



**San José State**  
UNIVERSITY

*A campus of The California State University*

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**F07-1**

At its meeting of October 22, 2007, the Academic Senate passed the following Policy Recommendation presented by Senator Backer for the Organization and Government Committee.

### **POLICY RECOMMENDATION SENATE VACANCIES**

Replaces By-Law 1.6

Whereas: By-Law 1.6 calls for a special election to be held to fill either a permanent or temporary vacancy of a Senator; and

Whereas: the time it takes to hold a special election makes it impractical for filling temporary vacancies; and

Whereas: holding a special election at the same time that the General Election is being held is both confusing for the electorate and difficult for the Senate Administrator to handle; therefore be it

Resolved: that the attached policy be implemented, replacing By-Law 1.6.

Rationale: To conduct a special election can take about a month from the call for nominations until the election results can be determined. In the case of a vacancy for one semester or less, it would be in the best interest of the Senate and of the unit being represented to streamline this process so that the seat would not remain vacant for an undue length of time. By having the selection made by the Council of Chairs of the College or the Executive Committee for the General Unit, the time needed to find a replacement will be cut in half. The Council of Chairs is designated as the selecting body because they are representatives of the faculty.

When a special election is held at the same time as the General Election, it becomes very confusing for the Electorate and very difficult for the Senate Office to manage. Therefore, when vacancies occur during January and February when the materials for the General Election are being prepared and distributed, it would be better to fill the vacancy temporarily and then find a permanent replacement via the General Election.

Approved: September 17, 2007 Vote: 8-0-1

Present: Backer (chair), Hendrick, Zhou, Kauppila, Vanniarajan, McClory, Hebert, Selter, Grabowski, Norton (non-voting) Absent: none

Financial Impact: There will be a reduction in costs incurred for special elections as vacancies occurring during January and February will be filled permanently during the General Election.

Workload: There will be a reduction of workload for the Academic Senate office.

**Bylaw 1.6 When there is a vacancy of a faculty representative (excluding CSU Senators), his/her replacement for the remainder of the term shall be chosen as follows:**

1.6.1 If a Senator will be unable to perform his/her duties as Senator for one semester or less, a temporary replacement will be selected in accordance with the following procedures:

- a) The Dean of the College from which the Senator serves shall call for nominations for a temporary replacement to be chosen by Chairs and Directors of that college from those nominated.
- b) For the General Unit, the Senate Administrator shall call for nominations for a temporary replacement to be chosen by the Executive Committee from those nominated.

1.6.2 When there is a permanent vacancy of a Senator, his/her replacement for the remainder of the term shall be chosen as follows: the appropriate college dean (or Senate Administrator in the case of the General Unit) shall hold a special election as soon as possible after the determination of the vacancy.

- a) Vacancies are created by
  - 1) resignation or recall from the Senate,
  - 2) termination of employment,
  - 3) repeated failure to attend Senate meetings as determined by the Executive Committee,
  - 4) leave, with or without pay, which covers more than one semester, or
  - 5) appointment to a full-time administrative (Management Personnel Plan) position.
- b) Faculty representatives, who accept one semester leaves with or without pay, may resign from the Senate or request the selection of a replacement for the one semester, following the procedures listed in 1.6.1 above.
- c) If no candidate files for that vacancy, it shall be filled by the Executive Committee with a person from that constituency, who shall then serve until a successor is chosen at the next regular election. If only one candidate files a nominating petition for such a vacancy, the dean (or Senate Administrator for a General Unit election) shall not conduct an election but shall so report to the Executive Committee, and the Executive Committee shall declare the single candidate elected.
- d) If a vacancy occurs during the months of January or February, the seat shall be filled following the procedures listed in 1.6.1 above for temporary vacancies and the Senator shall hold the seat for the remainder of the academic year. A permanent replacement shall be elected to fill out the remainder of the term as part of the General Election.

**ACTION BY UNIVERSITY PRESIDENT: *Approved by President Don Kassing on October 24, 2007.***

## INFORMATIONAL APPENDIX

By-law 1.6 presently reads as follows:

- 1.6 When there is a vacancy of a faculty representative, his/her replacement for the remainder of the term shall be chosen as follows: the appropriate college dean (or Senate Administrator in the case of the General Unit) shall hold a special election within one month of the determination of the vacancy.
- a) If no candidate files for that vacancy, it shall be filled by the Executive Committee with a person from that constituency, who shall then serve until a successor is chosen at the next regular election. If only one candidate files a nominating petition for such a vacancy, the dean (or Senate Administrator for a General Unit election) shall not conduct an election but shall so report to the Executive Committee, and the Executive Committee shall declare the single candidate elected.
  - b) Vacancies are created by
    - 1) resignation or recall from the Senate,
    - 2) termination of employment,
    - 3) repeated failure to attend Senate meetings as determined by the Executive Committee,
    - 4) leave, with or without pay, which covers more than one semester, or
    - 5) appointment to a full-time administrative (Management Personnel Plan) position.
  - c) Faculty representatives, who accept one semester leaves with or without pay, may resign from the Senate or request the selection of a replacement for the one semester, following the procedures listed in (a) above.