

**Constitution of the Faculty Senate
James Madison University
Presented to the Board of Visitors for approval of amendments on
April 26, 2004**

Article I: Purpose and Functions

Section 1. The Faculty Senate has all the authority and the responsibilities vested in it by the faculty of James Madison University. The functions of the Faculty Senate are to represent the faculty and exercise the delegated authority of the faculty in the consideration of all policies that affect the academic climate and direction of the institution.

Section 2. The Faculty Senate shall seek to create, maintain, and protect a university environment conducive to the growth of scholarship, learning, teaching, research, service, and respect for human dignity and rights.

Section 3. The Senate shall elect or nominate representatives of the entire faculty to such bodies as shall require representation.

Article II: Membership

Section 1. Academic units shall hold meetings no later than six weeks prior to the termination of the spring semester each year to elect members to the Faculty Senate for the following academic year. The election shall be conducted by the academic unit's senator. The senator of the academic unit shall notify the Chair of the Senate Nominations and Elections Committee of the results of the election. In cases where an academic unit is split or a new academic unit is created between the time of the spring election and the opening of the fall semester, those academic units shall elect senators at the first meeting of the academic unit in the fall.

Section 2. Each academic unit that has more than one full-time teaching and research faculty member, as defined in the *Faculty Handbook*, and the Professional Staff of the JMU libraries, shall elect one member of the Senate and an alternate. The election of a senate alternate shall be conducted by the academic unit's senator who shall notify the Chair of the Senate Nomination and Elections Committee of the results of the election. Any alternate shall be able to represent the academic unit with full voting rights when the regular senator is unable to attend. Alternate senators shall not represent regular senators on senate committees.

Section 3. Senators shall be elected by secret ballot from and by full-time faculty members, including academic unit heads. A majority vote of those voting is required to elect.

Section 4. It shall be the responsibility of elected senators to serve as a liaison between the senate body and the members of their academic unit. In this capacity, senators:

1. shall exercise their best judgment in the governance and decision-making processes of the senate;
2. shall maintain an awareness of the interests and concerns of their constituents and submit relevant issues to the appropriate senate committee or office; and
3. shall be fully responsible for keeping members of their academic unit informed of senate actions and decisions and of relevant information provided at senate meetings.

Section 5. The term of office for the academic unit's senator and alternate shall be two years. No member shall serve more than four years in succession. Academic units may remove a duly elected senator or alternate for just cause. In case of the resignation or removal of the regular or alternate senator, the academic unit shall elect another senator or alternate within 30 days to fill the remainder of the unexpired term. Regular senate election procedures shall be followed. The Chair of the Senate Nominations and Elections Committee shall be notified of any change in the academic unit's representation in the Faculty Senate. The academic unit from which the speaker and the speaker pro-tempore are elected shall elect an additional senator for the duration of their terms in office.

Section 6. The President of the university shall have a seat on the Faculty Senate. The Vice President for Academic Affairs, or any representative that officer may designate, shall also have a seat on the Faculty Senate. The Vice President for Administration and Finance, or any representative that officer may designate, shall have a seat on the Faculty Senate. These officers of the university or their designee shall serve in an *ex officio* capacity without vote.

Section 7. Senators are not empowered to designate proxies other than to their duly elected alternate.

Section 8. The senate may extend privileges of the floor of the senate to any member of the university community, including alumni.

Section 9. The identification of each academic unit for the purposes of Senate representation shall be determined prior to the yearly elections by the Senate Nomination and Elections Committee based upon data supplied by the office of

the Vice President for Academic Affairs. Appeal of the decision of the Senate Nomination and Elections Committee can be made to the Senate Steering Committee.

Article III: Officers

Section 1. Organization

1. Officers of the senate shall be the speaker, speaker pro tempore, secretary, treasurer and marshal. Officers shall be elected from the current senate membership and may not hold the same position more than two successive terms.
2. The senate and its officers shall serve from May 1 of the year of their election for a 12-month period. During the summer term, the Steering Committee, including newly elected officers, shall serve as an interim governance body. Personnel or policy issues normally requiring larger senate deliberation can be considered by this group, as necessary, with recommendations being formulated for senate action during the fall. Issues considered, decisions made, and recommendations formulated shall be presented for review and concurrence at the first fall meeting of the full senate.
3. The senate may remove, by two-thirds vote of the total membership of the Senate, any officer for nonperformance of duties. The outgoing speaker of the Faculty Senate shall call an organizational meeting of the newly-elected Faculty Senate in accordance with Article V, Section 1.

