

PACIFIC UNIVERSITY

FACULTY SENATE BYLAWS

ADOPTED 03/20/2008

ARTICLE I NAME

The official name of the organization described in these bylaws shall be the Pacific University Faculty Senate, hereafter referred to as the "Faculty Senate" or "Senate."

ARTICLE II THE PURPOSE AND STATUS OF THE BYLAWS

The general objectives, powers, and responsibilities of the Faculty Senate are outlined in the Pacific University Handbook in Chapter 2: "The Pacific University Governance System." The more specific rules governing the Faculty Senate laid out in these bylaws have been elaborated by the Faculty Senate in pursuance of the final paragraph of Section 2.6.7 of the Handbook: "The Faculty Senate will develop its own guidelines specifying procedures for election of officers and other details of its functions. The Faculty Senate will review its functions and procedures annually and revise them as needed. Copies of these rules and procedures will be permanently available on the Faculty Senate website."

Nothing in these bylaws shall be interpreted as taking precedence over or amending the procedures specified in the University Handbook, and any provision of these bylaws found to contradict language in the University Handbook shall be deemed null and void.

ARTICLE III MEMBERSHIP, ELECTION AND ORGANIZATION

1. Composition.

The composition of the Faculty Senate and general procedures for electing its members are specified in the University Handbook in Section 2.6.6 "Membership and Officers of the Faculty Senate."

2. Terms of the Senate and Its Members.

The annual term of the Faculty Senate and its members will begin on August 15 of each year and continue until August 14 of the following year. The Chair Elect of the Senate, as its secretary, shall maintain an official list of the elected members of the Senate as certified to the Chair by the Faculty Chairs of each governance unit.

3. Faculty Senate Elections.

Beginning in the spring semester of 2009, each governance unit represented in the Faculty Senate (the College of Arts and Sciences, the College of Optometry, the College of Education, the College of Health Professions, and the Library Faculty) shall conduct elections for any Senate seats from the unit whose terms are due to expire in August of that year, according to procedures established by the governing units themselves consistent with the general procedures specified in Section 2.6.6 of the University Handbook. The names of the elected Senators shall be officially transmitted to the Chair of the Faculty Senate by the Faculty Chairs of each unit no later than the Friday preceding the March spring break in the University calendar of each year.

Senate vacancies that occur for any reason before a Senator has served a full term in office shall be filled by election within the governing unit at the next regularly scheduled meeting of that unit's faculty. The name of the Senator elected to fill the vacancy shall be immediately transmitted to the Chair of the Faculty Senate by the Faculty Chair of that unit. The newly elected Senator shall become a regular member of the Senate immediately upon such notification and serve until the end of the original term of office set for the Senator being replaced.

4. Faculty Senate Officers and Their Election.

The two officers of the Faculty Senate are the Chair and the Chair Elect, who are elected from the membership of the incoming Senate. Their term of office is one year. At the beginning of each Faculty Senate term, the Chair Elect will assume the office of Chair, and a new Chair Elect will assume office.

Candidates for Chair Elect will be elected from among the members of the incoming Senate who have at least two years remaining in their terms of office. They will be elected by secret ballot by a majority of the Faculty Senate present at the April meeting of the Faculty Senate prior to the August in which they will assume office. In the event that no candidate for Chair Elect gains a majority of the votes of Senators present and voting, a second vote will be taken to choose between the two candidates receiving the most votes in the initial vote. A tie for the second spot on the first ballot will be broken by a majority vote of the Senate members present.

If, for any reason, the Chair is unable to complete his/her term of office, the Chair Elect will immediately assume the office of Chair and complete the unfinished term of the Chair and then continue as Chair as scheduled for the following year. If, for any reason, the Chair Elect is unable to complete his/her term of office, a new Chair Elect will be elected by secret ballot by a majority of the members of the Faculty Senate at the next scheduled meeting of the Senate and assume the duties of the office immediately.

