

# FACULTY CONSTITUTION

## Article I. The University Faculty

### *Section 1. Membership*

(a) *Membership:* The University Faculty shall consist of the Professors, Associate Professors, Assistant Professors, Clinician Educators, Lecturers, and Instructors, including part-time and temporary appointees. The President of the University, Provost,, other administrative officers at the level of Vice President and above, Deans, and the Secretary of the University shall be ex-officio members of the Faculty whether or not they are actively engaged in teaching.

(b) *Voting Faculty:* Members of the University who are eligible to vote shall include all members of the University Faculty at professorial ranks (Instructors, Assistant Professors, Associate Professors, and Professors) Clinician Educators, and lecturers. No person holding an interim or temporary faculty appointment shall be a member of the Voting Faculty unless he or she be a member ex officio or on an initial term appointment. The ex officio members of the University Faculty as listed in Sec.1(a) shall be ex officio members of the Voting Faculty.

(c) *Eligibility:* Questions of eligibility for voting which may arise shall be settled by the presiding officer of the Faculty as defined in Section 3. Any appeal from the decision should be taken to the Voting Faculty. The Faculty Contracts Office shall prepare the official list of the membership of the Faculty and of the Voting Faculty as defined above.

### *Section 2. Responsibilities*

(a) The University Faculty shall have the right of review and action in regard to the following:

- (1) formulation of institutional aims;
- (2) creation of new colleges, schools, and departments and divisions;
- (3) major curricular changes and other matters which in the opinion of the President of the University or his delegate affect the institution as a whole;
- (4) requirements for admission, graduation, honors, and scholastic performance in general;
- (5) approval of candidates for degrees;
- (6) policies of appointment, dismissal, and promotion in academic rank;
- (7) research; and
- (8) general faculty welfare.

However, actions taken by the University Faculty shall be subject to the authority of the Board of Regents in matters involving finance, personnel, and general University policy.

*(b) The enunciation of the rights and responsibilities delegated to University Faculty in Section 2 (a) and resulting policies shall be contained in the Faculty Handbook. All university policies that pertain to the rights and responsibilities of faculty, the terms and conditions of faculty employment, and academic matters shall be published in the Faculty Handbook by the Secretary of the University under the jurisdiction of the duly elected faculty governing leaders. The Faculty Handbook shall have primacy, as delegated to the faculty by the Board of Regents, over all faculty policies and procedures.*

### *Section 3. Organization:*

The President of the University or in his absence the Provost/Executive Vice President for Academic Affairs, shall be the presiding officer of the University Faculty. The Secretary of the University shall be the secretary of the faculty.

### *Section 4 Rules of Order and Agenda*

*(a) The University Faculty shall conduct business according to Robert's Rules of Order, except as modified by Faculty vote.*

*(b) The agenda for University Faculty meetings shall be prepared by the University Secretary under the direction of the Committee on Governance. The proceedings of each meeting shall be recorded. Meeting minutes, and the audio files shall be made available by the Secretary's office for reference by any faculty member.*

### *Section 5. Meetings*

*(a) Meetings:* Special meetings of the University Faculty may be called (1) by the presiding officer at his or her discretion, (2) by the Committee on Governance, (3) by no fewer than five percent of the Voting Faculty on active duty at the beginning of the academic year whenever a request is made in writing, or (4) by a majority vote of any college faculty.

*(b) Quorum:* Those members of the Voting Faculty present, but no fewer than ten percent of the Voting Faculty on active duty at the beginning of the academic year, shall constitute a quorum for business at a faculty meeting. Members not on active duty may, however, attend meetings and vote. Voting shall be by a simple majority of those present, except on procedural matters, which shall be governed by Robert's Rules of Order,

and on amendments to this Constitution, which shall be voted upon in the manner prescribed in Article IV, Section 2. (On April 8, 1975, the Faculty approved a proposal that members of the Voting Faculty not on active duty i.e., those on leave be permitted to vote on any issue submitted to the Faculty by ballot.)