Section 2. Duties

1. Speaker
 - A. The speaker shall preside over meetings of the senate, with the exception of the organizational meeting.
 - B. The speaker shall call all meetings of the senate as prescribed in Sections 2 and 3 of Article V.
 - C. The speaker shall serve as faculty liaison with the administration for the university.
 - D. The speaker shall countersign all communications.
 - E. The speaker, with the aid of the Steering Committee, shall make the agenda for all regular Faculty Senate meetings, but a majority of those members present and voting may add items to the agenda.
 - F. The speaker shall be one of the senate's representatives on the University Council.
 - G. At the beginning of each regular meeting of the Faculty Senate, the speaker shall report actions taken by the president of the

university on all matters submitted to the president by the Faculty Senate.

2. Speaker Pro Tempore

- A. The speaker pro tempore shall assume the duties of the speaker when the speaker is absent or is unable to perform them.
- B. The speaker pro tempore shall serve as chair of the Senate Faculty Concerns Committee.

3. Secretary

- A. The secretary shall keep a record of attendance, the minutes, and other records of the senate.
- B. The secretary shall keep the university community regularly informed on the business of the senate in accordance with Section 5 of Article V.

4. Treasurer

- A. The treasurer shall serve as financial agent of the senate and general faculty and shall prepare necessary budgetary requests.
- B. The treasurer shall receive all faculty dues and shall make reports to the senate on the estate of faculty funds.
- C. The treasurer shall manage the Senate Flower Fund.
- D. The treasurer shall conduct the annual computer lottery and report the results to the Senate.

5. Marshal

- A. The marshal shall serve as supervisor of senate elections and votes and shall receive certification of election from each academic unit.
- B. The marshal shall act as marshal for university convocations.
- C. The marshal shall be parliamentarian of the senate.
- D. The marshal shall serve as sergeant-at-arms of the senate.
- E. The marshal shall serve as chairman of the Nominations and Elections Committee.
- F. The outgoing marshal shall preside over the organizational meeting of the newly elected Faculty Senate.

Article IV: Committees

Section 1. The Faculty Senate shall have standing committees to which the speaker of the senate will normally refer matters for study and for a report before these matters come to the floor of the senate for action. A majority of those

present and voting may take up matters immediately without referral to committees, or may set aside a report of a committee. If senators are derelict in attending to the business of a standing committee, they may be removed from that committee by the Steering Committee upon recommendation of the chair of the standing committee. The speaker of the senate shall report this action to the senate, and the secretary shall notify the constituency of the senator who has been removed.

Section 2. The Steering Committee

1. The Steering Committee shall be composed of the speaker, the speaker pro tempore, the secretary, the treasurer, the marshal, and the chairs of all standing committees. The speaker of Faculty Senate shall serve as chair of the Steering Committee.
2. The Steering Committee shall aid the speaker in setting the agenda for meetings of the Faculty Senate.
3. The Steering Committee shall regularly review the actions of all senate committees and shall provide appropriate leadership and direction for their proper functioning.
4. Immediately after the organizational meeting of the new Faculty Senate each year, the new Steering Committee shall meet and recommend the division of the Faculty senate among the appointed standing committees of the senate. Each senator shall be assigned to at least one committee based on preferences supplied by the senator and the needs of the senate.

Section 3. The Nominations and Elections Committee

1. Membership of the Nominations and Elections Committee shall consist of a minimum of six senators, one of whom shall come from each college. No college shall be represented by more than two members. The marshal of the Faculty Senate shall serve as chair of this committee.
2. The committee shall supervise, through the agency of the senate marshal, the elections of senators. In the event of a contested election, the committee shall conduct a full investigation and make recommendation to the senate. The senate shall make the final decision as to the seating of academic unit representatives.
3. The committee shall supervise the elections held in the organizational meeting. The marshal shall preside at this organizational meeting.
 - A. Between the academic unit elections and the organizational meeting, the Nominations and Elections Committee shall nominate

at least one candidate for each senate office and shall present these nominations at the organizational meeting of the newly-elected Faculty Senate. The vote shall be by secret ballot and the results for each office shall be announced before the next officer is voted upon. Nominations may be made from the floor.

