
Faculty Senate Constitution

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Preamble

This constitution provides a system for participation of faculty in the governance of the university as specified in the Laws of the Regents of the University of Colorado, which enumerate the rights, privileges and responsibilities of the faculty, including preservation of academic freedom. Participation occurs through faculty organizations at the university level (Articles II-III), at the campus level (Article IV) and at the college and school level (Article V).

The faculty and administration derive authority and responsibility from the Board of Regents. The variety and complexity of university governance involves collaborative relationships among the regents, the president, administrators, faculty, staff and students. The principles underlying this collaboration are enumerated in Article I.B.

Procedural aspects of these principles are enumerated in the associated Bylaws of the Faculty Senate of the University of Colorado (hereinafter referred to as "the Bylaws").

Article I. Definitions and Principles

A. Definitions.

1. General Faculty. The general faculty consists of persons who have titles defined in APS 5060, Appendix A.
2. Faculty Government.

The faculty government exists and derives its powers from the authority delegated to it by the Board of Regents. These powers and duties must be exercised in accordance with the Laws of the Regents, Regent policies and the laws, regulations and constitutions of the State of Colorado and of the United States.

As provided in the Laws of the Regents, the faculty shall formulate faculty governance to affect the principles established under Article I.B. The faculty government bodies are the Faculty Senate and its committee(s), the Faculty Council and its committees, the campus faculty senates, the campus faculty assemblies and their committees and the faculties of the colleges and schools of the university. Colleges or schools, as provided in the Laws of the Regents, may be further divided into departments or divisions

- a. The Faculty Senate consists of all members of the general faculty as defined in APS 5060 Appendix A.A and B.1.a, B.1.b, B.2.a, B.3.a, B.3.b, D.1 of the University of Colorado (hereinafter referred to as "the University") whose appointments at that title are fifty- percent or more.

Visiting professors are not members of the Faculty Senate. The designated representative from the Retired Faculty Association to the Faculty Council shall be a member of the Faculty Senate during their tenure as representative.

- The Faculty Council

is the representative governing body of the Faculty Senate and consists of senate members elected or appointed as provided in Article III. The standing committees of the Faculty Council are those defined in Article III. From time to time, the Faculty Council may establish such other special committees as it may deem appropriate.

- The campus faculty senates

consist of those members of the Faculty Senate whose appointments are seated at the campus in question and such other members of the general faculty of the university may be made members of that campus Faculty Senate by its faculty constitution. These additional faculty members of the campus faculty senate are not members of the Faculty Senate.

- The campus faculty assemblies

are the representative governing bodies of the campus faculty senates and consist of members of that senate elected or appointed as may be provided in the faculty constitution of the campus in question. Committees of faculty assemblies shall be established as provided in the relevant campus constitution eligible Faculty Council roles.

- The faculties of the colleges and schools

are those established in the Laws of the Regents Article 4 and Regent Policy 4 and as further defined by shared governance principles of participation of the college or school.

- Senate Year

The senate year shall be from July 1 to June 30, inclusive. The terms of all elected members of the Faculty Council, of faculty members of Senate and Council committees and of campus faculty assemblies shall conform to the senate year. Election of new members of the Faculty Council and of standing committees of the Faculty Council shall take place in the spring semester.

B. Principles of Participation.

It is a guiding principle of the shared governance recognized by the Board of Regents in Article 5.A.1 and Policy 5.A.1 that the faculty and the administration shall collaborate in major decisions affecting the academic welfare of the university. The nature of that collaboration shared as appropriate with students and staff, varies according to the nature of the decisions in question. The faculty has principal responsibility for decisions concerning selection and evaluation of faculty, pedagogy, curriculum, research, scholarly and creative works, academic ethics and origination of academic policy and standards. The faculty shall collaborate with the administration in the development of general academic policies. The administration takes the lead in matters of internal operations and external relations of the university. In every case, the faculty and the administration participate in the governance and operation of the university as provided by and in accordance with the laws and policies of the Board of Regents, and the laws and regulations of the State of Colorado.

