Bylaws of the Voting Faculty, State University of New York at Buffalo

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Preamble

Most American universities are corporate bodies formally organized on hierarchical lines. The corporate authority of American universities is usually vested in a lay board of trustees, which in turn appoints delegates, a chief executive and subordinate executive officers to exercise its authority. The State University of New York and the University at Buffalo follow this pattern, with the variation that they exist as agencies of government rather than as separate corporate entities. In all other respects, their form of organization is that of the corporate and hierarchically governed American university.

The faculty of the State University of New York at Buffalo acknowledges that history, custom, law, and social policy have given rise to this form of university organization. At the same time, it observes that the legal form and the operational facts of life in American universities are not entirely congruent. Modern universities are staffed primarily by faculty and non-teaching professionals trained and expected to exercise independent skill and judgment in the practice of their professional work in the university. The faculty has a particularly independent role in the development and execution of the teaching, research, and scholarship which constitute the central mission of the university. That independence is constrained to some degree by the organization of the university into departments, divisions, schools, and other academic units. It is constrained as well by the various associations and bodies which accredit programs and through which faculty members conduct relations with other members of their disciplines or professions. In the end, however, the university faculty member, in classroom, library, laboratory, studio, or clinic, acts independently and alone in the practice of his or her professional work. The potential for conflict between the professional independence of university faculty and the hierarchical organization of the university has been reduced, though not eliminated, by the practice of collegiality in the administration of the university. That term is used here to describe faculty involvement in university administration through two primary techniques. First is the norm for the chief administrative officers of the University, its President, Academic Vice Presidents, Deans, and other academic officers, to be full participating members of the faculty. Second is the norm for the administrative officers of the University to consult with the faculty and to rely on advice and assistance from the faculty in the performance of their administrative responsibilities, particularly where administrative officers are called upon to make decisions bearing directly on the central academic functions of the faculty.

The faculty of the State University of New York at Buffalo affirms its commitment to collegiality as the most effective basis upon which to manage the affairs of and maintain excellence in this University. The Bylaws of the Voting Faculty should be interpreted in this light.

At the same time we acknowledge that the University, its administrative officers, and its faculty are subject to rules of law and social policies which impinge on the principles of collegiality. These Bylaws are to be read in such manner as to be consistent with applicable law, while at the same time giving the greatest possible weight to the faculty commitment to sharing with its colleagues in administrative office the burdens and benefits of cooperative management and development of this University.

It is the intention of the Voting Faculty that this preamble be a part of these Bylaws.

Article I: Definitions

1. Unless otherwise specified, the terms listed below shall be used in these Bylaws, or in other articles of faculty governance promulgated pursuant to these Bylaws, with the meanings ascribed in this Article.
   (a) "Board of Trustees." The Board of Trustees of State University of New York.
   (b) "Chancellor." The Chancellor of State University of New York.
   (c) "University." State University of New York at Buffalo.
   (d) "University Council." The Council of the University as provided for by Section 356 of the New York Education Law.
   (e) "President." The chief administrative officer of the State University of New York at Buffalo.
   (f) "Academic units." The organizational units of the University such as Faculties, Divisions, Colleges, Schools, Institutes, Departments, and others as shall be designated pursuant to Article IX, Title D, Section 1 of the Policies of the Board of Trustees.
   (g) "Professional staff." All persons occupying positions designated by the Chancellor as being in the unclassified service, in accord with Policies of the Board of Trustees.
   (h) "Academic staff." Members of the professional staff having academic rank or qualified academic rank, as specified in the Policies of the Board of Trustees.
   (i) "Non-teaching professional staff." Members of the professional staff who do not have academic rank or qualified academic rank.
   (j) "Academic rank." Rank held by those members of the professional staff having the titles of professor, associate professor, assistant professor, and instructor, and including geographic full-time faculty members having such titles, and those having the titles of librarian, associate librarian, senior assistant librarian, and assistant librarian. A geographic full-time faculty member is a person serving on the faculty of a medical center who is not employed on a full-time basis for the purpose of fixing compensation payable by the State
but all of whose professional services and activities are conducted at the medical center or its affiliated hospitals and are available to the State on a full-time basis for clinical and instructional purposes, in accord with the Policies of the Board of Trustees.

(k) "Qualified academic rank." Rank held by those members of the academic staff having the title of lecturer, or titles of academic rank preceded by the designations "clinical" or "visiting" or other similar designations, in accord with the Policies of the Board of Trustees.

(l) "Voting Faculty." All Voting Faculty of the University, as specified in Article III, Paragraph 1, of these Bylaws.

(m) "Administrative officers." Executive and administrative officers of the University as shall be designated by the Chancellor with the consent of the Board of Trustees, in accord with the Policies of the Board of Trustees.

5. The powers and duties of the Voting Faculty delineated in Paragraphs 1 through 4 of this Article shall be discharged through the faculties of the academic units of the University and of the University Libraries, and through a legislative body established by the Voting Faculty. The faculties of the academic units of the University and of the University Libraries shall have original and primary jurisdiction regarding their own internal academic policies and procedures, subject to the authority vested in a legislative body established by the Voting Faculty.

