

1-D Constitution of the Faculty Senate

CONSTITUTION OF THE FACULTY SENATE OF NEW MEXICO STATE UNIVERSITY Revisions Passed by Faculty Senate February 4, 2021

(As ratified by the general faculty and reported to the Faculty Senate on July 18, 1961; amended by the general faculty and reported to the Faculty Senate on November 16, 1984 and January 14, 1988; amended by the general faculty and reported to the Faculty Senate on January 14, 1993 [bylaws] and April 4, 1993 [Constitution]; amended by votes of the general faculty October 1995, October 2004, December 2004, December 2005, October 30, 2008, and May 5, 2011; amended by the general faculty and reported to the Faculty Senate on September 6, 2012. amended by the general faculty and reported to the Faculty Senate on April 02, 2015; Passed by the Faculty Senate April 2, 2020 and ratified by vote of the Faculty reported September 3, 2020; amended and passed by the Faculty Senate February 4, 2021 and ratified by vote of the Faculty.)

ARTICLE I – NAME

The name of this organization shall be the Faculty Senate of the New Mexico State University. For the purpose of this Constitution, the term “faculty” shall refer to any individual who is tenured or holds a tenure-track or regular nontenure-track position and is not retired.

ARTICLE II – FUNCTIONS AND POWERS

Section. 1.

The Faculty Senate shall have legislative jurisdiction over policies affecting the university’s academic mission in regard to teaching, research, service, outreach, and extension.

Section. 2.

Legislation that is passed by the Faculty Senate that affects the Regents Policy Manual and the Administrative Rules and Procedures or other policy documents shall be sent to the University Chancellor/President who must act on it in accordance with Section 1.10 of the University’s Administrative Rules and Procedures (ARP) and Section 1.70 of the Regents Policy Manual. Legislation which is passed by the Faculty Senate that does not affect these two documents or other policy documents shall be sent by the Faculty Senate Chair to the appropriate party(ies) at the discretion of the Faculty Senate Chair.

Section. 3.

The Faculty Senate shall have authority to determine its procedures and the procedures of its committees.

ARTICLE III – COMPOSITION AND PERSONNEL

Section. 1.

The Senate shall be composed of three categories of members: (1) the elected Chair of the Faculty Senate; (2) 66 elected senators; and ex officio nonvoting members as specified in a Bylaws of the Faculty Senate. Of the 66 elected senators, 60 shall be tenured or tenure-track faculty allocated as given below:

- 5 from Dona Ana Community College,
- 2 from NMSU-Alamogordo,
- 2 from NMSU-Carlsbad,
- 1 from NMSU-Grants
- 3 from the Cooperative Extension Service,
- 1 from the University Library, and

- the remaining 46 tenure-track members shall be divided into 2 categories, 23 elected from the Las Cruces campus's colleges in proportion to the number of majors enrolled (both graduate and undergraduate) and attending the main campus academic departments, and 23 elected from the Las Cruces campus's colleges in proportion to the number of tenured or tenure-track faculty in the main campus academic departments in each college.

The remaining 6 members shall be regular nontenure-track faculty members: 1 representing all 4 NMSU community colleges; 1 from the Cooperative Extension Service; and 4 nominated and elected at large from the main campus, with the following stipulations: a) no more than 1 nontenure-track representative from any department may serve at the same time, and b) no more than 2 nontenure-track representatives from any of the senate electing groups as defined in Article VI, Section 1, may serve at the same time. (05/2015)

Section. 2.

For colleges in which the number of departments exceeds or equals the number of elected senators, no more than one elected senator shall serve from a single department. For colleges in which the number of departments is less than the number of elected senators, there shall be at least one elected senator from each department.

Given the numbers provided after the 12-day census, the Vice Chair will analyze and report the Faculty Head Counts and the Faculty full-time equivalents by college and campus for tenured and tenure track faculty. Number of majors enrolled (graduate and undergraduate) is based on Student Headcount. For the Main Campus, only primary majors within the college are counted; the "other" category includes primary majors not in academic colleges such as interdisciplinary majors and students majoring at the community colleges but enrolled on the Las Cruces campus.

ARTICLE IV – ELECTION OF SENATORS

Section. 1.

The Faculty Senate consists of 10 representative voting groups. Six representative groups consist of tenured and tenure-track faculty from the Las Cruces Campus's six degree granting academic colleges. Three representative groups consist of tenured and tenure-track faculty from the Community Colleges, the Cooperative Extension Service, and the University Library. One representative group consists of non-tenure track faculty. For the purposes of defining the representative groups, faculty with appointments in the Agricultural Experiment Station are considered members of the College of Agriculture, Consumer, and Environmental Sciences. Faculty, as defined in Article I, may only vote for senators from their representative group. For faculty who hold appointments in more than one representative group, they may only vote for senators from the group which is the largest fraction of their appointment.

