

THE BYLAWS OF THE CBE FACULTY

As Amended by Faculty Vote on November 2, 2020

PREAMBLE

Under the authority of the Constitution of the Faculty of California State University, East Bay, of December, 1969, Article III, Section 5, Sub-Section C, the Faculty of the College of Business and Economics of California State University, East Bay, do hereby enact for their guidance the following Bylaws of the College Faculty.

ARTICLE I GOVERNING PRINCIPLES

SECTION 1: These Bylaws express the organizational principles and procedures through which the Faculty of the College of Business and Economics is consulted about and makes official recommendations concerning the affairs of the College of Business and Economics.

SECTION 2: These Bylaws are based upon policies and procedures contained in the Constitution of the Faculty of California State University, East Bay, as amended. In all matters of conflict, the provisions of the Constitution of the Faculty shall govern.

SECTION 3: The Dean of the College of Business and Economics has final authority and responsibility, within the College, for the operation of the College. In conducting the affairs of the College, he has the responsibility to consult, formally and informally, with the Faculty. The Faculty has the responsibility to make formal and informal recommendations to the Dean. These Bylaws express the various forms of membership in the Faculty of the College, the nature of the responsibilities of the Faculty to formulate recommendations, the form of the procedures through which official consultation and recommendation are to occur, and the agencies of the Faculty which may speak for it in making official recommendations.

ARTICLE II MEMBERSHIP IN THE COLLEGE FACULTY

SECTION 1: Regular Membership in the College Faculty is defined in the Constitution of the Faculty. In determining the eligibility of a Faculty member to hold status as a Regular Member of the College Faculty, the definitions to be used are those specified in the Bylaws of the Faculty of California State University, East Bay.

SECTION 2: Special Membership in the College Faculty shall be granted by Regular Members of the College Faculty to those academic members of the College of Business and Economics who:

- A. are employed half-time or more in the College of Business and Economics and who
- B. are normally expected by the Faculty of one of the several Departments of the College of Business and Economics to be rehired on a part-time basis for at least two semesters during an academic year, such expectation being certified by the Chair of that Department, and who
- C. officially request that such Special Membership status be granted by petitioning the Dean of the College, signifying their interest in participating actively in the affairs of the College Faculty, and who
- D. are supported in their request by the Regular Members of their assigned Department, as demonstrated by a majority vote of the Regular Members of that Department, and who
- E. are supported in their request by a majority vote of the Regular Members of the College Faculty.

SECTION 3: Special Membership in the College Faculty shall be granted by the Regular Members of the College Faculty to those members of the professional staff of the University who:

- A. officially request that such Special Membership status be granted by petitioning the Dean of the College, signifying their interest in participating actively in the affairs of the College Faculty, and who
- B. are, during the academic semester during which such request is made, actively employed at the University in their professional capacity, and who
- C. are supported in their request by the members of one of the several Departments of the College, as demonstrated by a majority vote of the Regular Members of that Department, and who
- D. are supported in their request by a majority vote of the Regular Members of the College Faculty.

SECTION 4: Special Members of the College Faculty who are designated under the provisions of either Section 2 or Section 3 of this Article shall be entitled to the status of Special Members from the time of their designation as Special Members until they shall cease to be employed by the University, or by a vote to rescind their Special Member status, using a petition and voting procedure parallel to that for a recall as explained in Article VI, Section 4.

SECTION 5: The Office of the Dean shall keep an accurate record of the Special Members of the College Faculty and shall provide accurate rosters of Special Members for elections in which they may participate. Except as specified in the Constitution of the Faculty, or in the Bylaws of the Faculty, or in these Bylaws, Special Members of the College Faculty may vote in all elections. They may not vote in elections (1) to amend the Constitution of the Faculty, (2) to amend the Bylaws of the Faculty, (3) to amend these Bylaws, (4) to elect other Special Members to the College Faculty.

SECTION 6: The Office of the Dean shall keep an accurate record of the Regular Members of the College Faculty and shall provide accurate rosters of Regular Members for elections in which they may participate.

SECTION 7: Throughout these Bylaws, the phrase "College Faculty" shall mean the Regular Members of the College Faculty and the Special Members of the College Faculty.

