

## **Final Constitution – approved by Senate 4/23/20**

### **9. CONSTITUTION OF THE UNIVERSITY SENATE**

#### Preamble

The University Senate along with its subsidiary Councils and Committees puts forth this Constitution to establish an orderly process whereby all academic-related groups on campus may share in the determination of educational policy. This is done with full recognition of the University Senate's advisory capacity to the President and the Board of Trustees of Ball State University. With this instrument, the University Senate states its intention to the steadfast pursuit of the mission, academic standards, goals, and purposes of this institution while acknowledging that administration will have the sole responsibility to organize and execute administrative duties as required by law, accepted policy and best practices. With this idea of shared governance, the University Senate commits itself to the continued advancement and betterment of this institution along with the students it serves.

#### **9.1. DUTIES AND RESPONSIBILITIES**

9.1.1. The University Senate shall serve as the body with primary responsibility for formation of educational policy at Ball State University.

9.1.1.1. It has primary responsibility for decisions on the following matters of educational policy subject to review and acceptance or rejection by the President and/or Board of Trustees:

9.1.1.1.1. Standards for admission, selection, and retention of students;

9.1.1.1.2. Curricular requirements;

9.1.1.1.3. Instructional standards;

9.1.1.1.4. Requirements for granting of degrees;

9.1.1.1.5. Standards of academic freedom and professional responsibility.

9.1.1.2. It may advise the President and the Board of Trustees on the following matters of institutional policy:

9.1.1.2.1. Appointment, promotion, tenure, and dismissal of faculty members and professional personnel;

9.1.1.2.2. Programs related to faculty and professional personnel welfare such as salaries, insurance, and special leaves;

9.1.1.2.3. Selection and removal of the President and principal academic officers having University-wide responsibilities as well as the creation or abolition of such offices;

9.1.1.2.4. Current or projected budget decisions, and expenditures of funds allocated to instruction and academic or instruction-related research;

9.1.1.2.5. Selection and retention of departmental and unit chairpersons and collegiate deans; and

9.1.1.2.6. Principles and guidelines for other educational matters related to the mission and goals of the institution.

9.1.1.3. The University Senate shall transmit its minutes, decisions, and policy recommendations to the President. The President will provide the Board of Trustees with the minutes of all University Senate meetings and will inform the Board of Trustees of University Senate actions. The President will take to the Board all University Senate actions which require approval by the Board.

9.1.2. The University Senate may delegate such tasks and activities as it sees fit to its councils and committees but shall itself remain charged with the following duties and responsibilities:

9.1.2.1. To promote through all possible means the open and continuing discussion within the University of both broad educational questions and specific matters of academic concern;

9.1.2.2. To serve as the final forum for determining an official opinion representing the academic community of the University on any issue affecting educational policies or the status and well-being of the faculty and professional personnel;

9.1.2.3. To review expeditiously all policies and actions taken by its councils and committees, or forwarded to it by departments, colleges, and other governance units, and to make a specific disposition of each item as follows:

9.1.2.3.1. Approval of it as received whenever the item is found to conform to established guidelines and principles;

9.1.2.3.2. Return of it to the originating body with a clear written explanation of why it cannot be accepted in its existing form;

9.1.2.3.3. Referral of it to another governance unit, e.g., Council or Committee, to resolve any conflicts or uncertainties arising from possible effects on other programs or units; and

9.1.2.3.4. To ensure through continuous monitoring that all operations and activities of the governance system of the University function effectively and to take all actions necessary to maintain or restore sound functioning.

9.1.3. University policies in all matters concerned with educational programs and with professional status and well-being take precedence over policies developed by individual academic or governance units.

9.1.3.1. In cases where flexibility is permissible or desirable, the University Senate shall develop and approve guidelines and principles of procedure, approving policies developed by departments, colleges, and other governance units that conform to the guidelines and principles, or approving policies as desirable variants to guidelines and principles.

9.1.3.2. Where no University policy exists, and no statement of guidelines or principles on a matter has been approved for use by departments, colleges, and governance units, those units may develop their own policies, the University Senate merely reviewing them to make certain they are fair and open in procedure and application, and making them a matter of record.

