

A CONSTITUTION FOR THE ACADEMIC ASSEMBLY OF CALIFORNIA STATE UNIVERSITY, FRESNO

PREAMBLE

The faculty of California State University, Fresno adopts this Constitution of the Academic Assembly in order to exercise its rights and fulfill its responsibilities in the shared governance of the University. As the official voice of the faculty, the Academic Assembly provides the means for the faculty to participate in the collegial form of governance that is based on historic academic traditions as recognized by the people of the State of California through the Board of Trustees and the Legislature.¹

The Academic Senate with its committee structure is the primary governance instrumentality of the Academic Assembly. The structure is designed to achieve an optimal degree of communication, consultation, and cooperation for carrying out collegial governance within the University.

ARTICLE I

Section 1. **THE ACADEMIC ASSEMBLY**

The name of this organization shall be the Academic Assembly of California State University, Fresno. For purposes of this document, the Academic Assembly shall include those bodies to which it delegates its powers, as appropriate.

Section 2. **FACULTY MEMBER DEFINED**

- A) For purposes of this Constitution, the Bylaws of the Academic Assembly, Academic Senate and Executive Committee, define a "faculty member" as a voting member of the Academic Assembly. (See Section 4)
- B) Department Chairs, officers of the faculty and representatives of the Academic Senate will not cease to be a member of the Academic Assembly because of reassigned time allotted to them by virtue of their offices.

¹ "THE LEGISLATURE RECOGNIZES THAT JOINT DECISION-MAKING AND CONSULTATION BETWEEN ADMINISTRATION AND FACULTY OR ACADEMIC EMPLOYEES IS THE LONG-ACCEPTED MANNER OF GOVERNING INSTITUTIONS OF HIGHER LEARNING AND IS ESSENTIAL TO THE PERFORMANCE OF THE EDUCATIONAL MISSIONS OF SUCH INSTITUTIONS, AND DECLARES THAT IT IS THE PURPOSE OF THIS ACT TO BOTH PRESERVE AND ENCOURAGE THAT PROCESS. NOTHING CONTAINED IN THIS [LAW] SHALL BE CONSTRUED TO RESTRICT, LIMIT, OR PROHIBIT THE FULL EXERCISE OF THE FUNCTIONS OF THE FACULTY IN ANY SHARED GOVERNANCE MECHANISMS OR PRACTICES, INCLUDING ... THE ACADEMIC SENATES OF THE CALIFORNIA STATE UNIVERSITY AND COLLEGES, AND OTHER FACULTY COUNCILS, WITH RESPECT TO POLICIES ON ACADEMIC AND PROFESSIONAL MATTERS AFFECTING THE CALIFORNIA STATE UNIVERSITY AND COLLEGES..." [The California Higher Education Employer-Employees Relations Act (HEERA), Section 3561(b)]

Section 3. ADMINISTRATOR DEFINED

For purposes of this Constitution, the Bylaws of the Academic Senate and Executive Committee, except for Department Chairs and Program Coordinators, persons holding more than six WTUs for administrative responsibilities are defined as "Administrator".

Section 4. MEMBERSHIP OF THE ACADEMIC ASSEMBLY

Membership of the Academic Assembly shall be (1) all full-time faculty members of instructional departments who hold the rank of Instructor, Lecturer, Assistant Professor, Associate Professor, Professor or their equivalents; (2) all tenured faculty members of instructional departments who are serving on a part-time basis; (3) Librarians; (4) Student Services Professionals, Academically Related; and (5) Administrators on a non-voting basis.

Section 5. OFFICERS OF THE ACADEMIC ASSEMBLY

The President of the Academic Assembly shall be the President of the University. The Chair of the Academic Assembly shall be the Chair of the Academic Senate. The Vice Chair of the Academic Assembly shall be the Vice Chair and Secretary of the Academic Senate.