Section. 2.

Elections of senators for each representative group except Cooperative Extension Service will occur in March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section. 3.

The Faculty Senate Vice Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of Senators. The election of senators for each representative group will be conducted by the senior senator* of that representative group who will be designated as the Chair of the representative group. Faculty may be nominated by the Group Chair and by faculty members from that representative group; the Group Chair will solicit nominations from the group. The Chair shall advertise the open positions for no less than 2-weeks, using appropriate media to ensure that potential candidates are aware of the opening. Elections shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, by secret written ballot. Voting shall be open for ten (10) business days. In the event of a tie vote, the result shall be determined by lot. Within ten (10) business days after the election, the Faculty Senate Vice Chair shall inform the Faculty Senate Chair, the recording secretary, and the Group Chairs of the results. The Group Chair will inform the nominees of the results.

*In case of a tie in consecutive service, the senior senator will be determined by lot.

ARTICLE V – TERM OF OFFICE OF ELECTED SENATORS

Section.1.

The Faculty Senate year shall begin immediately following the last day of the second semester of an academic year and end the last day of the second semester of the next academic year.

Section.2.

The usual term of office for elected senators shall be 3 years. However, when reapportionment makes it necessary, the terms of some newly-elected senators shall be for 1, 2, or 3 years so that the terms of an approximately equal number of senators from each faculty electing group expire each subsequent year. No faculty member shall be elected to a Faculty Senate term which will result in more than seven consecutive years of service. The Chair of the Faculty Senate shall be responsible for implementing this section.

Section.3.

Vacancies in the Faculty Senate created by the expiration of members' terms of office shall be filled at the regular annual elections.

Section.4.

In the case of the death, resignation, or retirement of a member of the Faculty Senate, a successor shall be elected to fill out the unexpired term at a special election called for that purpose. The provisions of Article IV, Section 3, shall apply to such election.

Section.5.

In the case that a senator should lose eligibility to serve or should resign as senator, the senior senator of the former senator's voting group shall ensure an election of a new senator for the remainder of the term. In the case of a leave of absence of a senator, the incumbent senator shall appoint a temporary replacement who shall serve until the end of the academic year, until the absent member returns from leave, or until the member's term of office has expired, whichever comes first.

ARTICLE VI – OFFICERS

Section. 1.

The ten senate representative voting groups are representatives from:

- (1) the four community colleges;
- (2) the University Library
- (3) the College of Arts and Sciences;
- (4) the Cooperative Extension Service
- (5) the College of Agricultural, Consumer and Environmental Sciences;
- (6) the nontenure-track faculty;
- (7) the College of Business;
- (8) the College of Education;
- (9) the College of Engineering; and
- (10) College of Health and Social Services

Each of the above shall each constitute a separate senate electing group.

Section. 2.

The officers of the Faculty Senate shall be a Chair, Vice Chair, a Parliamentarian, and a Recording Secretary. The terms of the Senate Chair and Vice Chair shall begin on the first day following the end of the spring semester and end on the last day of the following spring semester. The Faculty Senate Chair shall not serve more than two consecutive terms, but may serve as Faculty Senate Chair again after serving at least one year as a non-chairing senator. The

Parliamentarian and the Recording Secretary shall be appointed by the Senate Chair with the approval of the Faculty Senate. The Senate Chair and Vice Chair shall be elected members of the Faculty Senate, representing different senate electing groups. The Recording Secretary shall be a staff member, and the Parliamentarian shall be a volunteer faculty member, both of whom have non-voting status.

Section. 3.

The current Faculty Senate Chair will appoint the Recording Secretary to oversee the election of the incoming Faculty Senate Chair. The Faculty Senate shall elect two nominees for the position of Chair at the December meeting, one of whom may be the current Faculty Senate Chair. The nominees must be current, elected members of the senate at the time of nomination and must intend to continue as active (nonretired) faculty during the following academic year.

The current Faculty Senate Chair shall be considered to be a current, elected member of the senate even if their original senate term has expired. Within sixty (60) calendar days of these nominations, the Recording Secretary shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability. The Recording Secretary will be responsible for tabulating the results and announcing the winner. The winner of the election, until assuming the office of the chair, will be designated the chair-elect. The chair-elect shall not be from the same senate electing group as the Chair (except when the current Chair is re-elected). If the Chair Elect is a standing senator at the time they assume the position, the representative election group shall elect a replacement. Should the Chair become unable to perform their duties, the Vice Chair shall fulfill the remainder of the Chair's term of office.

