TO: Regular Members of the University Faculty

FROM: The Executive Committee of the Academic Senate

SUBJECT: NOTICE OF ELECTION (May 9, 2011-May 20, 2011)

This is a preview of the ballot to be used in voting in the University at-large special election. After determining your choices return to the email in your inbox to proceed with the vote.

The items placed on the ballot by the Academic Senate at its meeting on April 26th are:

A. Campus ratification of Academic Freedom language proposed for the Statewide Senate Constitution

B. 10-11 BEC 9, proposed Constitution/Bylaws changes regarding the CSUEB Academic Senate and ExCom memberships

Modifications to the CSUEB Constitution must comply with the following criteria:

ARTICLE X, AMENDMENTS TO THE (CSUEB) CONSTITUTION

1. SECTION 1: The University Faculty may vote to amend this Constitution in an election in which a majority of the regular members vote. An amendment shall be approved by the University Faculty when two-thirds of the members voting approve the amendment. The University Faculty shall not delegate the power to amend this Constitution except in pro forma cases provided for in Section 5 of this Article.

2. SECTION 2: An amendment of the Constitution shall become a part of the Constitution when the University Faculty has voted to amend and the President of the University has ratified the amendment.

NOTE: Faculty members on FERP are considered to be tenured faculty employees while in a period of active employment and are therefore eligible to serve on the Academic Senate and its standing committees and to vote in university-wide elections that are held during quarters in which they are actively employed.

DIRECTIONS FOR VOTING:

A copy of the ballot is provided on the Senate NEWS page, as a preview

The link to the online ballot is found below. Please be aware that you will not be able to return to the ballot once you have submitted it. Also, if you choose not to vote for any choices, then just click on “abstain” and the program will allow you to continue through the ballot. It is imperative that we have participation of over half of the faculty in order to pass these CSUEB Constitution/Bylaws revisions, so even an abstain vote is helpful.

THE VOTING PERIOD IS FROM May 9, 2011-May 20, 2011.
IN ORDER TO BE COUNTED, YOUR BALLOT MUST BE COMPLETED ELECTRONICALLY or A HARD COPY RETURNED TO THE ACADEMIC SENATE OFFICE, LI 2200, BY 5:00 P.M., May 20, 2011.

The results will be available and posted to the web no later than May 25th on the Senate NEWS page, http://www20.csueastbay.edu/faculty/senate/five-year-review.html. Please call Susan Correia in the Academic Senate Office, ext. 5-3671, if you have any questions about the ballot or the voting period.
1. That CSUEB ratify the following amendment to Article I, Section 1. (a) of The Constitution of the CSU Academic Senate (Statewide Senate) (proposed amendment underlined):

“It shall be the purpose of the Academic Senate of the California State University to promote academic excellence in The California State University; to uphold and preserve the principles of academic freedom and protect freedom of inquiry, research, expression and teaching both inside and beyond the classroom, as set forth in the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure and its subsequent interpretations; to serve as the official voice…etc.;”

RATIONALE: The Preamble of The Constitution of the Academic Senate, The California State University, specifies that the Constitution is adopted by the faculty of the CSU “in order to exercise its rights and fulfill its responsibilities in the shared governance of the University.” In setting forth these rights and responsibilities in subsequent Articles, at no point does the Constitution reference the important role of the ASCSU in safeguarding and preserving the principles of academic freedom for the faculty it serves throughout the CSU system. The purpose of this amendment is to remedy this serious omission in the Constitution. The American Association of University Professors’ (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its subsequent interpretations provide the most widely accepted and understood statement of academic freedom for higher education. In 1966 the AAUP, the American Council on Education, and the Association of Governing Boards of Colleges and Universities jointly formulated a Statement on Government of Colleges and Universities which was formally recognized by the executive bodies of each group. That statement incorporates by reference the 1940 Statement of Principles on Academic Freedom and Tenure. In addition Section 3561(c) of the Higher Education Employer-Employee Relations Act (HEERA) encourages the free exchange of ideas among faculty, students and staff, and goes on to state: “All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the…California State University.” Given the recognized importance of preserving and safeguarding academic freedom within higher education, this principle must be articulated within the Constitution of the ASCSU and regularly monitored as circumstances generate new interpretations.

☐ Yes
☐ No
☐ Abstain

2. That the Constitution and Bylaws of the CSUEB University Faculty be modified to change the membership of both the Executive Committee and the Academic Senate (proposed amendments underlined below). In short, the President’s status would change from a voting member to an ex-officio, non-voting member; and the Provost would be added to the memberships of both bodies as an ex-officio, voting member.

Proposed Amendments:

Constitution - ARTICLE V
THE ACADEMIC SENATE

10. SECTION 2: The membership of the Academic Senate shall include:
11.   A. the President of the University, as an ex-officio, non-voting member;
   B. the Provost and Vice President of Academic Affairs, as an ex-officio, voting member;
12.   B. the representatives of the University in the Academic Senate of the
13. California State University;
14. C. twenty-five (25) members elected by and from the Colleges of the University, distributed in proportion to the number of Regular Members in the Colleges, provided that every College shall have at least one member in the Academic Senate;
15. D. ten (10) members-at-large, elected by and from the Regular Members of the University Faculty;
16. E. one (1) member elected by and from faculty who has achieved emeritus/emerita status, in accordance with Article VIII of the Bylaws of the University Faculty;
17. F. four (4) members elected by and from the University lecturers, in accordance with Article IX of the Bylaws of the University Faculty;
18. G. two (2) members elected by and from the Student Services electorate, in accordance with Article X of the Bylaws of the University Faculty;
19. H. one (1) staff member selected in accordance with Article XI of the Bylaws of the University Faculty;
20. I. seven (7) members selected from among undergraduate or graduate students, in accordance with Article XII of the Bylaws of the University Faculty;
21. J. the chair of each standing committee of the Academic Senate; and
22. K. the immediate past-chair of the Academic Senate.

BYLAWS - ARTICLE IV
OFFICERS OF THE ACADEMIC SENATE AND THE EXECUTIVE COMMITTEE

SECTION 5 The Officers of the Academic Senate, the President of the University (as an ex-officio non-voting member), the Provost and Vice President of Academic Affairs (as an ex-officio voting member):

13. Executive Committee immediate Past Chair of the Academic Senate, Academic Senators of the California State University, and five persons elected by the Academic Senate from among its members shall serve as the Executive Committee of the Academic Senate. The Committee shall supervise the work of the Senate and prepare the agenda for its meetings. In considering a submission for the agenda of the Senate, the Executive Committee may place it on the agenda or make appropriate referral. If the Executive Committee makes any revision in form or in substance before placing an item on the agenda, the nature and extent of the revisions shall be reported to the Senate and to the o

RATIONALE: At several meetings, the Executive Committee discussed the benefits of including the university’s chief academic officer (Provost) as a member of the Senate and Executive Committee, which is the case on many other campuses. Benefits would include the fact that the Provost would interact as a member and have a voice in discussions, rather than being a “visitor.” ExCom added a “Report of the Provost” to its agendas this year, which has also been helpful in keeping the channels open between faculty and administration and promoting “shared governance.” Changing the President to an Ex-officio non-voting member is also common in the CSU and is based on the fact that the President has the power for final approval on most matters approved by the Senate and does not usually vote during meetings anyway. This amendment was approved at the ExCom meeting on 4-5-11. (NOTE: Line numbers and outline designators will be revised after the election, as needed.)

☐ Yes
☐ No
☐ Abstain