

6 **Policy Recommendation**

7 **Amendment to the Constitution of the Academic Senate of**
8 **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 WACUC Team for Reaffirmation of Accreditation
21 identified shared governance as one of the key areas of concern and encourages the
22 university to continue work on “to be more inclusive of all stakeholders.” The CSR
23 engaged in eleven stakeholder meetings between January 2024 and April 2024, and
24 conducted a staff survey in February 2024, which yielded data of about 250
25 respondents. A consistent theme throughout these meetings and the survey was the
26 importance of staff serving on the Senate and other bodies of shared governance.

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

33 First, classifying this constituency as “faculty” can be confusing for many; when an
34 eligibility statement uses the term “faculty,” it may be interpreted that SSP III and IV
35 members are not eligible, while this is not the case. Second, while voices of the SSP III
36 and IV 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 the San José State University so that the terms "faculty" and "staff" used in
41 the 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 More specifically, this recommendation seeks to:

- 45 1. Redefine "faculty" as exclusively Unit 3 employees;
- 46 2. Preserve SSP staff participation in the Senate;
- 47 3. Allow other general staff participation in the Senate; and
- 48 4. Make changes to non-faculty seats.

49 **Resolved:** That the following amendment to the Constitution of the Senate be adopted.

50 Approved: May 1st, 2024

51 Vote: 13-0-0

52 Present Acacia Clark, Annette Nellen, Behin Elahi, Denise Dawkins,
53 Eduardo Munoz-Munoz, Harish Chander, Janet Sundrud, Kenneth
54 Peter, Michael Kaufman, Nha-Nghi Nguyen, Patience Bryant, Reiko
55 Kataoka, Sarab Multani

56 Absent: None

57 Financial Impact: If hours of work is taken from those hours otherwise spent for the
58 regular work of the staff members, then it may incur financial cost to
59 the organization/division. Staff participation in the Senate may
60 result in facilitating operation university-wide, contributing to
61 reducing overall operational costs.

62 Workload Impact: Increased workload for University Personnel

63 **CONSTITUTION OF THE ACADEMIC SENATE**
64 **SAN JOSE STATE UNIVERSITY**

65 **PREAMBLE [UNCHANGED]**

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

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

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

76 **ARTICLE II -- MEMBERSHIP**

77 **Section 1.** The Academic Senate shall consist of representatives from the University
78 administration, faculty, staff, and students. In the interests of communication and
79 cooperation, the Emeritus Faculty Association and the Alumni Association shall also
80 each have a representative. Student, administration, staff, emeritus faculty, and alumni
81 representatives have the same rights to speak and vote as other members, but may not
82 serve concurrently as elected representatives of the faculty, and are not qualified for
83 election as officers of the Senate. At least two-thirds of the total membership of the
84 Senate shall be members holding office under sections 3, 4 5 and ~~5~~ 6 of this Article.

85 **Section 2.** Administration representatives shall consist of the President (non-voting
86 member), the Provost, the Vice President for Administration and Finance, the Vice
87 President for Student Affairs, and the Chief Diversity Officer, ex officio; and ~~four~~ ~~(4)~~ two
88 (2) academic deans, at least ~~two~~ one of whom shall be deans of colleges, elected by the
89 academic deans for staggered two-year terms.

90 **Section 3.** a) For the purposes of this Constitution, the faculty consists of all
91 members of Collective Bargaining Unit 3 ~~holders of such other professional and~~
92 ~~administrative staff positions as may be declared by bylaw to be directly related to the~~
93 ~~instructional program of the University.~~ Faculty representatives shall consist of no less
94 than ~~twenty seven (27)~~ forty (40) faculty members apportioned among the
95 representative units as much as possible in proportion to faculty population.
96 Apportionment shall be provided for in the bylaws, but each representative unit shall
97 have at least one representative.

98 b) Tenured faculty and probationary regular faculty who have completed at
99 least one year's service and temporary faculty who have completed at least one
100 Academic year of service at the University are eligible as Senate faculty
101 representatives. Election of probationary or temporary faculty to the Senate does not
102 assure or imply retention or tenure or rehiring. Probationary and temporary faculty
103 elected to the Senate shall have the same term of office as other faculty
104 representatives, but shall cease to be members of the Senate if not retained or rehired.

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

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

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

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

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

126 d) All staff may vote for their respective representatives. Each part-time
127 staff member shall have a weighted vote equal to the fraction of time for which he or she
128 is appointed. Representatives shall be members of and be nominated and elected by
129 staff members as specified in section 1.2 in the bylaw for staggered three-year terms.

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

135 **Section 4. 5.** Representatives to the Academic Senate, California State University, shall
136 be members ex officio of the Academic Senate of San José State University. They shall
137 be elected according to procedures established by the Academic Senate, California
138 State University, and the Academic Senate of this University.

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

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

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

148 **Section 8. 9.** The representative of the Emeritus Faculty Association shall be an officer
149 of the Association designated by the Association.

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

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

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

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

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

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

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

167 **Section 7.** The Academic Senate shall appoint committees of its own as specified in

168 the bylaws. Any member of the University community may serve on such committees.

169 **ARTICLE IV -- POWERS AND RESPONSIBILITIES**

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

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

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

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

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

190 **Section 1.** Amendments to this Constitution may be proposed for faculty
191 consideration by a majority of the total membership of the Academic Senate or by a
192 petition signed by twenty per cent (20%) of the faculty electorate. Ratification shall
193 require approval by a majority of the votes cast by the faculty electorates, and by the
194 President of the University.

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

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