



20-21 BC 3 amended

August 27, 2020

THE CHAIR OF THE ACADEMIC SENATE

TO: The Executive Committee

FROM: Michael Lee, Chair, Academic Senate

SUBJECT: 20-21 BC 3: Referral to FAC Re: Constitution Article II: Special Members

ACTION REQUESTED: That Excom refers to FAC to consider crafting and proposing to the Academic Senate, for their consideration, an amendment to the Constitution or an interpretation of its intent re: the election of Special Members

This document was approved by the Executive Committee at its meeting of September 01, 2020 with eight (8) votes in favor, three (3) votes in opposition and no abstentions.

BACKGROUND

The Dean of the College of Business and Economics, on behalf of departments of his College, has requested that the Senate clarify elements of Article II of the Constitution and how this should apply to departments of the University whose regular members wish to appoint Special Members to their faculty for the purpose of participating in the affairs of that department¹. The Constitution is silent on how the Special Member appointment is executed and for how long, given that the electorate in a department may change annually as new faculty are added and existing faculty experience separation or retirement. The Senate Chair, in consultation with the other Senate Officers, offers the following as statements of fact and refers this information to the Academic Senate/FAC to review and confirm or amend, so as to guide those who need clarification on this topic.

- The Regular Members of a Department Faculty are those who appear on the Roster of Regular Faculty Members certified by the Membership Committee of the University Faculty (comprised of the the Faculty Marshal (Chair), the Chair of the Academic Senate and the Secretary of the Academic Senate) and published each Fall and Spring semester by the Senate Office.
- Regular Members are listed for each department based on their home department designation: the Constitution Article II Section 2 states that no person shall be a Regular Member of more than one Department.

¹ Article III of the Constitution indicates that colleges may also appoint Special Members and thus addressing this question for departments will be relevant to colleges also. Specific information about the actions or level of participation in the department by Special Members is not outlined in the Constitution, outside of voting privileges being established by Regular Members of the Department Faculty (Article II Section 4).

- The Regular Members of a department also include the FERP/PRTB members who previously were listed as Department Regular Members and whose agreed period of employment² places them into one of three categories - active Fall and Spring, active Fall only, active Spring only. FERP/PRTB faculty are considered as Regular Members of a Department for the semesters they are listed as active for a given academic year.
- Article II Section 3 of the Constitution states that Regular Members of a Department Faculty may grant the privilege of participating in the affairs of the Department to other members of the professional staff of the University. Any such members shall be Special Members of the Department Faculty.
- Article I Section 3 of the ByLaws states that Regular Members of any faculty on leave of absence from the University remain Regular Members of that faculty.
- Regular Members of a Department Faculty for the purposes of elections are therefore the Regular Members listed for the Department on the University Regular Faculty Roster, regardless of their leave status, and their FERP/PRTB members listed on the University Regular Faculty Roster as active for the semester in which the election takes place
- Article II Section 4 of the Constitution states that in elections of the Department Faculty, each Regular Member shall have one and only one vote and that any provisions for voting by Special Members of the Department Faculty shall be established by the Regular Members of the Department Faculty.
- The RTP policy Section 3.7.2 Eligibility to vote states that “Those eligible to vote for members of the Committees are the probationary and tenured Regular Faculty of departments and colleges as defined by the Constitution of the University Faculty. No person not a member of the faculty unit under provisions of the CBA shall be eligible to vote in elections for the Committees.”

Though these statements of fact provide clear guidelines for the election of Special Members, there are apparently questions that can arise in this process for which the Constitution is silent. If these questions are raised, there is thus an absence of information to guide Departments on how to proceed and a clarifying document by the Senate or an amendment of the Constitution would thus be helpful. Such questions include, but are not limited to:

- How frequently and based on what criteria shall a Departmental Faculty reconsider the granting of the privilege of participating in the affairs of the Department to Special Members; in particular, as the make-up of a Departmental faculty changes?
- In what form shall the privileges granted to a Special Member be itemized and recorded; in particular, is this the purpose of the departmental ByLaws referenced in the Constitution Article II Section 5.B?
- What does establishing the provisions for voting in departmental affairs by Special Members involve and how are these provisions arrived at; does this require an election process?
- What is meant by the term “participating in the affairs of the Department”; this is not defined³?
- The term “other members of the professional staff of the University” is not defined; which categories of individuals does this include?

² This is determined by the documentation submitted to Academic Affairs as to the division of the FERP/PRTB faculty WTU over the academic year and by the terms of the approval by the President in accepting the faculty member into the FERP/PRTB program.

³ The policy on the [Appointment and Review of Department Chairs](#), for example, makes no mention of Special Members.

What is clear from the RTP document is that under current policy, Special Members may not be granted the privilege of voting on the election of RTP committee members in a Department; this is a function that only probationary and tenured Regular Faculty of the Department are eligible to do.