As the most durable and stable of the constituencies immediately involved with the academic operation of the institution, the faculty has direct responsibility for academic freedom.

The chair or other designated representative of the Faculty Council shall be the spokesperson for the faculty when addressing the Board of Regents on matters of importance to shared governance.

C. Faculty Governance Service. Faculty governance work shall be included for consideration in annual merit evaluations and in other evaluation processes (in particular reappointment and promotion). Differential workloads may be negotiated by the faculty member and the chair of the appropriate academic unit when faculty governance roles exceed the time normally expected by the university service mission. The chair of the appropriate governance unit shall be consulted in determining whether the time and effort normally expected by the university service mission will be exceeded. Appropriate compensation, within the limits of system and campus policies, shall be negotiated for the service of officers and committee chairs in the ongoing business of faculty governance.

D. Procedures. Procedures for all faculty governance bodies of the university shall be as specified herein or in the appropriate bylaws or, if not so provided, according to the latest edition of Robert's Rules of Order.

Article II. The Faculty Senate

A. Membership and Organization. The membership of the Faculty Senate is described in Article I.A.2.a. The president of the university shall be the president of the Faculty Senate. The chair of the Faculty Council shall be the vice president of the Faculty Senate.

B. Meetings and Quorum. The Faculty Senate shall meet semi-annually, as well as: 1) upon the call of the president or vice president of the Faculty Senate; 2) upon a resolution passed by a two-thirds majority of the entire voting membership of the Faculty Council; or 3) upon a petition signed by at least two hundred members of the Faculty Senate and submitted to the chair of the Faculty Council. Such calls, resolutions, or petitions shall set forth the specific purpose for calling the meeting. There must be at least 72 hours notice to the faculty of a Faculty Senate meeting. A quorum is designated as at least four members from each campus plus the vice president of the Faculty Senate. Proxy voting shall not be permitted.

The vice president of the Faculty Senate shall preside at meetings of the Senate, and, in the absence of the vice president, the chair-elect of the Faculty Council shall preside. The vice president of the Faculty Senate shall be responsible for having the minutes of meetings of the Faculty Senate recorded, preserved and published.

C. Functions.

1. The Faculty Senate, at its meetings, shall, as appropriate:
 - a. hear reports of the president of the university, of the chair of the Faculty Council, and committees of the Faculty Senate and Faculty Council
 - b. discuss issues raised by members of the faculty and administration
 - c. refer matters that it wishes to have studied to the Faculty Council, to any or all of the campus faculty assemblies, or the appropriate standing or special committee(s)
 - d. establish or dissolve special committees
 - e. establish or revise procedures of the Faculty Senate not included in the governing documents
 - f. refer to a ballot any substantive motions or resolutions that require a vote of the full Faculty Senate
2. Procedures. The Faculty Senate may act at any meeting upon matters of a procedural nature and may act to approve motions from the Faculty Senate Grievance Committee, formerly the Privilege and Tenure Committee, concerning changes in its bylaws or grievance procedures. It may act upon other substantive motions or resolutions before it only by deciding whether to refer the matter to a ballot of the whole membership of the Faculty Senate, as hereinafter provided in C.4 of this Article, and this rule may not be waived or suspended. Recommendations, motions or resolutions may originate from any member of the Faculty Senate, the Faculty Council or any of their committees. The Faculty Senate may amend the form of the matter before it and make recommendations to the originator(s) for further disposition.
3. Initiative. Petitions for action of the Faculty Senate by initiative shall be in writing and shall contain the complete text of the motion on which a vote is sought. If such a petition is signed by not less than 200 members of the Faculty Senate, the vice-chair of the Faculty Senate shall refer the matter to a vote of the full Faculty Senate by ballot as provided in C.4 of this Article. Such petitions also may be used to initiate amendments to this constitution, but in such cases, the ballot shall be subject to the requirements of Article VIII.
4. Ballots. An electronic ballot or accessible alternative on any subject may be authorized by a majority vote at any Faculty Senate meeting. The text of any motion or resolution from a Faculty Senate member or the Faculty Council requiring action by the Faculty Senate through a ballot shall be distributed to the members