Section 6. POWERS AND DUTIES OF THE ACADEMIC ASSEMBLY

Subject to the laws of the State of California and the regulations of the Trustees of the California State University, the Academic Assembly or bodies to which it delegates its powers, shall be the body composed of faculty members acting for the Faculty of the University with power to formulate, review, revise, and adopt for recommendation to the President all University policies, including matters directly affecting the instructional budget, which relate to the educational mission. The faculty has the primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research and creative/scholarly activity, faculty status, and those aspects of student life which relate to the educational process. The Academic Assembly shall have, in consultation with the President, the power to appoint those committees necessary for the fulfillment of these duties.

Section 7. COLLEGIAL RESPONSIBILITY OF THE ACADEMIC ASSEMBLY AND OF THE PRESIDENT

- A) Under the rules and regulations of the Board of Trustees, the President has final responsibility and authority for the University.
- B) The joint-decision making and consultation between Administration and faculty is based on collegiality, mutual respect and trust. "Collegiality consists of a shared decision-making process and set of values which regard the members of the various university constituencies as essential for the success of the academic enterprise....collegiality rests on a network of interlinked procedures jointly devised, whose aim is to assure the opportunity for timely advice pertinent to decisions about curricular and academic personnel matters."²

² REPORT OF THE BOARD OF TRUSTEES AD HOC COMMITTEE ON GOVERNANCE, COLLEGIALITY, AND RESPONSIBILITY IN THE CALIFORNIA STATE UNIVERSITY (Adopted by the Board of Trustees of the California State University, September 1985.)

- C) Regarding curricular and academic personnel matters, "faculty recommendations are normally approved, except in rare instances and for compelling reasons. The collegial process also recognizes the value of par participation by the faculty in budgetary matters, particularly those directly affecting the areas for w hich the faculty has primary responsibility."³ In the event the President does not approve a recommendation of the Academic Assembly, the President shall state reasons in an expeditious manner to the relevant body in w riting.
- D) The Academic Assembly has primary responsibility for the educational functions of the institution in accordance with policy as determined by the Board of Trustees. As such, the Academic Assembly shall participate in those matters for w hich the faculty has primary responsibility: Academic personnel, budget and curriculum.
- E) Policies recommended by Academic Assembly through a majority vote of the Academic Senate and approved by the President shall be considered binding on all university personnel.

Section 8. ELECTION OF CHAIR AND VICE CHAIR OF THE ACADEMIC ASSEMBLY

The Chair and Vice Chair shall be elected by and from the voting, elected members of the Academic Senate for a two-year term. Neither the Chair nor the Vice Chair shall serve concurrently as an elected delegate to the Statew ide Academic Senate, CSU.

Nominations shall be made by nominating petitions containing the signatures of tw o percent of the Assembly, including signatures from at least three colleges or schools. Each nominating petition shall be accompanied by a declaration from the nominee agreeing to meet the eligibility requirements of the office, fill the office if elected, and meet the obligations of regular representation. The nominee shall forward a short statement of qualifications to accompany the ballot. Nominations shall be closed five instructional days after the issuance of the call. If there are not at least tw o nominations for each office or position, provisions for w rite-ins shall be made.

If the position of Chair is vacated, or the office holder is removed before the end of the tw o-year term, the Vice Chair w ill become Interim Chair for a period not to exceed 30 instructional days. Immediately upon receiving notice of the vacating of the office of Chair, the election process for a new Chair w ill commence, conforming to the regular requirements for electing a Chair laid out in this section. The term of the new Chair w ill end at the same time as the term of the prior Chair.

If the position of Vice Chair is vacated, or the office holder is removed before the end of the tw o-year term, the Chair w ill appoint the University-w ide senator serving on the Senate Executive Committee as interim Vice Chair for a period not to exceed 30 instructional days. Immediately upon receiving notice of the vacating of the office of Vice Chair, the election process for a new Vice Chair w ill commence, conforming to the regular requirements for electing a Vice Chair laid out in this section. The term of the new Vice Chair w ill end at the same time as the term of the prior Vice Chair.

