

MAY 2004

CHARTER
FACULTY CONGRESS AND SENATE
UNIVERSITY OF HAWAII AT MANOA

Preamble

The University of Hawai'i at Manoa Faculty Congress is composed of all Manoa faculty members. The Senate is the agent of the Congress and will act for it on all matters not referred directly to Congress. The Congress and its Senate will act for the faculty on all matters of Manoa-wide concern. The authority of the Faculty Congress and Senate on academic decision-making and academic policy development is derived from and consistent with Board of Regent's policy Section 1-10.

The faculty has primary responsibility for such fundamental academic areas as curriculum content, subject matter, and methods of instruction and research.

The Congress and its Senate shall also act for the faculty on academic policy matters such as:

- a. budget planning and implementation policy;
- b. student-faculty relations policy;
- c. policy for the evaluation of faculty and campus academic administrators;
- d. the improvement and establishment of a canon of professional ethics and an effective means of professional maintenance of those ethics, including faculty self-discipline; and,
- e. other academic policy subjects referred to it or them by the Manoa Chancellor or the University of Hawaii President as appropriate.

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 and Acts to the Senate.

- a. Resolutions and acts 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 and acts to the Executive Committee and request that they be placed on the Senate's agenda, but the Executive Committee shall have the jurisdiction in determining whether a resolution or act is placed on the agenda.

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

In addition, the Executive Committee may schedule a hearing on any resolution or act referred to the Congress, in advance of the regular or special meeting of the Congress at which the resolution or act is to be discussed.

- g. Immediately following a meeting of the Congress, all resolutions and acts 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 or act.

Section 2. Transmittal of Senate and Congress Actions.

Unless the resolution or act is referred to the Congress, every resolution and act on which the Senate has voted affirmatively which requires action by or notice to the Manoa Chancellor, President or 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 Manoa Chancellor, President and the Board of Regents, and published in

the *News@UH* or equivalent publication of record. Every resolution or act referred to the Congress shall be promptly transmitted with a record of the vote, by the Secretary of the Senate to the Manoa Chancellor, President and the Board of Regents after an affirmative vote of the Congress and published in the *News@UH* or equivalent publication of record.

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

Section 3. Transmittal of Resolutions and Acts Requiring Action by the Manoa Chancellor, President or the Board of Regents.

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

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

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

The Manoa Chancellor and the President should request the advice of the Senate on any change in University of Hawai'i at Manoa academic goals, policies, and programs or University academic goals, policies and programs that apply to the University of Hawai'i at Manoa. The Manoa Chancellor and the President should 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, the President or the Manoa Chancellor 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 of 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 Manoa Chancellor and 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.

APPROVED BY THE:

- (1) Faculty Senate on March 17, 2004
- (2) Faculty Congress May 24, 2004
- (3) Chancellor, University of Hawai'i at Manoa
- (4) President, University of Hawai'i

Peter Englert, Chancellor, University of Hawai'i at Manoa Date _____

Evan Dobelle, President, University of Hawai'i _____ Date _____