of the Faculty Senate or published at least 72 hours in advance of the time of the meeting at which the proposal to conduct a ballot shall be brought to a vote. A two-thirds majority of those responding to the ballot shall be necessary for passage of motions or resolutions, and the vote shall be valid only if there is at least a 10% response rate from each campus to the ballot received. Responses shall be made to the office of the Faculty Council. The ballots shall be tallied, and the results certified by the Executive Committee of the Faculty Council. Ballots shall be distributed only after September 1 and prior to May 1 in any year. The date upon which the votes shall be tallied shall be

provided. Except in extraordinary circumstances, that date shall be not less than thirty (30) days from the time of distribution of the ballots. Any exceptions to these procedures will be stated in this constitution where those exceptions apply.

5. Results. The results will be reported within fourteen (14) days from when they are tallied.

D. Faculty Senate Standing Committee(s).

1. Faculty Senate Grievance Committee (Grievance Committee) – formerly the Privilege and Tenure Committee

- a. Definitions of Tenure and Rights of Faculty. Tenure is one of the principal means of protecting the academic freedom of faculty. Tenure and faculty rights are enumerated in the Laws of the Regents and Regent Policies, and must also conform to the laws, regulations and constitutions of the United States and the State of Colorado.
- b. Membership and Organization. Members of the Grievance Committee shall be approved by their respective faculty assemblies and then by the Faculty Council and shall serve a term of three years. Terms are renewable. Efforts shall be made to ensure equal representation from all campuses and broad participation from diverse groups. The Grievance Committee is organized as investigative panels, each with a chair. The committee officers and panel chairs shall be elected by the entire committee. No member of the faculty shall be eligible to sit on the committee for three academic years following the final decision about a case in which that faculty member is the grievant.
- c. Meetings and Quorum. The Grievance Committee shall meet at least once during each of the fall and spring semesters and on the call of the chair. The quorum for a meeting of the Grievance Committee shall consist of a simple majority of the voting members of the committee. Absentee voting shall not be permitted.
- d. Functions. The Grievance Committee, through its panel structure, conducts investigations and mediations of, and hearings on, faculty grievances that are submitted by members of the Faculty Senate and fall within the jurisdiction of the Committee, as enumerated in the Laws of the Regents and Policies of the Regents. The Grievance Committee considers contemplated dismissals for cause of tenured and tenure-track faculty referred by the president or chancellor. In dismissal cases, the burden of proof shall be upon the university; in all other cases, the burden of proof shall be upon the faculty member. For all grievance cases, written conclusions and recommendations are made to the president and/or chancellor, as appropriate, with a copy to the grievant(s). The Grievance Committee shall make recommendations concerning university policies and procedures on faculty rights and responsibilities that arise from the outcomes of grievance investigations. The Grievance Committee shall also make recommendations concerning practices and procedures which appear to precipitate grievances. These recommendations shall be made to the Executive Committee of the Faculty Council for appropriate referral. The Grievance Committee shall recommend additions or revisions to its bylaws and grievance procedures to the appropriate bodies for approval.
- e. Grievance Procedures. The investigations, hearings, and mediations of the Grievance Committee shall be confidential, systematic and objective, as guided by the procedures for this purpose, which are enumerated in the Bylaws.
- f. Legal Counsel. The chair of the Grievance Committee is authorized by the Board of Regents to select licensed legal counsel, separate and distinct from the Office of the University Counsel and not under the supervision of the University Counsel, to advise the Grievance Committee on issues of a legal nature which arise during the committee's investigation or hearing of an individual grievance. The chair's selection of the individual attorney to provide advice to the committee is subject to the approval of University Counsel and other approvals required by law.