Section 9. REMOVAL OF THE CHAIR AND/OR VICE CHAIR OF THE ACADEMIC ASSEMBLY

- A) To initiate the removal of the Chair or Vice Chair, a petition containing the signatures of thirty percent of the Assembly (including signatures from at least three colleges or schools) must be received and verified by the members of the Nominations and Elections Committee. The petition w ill be accompanied by a statement identifying the reasons for the removal of the Chair or Vice Chair. Separate petitions and statements are required to initiate the process for removing both

³ REPORT OF THE BOARD OF TRUSTEES AD HOC COMMITTEE ON GOVERNANCE, COLLEGIALITY, AND RESPONSIBILITY IN THE CALIFORNIA STATE UNIVERSITY (Adopted by the Board of Trustees of the California State University, September 1985.)

the Chair and the Vice Chair. A vote to remove the Chair or Vice Chair may also be initiated by a vote of two-thirds of the voting members of the Academic Senate.

Once a petition is certified by the Nominations and Election Committee or a vote to initiate the removal occurs, the vote for removal will become the first agenda item of the next scheduled Academic Senate meeting.

. In all cases the vote to remove the Chair and/or Vice Chair will be called and conducted by the Chair of the Nominations and Elections Committee and the vote will be done by secret ballot. Before the vote takes place, the officer to be removed is permitted to make a statement. Other members of the Academic Senate may also speak to the motion to remove.

An affirmative vote of two-thirds majority of voting members of the Academic Senate is required to remove either the Chair and/or Vice Chair from office.

- B) Upon an affirmative vote, the offices of Chair and/or Vice Chair are considered to be immediately vacant, though the senators occupying those offices are still members of the Academic Senate. Upon an affirmative vote to remove the Chair, the Vice Chair will immediately become Interim Chair of the Academic Senate for a period not to exceed 30 instructional days. Upon an affirmative vote to remove the Vice Chair, the Chair will immediately appoint the university-wide senator currently serving on the Senate Executive Committee as Interim Vice Chair for a period not to exceed 30 instructional days.

Upon an affirmative vote to remove both the Chair and Vice Chair, the university-wide senator currently serving on the Senate Executive Committee will immediately become Interim Chair, and the Senate Executive Committee will elect another member of that same Committee to be Interim Vice Chair, for a period not to exceed 30 instructional days.

- C) The removal of the Chair, Vice Chair, or both officers triggers an immediate election for these offices as specified in Section 8 of Article I.
- D) Should the Chair or Vice Chair be in any way incapacitated for a period exceeding sixty (60) days, the office is automatically vacated and the position filled in accordance with the procedure in Section 8 of this Constitution.

Section 10. BYLAWS

The Academic Senate shall provide bylaws for the Academic Assembly, subject to the approval of the Academic Assembly.

ARTICLE II

Section 1. THE ACADEMIC SENATE

The Academic Assembly shall elect an Academic Senate to which it shall delegate the power of the Academic Assembly, and the concomitant responsibilities for carrying out its duties. Any action of the Academic Senate may be reviewed at a general meeting of the Academic Assembly.

Section 2. MEMBERSHIP OF THE ACADEMIC SENATE

- A) *Ex-Officio Members*

1. Voting Ex-Officio Members
 - a) The Delegates to the Statewide Academic Senate, California State University
 - b) Two student representatives chosen by the Associated Students Incorporated for one-year terms.
2. Non-Voting Ex-Officio Members
 - a) President of the University
 - b) Provost and Vice President for Academic Affairs
 - c) Chairs of the Senate Standing Committees not already Academic Senators
 - d) Vice President for Student Affairs and Enrollment Management.
 - e) Substitute Senators elected by the departments of the Chair and Vice Chair of the Academic Senate, serving for the duration of the term of the Chair and Vice Chair of the Academic Senate.

B) Elected Members

1. Three (3) University-wide Senators elected by the Academic Assembly for overlapping three-year terms.
2. Determination of subdivisions for purposes of representation.
 - a) Each department or service area recognized by the President shall be entitled to representation in the Academic Senate.
 - b) For the purpose of deciding representation, a member of the Academic Assembly shall be a member of only one department, program or service area.
3. Representation in the Academic Senate shall be determined as follows:
 - a) A department, program or service area composed of 25 or fewer members of the Academic Assembly shall be entitled to one Senator.
 - b) A department, program or service area composed of 26 or more members of the Academic Assembly shall be entitled to two Senators.
 - c) Representation shall be based on the total number of permanent and full-time temporary members of the Academic Assembly in a department, program or service area.
 - d) A Senator shall represent only one constituency as described above.

