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https://www.esu.edu/university_senate/index.cfm

UNIVERSITY SENATE CONSTITUTION

OFFICIAL UNIVERSITY SENATE FINAL RELEASE

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THE UNIVERSITY SENATE CONSTITUTION

Preamble:

The East Stroudsburg University of Pennsylvania community, being committed to promoting a student centered institution, the concept of shared governance, to the encouragement of mutual respect, and to a general concern for academic and administrative excellence, affirms the principles of open discussion, frequent and timely communication, and direct involvement in the affairs and decision-making processes of the university as set forth in this Constitution of The University Senate of East Stroudsburg University. Furthermore, since open discussion is only possible in an atmosphere free from the threat of retribution, it is assumed that no negative action will be taken against anyone, student, faculty or staff, based on the opinions expressed to the Senate.

Article 1 Name:

The Council of Trustees of East Stroudsburg University approves the establishment of this forum to be known as The University Senate of East Stroudsburg University of Pennsylvania.

Article 2 Purpose and Objectives:

Section 2.1. The University Senate will work to promote the mission of East Stroudsburg University of Pennsylvania.

Section 2.2 The University Senate functions as a deliberative body to express the collective views of faculty, staff, students and administrators.

Section 2.3 The University Senate will respect other bodies that represent the university. The University Senate does not purport to speak for the faculty, students, staff, or administration as individual units. Where appropriate, the Senate should seek input from appropriate individuals, committees, and other existing bodies on campus.

Section 2.4 The University Senate shall have complete control over its own internal affairs.

Section 2.5 The University Senate can express by formal resolution its opinions on any questions relating to the policy or administration of the university or of the Pennsylvania State System of Higher Education.

Section 2.6 The University Senate can review and propose policy, hold university discussions, and make recommendations pursuant to the responsibilities and restrictions contained within this Constitution.

Section 2.7 The University Senate's policy proposals are advisory in nature and are not meant to supersede or replace the authority of the University President, the Council of Trustees, the role of the University-Wide Curriculum Committee or other committees mandated by law or policy.

Section 2.8 When the Senate recommends an action to the President it is only advisory, however, it is incumbent upon the University President to give full consideration to the University Senate's actions.

Section 2.9 It is incumbent upon the University President, in a timely fashion, to communicate to the University Senate the rationale for rejecting or modifying University Senate proposals.

Section 2.10 The University Senate can communicate its views on items, pursuant to the responsibilities and restrictions contained within this Constitution, to the Administration of East Stroudsburg University, to the university community, to the East Stroudsburg University Council of Trustees, the Board of Governors of the Pennsylvania State System of Higher Education, the Chancellor of the Pennsylvania State System of Higher Education, and other relevant governing bodies.

Section 2.11 It is incumbent on the University Administration to provide the resources and support personnel necessary for the proper operation of the University Senate.

Section 2.12 Senate meetings will be public meetings, and the minutes shall be made public.

Article 3 Responsibilities and Restrictions:

Section 3.1 The University Senate serves as a forum for all segments of the university to discuss and to make recommendations on issues not in conflict with managerial and bargaining unit rights and responsibilities

Section 3.1.1 The University Senate has the authority to make recommendations to the University President concerning such items as (a) entrance requirements for students, (b) rules and regulations for the government and discipline of students, (c) policies concerning the organization, operation and control of student organizations, groups and activities, (d) enrollment services policies, (e) strategic planning, and (f) budgetary procedures, priorities and resource allocation.

Section 3.1.2 The University Senate may communicate its positions to the University President with regard to policies, actions, rules and practices concerning items that are the shared responsibility of other administrative or deliberative bodies or committees including such items as: (a) PASSHE Board of Governors policies, (b) regulations governing the conduct of all intercollegiate activities including athletics, (c) campus environment, including but not limited to safety, security, facilities planning, state of facilities and general appearance of the campus, (d) graduate assistantships, (e) honorary degrees, (f) the graduation ceremony, and (g) graduation speakers.

Section 3.1.3 The University Senate may make recommendations to the University President concerning issues related to the mission of the university, diversity, campus climate, and policies related to the operation of the Library and co-curricular aspects of resident and commuter student life.

Section 3.1.4 The University Senate may make recommendations to the University President concerning such items as but not limited to policies concerning all aspects of computing and communications that affect students, faculty and staff including but not limited to electronic communication, academic computing, audio-visual services, instructional technologies and information technology policy and networking.

Section 3.1.5 The University Senate may make recommendations to the University President concerning the University's interaction with its external constituents such as but not limited to the University's public image, fundraising, publicity, athletics, and alumni relations.