9.1.3.3. In cases where departments, colleges, and governance units have developed policies on a matter subsequently made the subject of a University policy, the University policy shall prevail, and the colleges and other governance units must bring their policies into conformity with the University policy within an established reasonable time.

## **9.2. Membership**

9.2.1. Membership in the University Senate shall consist of the following elected and ex officio representation:

9.2.1.1. By virtue of their offices the President and the Provost and Executive Vice President for Academic Affairs of the University will be non-voting members of the Senate;

9.2.1.2. One (1) academic dean selected annually by all such deans to represent;

9.2.1.3. At least two and no more than three regular faculty representatives from each of seven (7) colleges for staggered three-year terms for a total of eighteen (18) regular faculty representatives;

9.2.1.3.1. After the initial representation of two faculty members per college, the additional four (4) representatives will be apportioned based on a periodic census of the amount of full time faculty in each college.

9.2.1.3.2. This census will be take place every five years at the beginning of the spring semester in time to reapportion representation before elections should the numbers warrant such action;

9.2.1.4. One (1) faculty representative from Honors College selected by the Honors College faculty for a three-year term;

9.2.1.5. Two (2) non-tenure line faculty elected for staggered three-year terms by and from the full-time non-tenure faculty;

9.2.1.6. Ten (10) professional personnel representatives, elected by and from professional personnel from within the units represented on the President's Cabinet for staggered three-year terms;

9.2.1.6.1. The number of representatives from each unit will be determined by the number of professional personnel in the unit.

9.2.1.6.2. Each five (5) years the number of professional personnel from each unit will be reviewed and appropriate adjustments made.

9.2.1.7. By virtue of their offices the President of the Student Government Association; the President of the Student Senate, the President Pro Tempore of the Student Senate, one graduate student elected by the graduate student body at large, two undergraduate students elected by the student body at large for one-year terms, and one at-large student representative to be appointed by SGA leadership. In the cases of vacancies, the President of the Student Government Association shall appoint students to best represent the diverse student population at Ball State University for a total of seven (7) student representatives on the Senate. All students will be elected to annual one year terms and may serve as many consecutively as they are elected to;

9.2.1.8. By virtue of their offices the Chairpersons of the Faculty Council and the Professional Personnel Council, non-voting.

9.2.2. Faculty representation including the non-tenure line faculty and the Honors College representative will always hold at least 51% but not more than 55% of the seats in the University Senate, representing a majority but not a super majority. The balance of this percentage will be maintained by ensuring that the Professional Personnel Council and the Student Government Association will remain consistent with the number of appointees from each of those two bodies.

9.2.3. No person may serve more than two consecutive three year terms (6 years) as an elected member of the Senate from any given unit. Students serving one year terms may serve up to six consecutive one year terms (6 years). An individual can be re-elected when the next election for the unit is held after a minimum of one year has passed from the end of the last full term.

9.2.4. All elections of faculty and professional personnel representatives to the University Senate will be conducted by the units which they represent under the direction of the Governance and Elections Committee. Student Representatives to the University Senate will be elected by the student body at-large and elections will be conducted by the Student Government Association. Elections for faculty and professional personnel representatives shall be held by March 15 each year for Senators to be seated in the fall. Student Government Association elections will follow regular SGA timelines and procedures.

9.2.5. All members are voting members unless otherwise indicated above. Any member of the University Senate who is unable to attend one or more of its sessions may designate an alternate from the same unit for such meetings. The alternate must register with the Secretary of the Senate to be eligible to participate and vote.

9.2.6. Resignations from the Senate must be submitted in writing to the Secretary and Under Secretary of the Senate and contain a specific date of effectiveness.

9.2.7. If an elected senator is unable to discharge his or her obligations, the electorate of the unit concerned may by majority vote request the Governance and Elections Committee to declare the seat vacant.

9.2.8. When a faculty or professional personnel position is vacated in the Senate, a replacement will be elected to complete the original term through the same process used for electing the vacating representative. The person chosen as a replacement will be eligible for later election to another full term. When a student position is vacated in the Senate, a replacement will be appointed by the President of the Student Government Association.

9.2.9. The University Senate reserves the right to determine the eligibility of its members in accordance with this Constitution.

9.2.10. Student members must meet eligibility requirements in accordance with the bylaws of the Student Government Association.