(c) *Committee on Governance*: A committee of five voting members of the general faculty, all of whom shall be tenured, to be known as the Committee on Governance who are not members of the Faculty Senate shall be nominated and elected by ballot for overlapping three-year terms. Duties of this committee are to prepare, in conjunction with the Secretary of the University, the agenda of general faculty meetings; to oversee elections, including referenda; to recommend adjustments, improvements and refinements in the faculty organizational structure; to represent the general faculty to the Senate; and to call meetings of the general faculty when necessary. The committee shall annually elect a chair.

(d) *Standing rules* *Governing Meetings of the University Faculty*:

(1) Meetings shall normally be scheduled for two hours.

(2) If the agenda of a particular meeting is not concluded within two hours, a motion to adjourn shall include provision for a subsequent meeting. Alternatively, a two-thirds vote of those present could extend the meeting for another thirty minutes.

(3) Discussion and debate of any item on the agenda shall be limited to forty-five minutes unless an extension of that time is approved by majority vote. No person may speak more than twice on any item, nor longer than five minutes at either time. The presiding officer will adjudge specific applications of this standing rule.

(4) Qualified members of the press are admitted to faculty meetings.

### *Section 6. The Faculty Senate*

(a) *Faculty Senate*: There is created the Faculty Senate to which the responsibilities of the University Faculty set forth in Section 2 are hereby delegated, with the specific exceptions of (1) the responsibility of approving changes in the constitution, (2) the responsibilities assigned by Section 7(a) to the Academic Freedom and Tenure Committee, and (3) the right of the Faculty to hold special meetings as described in Section 8. All actions under this delegation are subject to the rights of review and referendum reserved to the University Faculty by Section 6(h).

(b) The Faculty Senate shall be composed as follows:

(i) The Faculty Senate shall be made up of 68 members, of which 63 are chosen according to the number of full-time voting faculty in each

academic unit, and 5 chosen at large except as noted in vi. below. The number of senators for each academic unit (school, college, or branch with a full-time academic faculty) shall be determined yearly by first dividing the set number of senators (63) into the total number of voting faculty in the University followed by using this resulting number to determine the proportional representation for each of the units with academic faculty. This calculation will be subject to modification as specified by the following rules.

(ii) For purposes of calculating the number of full-time faculty members the actual number of full-time contracted faculty shall be used. Budgeted positions not filled and part-time faculty will not be counted.

(iii) All academic units will be represented by at least one senator; that is, those units ***whose proportional representation is calculated as zero due to their small number of faculty, will be assigned one senator while maintaining a total of 63 senators (excluding the at-large senators).***

(iv) No academic unit will be represented by more than one-third of the senators chosen proportionally; that is, those academic units whose proportion of all full-time voting faculty would be greater than 21 senators out of 63 will be assigned only 21 senators.

(v) The remaining academic units, that is, those units whose number of senators are not assigned by the rules in iii. and iv., will be assigned a number of senators according to the proportion of the full-time voting faculty of those units out of the remaining senators (that is, the remainder from 63 after the assignment of senators to units as modified by iii and iv).

(vi) If there is a discrepancy in number of senators assigned by proportion according to ii., iii., iv., and v. due to rounding, that is, if the number of senators assigned by proportion according to ii.-v. leads to a total of 64 or 62 senators, then the number of senators chosen at-large will be adjusted so that the total number of senators remains at 68.

(vii) A full-time faculty member holding appointments in more than one school or college and/or the University Libraries shall select his constituent school or college and/or the University Libraries for purposes of representation in and election to the Faculty Senate by filing a written notice of such selection with the Secretary of the University no later than the first day of the spring semester of each election year.

(viii) All vice presidents and associate vice presidents of the university and all deans of schools and colleges, and/or the University Libraries and directors from branch colleges shall be ex-officio, non-voting members of

the Faculty Senate.

(viii) The President of the University, the Secretary of the University, and the Presidents of the Associated Students (ASUNM) and the Graduate Student Association (GSA) shall be ex-officio members of the Faculty Senate without vote.