ARTICLE III VOTING RIGHTS AND PRIVILEGES

SECTION 1: Only Regular Members of the College Faculty shall vote in elections for any one of the following purposes:

- A. Elections of committees to review administrators or to search for administrative personnel of the College;
- B. Elections of official College Promotion and Tenure Committee members under University procedures;
- C. Approval of changes in the structure of the College of Business and Economics, including, but not limited to, its departmental organization;
- D. Approval of amendments to these Bylaws, including but not limited to the organization or reorganization of the Faculty Committees;
- E. Elections restricted to Regular Members of the College Faculty by these Bylaws, by the Constitution of the Faculty, or by the Bylaws of the Faculty.

SECTION 2: Determination of the eligibility of Faculty members to vote in particular elections shall be by the Committee on Faculty Affairs.

ARTICLE IV MEETINGS OF THE COLLEGE FACULTY

SECTION 1: Meetings of the College Faculty shall be called by the Dean of the College at his discretion or at the request of:

- A. a Standing Committee of the College Faculty, or of
- B. ten percent (10%) of the Regular Members of the College Faculty, who shall make their request by means of a petition.

SECTION 2: The Dean shall call the meeting by written notice to the members of the College Faculty no less than two University working days before the time of such meeting. This interval may be reduced only with the consent of the Committee on Faculty Affairs.

SECTION 3: No election may be held at a meeting of the College Faculty unless:

- A. notice of that election shall have been included in the call of that meeting, and
- B. the call of that meeting shall have been delivered to the members of the College Faculty at least as far in advance of the meeting as the advance notice required for that election as provided elsewhere in these Bylaws, and
- C. all other provisions of those Bylaws with respect to such election shall have been met.

SECTION 4: At any election held under the provisions of Section 3 of this Article, proxy voting shall be permitted. The means and manner for the submission of proxy votes shall be as provided by the Committee on Faculty Affairs.

SECTION 5: At an official meeting of the College Faculty, the College Dean or his delegate shall preside, excepting when the College Faculty is making an official recommendation to the Dean, in which case a member of the Committee on Faculty Affairs shall preside.

SECTION 6: In any balloting that does not require a written ballot as provided in Article V of these Bylaws, a quorum of the College Faculty shall be fifty percent (50%) of the College Faculty.

SECTION 7: In any meeting of the College Faculty, discussion of a topic may be handled by informal procedures. Any formal action on a topic is to be governed by the standard parliamentary procedures as expressed in the latest edition of Robert's Rules of Order unless standing rules have been adopted in advance of that meeting.

SECTION 8: The College Faculty may adopt, by majority vote of the Regular Members of the College Faculty, a set of standing rules to govern its meetings. Such standing rules shall be developed by the Committee on Faculty Affairs, and shall not conflict with these Bylaws.

SECTION 9: The College Faculty may grant the privilege of the floor to non-members by a majority vote of the members present.

SECTION 10: The Office of the Dean shall provide for the keeping of minutes for each meeting of the College Faculty. Such minutes shall be a summary of the discussion on every matter of importance. Every motion which has been made at the meeting shall be contained in the minutes and the disposition of each one of them shall be made clear. Any counting of votes made at the meeting shall be recorded in the minutes. Copies of the minutes of each meeting shall be posted on the College website.

ARTICLE V ELECTION PROCEDURES

SECTION 1: In any election, each Faculty member shall have the option of voting electronically or by written ballot.

The following procedures shall be used:

- A. A notice of election, the contents of which are authorized by the relevant committee chair, containing the specific actions to be voted on shall be distributed electronically, or by individual Faculty request, in hard copy to each member of the College Faculty eligible to vote in that election, no less than one week in advance of the close of official balloting. Such notice shall be prepared and distributed by the Office of the Dean.
- B. The Office of the Dean shall provide a suitable polling place equipped with a roster of eligible electors for that election, a ballot box, and someone responsible for processing the balloting.

C. Balloting shall proceed for no less than three consecutive University working days of which one must be a Wednesday, provided that in no case shall the balloting continue past 5:00 p.m. on the fourth University working day after the opening of the polls.

D. After the polls have been declared closed, ballots shall be collected, checked for conformance with the instructions, and counted. Ballots cast electronically shall be printed without the name of the elector and added to the ballot box prior to counting. Such counting shall be conducted by at least one regular member of the College Faculty together with a representative of the Office of the Dean.