5. Duties of the Chair and Chair Elect.

The general duties of the two officers of the Faculty Senate are specified in Section 2.6.6 of the University Handbook. In addition to these duties, the Chair and Chair Elect of the Faculty Senate will meet on a monthly basis with the Provost to coordinate the business of the University Council and the Faculty Senate and will also meet at least once each semester with the President of the University to discuss major issues facing the University that fall within the areas of responsibility of the Faculty Senate.

In addition to the duties of the Chair listed in Section 2.6.6 of the University Handbook, the Chair will be responsible for reviewing and distributing the minutes of the meetings of the Faculty Senate prepared by the Chair Elect and circulating the agenda of each meeting to the members of the Senate and the University Council no later than noon on Thursday of the week preceding the Thursday afternoon meeting of the Faculty Senate. At the same time, this agenda will be posted on the Faculty Senate website maintained by the staff person supervised by the Chair. The Chair is also responsible for transmitting the minutes of the Faculty Senate meetings to the Provost in his/her capacity as Chair of the University Council at the same time they are distributed to the members of the Senate.

As the secretary of the Faculty Senate, the Chair Elect is responsible for maintaining the records of the Senate related to the term during which he/she serves and serving as liaison with the staff officer designated by the Provost to supervise the permanent archiving of Senate records. The minutes of the meetings of the Faculty Senate will be posted on the Faculty Senate website no later than noon on the Monday immediately following the Thursday afternoon meetings of the Senate. In addition to the other duties of the Chair Elect specified in Section 2.6.6 of the University Handbook, the Chair Elect shall serve as the parliamentarian of the Faculty Senate and advise the Chair on points of parliamentary procedure during official meetings of the Senate, when requested by the Chair or when points of order are raised by the members. These opinions of the Chair Elect about parliamentary procedure are advisory only. The rulings of the Chair are final unless overruled by a majority of the members of the Senate.

6. Obligations of Office and Removal from Office.

It is the obligation of all Senators to perform the duties of the office of Senator honestly and conscientiously, respect the procedures of the Faculty Senate as laid out in the University Handbook and the Faculty Senate Bylaws, faithfully represent the legitimate needs and views of the faculty of the unit he/she represents, and at all times remember that all actions taken as a Senator should have as their primary objective to serve the long-term interests of the University as a whole.

The Faculty Senate itself may expel any member by a majority vote of the entire membership of the Senate if a Senator is held to have failed to live up to these obligations or committed some other form of grave misconduct that undermines the functioning of the Senate or is destructive of the best interests of the University. Such expulsion can only occur upon the motion and second of elected Senators of the Faculty Senate itself. The motion must include a specific list of alleged violations or misconduct, and a vote may only be taken after a full discussion of the violations of which the Senator is accused, including an opportunity for the Senator in question to offer a full defense of the actions that have led to the motion. A final vote on expulsion may not be taken at the same meeting that the motion for expulsion is proposed.

In addition, the faculty of the governing units that a Senator represents may recall any elected Senator at any time for any reason it deems appropriate by a majority vote of the unit's faculty and replace that Senator through the procedures specified for filling a Senate vacancy.

ARTICLE IV MEETINGS OF THE FACULTY SENATE

1. Frequency of Meetings.

As specified in Section 2.6.7 of the University Handbook, the Faculty Senate normally will meet regularly once a month. Except in unusual circumstances, this regular meeting will occur in the afternoon of the fourth Thursday of each month during the months of August through April of each academic year. The Chair of the Senate may call for this regular monthly meeting to be cancelled by communicating via e-mail to the members of the Senate that there are no items on the official agenda as of noon on the Monday of the week in which a regular Thursday meeting is scheduled. If no members of the Senate offer any items for the agenda before noon on Tuesday of the same week, the Chair may declare the regular meeting cancelled.

The Chair, after consultation with the Chair Elect and the Provost, may also call a Special Meeting of the Faculty Senate in addition to, or in place of, the regular meeting if urgent business demands such a meeting. However, the members of the Faculty Senate must be given at least ten days notice of any such meeting, including a formal agenda, and the usual quorum requirements and the usual procedures for getting on the agenda will apply to any such Special Meetings.