(c) Eligibility, nominations and elections:

(1) All members of the Voting Faculty as identified in Article 1, Section 1(b), with the exception of ex-officio members, shall be eligible for election as voting members of the Faculty Senate. (2) Procedures for the nomination of individuals eligible for election to the Faculty Senate under the provisions of Section 6(b)(1i) and Section 6(c)(1) above shall be determined by the faculty members of each school or college which procedures and any subsequent changes therein shall be filed in writing with the Secretary of the University; provided, however, that academic deans and vice presidents shall not be eligible. Elections of school and college senators shall be completed and the certified results shall be filed with the Secretary of the University no later than the last working day of the sixth week of the spring semester as it appears in the official academic calendar of the University.

(3) Procedures for the nomination of individuals eligible for election to the Faculty Senate under the provisions of Section 6(b)(3) and Section 6(c)(1) shall be determined by faculty members of non school or college academic units. The procedures and any subsequent changes therein shall be filed in writing with the Secretary of the University. Elections of non-school or college academic units shall be accomplished and the certified results shall be filed with the Secretary of the University no later than the last working day of the sixth week of the spring semester as it appears in the official academic calendar of the University.

(4) Nominations of individuals consenting to stand for election to the Faculty Senate under the provisions of Section 6(b)(4) above shall be made in writing to the Secretary of the University no later than the last working day of the ninth week of the spring semester as it appears in the official academic calendar of the University. Ex-officio members of the Voting Faculty shall not be eligible for nomination.

(5) Elections of half the members of the Faculty Senate shall be held annually in the spring semester of the academic year. Elections by the Voting Faculty for the at large members of the

Faculty Senate shall be conducted by the Secretary of the University.,

(6) The Secretary shall notify all Faculty in writing of the results of the election of senators from all schools and colleges within five working days of the deadline specified in 6(c)(2). Final election results shall be reported by the Secretary of the University in writing to each member of the Voting Faculty prior to the last day of the spring semester as it appears in the official academic calendar of the University.

(7) Voting members of the Faculty Senate shall be elected for terms of two years or until their successors are named, and shall take office on July 1 of the same year of their election. All elections shall be for two-year terms. No one shall serve more than four consecutive years as a voting member. Before regaining eligibility as a member, an interim of at least one year must elapse.

(8) Schools, colleges shall provide their own procedures for filling vacancies in their delegations, which procedures and any subsequent changes in them shall be filed in writing with the Secretary of the University. When the positions of Senator-at-Large become vacant for any reason, the Committee on Governance shall make arrangements with the Secretary of the University for holding special elections to fill such vacancies.

(9) Schools and colleges and faculty from non-school or college academic units shall provide their own procedures for filling vacancies in their delegations, which procedures and any subsequent changes in them shall be filed in writing with the Secretary of the University.

*(d) Organization and Procedures:* The members of the Faculty Senate shall determine how the Senate shall be organized and what procedures shall be established to carry out the responsibilities delegated to it by Section 6(a) above; provided, however, that the presiding officers of the Senate shall be elected by the voting membership from among their number, and must have tenure provided that the Secretary of the University shall serve as the secretary of the Senate.

*(e) Meetings:* The Faculty Senate shall meet no less frequently than once per month during the regular sessions of the academic year exclusive of the summer session. Members of the University Faculty may observe the proceedings in a space provided for them. Individual faculty members may address the Senate by request to the presiding officer or at the request of

any senator. The Senate may provide reasonable limitations as deemed necessary.

*(f) Attendance at Meetings:* The Faculty Senate shall establish reasonable requirements for attendance at regularly scheduled meetings of the Senate and shall remove from office any member failing to meet those requirements.

*(g) Agenda and Minutes:* All actions of the Faculty Senate shall be reported in writing to the Voting Faculty regularly and within ten (10) working days of such action. Additionally, the approved minutes of the Faculty Senate shall be distributed to the University Faculty within three working days after the meeting at which they are approved.