Section 3.1.6 The University Senate may make recommendations to the University President concerning policies related to the promotion of research, scholarship and creative activities.

Section 3.1.7 The University Senate has the responsibility to establish standing committees of the Senate to carry out the responsibilities listed in this section, provide specific jurisdictions for those committees, and set out the membership for those committees.

Section 3.1.8 The University Senate has the responsibility to establish temporary committees of the senate, as needed, to provide specific charges for such temporary committees, and to set out the membership for those temporary committees.

Section 3.1.9 The University Senate may recommend academic policies for consideration by the University-Wide Curriculum Committee;

Section 3.1.10 The University Senate may make all rules, bylaws and regulations necessary and proper for carrying into execution the foregoing authority.

Section 3.2 The following items are not subject for Senate deliberation:

Section 3.2.1 Personnel issues;

Section 3.2.2 Departmental-level curriculum issues;

Section 3.2.3 The day-to-day operations of departments, divisions, or groups;

Section 3.2.4 Issues related to the application of policies to specific individuals, or;

Section 3.2.5 Matters subject to collective bargaining.

Article 4 Membership

Section 4.1 Membership shall include faculty, administrators, coaches, staff, students.

Section 4.1.1 The minimum qualifications for eligibility to serve on the University Senate are as follows:

- Faculty – Faculty senators must either be tenured or on the tenure track.
- Staff and Administrators – With the exception of ex-officio members, university staff and administrators must have completed the probationary period of employment (if applicable).
- Coaches must be full-time.
- Students – must meet the same minimum criteria required by the Student Government Association (SGA) for election to office.

Section 4.1.2 Faculty, staff, administrators, and students, become ineligible for election or for continued service on the University Senate in the event of the termination of their official status as a university employee or student. Students become ineligible for election or continued service in the event they are officially classified as “not in good standing” or if they are placed on academic probation. Termination of continued service or ineligibility for election is effective upon the date of termination of status with the University.

Section 4.2 The University Senate members include:

Section 4.2.1 Faculty: There will be one senator elected from each academic department and one senator elected from each of the non-classroom faculty departments. There shall be five at-large members of the faculty elected by

the entire faculty with at least one at large senator from each school or college and one from the non-classroom faculty not represented by a school or college. Departments and non-classroom faculty departments will conduct their own elections for departmental senators and APSCUF will conduct the election for at-large senators. The APSCUF President, the APSCUF Vice President, and the Chair of the University-Wide Curriculum Committee shall be ex-officio voting members. The APSCUF President, APSCUF Vice President and the Chair of the University-Wide Curriculum Committee may send a designee to vote on their behalf.

Section 4.2.2 Administration: The University President shall be an ex-officio, non-voting member. The University Vice Presidents and the Academic Deans shall be ex-officio voting members. The University Vice Presidents and Deans may send designees to vote on their behalf.

Section 4.2.3 State System Managers: There will be three senators elected from among State System Managers. State System Managers will be responsible for forming an election committee to determine candidate eligibility, to promote and to conduct the election of State System Manager senators.

Section 4.2.4 Unions: The presidents of SPFPA and SCUPA shall select one representative from their organization to be senators. The president of APSCUF shall appoint one coach to be a senator. AFSCME shall select three representatives to be senators: two from persons represented by the AFSCME Master Agreement and one from those represented by the AFSCME Master Memorandum (First-Level Supervisors).

Section 4.2.5 Students: The Student Government Association (SGA) President, Vice President and the student member of the East Stroudsburg University Council of Trustees will be ex-officio, voting members. The Student Government Association (SGA) shall appoint or elect ten additional student senators, at least one of whom must be a graduate student. The Student Government Association (SGA) President, Student Government Association (SGA) Vice President, and the student member of the East Stroudsburg University Council of Trustees may send a student designee to vote on their behalf.

Section 4.2.6 There will be one senator to represent the staff of the President's and Vice Presidents' Offices. The staff in the President's office will be responsible for forming an election committee to determine candidate eligibility and to promote and to conduct the election of this senator.

Section 4.2.7 Those ex-officio senators who may identify a designee must do so no later than the roll-call of any regular or special meeting of the Senate.

Section 4.3 Terms of Office

Section 4.3.1 The term of office is two years except for ex-officio members. The term of office is one year for student senators.

Section 4.3.2 Student senators start their terms at the close of the last senate meeting in the spring. Faculty senators from departments that start with letters I-Z start their terms at the close of the last senate meeting in the spring of odd-numbered years. All other senators start their terms at the close of the last senate meeting in the spring of even-numbered years. Members filling vacant positions will start their term when the member has been selected.

Section 4.3.3 The leadership of each group providing a senator should notify the president of the university senate no more than one week after the election.