Article III. Faculty Council

A. Membership and Organization.

1. **Composition.** The Faculty Council shall be composed of the officers of the Faculty Council (chair, chair-elect and secretary); the immediate past chair of the Faculty Council; three representatives from each of the campuses of the university; the chairs of the campus faculty assemblies; the chairs of the standing committees of the Faculty Council and of the Faculty Senate; and a representative from a Retired Faculty Association.

Each campus faculty assembly shall be responsible for selecting the campus's representatives to serve on Faculty Council. When a member of Faculty Council becomes an officer of the Council or a chair of a committee, the faculty assembly losing the Council member as a representative is entitled to select a replacement member. Faculty Council representatives must be members of the campus senate on the campus which they represent.

Faculty Council representatives from the campus faculty assemblies shall serve a term of three years, with the terms of the representatives from a given campus being staggered so that no more than one representative will change each year. After completing two consecutive three-year terms and being off the Faculty Council for at least three years, a faculty member can again be elected or appointed to the Faculty Council by the respective campus faculty assembly. Faculty assemblies may vote to recall and replace their representatives during a term.

The president of the university and the vice president for academic affairs shall be ex officio members of the Faculty Council without vote.

2. **Officers.** The Faculty Council shall elect a chair-elect and a secretary. The chair-elect will serve one (1) year, and then assume the role of chair. The chair will serve one (1) year, and then assume the role of immediate-past chair. The immediate past chair term is one (1) year. The secretary will serve a one (1) year term. For the first elections after this version of the Constitution is ratified, the Faculty Council shall also elect a chair. Candidates must be members of the Faculty Senate holding no administrative appointment above the level of department chair, division chair, division director, or institute/center director. It is customary over time for Faculty Council officers to be selected from all the campuses of the university, and distribution across campuses is encouraged at each election. Elections to replace an officer who does not complete a term shall be for the balance of the term with opportunity of succession.

Recall of Faculty Council Officers and Committee Officers. Officers of the Faculty Council may be recalled by a two-thirds majority vote of the members of the Council eligible to vote. Officers of any standing committee of the Faculty Council may be recalled by a two-thirds majority vote of the members of the committee eligible to vote. In the event of recall, a new election shall be held as soon as possible by the Faculty Council or by the committee in question to replace the recalled officer. Further procedures are specified in the Bylaws.

3. **Executive Committee.**
 - a. **Function:**
 - Based on shared campus needs sets Faculty Council agenda
 - Works with Faculty Council to ensure campus representation on committees
 - Represents the Faculty Council in between meetings
 - Ensures faculty governance plays a significant role in the decision-making processes of the university at the system level
 - b. **Membership.** The Executive Committee of the Faculty Council shall consist of:
 - the chair, chair-elect, immediate past chair and secretary of the Faculty Council
 - the chairs of the campus assemblies

B. Functions. The Faculty Council, as the executive body of the Faculty Senate, shall initiate advice and recommendations to the president or other appropriate administrative officials for submission to the Board of Regents on matters within the jurisdiction of the Council which are related to academic policy, internal operations and external operations of the university.

C. Jurisdiction. The Faculty Council shall have jurisdiction over faculty governance matters affecting more than one campus of the university.

D. Joint Responsibility with System Administration. The Faculty Council shall take the initiative for establishing, by mutual agreement with the university president, procedures governing the form and nature of consultation that is to occur between them, the nature of the issues on which consultation is to be required and matters as to which notice of impending action shall be given. The agreement shall provide for a basic budget to cover staff support, office expenses, travel and appropriate operation of faculty governance, so that only appropriate variations need be negotiated from year to year. Both the Faculty Council and its committees and the officers of the university administration shall communicate with each other through appropriate channels.

E. Faculty Council Committees. The Faculty Council may establish committees as necessary. FC standing committees and their charges shall be listed in the Bylaws.

Article IV. Campus Faculty Government

A. Campus Constitution. Each campus faculty senate shall establish a campus faculty constitution, through an affirmative vote of a two-thirds majority of the campus faculty senate members voting on the constitution. That constitution shall be consistent with this University of Colorado Faculty Senate Constitution, the Laws of the Regents, regent policies and the laws, regulations and constitutions of the State of Colorado and of the United States. The constitution shall establish a campus faculty assembly as the representative body of campus faculty governance and may make such other provisions as the campus faculty senate shall deem appropriate.