The Faculty Senate will not normally meet during the months of May, June, and July. Special Meetings may be called if urgent business demands it, according to the usual procedures for calling Special Meetings. However, in order to insure that the full faculty has had an opportunity to discuss any agenda items considered at summer meetings, the agenda of any such Special Meetings shall include only items that have already been previously introduced and discussed at an earlier regular meeting of the Faculty Senate and now require an expedited final vote. No new agenda items may be introduced at summer meetings, and, therefore, regular August meetings of the Faculty Senate can only take final action on items that were introduced and discussed at regular meetings during the previous academic year. In addition, in keeping with the spirit of the notification provisions of Section 2.6.7 of the University Handbook, although minutes of Special Meetings outside the regular academic year should be made public and posted as quickly as those of any other meeting, the notification to the full faculty of any final decisions taken by the Faculty Senate at Special Meetings during the months of May, June or July shall be deemed to have occurred only when the minutes of the regular August meeting of the Faculty Senate are made public so that faculty members have 21 days following that formal August notification to refer such a decision to a meeting of the full faculty. The minutes of the August meeting should repeat a clear summary of any final decisions taken at any Special Meetings conducted in the preceding three months.

2. Meeting Agendas.

Items may be placed on the official agenda of the Faculty Senate only through one of the procedures specified in Section 2.6.7 of the University Handbook. Agenda items submitted through one of these procedures must include a full written version of any motions proposed for Senate consideration and a copy of any supporting documentation that the initiator(s) of the agenda item wish the members of the Senate to consider. Except for motions offered during meetings by members of the Faculty Senate, all official agenda items must be provided to the Chair of the Senate in time for them to be distributed to the members of the Senate via e-mail no later than noon on the seventh day prior to a scheduled meeting of the Senate (for example, noon on Thursday for a regular Thursday meeting). All items appearing on this previously circulated agenda will be considered to have been moved and seconded and may be immediately discussed at Senate meetings. This official agenda, including the written version of proposed motions and, if possible, electronic versions of supporting documents, shall be posted on the Faculty Senate website at the same time they are distributed electronically to the members of the Senate in order that interested members of the University community can have time to react to them prior to the meeting.

3. Open Meeting Rule.

Section 2.1.5 of the University Handbook requires that all meetings of the University Council and the University Standing Committees "are open to members of the University community, unless confidential matters are being discussed, and an executive session is called." Although the Faculty Senate is not formally covered by this rule, it will try to conduct its business in the spirit of this provision but also in keeping with its function as a substitute for the meetings of the full faculty of the University.

Therefore, as is the case with full meetings of the University Faculty, Faculty Senate meetings will be open to any member of the University Faculty, including members of the administration or staff who enjoy faculty status. Only members of the Faculty Senate, however, have the right to speak at meetings unless invited to participate by the Chair. If any member of the Senate objects to non-members participating in the discussion, a majority of the Senators present and voting is required to override the objection.

Students and non-faculty members of the staff or administration (including representatives of *The Index* or other campus publications) do not have the right to attend meetings of the Faculty Senate unless expressly invited by the Chair, who should extend such invitations only if these non-faculty members have an important contribution to make to the discussion of a specific item on the formal agenda. If any member of the Senate objects to non-faculty members attending the meetings, a majority of the Senators present and voting is required to override the objection.

Since the Senate has no jurisdiction over the disposition of cases involving specific personnel or disciplinary decisions involving individual faculty members, there should never be a need for an executive session of the Faculty Senate. Closed

executive sessions of the Faculty Senate are, therefore, prohibited.

4. Quorum.

The Faculty Senate will be deemed to have a quorum with the presence of two-thirds of the total number of Senate seats (including vacant seats) authorized at the time of the meeting. This same quorum requirement applies to all Special Meetings of the Faculty Senate as well as to all regular meetings. No motions may be voted on during any meeting of the Senate (not even by unanimous consent of those present and voting) without such a quorum present.