*(h) Committees:* All standing committees of the University Faculty excepting the Faculty Policy Committee which is hereby expressly abolished and the Academic Freedom and Tenure Committee which is expressly preserved in Sections. 7(a) and (b) below, shall become committees of the Senate and responsible to it. In order to discharge the responsibilities delegated to it by this Constitution, the Faculty Senate is empowered to create, abolish, merge, or otherwise redefine functions of standing committees of the Faculty Senate, except the Academic Freedom and Tenure Committee. Each standing committee under the jurisdiction of the Faculty Senate as provided for in this subsection shall have at least one senator as member. Any member of the University Faculty is eligible for membership on standing or special committees. No member shall serve on more than two standing committees at a time.

*(i) Review and Referendum:* The University Faculty reserves the right of review over actions of the Faculty Senate in that the Senate is the agent of the University Faculty and exercises all authority by way of delegation. By written petition to the President of five percent of the Voting Faculty, issues not raised by the Faculty Senate may be placed on the agenda of a special faculty meeting, debated, and submitted by a ballot of the Voting Faculty for majority decision.

(1) All actions taken and so reported shall be subject to review and reconsideration by the University Faculty upon written petition made to the President of the University by not less than five percent of the members of the Voting Faculty, provided such petition is received by the President no later than one month after the Senate action is taken. Senate action shall become effective after one month unless the President receives a valid petition within this period.

(2) The President shall convoke the University Faculty within ten (10) working days following receipt of a valid petition. The agenda of such a faculty meeting shall be limited to debate on the petitioned matter(s) and the faculty may vote to have the Faculty Senate reconsider the action(s) involved, which reconsideration must be undertaken no later than the next regular meeting of the Faculty Senate.

(3) If the Faculty Senate reaffirms the questioned and referred action(s), the question shall then be submitted to the entire Voting Faculty by mail referendum within ten (10) working days of the Faculty Senate's action of reaffirmation. If fifty percent of the Voting Faculty cast ballots, and if a simple majority of those voting disapprove of the Senate's action(s), the Senate shall be overruled. Ballots will be conducted and administered by the University Secretary.

#### Section. 7 Academic Freedom and Tenure Committee

(a) Charge: There shall be an Academic Freedom and Tenure Committee to discharge the functions assigned to it under the provisions of the Policy on Academic Freedom and Tenure; from time to time to review the policy and recommend appropriate changes in it; to hear appeals regarding sabbatical leave applications; and to make recommendations for appropriate changes in the sabbatical leave policy of the University.

(b) Membership: The membership of the Academic Freedom and Tenure Committee shall be composed and elected as follows: thirteen members, all of whom shall be members of the Voting Faculty, with tenure (or whose tenure decision date has passed without adverse notification). Not more than one member of any department shall serve as a member on the committee at the same time. The Voting Faculty shall submit nominations in writing according to the instructions in the call for nominations to the University Secretary. Election shall be conducted by electronic ballot, accompanied by biographical sketches of the nominees, distributed by the Secretary to all members of the Voting Faculty who shall then indicate their choices up to a maximum of six in even-numbered years or of seven in odd-numbered years. The six nominees in even-numbered years or the seven nominees in odd-numbered years receiving the highest number of votes shall become members of the committee for a two-year term commencing at the start of the academic year following election. The remaining nominees shall be called on to serve, in order of the votes they have received, as replacements to complete the terms of any members of the committee who shall resign from the committee during the academic year following the election. No committee member shall serve more than two consecutive two-year terms. The chair shall be elected by committee.



For a complete statement of the composition, functions, and duties of the Committee on Academic Freedom and Tenure, see Section 6 of the Policy on Academic Freedom and Tenure.

## **Article II. College and Departmental Organization**

*Section. 1 College Responsibilities:* The Faculty of each College, School shall be an autonomous unit in all matters relating to that particular College, School subject to review under the powers set forth in Article I, Section 2.

*Section. 2 Membership:* Faculty membership in a college or department shall be as defined in Article I, Section 1(a) for membership on the University Faculty. For college and departmental voting purposes, such membership shall normally be as defined in Article I, Section 1(b). Those faculty members of a college or department whose eligibility to vote is defined in Article I, Section 1(b) may, upon formal motion and majority approval, establish a general policy extending voting privileges in that college or department to those - i.e., faculty members - holding temporary or part-time appointments in that college or department. Formal notification of such action shall be made to the Secretary of the University. Persons described in Article I, Section 1(a) and 1(b) as ex-officio members of the Faculty shall have voting privileges only in the colleges and departments in which they hold academic rank.

