General Faculty for a vote.
    - 4.6.1.2 Procedures for recalling Senators and Officers are noted in Procedure 6.3.
- 4.7 Faculty Senate Committees
- 4.7.1 The Faculty Senate has the right to form standing and ad hoc committees as it deems prudent and necessary. All Faculty Senate Committees are required to submit an annual written report of its actions to the Faculty Senate, which will make those reports available to the General Faculty. Additional reports may be requested by the Senate and/or may be submitted on the initiative of the Committee.
  - 4.7.2 All Faculty Senate committees are considered advisory to the Senate and its Officers. Committees may specifically be delegated senate tasks, and such delegation must be made after a majority vote of the Faculty Senate.
  - 4.7.3 The Faculty Senate will take the following official actions regarding the annual report of each Faculty Senate committee:
    - 4.7.3.1 Approving the committee's recommendation or action, including reporting it to the General Faculty, University administrators, or others as appropriate.

- 4.7.3.2 Referring any committee's recommendation or action back to the committee for further study or action and referring the matter to another committee.
- 4.7.3.3 Disapproving the committee's recommendation or action.
- 4.7.4 Other than the Faculty Senate Executive Committee, a list of approved Faculty Senate committees, as well as the composition of and charge to each committee, is included in Addendum 7.4. The Addendum can be revised as needed, subject to a majority vote of the Faculty Senate.
- 4.7.5 Faculty Senate Executive Committee
  - 4.7.5.1 This committee is comprised of the President, President-Elect, Past-President, the Parliamentarian, and the Secretary-Treasurer.
  - 4.7.5.2 The Executive Committee, under the direction of the Faculty Senate President, will meet at least once per month during the months of September, October, November, January, February, March, and April, and may meet at additional times as needed or at the request of the Faculty Senate President.
  - 4.7.5.3 The Executive Committee serves as the steering committee for Faculty Senate. As such, it can give attention to any matter within the scope of the Faculty Senate. The Executive Committee manages the Faculty Senate, including ensuring that all proceedings abide by the Constitution & Bylaws (Policy 640).
  - 4.7.5.4 The Executive Committee is responsible for establishing a schedule of Faculty Senate and General Faculty meetings and sets the agendas for those meetings. On its own initiative, at the request of another member of the faculty or administration, or at the direction of Faculty Senate, items can be added to the agenda for a Faculty Senate or General Faculty meeting.
  - 4.7.5.5 The Executive Committee serves as an advisory group to University administrators, including regular meetings with the President and Vice President of Academic Affairs and Provost as described in Policy 640.
  - 4.7.5.6 The Executive Committee schedules the date, time, and place

of Executive Committee meetings as well as the agenda for those meetings, which must be made available to the members of Faculty Senate at least two (2) days prior to any meeting. Unless the Executive Committee votes to hold a closed session, other members of Faculty Senate are invited to attend but not participate in meetings of the Executive Committee.

- 4.7.5.7 Minutes of all Executive Committee meetings will be made available to members of Faculty Senate, and, when prudent, to the General Faculty as soon as possible after all meetings.
- 4.7.5.8 The Executive Committee is responsible for designating assignments for University and Faculty Senate committees other than committees for which members must be elected. The Faculty Senate is responsible for conducting elections to constitute the faculty membership of committees as required.
- 4.7.5.9 No other vote of the Executive Committee other than establishing the agenda for meetings of the General Faculty and Faculty Senate will be considered binding until and unless it is ratified by the Faculty Senate with the exception of negotiating and implementing policies and policy revision approved in substance by the Faculty Senate and/or the General Faculty.

## **V. References**

- 5.1 University Policy 101: Policy Process
- 5.2 University Policy 631: Faculty Categories
- 5.3 University Policy 633: Faculty Rights and Responsibilities
- 5.4 University Policy 635: Faculty Workload

## **VI. Procedures**

- 6.1 Electing faculty senators
  - 6.1.1 When the term of a Faculty Senator is expiring, the Faculty Senate President will inform the dean and the department chair by February 1 of the need to hold an election prior to March 1 to select one member of the department or associated program to represent the department in Faculty Senate.

- 6.1.2 The dean or department chair will inform all members of the department of the departmental nomination process and seek eligible candidates. Department chairs are ineligible to serve as Senators.
- 6.1.3 General Faculty members appointed to full-time positions in the department are eligible to vote. Eligible voters will be duly informed of the date of election with at least one week's notice. If an eligible voter is unable to vote in the chosen manner (electronically, paper ballot, etc.) because of distance, disability, or other reason, an alternative method must be provided for the faculty member to cast their vote.
- 6.1.4 The dean or department chair will inform the department of the results within two (2) working days after the deadline for casting ballots.
- 6.1.5 Each year prior to the elections, the Committee on Constitutional Review and Organization will review the academic structure of the University to determine if representational adjustments need to occur.
- 6.1.6 A Senator can be recalled by their department. Upon receipt of a petition requesting a recall election signed by at least 20% of eligible voters in department with a minimum of two (2) votes, the Faculty Senate President will direct the Department Chair to hold a recall election. A Senator is recalled upon the vote of a majority of the faculty members eligible to vote in that department. In such cases, a special election is held to elect a replacement Senator who will serve the remainder of the recalled Senator's term.