Section. 4.

At the beginning of the last meeting of the senate year, the elected senators for the next year from each senate electing group shall caucus and elect their members to the Senate Leadership Committee. The Senate Leadership Committee shall then caucus and elect its Chair, who will also be Vice Chair of the Senate. These actions shall be reported in the minutes of the last Faculty Senate meeting. Should the office of Vice Chair become vacant, the Chair of the Faculty Senate shall call a special meeting of the Senate Leadership Committee to elect a new Chair of the Senate Leadership Committee.

ARTICLE VII – COMMITTEES

Section. 1.

The standing committees of the Faculty Senate shall be the Senate Leadership Committee, Budget and Resources Committee, University Planning Committee, Curriculum and Programming Committee, Research and Creative Activity Committee, Diversity Equity and Inclusion Committee, and Student Success Committee.

Section. 2.

The membership of the standing committees shall be as follows:

1. Senate Leadership Committee: The Senate Leadership Committee shall consist of one member from each senate electing group for each five elected senators or major fraction thereof. Each electing group shall have at least one member regardless of its senate representation. Vacancies shall be filled by the elected senators from the senate electing groups. The six standing committee Chairs will serve as members.
2. Committees on Budget and Resources, University Planning, Curriculum and Programming, Research and Creative Activity, Diversity Equity and Inclusion, and Student Success: Each committee shall consist of at least 11 voting members as assigned from the elected senators by the Senate Leadership Committee. Senators not employed on the main campus need not be counted in the determination of a quorum. Each elected senator shall serve on one, and no more than one, of these six committees, with the exception of the Chair of the Senate Leadership Committee, who need only serve on that committee. Each committee shall elect a Chair at its first meeting.
3. Committee of the Whole: The Faculty Senate by majority vote may convene as a Committee of the Whole to discuss and shape possible legislation pertaining to a particular issue. While sitting as a Committee of the Whole, the Faculty Senate may not pass new resolutions.

Section. 3.

A term of committee membership shall be 1 year. Members may serve more than one term.

ARTICLE VIII – MEETINGS

Section. 1.

Meetings of the Faculty Senate shall take place no less frequently than once a month during the academic year, but only on a special meeting basis during the summer sessions.

Section. 2.

The time and place of each regular meeting shall be determined in discussions between the Chair, the Vice Chair, and the Recording Secretary. Meetings (administered in person and virtually) shall be simulcast through appropriate, secure electronic media, ensuring equitable accessibility to all attendees. Senators shall be marked present and will be afforded full rights of participation whether they attend in-person or via electronic media.

Section. 3.

The Chair of the Senate or, in the absence of the Senate Chair, the Vice Chair, may call special meetings at any time. A special meeting shall be limited to the consideration of the specific items of business designated in the call for the meeting. Special meetings shall abide by the regular rules of the Faculty Senate.

Section. 4.

Ex-officio members shall have the right to attend and participate by voice without vote in all meetings of the Faculty Senate and its committees. Any member of the university community may attend regular meetings of the Faculty Senate and its committees and, by invitation, may participate in the discussions and deliberations.

Section. 5.

A simple majority of the voting members of the Faculty Senate shall constitute a quorum.

Section. 6.

The rules contained in the current edition of *Robert's Rules of Order* shall govern the parliamentary procedures of the Faculty Senate in all cases to which they are applicable and in which they are not inconsistent with the Constitution and any bylaws the Faculty Senate may adopt.

Section. 7.

The officers of the Senate shall make arrangements for its meetings. The Recording Secretary will send a notice of the meeting and an agenda to each member of the Faculty Senate.

Section. 8.

Faculty electing groups represented by a senator not located on the main campus may send an elected alternate, with notice to the Recording Secretary, to substitute for that representative at meetings of the Faculty Senate and its committees, and this alternate is given full participation and voting rights.

ARTICLE IX – PROPOSITIONS FOR CONSIDERATION

Section. 1.

Propositions to be considered by the Faculty Senate shall be presented initially to the Senate Leadership Committee by one or more voting or nonvoting senators; the primary sponsor must be a faculty senator. First-time propositions will not be sponsored or presented in the name of standing or ad hoc committees.

Section. 2.

