

**CONSTITUTION OF MONTANA STATE UNIVERSITY  
FOR FACULTY GOVERNANCE**

**PREAMBLE**

Whereas the ultimate authority in the governance of Montana State University is vested in the Board of Regents under the Constitution, and whereas the President, as general agent of the Board, is the chief executive of Montana State University to whom authority is delegated to administer or execute policies approved by the Board, and whereas recommendations for changes in existing policies or other matters are submitted by the University community to the President and, through him, to the Board of Regents, we, the general faculty of Montana State University, do hereby establish a Faculty Council as our representative to facilitate communication and cooperation among the general faculty, and the administration in this policy-making process, in order that we may promote the continued improvement of higher education at Montana State University. Further, we do hereby affirm that the interests of an open, equitable, and viable University will best be served by bringing into the policy-making process broad-based representation of junior as well as senior general faculty and administrators, women, minorities, and students.

**ARTICLE ONE: POWERS OF FACULTY COUNCIL**

**Section One: Power of Faculty Council to Initiate Legislation**

Subject to the approval of the President and the Board of Regents, and to the right of the general faculty of the University to review or appeal its decisions, Faculty Council has the power to initiate legislation in the following matters:

1. Policies and procedures regarding appointment, reappointment, decision not to appoint, dismissal, promotion, tenure and leave of general faculty, academic freedom and responsibility;
2. Long-range goals and planning for the University; and
3. Standards and procedures for evaluation of general faculty and departmental review.

In the above matters, Presidential veto of Faculty Council legislation shall not be without the cause being stated in writing to the Council.

**Section Two: Powers of the Council to Review and Recommend**

Faculty Council shall participate in the formation of policy through review of proposed administrative action and through initiation of recommendations for administrative actions in the following matters:

1. Courses and curricula offered, degree requirements, and academic calendar;

2. Development of budgetary guidelines;
3. Selection and review of administrative personnel; and
4. Policy regarding publications, public relations, relations with the legislature, and the public service responsibility of the University.

In the above matters, proposed policy decisions shall be submitted by the administration to Faculty Council for timely review.

### **Section Three: Relation of Faculty Council to the Board of Regents**

In any of the matters listed in Sections One and Two in which a decision of the Board of Regents is required and the President's recommendation differs from that of Faculty Council, the President shall submit the recommendation of Faculty Council with his own for consideration by the Board. The Council may also wish to raise the issue to the Board of Regents through Faculty Council Association of Montana State University and Montana College of Mineral Science and Technology. In addition, matters can be brought to the Board of Regents through the Montana University System Faculty Advisory Council.

### **Section Four: College and Independent School Councils**

In every college and independent school of the University, representative councils will function in an advisory capacity to the dean. The structure of the councils and selection of council members is to be determined by the constituency of the college or school. If the dean of the college does not call an organizational meeting to constitute a council within sixty (60) days after the adoption of this constitution, the Faculty Council may call such a meeting. None of the powers granted to Faculty Council is limited by the existence of college or school councils.

### **Section Five: Departmental Councils**

In every department of the University containing persons with academic rank, representative councils should be formed to function in an advisory capacity to the department head or equivalent administrative officer. The structure of departmental councils and selection of council members is to be determined by the constituency of the department. None of the powers granted to Faculty Council are limited by the existence of departmental councils.

## **ARTICLE TWO: COMPOSITION, TERMS, ELECTIONS, AND VACANCIES**

### **Section One: Composition**

1. Faculty Council shall consist of the following membership:

- A. Twenty-eight (28) general faculty, as identified in Article II, Section 3, 1.; also identified in Section 101 of Faculty Handbook;
  - B. Two (2) ex-officio non-voting members elected from the following by their membership: All academic deans and assistant deans;
  - C. The President of ASMSU - ex-officio non-voting;
  - D. The Chair of CPAC - ex-officio non-voting;
  - E. The President and Vice-Presidents - ex-officio non-voting;
  - F. Secretary - non-voting;
  - G. Parliamentarian - non-voting.
2. The twenty-eight (28) seats assigned to the general faculty membership shall be allocated in proportion to gross "full-time equivalents" ("FTE") as of October 1 among the colleges, the libraries, independent departments, Extension Service, and any other divisions that may be established. Each division established shall have at least one Faculty Council representative. Graduate Teaching Assistant and Graduate Research Assistant FTE shall not be included in the gross FTE count. Such procedures shall provide for appropriate representation of women and minorities. No more than two (2) representatives shall be elected from any one department.
  3. Without regard for time in service, all general faculty (see definition in ARTICLE TWO, Section Three, 1. of Faculty Council Constitution) on quarter-time or more appointments are eligible for election to Faculty Council, with the following exceptions: those serving in administrative positions higher than department heads, including directors and assistant directors who function essentially as deans and assistant deans; any position that is predominantly concerned with directly supporting the aforementioned administrative officers; or any individual who is either formally enrolled in graduate degree program at MSU or who is a Post Doctoral Fellow (see Faculty Council By-Laws, ARTICLE ONE, Section One, for appeal procedure).