9.2.11. No member may hold a seat on the Senate and on the Faculty or Professional Personnel Council concurrently. Student Government Association members may serve on both bodies concurrently.

### **9.3. STRUCTURE AND ORGANIZATIONS**

9.3.1. The University Senate shall have three elected officers, chosen by majority vote of the newly elected Senate to serve one year terms, who must be elected members and not ex officio members of the Senate. After the completion of Senator elections in the spring, a special session of the Senate will be convened no later than April 30 for the purpose of electing Senate officers and members of Senate Agenda Committee. Those eligible to vote during this session will be newly elected Senators and sitting Senators who have at least one year remaining in their current term. The newly elected Senate officers will be seated on the Monday following spring commencement. All other newly appointed and elected officers, Senate members, Council members, and Committee members will be seated the first day of fall semester.

9.3.1.1. The Chairperson shall conduct all meetings of the Senate, serve as chairperson of its Agenda Committee, and represent the University governance system to the President of the University and the Board of Trustees. A parliamentarian shall be named each year by the Chairperson.

9.3.1.2. The Vice Chairperson shall serve in all capacities as assistant to the Chairperson, as presiding officer whenever the Chairperson is unable to perform the duties of the office, shall serve as Vice Chairperson of the Agenda Committee, and as Chairperson of the Governance and Elections Committee.

9.3.1.3. The Secretary shall maintain and preserve all records of the Senate and governance system, assisted by a permanent Undersecretary designated by the Provost and Executive Vice President for Academic Affairs, and shall serve as secretary of the Agenda Committee.

9.3.2 Two standing committees required for the operation of the Senate shall be maintained on a twelve-month basis: the Senate Agenda Committee, and Governance and Elections Committee.

9.3.2.1. AGENDA COMMITTEE - The membership of the committee shall consist of: the Provost and Executive Vice President for Academic Affairs, ex officio, or a designee; the Chairperson, Vice Chairperson, and Secretary of the Senate; the Chairpersons of the Faculty Council, and Professional Personnel Council and Campus Council; the President Pro Tempore of the Student Senate; and three elected members of the Senate chosen by the body, for staggered two year terms.

9.3.2.2. GOVERNANCE AND ELECTIONS COMMITTEE - The membership of the committee shall consist of the following individuals: one faculty member representing each college, elected or appointed by the Faculty Council for staggered three year terms; one academic dean chosen by all such deans for a three year term; two professional personnel, elected or appointed by the University Council for staggered three year terms; one student, elected or appointed by and from the Student Government Association for a one year term; and the Vice Chairperson of the Senate, who shall serve as Chairperson of the committee. A secretary shall be elected by the committee each year.

9.3.2.3. All other standing committees contained in the University Senate and Councils are delineated below in section 9.4.1.

9.3.3. In addition to its two operational committees and the standing committees delineated in section 9.4, the Senate may form such ad hoc committees or task forces as it deems necessary for carrying out its responsibilities. No ad hoc committee or task force may continue in existence longer than twelve months unless its life is specifically extended by the Senate.

#### 9.3.4. Other Operating Procedures:

9.3.4.1. All Councils and Committees will submit their minutes and policy recommendations to the Office of the University Senate.

9.3.4.2. Policy recommendations shall require a simple majority vote of those present and voting to become the official recommendation of the University Senate. These recommendations shall become official when the minutes are approved.

9.3.4.3. All policies approved by previous Senates will remain in effect until they are changed by action of the University Senate.

9.3.4.4. At least four meetings shall be scheduled each semester during the academic year. The calendar shall be established by the Agenda Committee.

9.3.4.5. The Senate must approve the Standing Rules of the Senate at the first meeting of the academic year.

9.3.4.6. A quorum shall consist of a majority of the membership total, including the ex officio members.

9.3.4.7. Any proposed changes to the Faculty and Professional Personnel Handbook which fall within the purview of the Senate must be approved by the Senate.

