



San José State
UNIVERSITY

A campus of The California State University

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S05-7

At its meeting of April 25, 2005, the Academic Senate passed the following Policy Recommendation presented by Senator Veregge for the Organization and Government Committee.

**POLICY RECOMMENDATION
MODIFICATION TO SENATE BY-LAWS, CLARIFICATION OF THE GENERAL UNIT**

- Whereas, the definition of the General Unit in the Senate by-laws is confusing due to unclear wording or use of positions or titles that are no longer used on campus,
- Resolved, that the wording below be made to the Senate by-laws to clarify the membership of the General Unit, and
- Resolved, that the changes in the numbering of the by-laws below and other changes be made to adjust for the changes in wording below:

Approved: March 7, 2005
Vote: 6-0-0
Present: Wilson, Fee, Easter, Choo, Parsons, Veregge
Not-present: Lam, Hilliard, Selter, Hebert
Financial Impact: None
Consulted: Chair of Senate, Terri Thames - Senator from the General Unit

**BY-LAWS OF THE ACADEMIC SENATE
SAN JOSÉ STATE UNIVERSITY**

1. Election of Faculty Representatives

1.1 a) Faculty representatives shall be elected to the Academic Senate of this University from the following representative units: College of Applied Sciences and Arts, College of Business, College of Education, College of Engineering, College of Humanities and the Arts, College of Science, College of Social Sciences, and the General Unit.

b) Until such time as the number of its faculty (FTE/F) equals or exceeds the faculty of any of the representative units listed in (a) the College of Social Work shall elect one member of the Academic Senate. This Senate seat shall be in addition to the seats allocated under By-Law 1.3; the FTE/F of the College of Social Work shall not be included in the total FTE/F of the University nor in the FTE/F of the General Unit for purposes of By-Law 1.3 calculations. The College of Social Work shall be represented on all Policy Committees, but shall be considered a part of the General Unit for purposes of membership on all other Senate Committees. When its FTE/F equals or exceeds that of any of the representative units listed in (a), this paragraph (b) shall be deemed automatically repealed and the College of Social Work shall become a separate representative unit for all purposes, and its Senate representation shall then be allotted as provided in By-Law 1.3.

c) Members of the faculty electorate holding full-time administrative positions (Management Personnel Plan) are not eligible to serve as faculty representatives while holding such positions.

1.2 General Unit: Pursuant to Article II, Section 3 of the Constitution, the following staff positions and classifications are declared to be directly related to the instructional program. All employees serving in the following positions are qualified to vote (using proportional voting based on assignment) and are eligible as faculty representatives to the Senate with the exception of (i) administrators (covered by the Management Personnel Plan), (ii) employees in clerical and technician classifications, and (iii) volunteers.

a) All members of Bargaining Unit III who are not members of or included in one of the college representative units or the College of Social Work.

b) Employees classified as Student Services Professional III or IV.

1.2.1 Subject to approval of the Executive Committee, the Election Committee is authorized to decide questions of interpretation of this By-Law and may recommend amendments to it to the Organization and Government Committee.

1.3

a) The number of senators holding office under sections 3, 4 and 5 of Art. II of the Senate Constitution must be twice the number of senators not holding office under these sections. The number of faculty representatives to be apportioned among the

Colleges and the General Unit is the number of senators holding office under these sections minus the number of senators holding office under sections 4 and 5, and also minus one more as provided in By-Law 1.1 b). The resulting difference is the factor to be used in part b) to apportion faculty representatives among the several Colleges and the General Unit.

- a) Before each spring election, using the FTE/F of the preceding fall semester, the Election Committee shall determine the number of representatives allotted to each representative unit (as defined in By-Law 1.1). That number shall be determined by dividing the total FTE teaching faculty of the college units plus the FTE faculty and staff in the General Unit by the factor as determined in a) and then dividing this quotient into the FTE faculty of each of the college units and the FTE faculty and staff in the General Unit. If the allotment of any representative unit is thus determined to be less than one, it shall be increased to one. If the total number of faculty representatives thus determined exceeds the factor as determined in a), the factor as determined in a) shall be increased until the total number of representatives allotted is equal to the factor as determined in a) or less. If the total number allotted is less than the factor as determined in a), one additional representative shall be allotted in turn to each of the units in order of greatest fractional representation until the total number of representatives equals the factor as determined in a).

1.4 If it is determined by the above procedure that the number of representatives allotted to any college will be changed from the previous year, the Election Committee shall so report to the Academic Senate prior to the announcement of elections.

1.4.1 If a representative unit is allotted an additional seat and there is no vacancy in the representation of a unit losing a seat, the unit gaining a seat shall nevertheless elect an additional representative for a full term at the next general election. The next vacancy occurring, by expiration of term, resignation or otherwise, in the unit losing a seat shall not be filled.

1.5 Representatives to the Academic Senate shall be nominated by a petition signed by at least ten (10) members of the faculty electorate of the appropriate election unit. The candidate shall indicate by his/her signature on the petition his/her willingness to serve if selected.

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 in the case of the General Unit) 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.

1.7 Members of the faculty assigned to more than one representative unit may vote in only one.

1.8 No write-in votes are permitted.

1.9 Procedures and forms for faculty elections shall be determined by the Election Committee, with the approval of the Executive Committee of the Academic Senate.

1.10 The phrase "academic deans" as used in Article II, Section 2 of the Constitution means deans, the University Librarian, and associate vice presidents reporting directly to the Provost. Elections of representative deans shall be conducted and reported by the Provost, and vacancies shall be filled by special elections for the balance of unexpired terms.

11.11 It is the responsibility of each member of the Academic Senate to assess the attitudes and viewpoints of the constituency with elected him/her. However, it is a policy that no member shall come instruct and that, in voting, each member represents the entire University

1.12

- a) Whenever the phrase "faculty electorate" is used in the Constitution, By-Laws, or Standing Rules of the Academic Senate, it refers to those faculty members eligible to vote for representatives to the Senate (including members of the General Unit), with proportional votes for part-time employees, as specified in Article II, Section 3, Part (b), of the Senate's Constitution.
- b) Whenever the word "faculty" is used in connection with eligibility for or service on any committee and no other definition is stated, it means a member of the faculty electorate who is not assigned any administrative or management duties (other than as department chair or equivalent position) in excess of 50 percent of his/her workload.
- c) Whenever the phrase "teaching faculty" is used in connection with committee eligibility or service and no other definition is stated, it means university personnel holding the title of Professor, Associate Professor, Assistant Professor, Instructor or Lecturer whose primary assignment is instruction and not more than 50 percent of whose workload is administrative or other non-instructional duties (other than as department chair or equivalent). Released, reimbursed or assigned time for research, curriculum development, committee service, etc., is instructional.

**ACTION BY UNIVERSITY PRESIDENT: APPROVED BY INTERIM PRESIDENT
DON KASSING ON MAY 2, 2005**