



DESIGNATION CODE: 2013-14 BEC 12 amended

DATE SUBMITTED: January 3, 2014

TO: The Academic Senate

FROM: The Executive Committee

SUBJECT: 13-14 BEC 12: Changes to Article IX of the Constitution of the University
Faculty of CSU East Bay

BACKGROUND:

During Summer 2012, a Constitution and Bylaws Task Force reviewed the current CSU East Bay Constitution and Bylaws document to clarify and update the document's language and policy. Once completed, the report of the C&B Task Force was reviewed by FAC where the edits were further refined. The Faculty ultimately passed 12-13 FAC 9 amended, but it was [rejected by President Morishita](#). The main reason for the rejection apparently was the lack of a minimum number of voters to change the Bylaws. This document proposes changes to Article IX, with a clause changing the minimum number of voters to be one-third. In addition, the proposed change gives the Faculty an improved mechanism to make nominal changes to the Bylaws when required.

ACTION REQUESTED:

That the Academic Senate place the following Constitutional amendment on the faculty ballot for Winter Quarter. If approved by 2/3rds of the University Faculty voting, the amendments will be sent to the President for ratification.

ARTICLE IX
THE BYLAWS OF THE UNIVERSITY FACULTY

SECTION 1: The University Faculty shall establish a written set of Bylaws for the purposes of stating the faculty organization, procedures, practices, regulations, and policies implementing the provisions of this Constitution. The Bylaws shall contain, at least, the procedures for and regulations governing the election of the Faculty Marshal, the representatives of the University Faculty in the Academic Senate of the California State University, and the members of the Academic Senate; the procedures for, organization of, and regulations governing the commissions, committees, and other bodies of the University Faculty; the procedures for and regulations governing the formal and official consultation and recommendation responsibilities of the University Faculty and its Senate; and the procedures for regulations governing the conduct of the business of the University Faculty and its Senate. The Bylaws may provide for standing rules for the operation throughout the year of the meetings of the University Faculty and for the year-round operation of the Academic Senate, commissions, committees, and other bodies, provided that the standing rules do not conflict with the provisions of this Constitution or the Bylaws of the University Faculty.

SECTION 2: The Bylaws of the University Faculty shall be adopted by a two-thirds favorable vote in an election in which a majority of the persons eligible to be Regular Members of the University Faculty under this Constitution cast votes. The election shall be conducted by the incumbent faculty secretary.

SECTION 3: Amendments to the Bylaws of the University Faculty shall be made by the University Faculty by a majority vote in an election in which a majority of the Regular Members cast votes, **or two-thirds (2/3) approval vote in an election in which at least one third (1/3), but less than a majority of the Regular Members cast votes, provided that the election lasts a minimum of ten (10) academic days. Approved amendments are effective immediately or on a date specified on the ballot, whichever is later.**

SECTION 4: Amendments to the Bylaws may be proposed by:

- A. A two-thirds (2/3) vote of approval by the Academic Senate.**
- B. A petition of five percent (5%) of the regular faculty.**
- C. The President of the University.**

SECTION 5: Proposed amendments shall be presented to the Secretary of the Academic Senate. The Secretary shall distribute copies of each proposed amendment qualified for election, within five (5) academic days of receipt, to all Regular Members of the University Faculty. An election shall be held on each such proposed amendment not less than ten (10) academic days after it has been distributed to the University Faculty. The election shall be held no more than twenty (20) academic days after distribution for those proposed by methods specified in Section 4 B or C or by the date designated by the Senate for those proposed by the Academic Senate.

SECTION 6: Statements of policy and procedures adopted by the Academic Senate and

approved by the President of the University shall be **effective immediately or on a specified date, whichever is later, and shall be** published along with the Bylaws of the University Faculty for the information of the University Faculty.

SECTION 7: Whenever an official reorganization of the University requires alterations in the Bylaws, involving such matters as changes in names, titles, and structures of subdivisions of the University, the Academic Senate shall establish an ad hoc committee to make the changes in the Bylaws necessary to accommodate the new organization. If any such reorganization requires a change of substantive nature, the amendment shall be submitted to the University Faculty; if an amendment is nominal and mechanical, it may be approved by two-thirds of the Academic Senate present and voting, provided that upon petition by five percent (5%) of the Regular Members of the University Faculty, such an amendment shall be submitted to the University Faculty for a vote.