Each proposition shall be prepared in writing by the sponsoring senator(s). Propositions shall be keyed to affected portions of the *New Mexico State University Regents Policy Manual* and *ARP*. At least two days prior to the time of

presentation, the primary sponsor shall submit the proposition to the chair of the Senate Leadership Committee. It is the responsibility of the SLC chair to distribute copies to members of the Senate Leadership Committee. The distribution may be done electronically.

Section. 3.

Normally, a proposition shall be given first reading and a brief explanation by the sponsoring senator(s), and then referred to the appropriate committee(s) by the Vice Chair of the Senate during the Senate Leadership Committee meeting in which the proposition is first presented. A challenge to the referral to committee may be made by any senator present at the meeting. The decision on the Committee or Committees to which referral shall be made will then be by majority vote of the senators present. In exceptional cases, a proposition may be considered by the Faculty Senate as emergency legislation without referral to its committees, provided either:

- (a) previous notice and an outline of the nature of the proposition was given in the agenda of the meeting and the senate accepts consideration of the proposition by a two-thirds vote, or
- (b) lacking previous notice, the Senate accepts consideration of the proposition by a three-fourths vote.

Section. 4.

Committees shall hold hearings on all propositions referred to them. These hearings shall be open to the public so that all individuals interested in propositions may make presentations to the committee. The decision as to the nature of a committee's report on each proposition shall be by majority vote of the committee. The committee may ask for one additional month of consideration. Commentary for and against the proposition may be submitted with the report. Propositions shall be reported out with one of three recommendations to the senate: RECOMMEND FOR PASSAGE (with or without amendments); RECOMMEND AGAINST PASSAGE; or RECOMMEND FOR FULL SENATE DISCUSSION.

Section. 5.

Propositions shall be reported out by the committees and forwarded to the recording secretary of the Faculty Senate and the Faculty Senate Chair prior to the next Faculty Senate meeting. A committee shall be given additional time when its Chair, prior to that next meeting, notifies the recording secretary of the Faculty Senate and the Faculty Senate Chair that additional time is needed. In no case, however, shall committee deliberation of a proposition extend beyond the second regular Faculty Senate meeting following first reading of the proposition. The recording secretary shall be responsible for informing the Faculty Senate Chair of any violations of this provision that may occur.

Section. 6.

Legislation reported out of committee shall be placed on the Faculty Senate agenda for full consideration in any of three possible circumstances:

- If the committee recommends for passage (with or without amendment),
- If the committee recommends against passage but the Faculty Senate, after debate, votes for full consideration, or
- If the committee recommends for full Faculty Senate discussion: in this case, after Faculty Senate debate, the proposition may be referred to a committee for further consideration.

In the case, where the committee recommended no passage, and committee's report is accepted, the proposition is considered defeated. The legislation shall also be considered defeated if it does not receive full Faculty Senate consideration. When the unfinished business portion of the agenda is reached, each of the items that have been voted for full Faculty Senate consideration shall be moved for adoption and will thus be subject to debate, amendment, and normal parliamentary procedures. However, when a committee recommends for full senate discussion, such legislation may be voted on by the full senate, or referred back to a committee for further discussion.

ARTICLE X – AMENDMENTS TO THIS CONSTITUTION

Section. 1.

Amendments to this Constitution shall be initiated as propositions and shall initially follow the procedures of Article IX. Upon passage by the Faculty Senate and under the oversight of the Faculty Senate Vice Chair, amendments shall be posted electronically to the Faculty Senate website and notification of the posting sent to all faculty who are qualified to vote or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, duplicated and distributed to all members of the faculty who are qualified to vote.

Section. 2.

Such proposed amendments shall be considered as adopted when approved by an affirmative vote of two-thirds of the qualified members of the faculty who vote. Such voting shall be by a secure electronic method.

Section. 3.

This Constitution may also be amended by an initiative and referendum election. Such an initiative shall specify the amendment(s) to be made and shall require the signatures of 10 percent of the faculty as defined in Article I. Verification of the signatures upon the initiative shall be by the officers of the Faculty Senate. Upon verification, such amendments shall be submitted directly to the faculty without prior approval of the Faculty Senate. The amendment(s) shall be considered as adopted when approved by an affirmative vote of two-thirds of the qualified members of the faculty who vote.

Article XI – BYLAWS

Section. 1.

All procedural decisions and guidelines adopted by the Faculty Senate to implement its Constitution shall be appended to that document in an addendum to be labeled “Bylaws.”

Section. 2.

Adoption and amendment of bylaws shall be by a simple majority vote of the Faculty Senate. Presentation of proposed bylaws or amendments thereof shall follow the procedure for presentation of proposals detailed in Article IX of this Constitution.