E. The Office of the Dean shall announce the results of such election to the College Faculty.

F. The Office of the Dean shall retain all ballots and other materials of the election for not less than thirty (30) calendar days, and shall retain the record of such election permanently.

SECTION 2: Election shall be by written or electronic secret ballot:

A. in consideration of the approval of official recommendations of the College Faculty to the Dean of the College, or

B. in an election called for the approval of these Bylaws, or

C. in consideration of any amendment to these Bylaws, or

D. in an election called to elect representatives from the College to the Academic Senate of the University or to the Standing Committees of the Academic Senate, or

E. in an election called to elect members of the College Promotion and Tenure Committee, or members of any committee to review or seek administrators of the College, or

F. in an election called to elect the "at large" members of Committees of the College Faculty.

SECTION 3: In an election held to consider the approval of official recommendations of the College Faculty to the Dean of the College, such recommendations shall be approved if and only if a majority of the Regular Members of the College Faculty shall have cast ballots and if a majority of such ballots cast approve the recommendation.

SECTION 4: In the election of representatives from the College of Business and Economics to the Academic Senate, or to the Standing Committee of the Academic Senate, or in the election of members of the College Promotion and Tenure Committee, or of any committee whose purpose is to review or seek administrators of the College, voting shall be secret, written or electronic ballot of the Regular Members of the College Faculty. Nominations shall be made by (1) written petitions signed by the nominee to indicate his willingness to serve if elected, and/or (2) self-nomination, and/or (3) e-mail nominations with corresponding e-mail from the nominee indicating acceptance of the nomination. Such nominations shall be delivered to the Office of the Dean, which shall prepare the ballot and notify the Faculty of the impending election. In the event that sufficient nominations are not gathered within a one week period, the Office of the Dean shall so inform the College Faculty Affairs Committee, which shall thereupon undertake to procure additional nominees.. The election shall be held under the provisions of Section 1 of this Article and the counting of ballots and the declaration of election shall be as provided in Section 8 of this Article.

SECTION 5: In the election of members of committees of the College Faculty, the Regular and Special Members of the College Faculty shall vote by written or electronic, secret ballot for those positions which are to be filled "at large." Nominations shall be made by (1) written petitions signed by the nominee to indicate his willingness to serve if elected and/or (2) self-nomination, and/or (3) e-mail nominations with corresponding e-mail from the nominee indicating acceptance of the nomination. Such nominations shall be delivered to the Office of the Dean, which shall prepare the ballot and notify the Faculty of the impending election. In the event that sufficient nominations are not gathered within a one-week period, the Office of the Dean shall so inform the College Faculty Affairs Committee, which shall thereupon undertake to

procure additional nominees. The election shall be held under the provisions of Section 1 of this Article and the counting of ballots and the declaration of election shall be as provided in Section 6 of this Article.

SECTION 6: The winner(s) will be chosen by a simple plurality rule. Ties require a subsequent tie-breaking election only among the tied candidates.

SECTION 7: The Office of the Dean shall provide nominating petition forms for use by the Faculty in making nominations as provided in Section 6 of this Article. Such forms may be either written or electronic.

SECTION 8: Should a vacancy occur during a term of office, that vacancy shall be filled as follows:

A. A vacancy in any office elected under Section 4 of this Article shall be filled by a new election for the period of the unexpired term in accordance with the provisions of Section 4.

B. A vacancy in any office elected under Section 5 of this Article shall be filled by a new election for the period of the unexpired term in accordance with the provisions of Section 5, provided that if less than one academic semester remain of the unexpired term, the Committee on Faculty Affairs may, at their discretion, fill such position with any eligible candidate.

SECTION 9: At any elections of the College Faculty other than those specifically named in this Article, voting may be by voice, hand, roll-call, written or electronic ballot. The use of roll-call or written ballots shall be only upon the request of a majority of the Faculty voting upon such question if such election is to be held during a meeting of the College Faculty. A written or roll-call ballot requested by a majority of the Faculty at a meeting of the College Faculty may be taken immediately at the meeting unless that action be contrary to the provisions of these Bylaws.

