

FEBRUARY 1999

CHARTER
FACULTY CONGRESS AND SENATE
UNIVERSITY OF HAWAI‘I AT MĀNOA

Preamble

The University of Hawai‘i at Mānoa Faculty Congress is composed of all Mānoa faculty members. It and its Senate represent the faculty with respect to academic decision-making and policy development at the University of Hawai‘i at Mānoa. The Senate is the policy-recommending agent of the Congress with respect to the academic goals, policies, and programs of the Mānoa Campus, including the establishment and maintenance of standards for scholarship, instruction, research, and public service. The authority of the Congress and Senate is consistent with the Board of Regents' policy on "Academic Decision-Making and Academic Policy Development."

All recommendations on behalf of the faculty on academic goals, policies, programs for the University of Hawai‘i at Mānoa or that affect the University of Hawai‘i at Mānoa and require action by the President, or the Board of Regents shall be made by the Senate as provided herein.

The Senate may initiate recommendations to the President for action or for consideration and referral to the Board of Regents. The faculty has a professional concern for and primary responsibility for the curriculum, methods, and standards of scholarship, instruction, research, and public service performed by the faculty, as well as those aspects of student life which relate directly to the educational process.

The Senate is comprised of faculty members elected by and from the Congress and has under its jurisdiction various committees which function on behalf of the Congress through the organization of the Senate.

ARTICLE I.
ACTION BY THE SENATE AND CONGRESS

Section 1. Submittal of Resolutions to the Senate.

- a. Resolutions may be submitted to the Senate by its Executive Committee, which shall prepare the agenda for each Senate meeting. Any Senator may introduce a motion on the floor of the Senate. Any member of the Congress may submit resolutions to the Executive Committee and request that they be placed on the Senate's agenda, but the Executive Committee shall have jurisdiction in determining whether a resolution is placed on the agenda.
- b. On any resolution, a majority of the senators present and voting must vote affirmatively in order for the resolution to be adopted.

- c. Every resolution adopted by the Senate, and the vote by which it was adopted, shall be published in the Kū Lama or equivalent publication of record within ten days after its adoption.
- d. The Senate's action on any resolution shall be the final action of the faculty on that resolution unless the resolution is referred to the Congress for discussion and vote.
- e. A resolution shall be referred to the Congress for discussion and vote if one of the following occurs:
 - (1) The Senate, by a two-thirds majority of those present, votes to refer the resolution to the Congress; or
 - (2) Within fourteen days after publication in the Kū Lama or equivalent publication of record of the Senate's vote on a resolution, a petition bearing the signatures of no fewer than one hundred members of the Congress, requesting that the resolution be referred to the Congress, is presented to the Executive Committee.
- f. On any resolution adopted by the Senate and referred to the Congress, the Executive Committee shall either:
 - (1) Introduce the resolution at the next regular meeting of the Congress; or
 - (2) If it deems the resolution urgent, convoke a special meeting of the Congress.

In addition, the Executive Committee may schedule a hearing on any resolution referred to the Congress, in advance of the regular or special meeting of the Congress at which the resolution is to be discussed.
- g. Immediately following a meeting of the Congress, all resolutions discussed at the meeting and proposed for adoption shall be voted upon by the members of the Congress, in secret written ballot conducted by the Committee on Faculty Service through campus mail. A majority of the votes cast in any referendum shall be sufficient to constitute the Congress' action on that resolution.

Section 2. Transmittal of Senate and Congress Actions.

Unless the resolution is referred to the Congress, every resolution on which the Senate has voted affirmatively which requires action by or notice to the President or the Board of Regents shall be signed by the Chairperson and Secretary of the Senate, and promptly transmitted, with a record of the vote, by the Secretary to the President and the Board of Regents, and published in the Kū Lama or equivalent publication of record. Every resolution referred to the Congress shall be promptly transmitted with a record of the vote, by the Secretary of the Senate to the President and

the Board of Regents after an affirmative vote of the Congress and published in the Kū Lama or equivalent publication of record.

The President should consider each adopted resolution and respond promptly, by taking action or making a recommendation to the Board of Regents and by reporting the action or recommendation to the Executive Committee of the Senate.

Section 3. Transmittal of Resolutions Requiring Action by the President or the Board of Regents.

Every resolution initiated and acted upon by the Senate or the Congress, which under University and Regent policy requires action by the President or the Board of Regents, should be promptly transmitted to the President. If the President disagrees with the resolution, he should consult with the Senate Executive Committee.

If the President disagrees with the resolution, each contrary recommendation to the Board of Regents will be accompanied by a copy of the resolution itself.

Section 4. Referral of Academic Goals, Policy, and Program Matters to the Senate.

The President should request the advice of the Senate on any change in University of Hawai'i at Mānoa academic goals, policies, and programs or University academic goals, policies, and programs that apply to the University of Hawai'i at Mānoa. The President shall provide sufficient time for thorough discussion of the matter in regular meetings of the Senate. The Senate may also accept such specific responsibilities for academic goals, policies, and programs review and advice as the Board of Regents or the President may request.

Section 5. Rules, Regulations, and Bylaws.

The Senate may adopt rules, regulations, and bylaws, consistent with University and Regent policy, as it deems necessary.

ARTICLE II.
AMENDMENT OF CHARTER INITIATED BY THE FACULTY

Section 1. Amendment Proposals.

Amendments to this Charter may be proposed by petition signed by twenty-five members of the Congress. An amendment proposed by members of the Congress shall be referred to the Committee on Administration and Budget for its review. The Committee on Administration and Budget shall report to the Executive Committee within twenty-one days its analysis and recommendations of the proposed amendment. The Executive Committee shall schedule a reading of the amendment at the first appropriate meeting of the Senate following receipt of the Committee

on Administration and Budget's report. Amendments may also be proposed by recommendation of the Committee on Administration and Budget. The Executive Committee shall schedule a reading of an amendment so proposed at the first meeting of the Senate following receipt of the recommendation for the amendment.

Section 2. Voting on Amendments.

Voting on proposed amendments to this Charter shall take place at the first meeting of the Senate following the meeting at which the first reading of a proposed amendment took place. The proposed amendment may be amended by action of the Senate on second reading. If the proposed amendment, or any amendments to it, is approved, it shall be referred to the Executive Committee for any needed clarifications of language and any needed reconciliation with other sections of this Charter. After approval by the Senate, the proposed amendment shall be submitted to a vote of the Congress, following the opportunity for debate at a meeting of the Congress. A majority of votes cast by members of the Congress in the ratification election shall be required to give final faculty approval to the amendment. Amendments to this Charter shall become effective upon approval by the Congress and authorization by the President.

ARTICLE III. RELATION OF THIS CHARTER TO COLLECTIVE BARGAINING AGREEMENT AND OTHER LEGAL DECISIONS

Any agreement negotiated by the Board of Regents with an authorized bargaining agent under Act 171, Session Laws of Hawai'i 1970, codified as Chapter 89, Hawai'i Revised Statutes, shall supersede any conflicting provisions of this Charter. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end, the provisions of this Charter are severable.