B. Campus Faculty Assembly

1. Membership and Organization Membership and organization of each faculty assembly shall be described in its constitution and bylaws.
2. Functions and Responsibilities. As provided by and in accordance with the laws and policies of the Board of Regents, the campus faculty assembly shall have the following powers and responsibilities:
 - a. Joint Responsibility with Campus Administration. The faculty assembly shall take the initiative for establishing, by mutual agreement with the chancellor or vice chancellor for academic affairs for that campus, procedures governing the form and nature of consultation that is to occur between them, the nature of the issues in which consultation is to be required and matters as to which notice of impending action shall be given. The agreement shall provide for a basic budget to cover staff support, office expenses, travel and appropriate operation of faculty governance, so that only appropriate variations need be negotiated from year to year. Both the faculty assembly and its committees and the officers of the campus administration shall be responsible for communicating with each other through appropriate channels.
 - b. Relationship with Faculty Council. Each campus faculty assembly shall be responsible for electing or appointing its campus's representatives to the Faculty Council and the Faculty Council committees, as provided in Article III hereof, and for ensuring that the activities of the assembly and its committees are coordinated with the activities of the Faculty Council and its committees.
 - c. Selection and evaluation of the Chancellor. The campus faculty assembly shall nominate to the president faculty members to serve on the search committee for the selection of the chancellor of the campus. In addition, the campus faculty assembly shall work with the president on comprehensive evaluation(s) of the chancellor of that campus. The president makes recommendations to the Board of Regents for the chancellor's selection and retention

3. Jurisdiction. Faculty assemblies shall have jurisdiction over faculty governance matters affecting more than one college or school on the campus in question.

Article V. Powers and Responsibilities of the Faculties of the Colleges and Schools

A. College and School Governance. The faculty of each college and school shall create its own shared governance body, including the appropriate structures to sustain and implement its powers and responsibilities, insofar as they affect only the college or school in question. Such rules shall be consistent with the Laws of the Regents and regent policies.

B. Academic and Scholastic Responsibilities. As provided by and in accordance with the Laws of the Regents, regent policies and the laws and regulations of the State of Colorado, a college or school faculty shall collaborate in the governance of the college or school with its administration in all matters that concern only the college or school in question.

The faculty shall have the principal role in originating academic policy and standards related to the initiation and direction of all courses, curricula, and degree offerings; admissions criteria, grading and standards for continuation; regulation of student academic conduct; and determination of candidates for honors and degrees.

C. Participation with the Administration of the College or School. As provided by and in accordance with the Laws of the Regents, regent policies and the laws and regulations of the State of Colorado, the faculty of the college or school shall collaborate with the administration of the college or school in:

1. recruiting and evaluating candidates for appointment to the faculty of the college or school
2. establishing policies and procedures with respect to faculty personnel matters within the college or school
3. reviewing budgets and developing recommendations concerning resources of the college or school
4. taking major initiatives, including changes in goals or programs which may affect significantly the allocation of resources to existing programs
5. proposing other policy concerning the general academic welfare of the college or school

Article VI. Resolution of Jurisdictional Disputes

A. Campus Assembly vs. Faculty Council. In the event of a dispute between the Faculty Council and a campus faculty assembly as to whether Council or assembly action is permissible under the Bylaws Article IV.B.3 and Article III.D, or if adopted would result in encroachment on the responsibilities delegated to the campus faculty assembly or the Faculty Council, a conference committee may be formed to resolve the dispute, as further specified in the Bylaws.

B. Campus Assembly vs. Campus Academic Unit. In the event of a dispute between a campus faculty assembly or other governance body and a college, school or other academic unit as to whether proposed action is permissible under the Bylaws Articles IV and V, or whether, if adopted, it would result in an encroachment on the responsibilities delegated to the campus assembly or the academic unit, a conference committee may be formed to resolve the dispute, as further specified in the Bylaws. The proposed resolution shall be subject to the concurrence of the chancellor. If the chancellor does not concur, the committee shall be provided an explanation.