ARTICLE VI FACULTY APPEAL PROCEDURES

SECTION 1: At the INITIATIVE of at least twenty-five percent (25%) of the College Faculty, an issue may be presented directly to the College Faculty for decision about a recommendation to the College Dean. Such a petition for initiative shall be presented to the Committee on Faculty Affairs. Such a petition shall be binding in that the issue must be presented to the Faculty, no later than the 15th University working day after the presentation of such Initiative Petition to the Committee on Faculty Affairs. The Committee on Faculty Affairs, when it finds the petition in order, must circulate the matter to the College Faculty and either call a meeting of the College Faculty to discuss the issue within the specified time, or present the recommendation to the College Faculty for approval, within the specified time. Such presentation is to be by means of a written ballot. The question to be considered in any event shall be whether the College Faculty do approve of the recommendation as stated in the Initiative Petition. Voting in a meeting shall be by either roll-call or by written ballot, as that meeting shall determine. If the Committee on Faculty Affairs should determine that the issue in the Initiative Petition is in substance a matter described in Section 1 of Article III of these Bylaws, voting shall be restricted to Regular Members of the College Faculty.

SECTION 2: REFERENDUM to the College Faculty of any recommendation made in the name of the College Faculty to the Dean of the College by a Committee of the College Faculty shall be held upon petition of at least twenty-five percent (25%) of the College Faculty. Such a petition for Referendum must be filed with the Committee on Faculty Affairs within ten (10) University working days after notification to the College Faculty of the recommendation. The Committee on Faculty Affairs shall immediately notify the College Dean of the referendum and shall either immediately call a meeting of the College Faculty to discuss the issue, or immediately present the recommendation to the College Faculty for approval, by means of a written or electronic ballot. Whether by a meeting or by a written or electronic ballot, the sole issue in balloting upon

the referred item shall be, "Shall the College Faculty approve this recommendation?" In a meeting of the College Faculty, balloting shall be by roll-call, or by secret ballot, as the Faculty may direct. Approval by a majority of the votes with a majority of the members of the College Faculty voting shall constitute approval. If the Committee on Faculty Affairs should determine that the issue in the Referendum is in substance a matter described in Section 1 of Article III of these Bylaws, voting shall be restricted to Regular Members of the College Faculty, in which case approval by a majority of the votes with a majority of the Regular Members of the College Faculty voting shall constitute approval.

SECTION 3: Any recommendation to the Dean of the College of Business and Economics made in the name of the College Faculty by a Committee of the College Faculty may, at the discretion of the Dean, be submitted by the Dean to the College Faculty as a Referendum question. The procedure for such submission shall be as provided in Section 2 of this Article.

SECTION 4: The RECALL of an elected representative of the College Faculty may be requested by a petition signed by at least fifteen percent (15%) of the members of the College Faculty eligible to elect that representative. Such a Recall Petition shall be filed with the Committee on Faculty Affairs which shall immediately notify the individual named in the Recall Petition and shall immediately either call a meeting of the College Faculty or present the question of recall to the College Faculty for a vote by means of a written or electronic, secret ballot as provided in Article V of these Bylaws. Whether a Faculty meeting is held or a written or electronic ballot taken, the same provisions of notification of electors, proxy voting, balloting, and election shall apply which would apply in a regular election for the position involved. In such a recall election, the sole issue shall be, "Shall _____ be recalled from the office of _____?" The position shall be declared vacant if a majority of those voting shall have voted affirmatively upon the question, provided that a majority of those eligible electors shall have cast ballots. Such vacancy shall be filled as provided in Article V, Section 9 of these Bylaws.

SECTION 5: The Regular Members of the Faculty of one of the several departments, or of the College, shall request a review of the administration of that Department, or of the College, by the President of the University when at least one-third of the Regular Members of that Department, or of the College, shall have petitioned for such review. Such petition shall be made in the name of the Faculty by a Petitioner chosen as the other petitioners may direct. Such petition shall be delivered by the elected Petitioner directly to the Vice President, Academic Affairs, of the University.

ARTICLE VII COMMITTEE ORGANIZATION

SECTION 1: The Regular Members of the College Faculty may, by amendment of these Bylaws, establish any Standing Committee of the College Faculty they deem necessary to conduct their affairs. Whenever such Standing Committee be established, the specific responsibilities of such Committee, the composition and selection of membership, the authority of the membership, and the relationship of the Committee to the Faculty shall be stated as an Article of these Bylaws.