### Section Two: Terms

All elected general faculty members and alternates shall serve a term of three (3) years and be eligible for re-election. One-third of the general faculty representatives and alternates shall be elected each year, with members taking office at the first regularly scheduled meeting of Faculty Council in the academic year following their election. No Council members may be elected to more than two (2) full terms consecutively.

**Section Three: Elections**

1. All general faculty having at least quarter-time appointments are eligible to vote in elections for Faculty Council members. For the purpose of this constitution, general faculty includes the following professional categories: all members of University faculty, whether on Regents' contracts, Professional Hourly contracts, or Letters of Appointment; all members of the Agricultural Experiment Station, Engineering Experiment Station, and Extension Service; all Extension Specialists and County Agents; all faculty with "Research" in their position title; and all other members of staffs and independent departments. "General faculty" does not include any individual who is either formally enrolled in a graduate degree program at Montana State University, or who is a Post-Doctoral Fellow (see Faculty Council By-Laws, ARTICLE ONE, Section One for appeal procedure).
2. All members of Faculty Council and alternates shall be nominated and elected according to procedures and at times established by Faculty Council.

**Section Four: Vacancies and Alternates**

1. Council members unable to attend a Faculty Council meeting must request that an alternate attend for them. The colleges, independent schools, independent departments, and Extension Service will each maintain a pool of elected alternates not to exceed in number their total Faculty Council seats. These alternates will not be linked to any specific representative. Council members who are unable to attend a full Council meeting may ask any of the alternates in the pool to substitute.
2. Vacancies due to death, resignation, or inability to perform the duties of office which arise between annual elections shall be filled by an alternate until the time of the regular annual elections, at which time a member is elected to fill out the unexpired term.
3. Where membership on the Council or on any committee is specified by position, the incumbent may designate an alternate to vote and otherwise act in his/her place with full authority.

**ARTICLE THREE: ORGANIZATION AND OPERATION**

Faculty Council shall have the power to organize itself and to make all by-laws and regulations necessary for its own proceedings, except as restricted by this Constitution.

**Section One: Officers**

1. The officers of Faculty Council shall include a Chair, a Chair-Elect, a Secretary, and a Parliamentarian. Either the Chair or the Chair-Elect must be from the ranks of the tenurable faculty.

2. The Chair of Faculty Council shall be elected by and from the membership of Faculty Council, and he/she shall preside over its meetings. The Chair or his/her designated representative shall also attend Board of Regents meetings.
3. The Vice-Chair of Faculty Council shall be elected by and from the membership of Faculty Council, and will assume the duties of the Chair in the absence of the Chair.
4. The Secretary shall be a member of the faculty eligible for election to Faculty Council and shall be elected by Faculty Council for a three-year term and shall be eligible for re-election. If the person elected is an elected member of Faculty Council, his/her seat thereby becomes vacant and shall be filled in the usual manner.
5. The Parliamentarian shall be a faculty member eligible for election to Council, but shall not be a voting member. He/she shall have a knowledge of Council By-Laws and Robert's Rules of Order and shall aid the Chair in questions of parliamentary procedure. If the person elected is an elected member of Faculty Council, his/her seat thereby becomes vacant and shall be filled in the usual manner.

#### **Section Two: Faculty Council Committees**

1. Except for the stipulations herein provided, Faculty Council shall have the power to determine the number and size of its committees and the terms of office of committee members. Such procedures shall provide for appropriate representation of women and minorities. Faculty representation is required on all standing committees. Faculty Council committees are Council's means of expediting business, and findings and recommendations of committees are not final until enacted by Council.
  - A. Anyone qualified to vote including alternates may be elected or appointed by Faculty Council to its standing committees (or subcommittees).
  - B. Nominations for committee membership shall be submitted to Faculty Council by the Committee on Committees, but additional nominations may be made from the floor.
  - C. The Chair of each standing committee shall be elected for a one-year term from members of Faculty Council by members of Faculty Council. Other officers shall be elected by members of each standing committee.
  - D. Each subcommittee shall be empowered to elect its chair and other officers from members of the subcommittee.
  - E. The chair of each standing committee shall be the official committee representative to Faculty Council, and shall be

responsible for submitting a committee report to Faculty Council upon the request of Faculty Council Chair. The standing committee chair may also request that one or more members of the committee be present when reporting the activities of the committee to Faculty Council.

- F. The chair of each subcommittee shall be the official committee representative to each standing committee, and shall be responsible for submitting a committee report to the standing committee upon the request of the standing committee chair. The subcommittee chair may also request that one or more members of the committee be present when reporting the activities of the committee to the standing committee.

## 2. Standing Committees

### A. Steering Committee

1. The duties of the Steering Committee shall include setting the agenda of Faculty Council meeting. The Steering Committee shall also act as an emergency advisory council to the President, and it shall serve as a Summer Executive Committee of Faculty Council. Steering Committee shall make appointments to administrative ad hoc committees as necessary.
2. The Chair, Vice-Chair, Secretary of the Faculty Council, and Parliamentarian shall be members and officers of the Steering Committee. The Chairs of the Faculty Affairs Committee and of the Committee on Committees shall be members of the committee. The immediate Past Chair of Faculty Council shall be a member of the committee. Four members of Faculty Council shall be elected to this committee. At least one of the four elected faculty members must be a woman. The Affirmative Action Officer will be an ex-officio non-voting member of the committee.
3. The Steering Committee will study the effectiveness of the various committees in performing their avowed functions.