Governing units represented in the Faculty Senate may send a substitute Senator in the place of an elected Senator when the elected Senator is unable to attend a scheduled meeting. Such substitutes may serve no longer than one full semester (for example, in the case of a Senator taking a sabbatical leave). A Senator who knows he or she will be absent for any reason shall notify the Faculty Chair of the governing unit he or she represents. The Faculty Chair may then designate a substitute from among the eligible faculty members of that unit. This substitute may participate as a full member of the Senate (including being counted toward a quorum) only if the Faculty Chair of the represented unit (via e-mail) has formally notified the Chair of the Faculty Senate of the name of the substitute no later than noon on the day of the scheduled meeting(s) for which the substitute Senator is being sent.

5. Parliamentary Procedures.

As specified in Section 2.6.7 of the University Handbook, the Faculty Senate will follow Robert's Rules of Order to govern the conduct of all business. The authoritative version to be used will be *Robert's Rules of Order Newly Revised* unless otherwise specifically modified in the University Handbook or these bylaws. For purposes of routine convenience, the Chair Elect, as parliamentarian, may rely on *Parliamentary Procedure at a Glance, New Edition* by O. Garfield Jones. Any conflict between these two authorities will be resolved in favor of the former, more authoritative version. All members of the Faculty Senate, upon joining the Senate, will be provided with copies of both of these reference works and are encouraged to familiarize themselves with the procedures they specify. As *Robert's Rules* itself provides, however, the Chair has final authority to rule on procedure unless overruled by a majority of the Senate itself.

As specified in Section 2.6.7 of the University Handbook, formal policy changes or new policies that come before the Senate must be formally received at one meeting of the Senate and approved or rejected only at a subsequent meeting of the Senate. However, at the request of the party or parties that place an item on the Senate agenda, the motion to receive may call for a proposal to be "received for deliberation only." In this case, the party or parties that initiated the proposal must present to the Senate a written plan for how they propose to engage the faculty as a whole in deliberation on the proposal or request that the Senate help them to develop such a written plan. By majority vote, the Senate may itself also designate any proposal that has been formally received as "received for deliberation only" and request the

initiators of the proposal to develop a written plan for faculty deliberation or develop such a written plan itself in consultation with the initiators. The plan for deliberation may range from a simple request to refer the proposal to an appropriate standing or ad hoc committee of the Senate for study and revision to an elaborate series of faculty meetings within the respective Colleges and a special meeting of the entire University Faculty. The written plan for deliberation must be submitted to the Senate for approval, rejection, or modification.

A proposal that is "received for deliberation only" may not be submitted to a final vote of the Senate until the written plan for deliberation has been carried out and a final version of the proposal has been prepared. The final version of the proposal will then be handled as a piece of new business that must be formally received at one meeting of the Senate and then approved or rejected only at a subsequent meeting of the Senate.

6. Voting.

Only elected members of the Faculty Senate or their designated substitutes have the right to vote. Section 2.6.6 of the University Handbook specifies that the Chair may only vote "in the event that the vote would create or break a tie vote among the other members of the Senate present and voting."

A majority vote of Senators present and voting is required to pass any motion except for certain procedural questions covered in *Robert's Rules of Order* or other measures specifically mentioned in these bylaws. However, motions to effect formal policy changes or implement new University policies must be received by majority vote at one meeting and only receive final approval by a second majority vote at a subsequent meeting. Unless a vote is unanimous and recorded as such in the minutes, all votes having the effect of amending or giving final approval to or rejection of official agenda items will be recorded votes, and the individual votes of each Senator will be recorded in the official minutes. The tally sheets recording these votes will be retained in the official Senate records. No secret ballot votes will be permitted for any issue except the election of officers, and voice votes or hand counts, unless unanimous, will be permitted only for procedural motions.

Votes taken by the Faculty Senate represent final decisions of the University Faculty as a whole unless a decision of the Senate is referred to the full University Faculty by one of the two procedures specified in Section 2.6.7 of the University Handbook.