Section 4.4 Participation by Those Other than Senators

Section 4.4.1 The Executive Committee may invite others to address the Senate or participate at a particular session. These guests will not have voting or other member privileges.

Section 4.5 Vacancies in Elected Senate Seats

Section 4.5.1 In the event of a vacancy of an elected State System Manager senator, the President of the Senate shall accept nominations from the other State System Managers and shall appoint a senator to the vacant seat from the nominations received.

Section 4.5.2 In the event of a vacancy of any senator, the department or unit may elect another senator to fill the remainder of the term.

Article 5 Senate Officers

Section 5.1 The Senate President shall preside over meetings of the University Senate.

Section 5.2 The officers shall be the University Provost, the Senate President, the Senate Vice President, and the Secretary/Treasurer. The Senate President shall appoint a Parliamentarian/Historian to office from the Senate membership. The University Provost or designee, the Senate President, the Senate Vice President, the Secretary/Treasurer, an at-large member, APSCUF President and the Student Government Association (SGA) President shall comprise the membership of the Executive Committee.

Section 5.3 The term of office for elected officers of the University Senate is one year.

Section 5.4 The Senate President, the Senate Vice President, the Secretary/Treasurer and the at-large member of the executive committee shall be elected by and from the University Senate membership. This election shall occur at the last meeting of the academic year except when the last meeting is cancelled due to unforeseen emergencies (like weather). Senate members may volunteer to run for office or may be nominated to run. Only senators who have been a senator in the University Senate for at least a semester are eligible to run for office. Officers shall assume office upon the close of the last meeting of the academic year, at which point officers from the previous year shall leave their office. In order to be elected an officer, or at large member of the Executive committee, a candidate must receive a majority of the votes cast for that office. If more than two candidates were on the ballot for that office and none received the required majority, the one with the lowest vote total shall be eliminated from the next ballot and another vote taken. This process shall be repeated until one candidate receives a majority of the votes cast. If there is a tie vote on a ballot with exactly two candidates, the membership will be given one more opportunity to vote. If the election is still tied, the winner will be selected by a coin toss. All officer elections will be conducted by secret ballot.

Section 5.5 In the absence of the Senate President, the Senate Vice President shall preside or assign a Senator to preside at meetings.

Section 5.6 Duties of the Officers

Section 5.6.1 The Senate President shall:

- a. Serve as Chief Executive Officer of the Senate and as its representative before other bodies and the community;
- b. Preside at meetings,

- c. Call Special Meetings under the conditions outlined in this Constitution;
- d. Chair the Executive Committee;
- e. Choose the Parliamentarian/Historian subject to confirmation by the Senate by a majority vote;
- f. Assign proposals introduced by members to the appropriate standing committee;
- g. Assist the Secretary/Treasurer in preparation of the University Senate budget;
- h. Maintain an up-to-date list of members, and committee membership;
- i. Appoint the members, with the approval of the University Senate, to the University Senate Evaluation Committee whose purpose is to conduct an evaluation and assessment of the University Senate. The committee's report is to be submitted to the University Senate every five to seven years and the report will be made available to the public.

Section 5.6.2 The Senate Vice President shall:

- a. Perform the duties of the Senate President in his or her absence;
- b. Chair the Rules & Bylaws Committee;
- c. Serve on the Executive Committee, and;
- d. Assume the duties of the Senate President for the remainder of her or his term, in the event of a vacancy.

Section 5.6.3 The Secretary/Treasurer shall:

- a. Serve on the Executive Committee;
- b. Keep minutes of all Senate meetings regarding its deliberations, recorded votes and recommendations;
- c. Distribute copies of minutes to all members within one (1) week of approval of such minutes;
- d. Arrange distribution of copies of all documentation associated with Senate business, such as current versions of the Constitution and By-laws, committee reports and the minutes to the campus community university archivist and on designated websites;
- e. Conduct necessary correspondence;
- f. Keep an accurate record of the attendance at Senate meetings and notifies appropriate constituencies if senators fail to attend meetings;
- g. Keep an accurate record of all recorded votes;
- h. Be responsible for all of the Senate's financial transactions and their preparation, and;
- i. Provide a financial report as needed.

Section 5.6.4 The Parliamentarian/Historian shall:

- a. Advise the presiding officer on the application of the bylaws, the Constitution and the latest edition of Robert's Rules of Order;

Section 5.7 Vacancies of Offices

Section 5.7.1 In the event that any of the Senate offices become vacant, the President shall appoint a senator to temporarily fill the position. The appointed senator will finish the term of the vacant position if approved by a majority of those senators present at the next meeting of the Senate.