### B. Committee on Committees

1. The Committee on Committees shall nominate committee members to be elected by Faculty Council.
2. The Chair of Committee on Committees shall be a member of Faculty Council. The Affirmative Action Officer and the President of ASMSU shall be ex-officio non-voting members of the committee. Four other faculty members shall be elected to this committee.

3. This committee shall be cognizant of the requirements for affirmative action in nominating committee members. Special emphasis shall provide for appropriate representation of women and minorities on all committee nominations.
4. This committee shall monitor the tenure and institute replacement procedures for members of standing committees.

C. Faculty Affairs Committee

1. The Faculty Affairs Committee shall consider matters of policy relating to promotion, tenure, and leave. It shall also consider matters of policy relating to standards of performance, professional ethics, faculty rights and responsibilities, academic freedom, affirmative action, faculty compensation, and benefits. Policy relating to appointment, remuneration, duties and responsibilities of graduate teaching, research, and administrative assistants will also be a concern of this committee.
2. The Chair of Faculty Affairs Committee shall be a member of Faculty Council. The Vice President for Academic Affairs and Affirmative Action Officer shall be ex-officio non-voting members of the committee. The Committee shall consist of no less than eight (8) nor more than twelve (12) members of the general faculty elected to this committee. At least three (3) members of this committee should be members of Faculty Council. Although the membership of this committee shall not be designated, it should strive to represent the divergent opinions and disciplines present on campus.

D. Faculty Association of Montana State University and Montana College of Mineral Science and Technology.

1. The local committee of the Faculty Association will represent Faculty Council on the two unit Association. Its purpose shall be to encourage discussion and cooperation on matters of mutual concern to the faculty of M.S.U. and M.C.M.S. & T. and to communicate these concerns to and advise the Board of Regents and the Commissioner of Higher Education after concurrence by the Faculty Council.
2. The three members of this committee shall be elected by Faculty Council.

**Section Three: Meetings**

Unless otherwise provided by Faculty Council, its regular meetings shall be held every Wednesday during the academic year. Such

meetings are not to extend beyond one hour. Special meetings of the Council shall be held at the call of the Chair of the Faculty Council, or petition of any ten (10) members of the Council. A majority of the elected members including alternates of the Council shall constitute a quorum for the transaction of business. All actions or recommendations of the Council shall be by majority vote. Voting shall be by secret ballot if requested. All meetings will be held according to Robert's Rules of Order.

#### **Section Four: Records and Agenda**

1. The records of Faculty Council shall be kept by the Secretary for the use of the President, the members of the faculty, and the Council.
2. The President, all vice presidents, all deans, each department head, and each member and alternate of Faculty Council shall receive a copy of the full agenda and a copy of the full minutes of Faculty Council business.

### **ARTICLE FOUR: PETITION, REFERENDUM, RECALL, AND AMENDMENT**

#### **Section One: Petition**

1. Any member of the University community may in his/her own right bring any matter of University concern to the attention of Faculty Council through a Council member, through a Faculty Council committee chair, or through the Secretary of Faculty Council.
2. A matter of University concern may also be introduced for Faculty Council consideration by a petition signed by 5 percent of the faculty members who are eligible to vote in Faculty Council elections. Matters introduced by such petitions shall be considered by Faculty Council within thirty (30) academic days, excluding summer sessions.

#### **Section Two: Referendum**

1. Actions of Faculty Council subject to referendum shall be submitted to a referendum vote of the faculty eligible for election to Faculty Council upon submission of a referendum petition signed by one-third of the faculty members who are eligible for election to Faculty Council.
2. Actions of Faculty Council subject to referendum shall be confirmed unless the faculty voting rejects the action by a majority of those voting, and unless the majority consists of at least 40 percent of the membership of the faculty group.
3. The Secretary of Faculty Council shall be informed in writing of the intention to submit a referendum petition within two weeks following notice by Faculty Council of its action, and the

completed petition must be filed with the Secretary within six weeks of such notice. Faculty Council actions shall be in effect until the referendum petition has been successfully filed with the Secretary of Faculty Council. Actions of Faculty Council rejected by referendum shall not be reintroduced for one calendar year.

**Section Three: Recall**

Recall of Faculty Council members shall be the responsibility of the respective constituencies.

**Section Four: Amendment**

1. This Constitution may be amended by a majority of the general faculty voting, provided that a copy of any proposed amendment has been submitted by a public notice at least twenty days prior to the final date by which ballots must be returned.
2. Council actions on Constitutional amendments are subject to the petition and referendum procedures.

**ARTICLE FIVE: RATIFICATION**

This constitution, as approved by the faculty, shall be ratified by a simple majority of affirmative votes received from faculty having the qualifications, as set forth in this document, to vote in Faculty Council elections.