Section 3. **RESPONSIBILITIES OF THE CHAIR AND VICE CHAIR OF THE ACADEMIC SENATE**

A) Responsibilities of the Chair

1. The Chair shall be the liaison between the University President and Provost and the Academic Senate.
2. The Chair of the Academic Senate is responsible for initiating and coordinating the work of the Academic Senate.
3. The Chair shall preside at the meetings of the Academic Senate.
4. The Chair shall also be the Chair of the Executive Committee of the Academic Senate.

B.) Responsibilities of the Vice Chair

1. The Vice Chair will preside at all meetings of the Academic Assembly, Academic Senate, and Senate Executive Committee when the Chair is unable to or when the Chair is excused due to a conflict of interest.
2. The Vice Chair is responsible for recording the minutes of the Academic Assembly, Academic Senate, and Senate Executive Committee (when considered necessary). If the Vice Chair is presiding at the meeting, responsibility for recording the minutes falls to the Chair or, if the Chair is unable to do so, the University-wide senator serving on the Senate Executive Committee.
3. The Vice Chair is responsible for drafting the agenda of the Academic Assembly (when considered necessary), Academic Senate, and Senate Executive Committee for approval by the Chair.
4. The Vice Chair is responsible for informing faculty member candidates that they have been elected to the Academic Senate or its Standing Committees / Subcommittees.
5. When the need for appointments to search committees and other ad hoc task forces arise, the Vice Chair is responsible for informing faculty members of these service opportunities and providing them information and nominating petitions.
6. Should the Chair be incapacitated, or otherwise unable to fulfill the responsibilities of the office, for an indeterminate period of time, the Vice Chair will fill the role as Interim Chair. The University-wide senator serving on the Senate Executive Committee will then fill the role of Interim Vice Chair.
7. The Vice Chair will also have whatever other responsibilities are agreed on in consultation with the Chair.

Section 4. DUTIES OF THE ACADEMIC SENATE

The Academic Senate shall perform the duties of the Academic Assembly specified in Article I, Section 6.

Section 5. POLICY CONSULTATION AND RECOMMENDATIONS

- A) "The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students and others. The relationship calls for adequate communication among these components and full opportunity for appropriate joint planning and effort."⁴ The deliberative process of consultation is therefore required. Meaningful consultation from initial formulation through final determination of policy and procedures, consists of thoughtful deliberation and presentation of facts and opinions leading to consensus or agreement.
- B) To achieve optimum communications, consultation and cooperation within the University, responsibilities of Academic Senate Standing Committees shall include:
 - 1. Formulation of policy recommendations in consultation with the Administration;
 - 2. Development of procedures that accompany policy recommendations in consultation with the Administration;
 - 3. Consultation with the Administration on the implementation of policy;
 - 4. Consultation with the Administration on other appropriate matters;
 - 5. Consultation with other Academic Senate Standing Committees as appropriate; and
 - 6. Consultation with the Council of Deans as appropriate.
- C) Policy recommendations or reports, except as defined in Section 8.C, emanating from Academic Senate Standing Committees, Subcommittees, task forces or ad hoc committees shall be forwarded to the Academic Senate for appropriate review and approval before submission to the President for final action.

Section 6. EXECUTIVE COMMITTEE OF THE ACADEMIC SENATE

- A) *Membership*
 - 1. The Executive Committee shall consist of ten (10) or eleven (11, if immediate past Chair of the Academic Assembly/Senate is serving) members including:
 - a) Chair and Vice Chair/Secretary of the Academic Assembly/Senate elected for two-year terms by the Academic Senate;

⁴ STATEMENT ON GOVERNMENT OF COLLEGES AND UNIVERSITIES, 1966
AAUP POLICY DOCUMENTS AND REPORTS, 1973 EDITION.