B. The committee shall present a slate of candidates for senate representation to the University Council and to the commissions. Nominations may be made from the floor.

C. In the event of resignation or removal of an elected officer or representative of the senate, the Nominations and Elections Committee shall nominate at least one candidate for the vacancy. The committee shall supervise and the marshal shall preside over the election which shall be held at the next regular meeting of the senate. Nominations may be made from the floor. In the event of a vacancy in the office of marshal, the speaker shall preside.

D. Each year, the committee shall solicit the faculty to find members who are interested and qualified to serve on general university committees or commissions. The committee shall forward the nominees for each committee and commission to the senate by end of the spring semester. The senate will then forward a list of its appointments to the president.

Section 4. The Faculty Concerns Committee

1. Membership of the Faculty Concerns Committee shall consist of a minimum of six senators, one of whom shall come from each college. No college shall be represented by more than two members. The speaker pro tempore chairs this committee.

2. It shall be the duties and functions of this committee to study, formulate and recommend university-wide policies and procedures pertaining to:

A. Methods of selection and appointment of faculty, including academic unit heads and administrative officers.

B. Tenure, promotions, salaries, sabbatical and other academic leaves, consulting practices, research and publication.

C. Fringe benefits and working conditions.

D. Development and utilization of university resources and services as they affect faculty morale and professional development.

3. This committee shall formulate and review statements and policies concerning academic freedom and responsibilities.

Section 5. The Student Relations Committee

1. Membership of the Student Relations Committee shall consist of a minimum of six senators, one of whom shall come from each college. No college shall be represented by more than two members. This committee shall elect a chair from the membership. The chair of the committee shall serve as a member of the Steering Committee.
2. Representatives of this committee shall serve as the Faculty Senate representative to the Commission on Student Services.
3. This committee shall identify and deal constructively with matters of mutual responsibility and concern among faculty and students.

Section 6. The Committee on Academic Policies

1. Membership of the Committee on Academic Policies shall consist of a minimum of six senators, one of whom shall come from each college. No college shall be represented by more than two members. This committee shall elect a chair from its membership. The chair of the committee shall serve as a member of the Steering Committee.
2. The duties of this committee shall consist of considering and making recommendations concerning new or existing academic policies of the university, including but not limited to degree requirements, credit/no-credit, special studies.

Section 7. The Faculty Appeals Committee

1. The Senate will elect to the Faculty Appeals Committee from each of the colleges one tenured senator, or a senator who has served at least six years of full time teaching at JMU. If the college requirement cannot be met from among members of the Senate, the Senate may elect as a member of the committee a tenured faculty member, or a faculty member who has served at least six years of full time teaching at JMU, who is not a senator. Academic Unit heads are ineligible for membership. The committee shall elect its own chair and secretary.
2. This committee shall hear appeals from members of the teaching and research faculty who seek redress on matters related to academic freedom, due process, denial of promotion and tenure, non-renewal of appointment, termination, and sanctions for faculty misconduct and post-tenure review. Administrative and professional faculty may seek redress on the above-named matters only as they relate directly to the performance of their academic responsibilities.
3. At the time senate committee assignments are made, The Faculty Appeals Committee will select 24 names at random from all tenured full-

time teaching and research faculty, excluding academic unit heads, to form the Hearing Committee pool. In the initial selection, the first eight people chosen will serve for one year, the next eight for two years, and the final eight, three years. Thereafter, eight persons will be selected each year to three-year terms. Members who have served in the Hearing Committee pool will be exempt from selection for the three years immediately following their terms. Members of the Hearing Committee who leave the university or can no longer serve, will be replaced by members from a pool selected each year. Those new appointments will serve out the time of the member they are replacing.

4. The Faculty Appeals Committee will consider appealable decisions as specified in the Faculty Handbook. The role, function, and procedures of the Faculty Appeals Committee are found in the Faculty Handbook, Section III.M.

Section 8. The Budget Committee

1. Membership of the Budget Committee shall consist of a minimum of six senators, one of whom shall come from each college. No college shall be represented by more than two members. As necessary, appropriate, and with the consent of the Steering Committee, the Budget Committee may appoint additional faculty other than Senators to its membership. The committee shall elect a chair from its membership. The chair of the committee shall serve as a member of the Steering Committee.

2. The Budget committee will advise the Senate regarding the fiscal operation of the University as relevant to the University's academic mission so that the faculty may provide its recommendations to the University's administration.