#### **9.4. UNIVERSITY SENATE COUNCILS AND COMMITTEES:**

9.4.1. The Senate shall maintain three University Senate Councils – the Faculty Council, the Professional Personnel Council, and the Student Government Association – to assist the University Senate in forming educational policies. The Senate and three University Senate Councils shall maintain the following standing committees:

9.4.1.1. University Senate: Athletics; Financial and Budgetary; Judicial; Library; Public Safety (with University Traffic Appeals Subcommittee and Parking Subcommittee);

9.4.1.2 Faculty Council: Academic Freedom and Ethics; Creative Arts, Creative Teaching, Graduate Education (and its ancillary subcommittees); Faculty Salary and Benefits; Non-tenure-line Faculty; Professional Education; Publications & Intellectual Properties; Research; Special Leave; Teaching Evaluation; Undergraduate Education (and its ancillary subcommittees); University Grade Appeals, University Promotion and Tenure;

9.4.1.3. Professional Personnel Council: Admissions and Credits; Master Planning and Facilities; Professional Personnel Salary and Benefits;

9.4.1.4. Student Government Association: Events Programming and Scheduling; Student Activities; Student Center; Student Financial Assistance; Student Rights, Ethics, and Standards.

9.4.2. The establishment of new University Senate Councils and Council Standing Committees shall be recommended to the Senate by the Governance and Elections Committee.

9.4.4. Members of councils or standing committees/subcommittees in the Senate system, with the exception of students, may serve two complete and consecutive three-year terms, except for such

alternative maximum term length as otherwise may be specified below under the University Senate Councils and Committees Structure.

9.4.5. When a faculty or professional personnel position is vacated on a council or committee/subcommittee in the Senate system, a replacement will be elected or appointed, whichever the case may be, to complete the original term through the same process used for electing or appointing the vacating representative. The person elected or appointed as a replacement will be eligible for later election or appointment to terms with the standard six-year term limit.

9.4.6. When a student position is vacated on a council or committee/subcommittee in the Senate system, a replacement will be appointed by the President of the Student Government Association.

9.4.7. Individuals who have been elected or appointed for the maximum allowed number of consecutive full terms (as per 9.4.3) are ineligible to serve in the same capacity for a full term.

9.4.8. The membership of each council will elect by majority vote a Chairperson, Vice Chairperson and a Secretary for a one-year term who will constitute the Executive Committee responsible for the following:

9.4.8.1. Proposing assignments to each of the standing committees on the Councils;

9.4.8.2. Preparing an agenda for each meeting of the Councils;

9.4.8.3. Receiving and forwarding recommendations or issues approved by each Council.

9.4.9. The Chairperson for the Student Government Association shall be a student; the chairperson for the Faculty Council shall be a faculty member; and the chairperson of the University Council shall be a professional personnel member.

9.4.10. The duties of University Senate Councils and Council Committee officers shall be as follows:

9.4.10.1. The chairperson shall conduct all meetings of the council or committee, provide leadership and coordination to the work of the body, and represent the body before others units of the governance system;

9.4.10.2. The vice-chairperson shall serve as assistant to the chairperson and as presiding officer in the chairperson's absence:

9.4.10.3. The secretary shall take the minutes of the council or committee and distribute them as directed, and shall serve as presiding officer in the absence of a vice chairperson whenever the chairperson is unable to perform the duties of the office.

9.4.11. Ex officio members shall not hold office on Councils or Council Committees. Voting rights of Ex Officio members shall be determined by each Council for its standing committees.

9.4.12. The Senate and each Council shall have the power to establish, on a temporary basis, ad hoc committees to inquire into a specific issue or topic related to its responsibilities and not under the jurisdiction of a Standing Committee. Such ad hoc Committees shall be established by resolution of the entire body, which shall specify the membership and duration of the ad hoc Committee. Each ad hoc Committee shall have a majority of its membership from Council members.

9.4.13. All actions of University Senate Councils and Council Standing Committees which establish or alter educational policy shall be referred to the University Senate for approval. Other actions not involving a change in educational policy shall be forwarded to the appropriate administrative officer. Implementation of such action is the responsibility of the administrative officer in accordance with University procedures.

9.4.14. All actions of University Senate Councils and Council Standing Committees are subject to review by the University Senate. The work of each Council and Council Standing Committee can be considered approved by the Council in question and sent to Senate as an announcement. Should the Agenda Committee decide that piece of Council business should be reviewed by the Senate, the Council business will be added to the Senate Agenda. Should a senator on the floor of the Senate decide to make an agenda announcement an actionable item, they can do so with the appropriate motions and majority vote.