C. Disputes over Formation of Conference Committees. In the event the representatives of the disputing parties under A or B of this Article are unable to agree on the additional members of the conference committees, the disagreement shall be resolved in an orderly manner, as further specified in the Bylaws.

D. Disputes over Administrative Decisions. In cases in which differences cannot be resolved between faculty governance bodies and administrative units, the Faculty Council, through its designated representative, may refer the matter to the president.

Article VII. Procedural Standards

A. In all faculty matters, in the absence of other governing procedures and in conformance to the Laws of the Regents and Regent Policies, Robert's Rules of Order shall be in effect for formally constituted faculty groups. Each such faculty group shall have rules and/or bylaws to govern internal procedures. Up-to-date copies of the rules and/or bylaws must be readily available to all members. Each such faculty group shall maintain a file of the minutes of all of its meetings. Except as they deal with personnel matters and are included in individual personnel files, the written minutes of meetings of the group shall be available to all members of the group. In addition, in the absence of other governing procedures, such formally constituted faculty groups shall observe the following principles:

1. When such faculty group is voting on an issue, a secret written ballot shall be held if two or more members of the group so request.
2. Proxy voting shall not be permitted except as provided in the rules and/or bylaws of the group.
3. Such faculty group may call a special meeting of that group by a petition that sets forth the reason for the meeting. Each faculty group may determine the minimum size of the group needed to call such a meeting.

B. Although the right to participate in faculty governance is open to all faculty and no member of the faculty shall be penalized for such participation, the right to vote shall be accorded only to members of the Faculty Senate as defined in Article 1. A.2. in this document. A faculty group may vote (2/3 majority required for passage) to extend voting rights at its meetings to other faculty.

Article VIII. Amendments to the Constitution and Bylaws

A. Amendments to the Constitution. Amendments to this constitution shall be made only by a motion or resolution and a ballot to the full voting membership of the Faculty Senate, who shall be provided with the full text of the proposed amendment(s). A ballot proposing amendment(s) may be authorized by a simple majority vote either at a Faculty Senate meeting or at a meeting of the Faculty Council. Ballots shall be conducted as outlined in Article II.C.4, except that the ballots shall be distributed only after September 1 and prior to April 1 and if the voting threshold has been met shall not be tallied sooner than 30 days or later than 60 days from the time of their distribution. Approved amendments shall go into effect 60 days after approval. Amendments that require enabling revisions to the Laws of the Regents or regent policies shall go into effect upon approval of those revisions by the Board of Regents.

B. Amendments to the Bylaws. Amendments to the Bylaws shall be orderly. Procedures for amendments to bylaws of the Faculty Senate committee(s) are specified in Bylaws, section II.C.2; procedures for amendments to all other bylaws are specified in the Bylaws, section VIII.B. Amendments that require enabling revisions to the Laws of the Regents or regent policies shall go into effect upon approval of those revisions by the Board of Regents.

C. Editorial changes (consistent with Regent Laws and Policy, state statutes, committee name changes) can be brought to the Faculty Council Executive Committee by the secretary for vote.

Article IX. Adoption and Enablement

This constitution shall be published and submitted to the members of the Faculty Senate, who shall vote by ballot for its adoption. The ballot shall be conducted as outlined in Article II.C.4, except that the ballots shall be distributed only after September 1 and prior to April 1 and shall not be tallied sooner than 60 days or later than 75 days from the time of their distribution. The constitution shall go into effect upon approval by the Faculty Senate. The constitution, if approved as described above, shall be submitted to the Board of Regents. Sections of the constitution that require enabling revisions to the Laws of the Regents or regent policies shall go into effect upon approval of those revisions by the Board of Regents.

[1] Supersedes: Constitution of the Faculty of the University of Colorado (1992 & 1994) and Rules of the Faculty Senate (1988 & previous editions)