Members of Standing Committees, unless otherwise provided by these Bylaws, shall be elected as soon as possible after the first day of April of each year for a term beginning in Fall Semester of the following academic year. Such members shall continue in office until the election of their successors, unless removed from office as provided by these Bylaws. This period from election to election of a Standing Committee shall be known as the "term of office" of that Committee.

All Standing Committees shall convene their first meeting by September 20 of the Fall Semester. The Office of the Dean shall convene the first meeting. During the first meeting they

shall elect a Chair and secretary for the term of office. CBE Faculty shall be notified of these outcomes within five working days after the meeting via a posting on the CBE website. All CBE committees shall hold meetings at following fixed times unless the committee members unanimously agree to an alternative fixed time. The alternative time will be communicated to all Faculty by email.

A. Curriculum: First and third Friday of the month from 12:00 to 2:00 pm.

B. Faculty Affairs: First and third Friday of the month from 2:00 to 4:00 pm.

C. Promotion, Tenure, and Retention: Second and fourth Friday of the month from 12:00-2:00 pm.

SECTION 2: The members of each Standing Committee of the College Faculty shall be responsible for:

A. electing a Chair and secretary for the term of office of that Committee;

B. providing any necessary standing rules or committee procedures for the operation of that Committee;

C. posting to the College website regular minutes indicating the Committee officers, procedures, responsibilities, and the business it has transacted; and

D. posting to the College website its decisions and recommendations to the College Dean, excepting in confidential personnel matters, at the same time as the recommendations are forwarded to the Dean.

SECTION 3: The Members of the College Faculty or the Dean of the College may establish any Ad Hoc Committee deemed necessary to conduct College affairs. The establishing of such Ad Hoc Committees shall be done by the corresponding Standing Committee. Any Ad Hoc Committee shall be formed for a stated, specific purpose only. Such an Ad Hoc Committee shall be dissolved upon completion of its assigned task. All Ad Hoc Committees are automatically dissolved at the end of a University year unless specifically authorized to continue by a vote of three-quarters of the Regular Members of the College Faculty.

SECTION 4: Members of Ad Hoc Committees shall have the same general responsibilities as members of Standing Committees, including the election of officers, development of procedures, posting of minutes and recommendations to the Faculty.

SECTION 5: All meetings of Committees of the College Faculty shall be open to all members of the College Faculty, provided that meetings in which confidential personnel matters are to be discussed shall be closed for the duration of such discussions. Any member of the College Faculty shall have the privileges of the floor at any meeting of the College Faculty upon his request, except at such executive sessions specifically authorized by this Section.

SECTION 6: No one person may be a member of more than two CBE Standing Committees unless the size of one of the Departments is such that observation of this rule would preclude its representation on some committee. In such cases, that Department may elect one or more of its members to more than two Standing Committees, if all members are on two committees.

SECTION 7: All committees within the CBE formed under the provisions of the Constitution of the Faculty or the Bylaws of the Faculty shall have the status of Standing Committees of the College Faculty. Such committees must conform to the provisions for standing committees insofar as such provisions do not conflict with University regulations.

SECTION 8: Should a committee member fail to attend two consecutive meetings without prior notification to the Chair of the committee, the position shall be considered vacant and the Chair of the committee shall notify the appropriate department of the vacancy.

SECTION 9: Each committee shall elect a Chair whose principal functions shall be to organize the business of the committee, to preside at its meetings, and to maintain communication with the Office of the Dean. At the end of each term of office of the committee, the Chair shall report to the College Faculty concerning actions taken during the term of office and any unfinished business.

SECTION 10: To enable Standing Committees to complete long range projects, and to facilitate continuity of policy, the period of tenure of Faculty membership in Standing Committees shall be two years on a staggered basis, with half of the elected Faculty members retiring each year (viz., two departmental representatives and one at-large representative). This provision will not apply to the Committee on Promotion and Tenure, whose membership will be elected yearly.