- b) Three elected members of the Academic Senate shall be elected by and from the Academic Senate for staggered three-year terms.
 - c) One University-wide Senator elected by and from the Academic Senate for a three-year term.
 - d) One Delegate to the Statewide Academic Senate elected by the Academic Senate for a three-year term.
 - e) The President and the Provost/Vice President for Academic Affairs as non-voting ex-officios.
 - f) The immediate past Chair of the Academic Assembly/Senate (if applicable) may serve, at their discretion, as a non-voting ex-officio for a one-year term; and
 - g) One voting ex-officio student member who also serves on the Academic Senate elected by Associated Students for a one-year term.
- 2. Members of the Executive Committee may be recalled by a two-thirds vote of the Academic Senate.
 - 3. A replacement for a Senator shall not serve on the Executive Committee, unless elected thereto by the Academic Senate.
- B) The Executive Committee shall have such powers and duties as delegated to it by the Academic Senate.

Section 7. SENATE STANDING COMMITTEES AND SUBCOMMITTEES

- A) Any Academic Senate Committee/Subcommittee, including task forces or ad hoc committees, under the auspices of the Academic Senate shall be chaired by a faculty member.
- B) The Academic Senate shall have the authority to establish, discharge or abolish Senate Standing Committees which are charged with the duties specified in Article I, Section 6, and shall make required appointments and shall determine the functions and structure of each such committee.
 - 1. Each Academic Senate Standing Committee shall establish, upon the approval of the Academic Senate, such continuing subcommittees as required to perform its functions.
 - 2. Standing Committees may also establish ad hoc committees or task forces as needed.
- C) The Academic Senate may create task forces or ad hoc committees at its discretion to carry out special assignments. The Chair of the Academic Senate shall appoint the members of such committees with approval of the Executive Committee.

- D) Faculty nominations for administrative committees, task forces, ad hoc committees, or other groups shall fall under the purview of Executive Committee approval.
- E) Members of Senate bodies who do not attend regularly will be notified by the Academic Senate or committee chair. After such notification, should the member miss two more meetings, a resignation may be issued by the Executive Committee.

Section 8. REPORTING OF COMMITTEES

- A) Each Senate Standing Committee shall consult with other Senate Standing Committees as appropriate.
- B) Each Senate Standing Committee shall make recommendations or reports to the Academic Senate through the Executive Committee. The President, Provost/VPAA or other appropriate administrative officers shall be kept informed of all pending Academic Senate recommendations and reports.
- C) Academic Senate Standing Committees (and various subcommittees as charged) shall advise appropriate administrative officers on operation, decision, and actions consistent with the governance policies of the University.
- D) During the last thirty instructional days of the academic year, all chairs of Senate Standing Committees will provide to the Academic Senate a report summarizing all of the work and decisions of their committees, and all subcommittees under their committee for that academic year.

Section 9. MEMBERSHIP

- A) No person shall serve on more than one Senate Standing Committee or Board. Ex-officio administrative representatives are exempt from this provision. No member of a Standing Committee shall serve on one of its own subcommittees.
- B) Administrators shall serve on Senate Standing Committees/Subcommittees or other bodies in a voting ex-officio capacity. Administrative representatives on Senate Standing Committees and Subcommittees should be able to speak for the Administration on matters before the committee/subcommittee. The administrative representation on a committee may be exercised by a single person or by different persons as the matters before the committee change.
- C) All Academic Assembly members selected to serve on any committee, or other body not created by the Academic Senate and who speak for or represent the faculty of the University on any matter (other than a collective bargaining issue) shall be appointed and/or recommended to such committee, or other body by the Academic Senate.
- D) Members of the Academic Assembly appointed and/or recommended by the Academic Senate to any committee, board or other body not created by the Academic Senate shall make a written report periodically to the Senate on the activities of such committees, or other bodies.

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- E) Student members of committees are voting ex-officio when they are included in a committee's or subcommittee's membership.