Only Faculty Senate members or their designated substitutes present at the meetings are eligible to vote. For the purposes of this rule, Senate members linked by audio connections to the meeting and able to participate in discussion and votes in real time will be considered "present" and eligible to vote. No proxy voting at meetings of the Faculty Senate during the regular academic year August through April will be permitted. However, in the case of Special Meetings that occur during the months of May, June, and July, Senators may vote by proxy for final consideration of any official agenda item provided they submit a signed proxy in writing (or via e-mail) to the Chair that includes the following statement: "I swear that I have carefully

considered the motion upon which I am voting and have studied the supporting material submitted for the official agenda of this meeting. My vote on the motion to _____ is ____ (yes or no)." Senators voting by proxy in this way will also count toward the quorum necessary for the Senate to take official action. Senate members voting by proxy will also be required to confirm at the next Senate meeting at which they are present that the proxy vote was in fact submitted by them and correctly reflected their intentions on the motion under consideration. Evidence that even a single proxy was not in fact submitted by the Senator named on the proxy will invalidate the vote on the motion even if that Senator's vote was not required for a majority approval or rejection of the motion. A new vote on the motion will then be required to take any official action.

7. Minutes.

The Chair Elect will keep careful minutes of every official meeting of the Faculty Senate. These minutes will provide an official record of the meetings that will be made a permanent part of an archive of Senate business. These minutes will not attempt to provide a transcript of discussions, summaries of comments by individual Senators or even descriptions of the general tenor of discussions on official business. The minutes shall, however, always include the following:

- a) the time and place of the meeting, including when it began and adjourned; b) a list of all Senators present and all Senators absent; c) a record of the specific language of all motions made and seconded; d) a record of the final disposition of all motions and amendments, including
 - procedural motions; and
- e) a record of the individual votes of every Senator present (including abstentions) for all votes that are required to be public unless a vote is unanimous, in which case the minutes should so indicate.

ARTICLE V COMMITTEES OF THE FACULTY SENATE

1. Standing Committees of the Faculty Senate.

Upon the recommendation of the Chair or upon the motion of an individual Senator, the Faculty Senate, by majority vote, may create Standing Committees of the Faculty Senate if it deems them necessary to expedite recurring categories of issues that require detailed investigation and deliberation outside of regular Faculty Senate meetings. Standing Committees will have advisory powers only; any recommendation from a Standing Committee must receive majority approval by the full Faculty Senate in order to become an official act of the Senate.

Any such Standing Committee established should include five members of the Senate, including at least one representative from each of the four Colleges of the University. The members of these committees may be nominated by the Chair or any elected member of the Senate and approved by a majority vote of the members of the Senate present and voting at a regularly scheduled meeting of the

Senate. As with election of the officers of the Senate, these elections may be conducted by secret ballot.

2. Ad Hoc Committees and Delegated Members.

The Chair may also recommend to the Faculty Senate the creation of ad hoc committees when needed to work on some non-recurring issue or problem that requires detailed investigation and deliberation outside of regular Faculty Senate meetings. Such ad hoc committees should be strictly advisory in nature and should typically consist of no more than three members of the Faculty Senate. They may also include faculty or staff members from outside the membership of the Faculty Senate if their expertise is considered crucial for the committee's work. The Chair may also recommend that such work be delegated, again on a strictly advisory basis, to a single member of the Faculty Senate.

The individuals delegated to perform such ad hoc work may be nominated by the Chair or any elected member of the Senate and approved by a majority of the Senators present and voting at a regularly scheduled meeting of the Senate. As with the election of the members of Standing Committees, election of the members of an ad hoc committee or a delegated individual may be conducted by secret ballot.

ARTICLE VI AMENDING THE BYLAWS

These bylaws shall cover all aspects of Faculty Senate procedures not already explicitly covered in Chapter 2 of the University Handbook. They will come into effect only as a result of a majority vote of the total membership of the Faculty Senate (not just a majority of those present and voting). As required by Section 2.6.7 of the University Handbook, they shall be reviewed by the Senate annually and revised as needed.

Amendments to these bylaws may be made only by a majority vote of the total membership of the Faculty Senate at a regular meeting of the Faculty Senate and only if the amendments have been included on the official agenda prior to the official meeting (although amendments to the proposed amendment may be made from the floor of a regular meeting by any Senator). A motion to amend the bylaws may not include any other substantive business of the Senate but must address solely changes to this document. As with other official agenda items, amendments to these bylaws must be officially received at one meeting and only made subject to a final vote at a separate, subsequent meeting.