ARTICLE VIII STANDING COMMITTEE ON FACULTY AFFAIRS

SECTION 1: To the Standing Committee on Faculty Affairs, the College Faculty delegates the responsibility to act in the name of the College Faculty in making recommendations concerning policies and procedures in the matters of:

- A. promotion and tenure;
- B. faculty grievance and disciplinary procedures;
- C. professional ethics;
- D. faculty appeals;
- E. faculty leaves, honors, and awards;
- F. welfare, rights, privileges, and responsibilities of the College Faculty;
- G. faculty consultation in the appointment of administrative personnel in positions affecting the College Faculty;
- H. standing rules for the conduct of meetings of the College Faculty;
- I. conduct of elections;
- J. determining eligibility of Faculty members to vote in various elections;
- K. the research activities of the Faculty and the organized research centers within the College; and
- L. welfare, rights, privileges, and responsibilities of the College's students.

SECTION 2: The Committee shall consist of (a) One member from each department of the College chosen by the eligible Faculty members of each department; and (b) one member elected at large from nominations of eligible Faculty members from any department of the College.

SECTION 3: The Committee may form standing Sub-Committees for its work, but all recommendations of the Committee to the Dean shall be approved by the Committee as a whole. A quorum for the Committee shall consist of a voting majority of the Committee.

ARTICLE IX

STANDING COMMITTEE ON PROMOTION AND TENURE

SECTION 1: To the Standing Committee on Promotion and Tenure, the College Faculty delegates the responsibility to act in the name of the College Faculty in making recommendations concerning:

- A. the promotion of Faculty members;
- B. the granting of tenure to Faculty members;
- C. appeals in retention cases for Faculty members; and
- D. other similar areas specifically delegated to it by the Constitution of the Faculty or by the Bylaws of the Faculty or other policy documents of the University.

SECTION 2: The Committee, in accordance with University policy, shall consist of (a) one tenured full professor, who is a Regular Member of the College Faculty, (b) elected by and from the faculties of each of the several Departments in the College of Business and Economics, or as otherwise may be provided by University policy.

SECTION 3: The tenure of office of the members of this Committee and the quorum for business shall be as provided in University policy.

ARTICLE X

STANDING COMMITTEE ON CURRICULUM

SECTION 1: To the Standing Committee on Curriculum, the College Faculty delegates the responsibility to act in the name of the College Faculty in making recommendations concerning:

- A. the structure, content, and interrelationships of courses in the College;
- B. the relationships between the various programs of the departments in the College;
- C. academic standards and academic procedures of courses in the College;
- D. the coordination of inter-departmental programs in the College;
- E. the relationships between the College and the various regional and national accrediting bodies as they relate to programs in the College;
- F. the formulation, evaluation and procedures for annual review of long term objectives of programs in the College;
- G. the development, improvement and use of the academic facilities of the College, and those of the University referred to the College, which are directly related to the instructional program, including but not limited to laboratories and laboratory equipment, instructional technology, and library facilities; and
- H. outcome assessment materials and methods.

SECTION 2: The Committee shall consist of (a) One member from each department of the College chosen by the eligible Faculty members of each department; and (b) one member elected at large from nominations of eligible Faculty members from any department of the College

SECTION 3: The Committee may form standing Sub-Committees to handle its functions, but any recommendation to the Dean must be made by the Committee as a whole. A quorum of the Committee shall consist of a majority of the voting members of the Committee.

ARTICLE XI AMENDMENTS TO THESE BYLAWS

SECTION 1: Amendments to these Bylaws may be proposed by a petition signed by twenty-five percent (25%) of the Regular Members of the College Faculty, or may be proposed by a Standing or Ad Hoc Committee of the College Faculty, or may be proposed by the Dean of the College.

SECTION 2: All such propositions, regardless of their origin, shall be delivered to the Committee on Faculty Affairs which shall forthwith send two (2) copies of the proposed amendment to the Dean of the College and one (1) copy to each member of the Faculty of the College as an information item. The Committee on Faculty Affairs shall keep a copy of all proposed amendments, whether ultimately adopted or not, with a record of their disposition.

SECTION 3: No less than ten (10) nor more than twenty (20) University working days after the circulation of the proposed amendment as an information item, in accordance with the provisions of Article VI, Section 2, there shall be held a referendum of the College Faculty, as provided, in which the question shall be whether the proposed amendment shall be approved. Approval shall require that at least a majority of the College Faculty votes, that at least three-quarters of those voting vote in favor of the amendment and acceptance by the Dean of the College.

SECTION 4: Approved amendments shall become a part of these Bylaws.