Section 10. ELECTIONS, ELIGIBILITY, AND TERMS OF OFFICE FOR DEPARTMENT/PROGRAM SENATORS

- A) Any voting member of the Academic Assembly as defined in Article 1, Section 4 of this Constitution is eligible for election to the Academic Senate. The electorate shall be

Commented [TH1]: This is redundant given Section 7, paragraph B above.

faculty members of the appropriate constituency. All Academic Senate elections shall be concluded by April 15 of each year. The terms of office of all elected members of the Academic Senate shall be three years beginning with the last Monday in April. All elections shall be by secret ballot.

B) Recurring absence of members

i.) If a Senator representing a department / program has more than two unexcused absences in a semester, the Chair will notify the Senator's department / program chair.

ii.) In the case of university-wide or state-wide senators, if a Senator has two unexcused absences in a semester, the Chair will contact the Senator to express concern and will notify the Academic Senate after a third unexcused absence

C) A Senator may be recalled by two-thirds of the appropriate constituency. Any Senator who is recalled or who resigns shall be replaced by the established election process, and the Senator so elected shall serve out the unexpired term.

D) A Senator shall be a voting member of the constituency represented. If a Senator's status within the Academic Assembly changes, the Senator shall be disqualified from representing that constituency. Any Senator, including university-wide and state-wide senators, approved for a sabbatical, difference-in-pay leave, or any other University-approved semester leave must resign from the office and all university committees, sub-committees, and task forces at the end of the semester immediately preceding the beginning of the leave.

ARTICLE III

Section 1. MEETING OF THE ACADEMIC ASSEMBLY

- A) The Chair of the Academic Assembly shall call one meeting of the Academic Assembly each academic year. The Chair may also call such other meetings as deemed necessary.
- B) Meetings of the Academic Assembly may be requested by a petition of not less than 10 percent of its membership. Upon receipt of such petition, the Chair shall call a meeting to take place in not more than ten instructional days.
- C) The Academic Assembly may, if a quorum is present, make recommendations directly to the President.

Section 2. QUORUM OF THE ACADEMIC ASSEMBLY

A quorum of the Academic Assembly shall be 25% of its voting membership.

Section 3. MEETINGS OF THE ACADEMIC SENATE

- A) The Chair of the Academic Senate shall call at least one meeting of the Academic Senate each semester.

- B) Meetings of the Academic Senate may be requested by a petition of not less than 15 percent of its membership. Upon receipt of such a petition, the Chair shall call a meeting as soon as practical.
- C) Meetings of the Academic Senate may be requested in writing by any three members of the Executive Committee, and the Chair shall call a meeting upon receipt of such a request as soon as practical.

Section 4. QUORUM OF THE ACADEMIC SENATE

A quorum of the Academic Senate shall be a simple majority of its voting membership.

Section 5. MEETINGS OF THE EXECUTIVE COMMITTEE

The Chair of the Academic Senate shall normally call meetings of the Executive Committee of the Academic Senate not less than once every month during the academic year.

Section 6. QUORUM OF THE EXECUTIVE COMMITTEE

A quorum of the Executive Committee shall be a simple majority of its voting membership.

ARTICLE IV

Section 1. COLLEGE / SCHOOL GOVERNANCE AND CONSULTATION

Each college / school shall have Articles of Governance which provide for faculty consultation and participation in the development of school policy and procedures. Provisions of college / school constitutions shall be consistent with the principles and practices of shared governance and consultation embodied in the Constitution of the CSU, Fresno, Academic Assembly and shall include matters for which the faculty has primary responsibility: Curriculum, budget and academic personnel.

ARTICLE V

Section 1. PROPOSAL OF AMENDMENTS

Amendments to this Constitution can be initiated (1) by a simple majority vote of the Academic Senate; or (2) by a petition signed by at least 20 percent of the members of the Academic Assembly.

Section 2. APPROVAL OF AMENDMENTS

Amendments proposed pursuant to Article V, Section 1, shall require approval by two-thirds of the members of the Academic Assembly voting and the approval of the President of the University.

This Constitution was adopted by a two-thirds vote of the Academic Assembly in 1965.

REVISED -
LAST DATE REVISED:
Revision adopted by the Senate:

January 1995; February 1996,
September 2002