Section 5.8 Removal from Senate Office

Section 5.8.1 Any member of the Senate may initiate the removal of a senate officer from office. Such a motion will be privileged. The Senator making the motion

must state the specific grounds for removal. Grounds for the motion may only include gross negligence of duty or conduct unbecoming a University Senator.

Section 5.8.2 If seconded, there will be an immediate vote on whether to place the removal on the agenda of the next regular meeting. If a majority of those present support the motion, the removal becomes the first order of business at the next regular meeting.

Section 5.8.3 There shall be open debate prior to a vote on the motion for removal, and the officer who is the subject of the motion shall be afforded an opportunity to speak in his or her own defense prior to a vote.

Section 5.8.4 A two-thirds majority of the entire membership shall be required for the removal of an officer.

Article 6 Standing Committees:

Section 6.1 The Standing Committees shall formulate reports and make recommendations to the University Senate on areas within their jurisdiction as defined below and in the University Senate bylaws.

Section 6.2 Faculty, students, staff, administrators or others may be invited by the Standing Committee to attend and participate in discussion at committee meetings that require their views.

Section 6.3 Committees shall meet at regularly scheduled meeting times. Meetings shall be posted in advance and shall be open to the University community.

Section 6.4 Standing Committee reports shall be distributed to the entire University Senate.

Section 6.5 At the first meeting of the fall semester, the Executive Committee shall appoint members to non-ex-officio positions on standing committees, pending approval by a majority of senators present. The same process shall be used for any vacancies that exist during the fall semester. Vacancies during the spring may be filled for the remainder of the academic year by the Senate President or the Executive Committee without approval of the general membership.

Section 6.5 The Executive Committee shall appoint members to open membership positions on committees with the approval of a majority of senators present. For standing committees and existing sub-committees, this will normally occur at the first meeting of the fall semester.

Section 6.6 Each Standing Committee shall maintain a record of membership, meetings, and attendance.

Section 6.7 There shall be a standing Committee on Rules and Bylaws.

Section 6.7.1 The Committee on Rules and Bylaws is charged with:

- a. Membership maintenance;
- b. Proposing changes to the Constitution and Bylaws, and adopting and maintaining rules;
- c. Facilitating the election of senators who are State System Managers;
- d. The official seating of senators;
- e. Recommending to the Senate additional standing and temporary committees;
- f. Interpreting this constitution and the University Senate Bylaws at the request of the Executive Committee of the Senate, and;
- g. Other duties as contained in the University Senate Bylaws.

Section 6.7.2 The membership of the Rules and Bylaws Committee shall be the Vice President of the Senate, one Academic Dean as appointed by the Provost, the

Vice President of APSCUF, the Parliamentarian /Historian and two other senators as selected by the Executive Committee and ratified by the Senate.

Section 6.8 The University Senate shall establish additional standing committees through its bylaws.

Section 6.9 The Provost and Vice Presidents of the University may serve as *ex-officio*, non-voting members of each committee and may participate fully in all committee deliberations, but shall be ineligible for election to the chair. However, if the Provost or Vice President is designated to be a member of a specific committee by the constitution or by the Senate Bylaws, then that person shall have full membership privileges on that committee.

Section 6.10 Membership on standing committees, temporary committees and subcommittees need not be limited to University Senate senators. However, at least one member of the committee must be a voting member of the University Senate.

Section 6.11 If a non-senate committee wishes to submit a proposal to the University Senate for consideration, it may do so by either submitting it to the Executive Committee for inclusion on the agenda or by making a motion on the floor. If the latter, the motion must be made by a senator although any member of the committee can speak on its behalf. Either way, the motion will require a second.

Section 6.12 Every five to seven years, there shall be a University Senate Evaluation Committee composed of five senators and whose purpose is to evaluate and assess the performance and functioning of the University Senate. This report shall be made public, and the University Senate Evaluation Committee will cease to exist after issuing its report.

Article 7 Elections

Section 7.1 Elections for the department senators shall be conducted by each respective department no later April 1 each year except for the inaugural University Senate.

Section 7.2 Elections for the at large faculty senators will be conducted by APSCUF during April each year.

Section 7.3 Elections for senators representing State System Managers shall be conducted by the managers. The elections shall be completed by May 1 of each year.

Article 8 Meetings

Section 8.1 Regular Meetings

Section 8.1.1 The Executive Committee shall set the meeting dates for the next academic year by December 1 of each year with the approval of the University Senate. There shall be a minimum of seven meetings during the normal academic year. The Executive Committee of the Senate may schedule summer meetings; however at least thirty-days notice must be given.