Article V Meetings

Section 1. The first meeting of a newly-elected Faculty Senate shall be held each year two weeks after the election for the purpose of electing new officers and electing or nominating all representatives of the entire faculty to such bodies as shall require such representation.

Section 2. The Faculty Senate shall hold at least one meeting in each of the following months: September, October, November, February, March and April. These regular meetings shall be open to all members of the James Madison University community. Senators must be given at least three days notice of all regular meetings by the speaker.

Section 3. The speaker may also call special meetings of the Faculty Senate as deemed necessary. Upon receipt of a petition from at least 20 percent of the membership of the Faculty Senate, the speaker shall immediately call a meeting of the senate to be held no later than five working days after the petition is received.

Section 4. A quorum is necessary to conduct business. A majority of the members of the senate shall constitute a quorum.

Section 5. Minutes shall be kept of every meeting, and the secretary will distribute a draft of the minutes to the Steering Committee for review. After its approval, copies shall be distributed electronically to the regular faculty by the secretary no later than three weeks following a meeting.

Section 6. Minutes will be officially approved at the next meeting of the Faculty Senate but will not be redistributed to the faculty unless the Senate votes for redistribution.

Section 7. Meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order, subject to such rules as may be adopted by the Faculty Senate.

Article VI Limits

Section 1. The right of review and referendum shall reside in the full faculty and be carried through by a majority of the entire faculty. A special faculty meeting to facilitate such action shall be called by the president of the university upon written petition of 20 percent of the faculty.

Section 2. The president of the university has the power to veto any actions of the Faculty Senate.

Section 3. Should the president veto the action of the Faculty Senate, the written veto message may serve as a basis for further deliberation.

Article VII Amendments and enabling act

Section 1. This constitution, or any future amendments, shall become effective when approved by:

1. A vote of two-thirds of the faculty who vote provided that more than one-half of the total faculty have participated in the voting process.
2. The president of the university.

3. The Board of Visitors.

Section 2. The activation of the Faculty Senate shall be under the supervision of the existing University Council.

Section 3. The bylaws to this constitution shall become effective when approved by a majority of the Faculty Senate.

Article VIII Bylaws

Section 1. Governance of Committees. Each standing committee of the Faculty Senate shall have the authority to enact an operating procedure for the internal governance of that committee, providing that:

1. No part of the operating procedure conflicts with this constitution or any of its bylaws.
2. The quorum for each committee is a majority of its membership, unless the senate fixes a different quorum for the committee.
3. The Steering Committee is kept informed of current operating procedures. If, in the opinion of the Steering Committee, operating procedures for the various committees will conflict in the transaction of senate business, the speaker shall advise the chairs of the respective committees regarding the conflicting procedures. If the committees are unable to resolve the conflict, the senate shall make the final decision as to acceptable operating procedures.

Section 2. Conduct of Senate Business

1. A senator may bring a matter to the senate for discussion by submitting a written request to the speaker who, with the advice of the Steering Committee, will either (1) place it on the agenda for a future senate meeting, or (2) refer it to the appropriate senate committee for study prior to bringing it to the full senate.
2. Prior to action by the senate on any main motion, motion to amend, or motion to substitute for an original motion, a written copy of the proposed action shall be given to the secretary of the senate. Exceptions to this requirement include but are not limited to approval of minutes, agenda revision, temporary suspension of rules, tabling motions, adjournment.
3. The senate may extend privileges of the floor of the senate to any member of the university community, including alumni (Article II, Section 8). Such privilege for a meeting shall be extended to a visiting university

community member through either of two procedures: (1) by arrangement prior to the meeting with the speaker, or (2) through introduction of the visitor by any senator during the course of a meeting.

4. A full agenda for a forthcoming meeting shall be presented in writing or in an electronically readable form to all senators at least three (3) days in advance of each regular meeting. In addition, the text of motions requiring senate action shall likewise be presented in writing or electronically readable form at least three (3) days in advance of meetings, to the extent possible.

5. Proposed constitutional amendments require readings of the proposed amendment at two regularly scheduled or specially called meetings of the senate. Discussion at a faculty senate meeting may only take place after the full text of the amendment has been electronically distributed at least two weeks before the second reading to all members of the faculty. The senate must endorse proposed amendments by a two-thirds majority vote of the full membership of the senate before submitting the amendment to the full faculty for a vote.