Article III:
Membership and Officers of the Voting Faculty

1. MEMBERSHIP OF THE VOTING FACULTY. The membership of the Voting Faculty shall consist of the following:

(a) The Chancellor;

(b) The President;

(c) All full-time members of the academic staff having academic rank, except instructors enrolled in a degree program or courses to be credited toward a degree program at State University of New York at Buffalo, and all full-time members of the academic staff having qualified academic rank and serving on appointments of more than one year;

(d) The University Vice Presidents; Deans of the various Faculties and Schools; the Dean of Continuing Education; the Director of Admissions and Records; the Director of the University Libraries; the Director of the Summer Session; the Dean of the Colleges; and such other administrative officers as shall be recommended from time to time by the President and approved by a legislative body established by the Voting Faculty;

(e) Members of the full-time non-teaching professional staff who shall be recommended from time to time by the President or the elected officers of the Voting Faculty and approved by a legislative body established by the Voting Faculty.

2. OFFICERS OF THE VOTING FACULTY. The President shall be the Chairman of the Voting Faculty. The Voting Faculty shall elect a Vice-Chairman and a Secretary to staggered two-year terms. Newly elected officers of the Voting Faculty shall assume office on the July 1 next following their election. The Vice-Chairman shall be elected in the Fall semester before succeeding to office as Vice-Chairman, and shall serve as Vice-Chairman-elect throughout the Spring semester following election and to July 1 of that year. Elected officers shall not succeed themselves in office. Upon a vacancy in the office of Vice-Chairman, the Secretary shall succeed to the vacant office to fill the unexpired term of Vice-Chairman, which shall not be deemed an elected term of office. A vacancy in the office of Vice-Chairman-elect shall not be filled. Upon a vacancy in the office of Secretary, the legislative body established by the Voting Faculty shall appoint from the membership of the Voting Faculty a successor to fill the unexpired term, which shall not be deemed an elected term of office.
Article IV:
S.U.N.Y. Senators

1. In accordance with the rules and regulations of the Faculty Senate of the State University of New York, the Voting Faculty shall provide for the election of representatives to serve in the Faculty Senate of the State University of New York. They shall assume office on the July 1 next following their election to office.

2. In addition to their duties in the Faculty Senate of the State University of New York, these representatives will also serve as members of any legislative body established by the Voting Faculty.

Article V:
Elections

1. Whenever elections or referenda are required under these Bylaws, or under the charter of a legislative body established pursuant to Article II, Paragraph 5, of these Bylaws, such elections or referenda shall be conducted by secret ballot. Persons shall be elected to office, and referenda shall pass, only upon an affirmative majority of the valid votes cast in such elections or referenda, provided, however, that this requirement shall not limit the authority of the Voting Faculty to provide for cumulative voting in elections of representatives to a legislative body established pursuant to these Bylaws.

2. The Voting Faculty shall appoint a body of faculty members to establish rules and regulations for the conduct of faculty elections and referenda, and to supervise the conduct of faculty elections and referenda.

Article VI:
Meetings

1. There shall be an annual meeting of the Voting Faculty in May. The agenda of this meeting shall include a report of the Chairman, and a report of the Vice-Chairman. Written notice of the annual meeting shall be sent to all Voting Faculty at least ten (10) calendar days (exclusive of official University recesses) before the meeting.

2. Special meetings of the Voting Faculty may be called at any time by the Chairman of the Voting Faculty, by the Vice-Chairman of the Voting Faculty, by a majority vote of the members of any legislative body established by the Voting Faculty, or upon a petition of five percent (5%) of the membership of the Voting Faculty. A petition for a special meeting shall be in writing, signed by each of the petitioning faculty, and shall be delivered to the Secretary. A petition for a special meeting shall set forth the matters to be presented at the special meeting. Unless the petition for a special meeting stipulates a later date, such special meeting shall occur not later than fifteen (15) calendar days (exclusive of official University recesses) after the petition is received by the Secretary. Written notice of a special meeting shall be sent to all Voting Faculty at least ten (10) calendar days (exclusive of official University recesses) before the special meeting, unless, in the judgment of the Chairman or Vice-Chairman, it is necessary to convene the special meeting on shorter notice. The written notice shall contain the agenda for the meeting.

3. Twenty-five percent (25%) of the membership of the Voting Faculty shall constitute a quorum for any meeting of the Voting Faculty.

4. The Voting Faculty may adopt such rules for the transacting of its business as it may deem necessary. Unless otherwise provided, Robert's Rules of Order will be observed in the conduct of Voting Faculty meetings.

Article VII:
Amendments

1. Amendments to these Bylaws may be proposed by:
   (a) Majority vote of any legislative body established by the Voting Faculty pursuant to Article II, Paragraph 5 of these Bylaws.
   (b) Petition of ten percent (10%) of the Voting Faculty. Proposed amendments shall be submitted in writing to the Secretary of the Voting Faculty.

2. If amendments are proposed by a legislative body established by the Voting Faculty, the Secretary shall immediately arrange for the publication of the proposed amendment in the official University newspaper, or by other means if no such publication can be arranged. The Secretary shall then prepare the ballot containing the proposed amendment, which shall be delivered to the Voting Faculty through the campus mail or by other appropriate means.

3. Amendments initiated by petition of the Voting Faculty shall be submitted by the Secretary of the Voting Faculty to the members of any legislative body established by the Voting Faculty. The Secretary shall publish the proposed amendment and distribute the ballot on the proposed amendment in the same manner as is described in Paragraph 2 of this Article. The vote on amendments initiated by petition shall be conducted not earlier than thirty (30) days or later than forty-five (45) days after the Secretary submits them to the legislative body.

4. Amendments shall become effective if approved by a majority vote of the members of the Voting Faculty voting in an election conducted pursuant to Paragraphs 2 or 3 of this Article, provided that no vote on amendments to these Bylaws shall be held between May 1 and September 30 of any year.

Article VIII:
Separability

If any clause, sentence, paragraph, section, or part of these Bylaws shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.