Section 8.1.2 Dates, times and locations of all regular meetings shall be published in the *University Bulletin*, posted on the University website, distributed to members of the University community via e-mail and posted in strategic locations on campus.

Section 8.2 Special Meetings

Section 8.2.1 Any 20 Senators may collectively petition the Executive Committee in writing to call a special meeting. The special meeting shall be called within seven working days from the receipt of such petition.

Section 8.2.2 The University President may request that the Executive Committee call a special meeting. The Executive Committee shall convene a special meeting within two (2) to four (4) working days from the receipt of such request or explain to the University President and the full University Senate why such request was denied.

Section 8.2.3 The agenda for special meetings of the Senate shall be included in the notification for the special meeting. Adjustments may be made to the agenda for a special meeting only by a two-thirds vote of the entire Senate membership.

Section 8.3 Standing Committee Meetings and Temporary Committee Meetings shall be publicized and open to the University community.

Section 8.4 Agenda for Meetings

Section 8.4.1 The agenda for any regularly scheduled meeting shall be distributed between five and seven calendar days prior to the meeting via email.

Section 8.4.2 The Executive Committee shall meet at least seven (7) calendar days before each regularly scheduled meeting of the Senate to set the agenda for that meeting. The date of the Executive Committee meeting shall be announced to the general senate membership at least seven (7) calendar days prior to the committee meeting. The following provisions shall apply:

Section 8.4.2.1 Any member of the university community may suggest an agenda item to the Executive Committee prior to the agenda-setting meeting. The Executive Committee shall determine the items for inclusion on the agenda.

Section 8.4.2.2 A Standing Committee may request that an item be placed on the agenda prior to the agenda-setting meeting. In order to be placed on the agenda, supporting documentation and reports should be provided to the Executive Committee two (2) days prior to Executive Committee meeting.

Section 8.4.2.3 If any group of five or more Senators collectively submits an agenda item for a meeting prior to the agenda setting meeting, that item shall be included on the agenda.

Section 8.4.2.4 The membership of the Senate, by majority vote, may insert an item on the agenda for its next meeting. The opportunity for such a vote shall be a regular agenda item at the Senate meetings

Section 8.4.2.5 The University President's report shall be the first regular item of business after the roll call and approval of minutes.

Section 8.5 After the approval of the minutes and the University President's report, the next item of business shall be to set the order of the agenda.

Section 8.5.1 Once a senate meeting begins, new items may be added to the agenda that was approved and distributed by the Executive Committee only if the new items are approved by a majority of the senators present.

Section 8.6 Conducting Business

Section 8.6.1 A Senate session will begin with the first day of the fall semester and end with final summer meeting with the exception of the inaugural senate. The inaugural senate shall serve until the start of the fall 2006 semester.

Section 8.6.2 A quorum for any meeting of the University Senate shall consist of a simple majority of the full voting membership of the Senate.

Section 8.7 The University Senate Rules and Bylaws and the current edition of *Robert's Rules of Order* shall define parliamentary procedures.

Article 9 Amendments to the Constitution and Revocation of the University Senate

Section 9.1 An amendment to this Constitution may be proposed by either the Rules and Bylaws committee or any 20 members. The proposal shall be submitted in writing to the Executive Committee at least 2 days prior to the Executive Committee meeting.

Section 9.2 Once received, an amendment proposal must be placed on the agenda of the next regularly scheduled Senate meeting.

Section 9.3 The Senate President shall distribute the proposed amendment to the members of the Senate and shall distribute the proposal to the university community via a mass email a minimum of one (1) week prior to the meeting at which such proposal is considered. This notice shall contain the exact motion and language to be submitted to the Senate.

Section 9.4 During deliberation on the original proposal, the proposal can be modified by a majority of the voting members present. The vote on the proposal shall take place at the next regularly scheduled meeting of the University Senate.

Section 9.5 An approved motion for amendment shall be distributed to the members of the Senate via email and by placing it in strategic locations (i.e., Warrior Notes) on the university campus a minimum of one week prior to the next regularly scheduled meeting.

Section 9.6 At the next regularly scheduled meeting following the introduction of the proposal, a two-thirds vote of all senators present will be required to adopt the amendment. If the amendment fails to gain the necessary two-thirds vote, or is not acted on, it shall be considered to have failed.

Section 9.7 If an amendment is adopted by the University Senate, it will be forwarded to the President of the University for final approval. If the President does not approve the amendment, he or she will return it to the President of the University Senate within 20 days with his or her reasons for his or her disapproval of the amendment.

Section 9.8 The Council of Trustees of East Stroudsburg University is free to rescind its approval of the creation of the University Senate and revoke the senate's authority at any time.