9.4.15. Any three members of a University Senate Council or Council standing committee may petition the chairperson of that Council or Committee to call a meeting of that body.

9.4.16. Meetings of councils, committees, and subcommittees are open meetings unless the chairperson announces in advance that a closed meeting is to be held for the purpose of discussing personnel issues. Visitors may attend open meetings but are not permitted to participate unless invited to do so.

9.4.17. A quorum is a majority of the voting members serving on a council or committee.

9.4.18. Each council or committee shall submit a written summary report of its activities at the end of each academic year to the Office of the University Senate.

9.4.19. Each council or committee shall transmit its minutes, the summary report, and also all bylaws and operating procedures adopted by the body to the office of the University Senate to be distributed to: the Office of the President, the Chairperson of the Council, and the Executive Secretary of the Council, the Chairperson, Vice Chairperson, Secretary of the University Senate, the President of the Student Government Association, and the Ball State University Archives maintained by the University Libraries. The minutes of the Academic Freedom and Ethics Committee and the University Promotion and Tenure Committee insofar as they concern confidential personnel recommendations shall be distributed instead to the President, the appropriate Vice President, and the Chairperson of the Faculty Council.

9.4.20. University Senate, Council or committee members who cannot attend a meeting may with the concurrence of the chairperson arrange to have an informed substitute attend, provided that such substitute was eligible at the time of the original appointment or election to be appointed or elected from or representing the same constituency, if any. A substitute may participate in the deliberations of the body and may vote, but only after proper registration with the secretary of the body before the start of the meeting. When a position is vacated in the University Senate Councils, or Committees within the governance system, a replacement will be selected to complete the original term through the same process used for selecting the vacating representative. The person chosen as a replacement will be eligible for later selection to another full term.

9.4.21. University Senate Councils or committee members who establish a pattern of absences from official meetings, thus depriving their unit or constituency of representation, may be replaced upon the recommendation of the chairperson or the written request of at least one-third of the membership of the committee or council affected. Such recommendation or request shall be made to the Chairperson of the

Governance and Elections Committee. After review by the Governance and Elections Committee, and being satisfied that appropriate notification to those involved has been made, the Governance and Elections Committee shall declare the position vacant and will initiate appropriate replacement procedures.

9.4.22. In the event that no person can be found willing or able to serve as representative of a college on a standing committee according to constitutional provision, then the Governance and Elections Committee may, following consultation from the dean of the college in question, designate a replacement member from another college, to serve for that academic year only. The designee would be a committee member at large and not responsible for representing the interests of the college whose seat he or she has been given.

9.4.23. The Senate and each Council will determine how many members of each of their standing committees they require to be members of the Senate or Council and how many members can be elected from the broader population of faculty, professional personnel, and students.

9.4.24. Each Council and its standing committees shall be allowed the autonomy to handle matters that pertain to that Council and committees. Business that belongs to a specific Council does not have to be voted on or confirmed by the Senate. The Senate shall review all business by each Council and shall have the authority to place any matter on its agenda as it sees fit. If the Senate does not view an item from a Council as needing further action, it will report the completed business to the Senate in the form of an announcement.

9.4.25. The word “colleges” in this document refers to the following colleges: College of Architecture and Planning; Miller College of Business; College of Communication, Information, and Media; College of Fine Arts; College of Health; College of Sciences and Humanities; and Teachers College.

## **9.5. AMENDMENTS**

This Constitution can be amended in the following manner: (1) presenting a written statement of the proposed amendment at a regular meeting of the University Senate and then at the next regular meeting of the University Senate securing a majority vote of those present and voting. If the proposed amendment receives such a majority vote, it will then be distributed to all faculty and professional personnel units; (2) securing approval of the proposed amendment by a two-thirds vote of all those present and voting at meetings held within the faculty and professional personnel units within sixty calendar days of notification for a unit meeting to be held, with vote results from each unit to be reported promptly by the unit Chairperson/Head to the Provost and Executive Vice President for Academic Affairs; and (3) securing the approval of the University Board of Trustees for the proposed amendment.