### *Section 3 Procedure*

(a) The Faculty of each College shall decide upon the procedure for the efficient functioning of the College.

(b) Regular meetings shall be held at intervals agreed upon by the College Faculty. Special meetings shall be called at the discretion of the presiding officer or whenever a request in writing is made by ten members of the College Faculty, or by a majority from a Faculty of fewer than twenty members.

### *Section 4. Departments*

(a) The Faculty of each Department shall, with the advice and consent of the Dean of the College, decide upon the organization and procedure for the efficient functioning of the Department.

(b) Meetings shall be called at the discretion of the presiding officer or whenever a request in writing is made by ten percent of the departmental faculty.

### **Article III. The Administration**

*Section 1 The President:* The President of the University shall be the principal officer of the University and with the assistance of his administrative officers shall carry out the measures enacted by the Voting Faculty within the scope of its responsibilities, and shall perform those duties assigned by the Regents.

*Section 2 Provost and Chancellor for Health Sciences:*

(a) The appointment or reappointment of the Provost shall be made by the President after consultation with college deans, Faculty Senate President, University officers, and other interested persons. The Provost shall perform the duties of his or her office as assigned by the President.

(b) The appointment or reappointment of the Chancellor for Health Sciences shall be made as provided and prescribed in Regents Policy 3.4. The Chancellor for Health Sciences shall perform the duties of his or her office as provided and prescribed in Regents Policy 3.4 and related Regents Policies.

*Section 3 Deans/Directors of Colleges and Schools:*

(a)(1) The Provost may appoint or reappoint Deans/Directors of Colleges and Schools (other than the component Colleges and Schools of the Health Sciences Center as described in Regents Policy 3.4) and the Dean of Graduate Studies and delegate to such Deans as is consistent with Regent policies. In this connection, the Provost will, prior to any such appointment or reappointment, consult with the President, departmental college faculty and chairs, Faculty Senate President, other University officers, and other interested persons. In the case of the appointment or reappointment of the the Dean of Graduate Studies, the Provost will, in addition to the consultation noted above, also consult with the Faculty Senate Graduate and Professional Committee and the graduate faculty.

(2) Pursuant to the provisions of Regents Policy 3.4, the Chancellor for Health Sciences may appoint or reappoint Deans of the component colleges and schools of the Health Sciences Center and may delegate to such Deans as is consistent with Regent policies and policies of the University that are applicable to the Health Sciences Center. In this connection, the Chancellor for Health Sciences will, prior to that appointment or reappointment, consult with the President, departmental college faculty and chairs, Faculty Senate President, other University officers, and other interested persons.

(b) The Dean shall be the principal officer of the College or School and shall act as executive officer and representative of the College Faculty. With regard to educational policy, the dean shall prepare plans for consideration of the Faculty,

shall carry into effect those plans which it adopts and shall perform such other duties as fall within the scope of the office.

(c) The Dean shall be the presiding officer at meetings of the College Faculty. In case of absence or inability to preside, a substitute shall be designated.

#### **Article IV. General**

*Section 1 Adoption of Constitution:* This Constitution shall be effective when approved by a two-thirds vote of the University Faculty present and voting and ratified by the Regents.

*Section 2 Amendments:* This Constitution may be amended by a two-thirds vote of those Voting Faculty members responding to an electronic ballot after presentation twice to the Faculty for debate in meetings at least four weeks apart and subsequent ratification by the Regents.

*Section 3 Distribution:* The Secretary of the University shall publish this Constitution and the Bylaws as amended in the Faculty Handbook.

Approved by the University Faculty

April 11, 1949

Ratified by the Regents

May 14, 1949

Amended in 1957, 1967, 1969, 1970, 1971, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1981, 1982, and 1985