## 6.2 Electing Faculty Senate President-Elect

- 6.2.1 The President will announce the candidates no later than at the February meeting of the General Faculty and via electronic communication within three days after that meeting.
- 6.2.2 Each candidate will be invited to share their vision and experience with the General Faculty prior to the election.
- 6.2.3 Before the March General Faculty meetings, the general election will be held.
- 6.2.4 All members of the General Faculty employed in full-time faculty appointments are eligible to vote.

- 6.2.5 Voting will be conducted by secret ballot with each voter ranking candidates in order from first to last choice. The candidate receiving a majority of the votes will be designated the incoming Faculty Senate President-Elect for the following year.
- 6.2.6 If no candidate receives a majority vote, then the candidate with the fewest first choice votes will be dropped. If two candidates are tied for the fewest first choice votes, they will both be dropped. When names are dropped for the second round, each ballot will be adjusted to promote the highest remaining candidate to first choice. The vote count will then be recalculated and the candidate receiving a majority of the recounted votes will be designated the incoming Faculty Senate President-Elect for the following year.
- 6.2.7 The results of the election will be announced no later than at the March meeting of the General Faculty, with the leadership transition being completed immediately following Spring Commencement.
- 6.2.8 The President-Elect automatically serves a one-year term as President after one (1) year. After that year, the President serves as the Past-President for a one-year term.

### 6.3 Replacing Senate Vacancies

6.3.1 Should a Senator vacate their office, a replacement to fill the remainder of the departed Senator's term will be appointed by the respective department in the manner of the department's choice.

#### 6.3.2 Replacing a Faculty Senate Officer vacancy

6.3.2.1 A vacancy can occur for a number of reasons that prohibit an incumbent from completing their term. A replacement will be selected according to the position, and all duties and responsibilities will be transferred to the new incumbent.

#### 6.3.2.2 President-Elect Vacancy

6.3.2.2.1 If the office of President-Elect becomes vacant, a Special Election will be held, wherein the General Faculty will elect a new President-Elect according to the same protocol outlined for a regular election to that office. The individual so elected will serve the remainder of the term as President-Elect, and progress through the terms of President and Past-President.

#### 6.3.2.3 President Vacancy

6.3.2.3.1 If the office of President becomes vacant, a new President will be appointed based on the nomination and vote of the voting members of the Faculty Senate. That individual will serve the remainder of the term as President and progress to the office of Past-President the following year. If the office of Past-President becomes vacant, a new Past-President will be appointed based on a vote of the voting members of the Faculty Senate to serve the remainder of the term as Past-President.

#### 6.3.2.4 Secretary-Treasurer and/or Parliamentarian Vacancy

6.3.2.4.1 If the office of Secretary-Treasurer and/or Parliamentarian becomes vacant, a new Secretary-Treasurer and/or Parliamentarian will be nominated by the President and ratified by the voting members of the Faculty Senate to serve the remainder of that year's appointment.

#### 6.3.3 Recall of Faculty Senate Officer

6.3.3.1 If the President receives a petition requesting a recall election of the President-Elect signed by at least 20% of the General Faculty, the President will direct that a recall election will take place.

6.3.3.2 If the Past-President received a petition requesting a recall of the President signed by at least 20% of the General Faculty, the Past-President will direct that a recall election will take place.

6.3.3.3 An officer is recalled upon the vote of a majority of the general faculty eligible to vote in an annual election for President-Elect. The regular procedures for filling a vacancy in that position will be used for filling a vacancy created by a recall election.

#### 6.4 Voting Procedures in General Faculty Meetings

6.4.1 Typically, matters that must be decided by the General Faculty will be voted on using electronic means affording equal access to all eligible voters. However, if notice is given as described above, a vote of the General Faculty may be taken at any properly scheduled and announced General Faculty meeting. In such cases, votes from

members of the General Faculty who did not attend the meeting must be accepted until 48 hours after the meeting and the results of the vote will be considered advisory and not binding.

6.4.2 All matters requiring an official vote of the General Faculty must be conducted in the manner equivalent to the election of the Faculty Senate President-Elect, including the provision that each eligible voter is given a fair and equal opportunity to participate in the vote.

## 6.5 Approving, Ratifying, and Amending the Constitution and Bylaws

6.5.1 The Constitution and Bylaws will be approved by the Faculty Senate, posted for General Faculty review and comment period (following procedures established in Policy 101), and ratified by a two-thirds (2/3) majority vote of the General Faculty before being sent through the appropriate academic and University governance process for required approvals. All full-time members of the General Faculty as defined by this constitution are eligible to vote.

6.5.2 Any member of the Faculty Senate may propose an amendment to this Constitution. A revision or amendment follows the same approval process and ratification process as the original Constitution outlined herein.

## VII. Addenda

7.1 Faculty Senate Role Statement

7.2 Faculty Senate Input Form

7.3 Faculty Representation on University Council & Committees

7.4 Faculty Senate Standing Committees

7.5 Faculty Senate Meeting Protocols

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