

**SAN JOSE STATE UNIVERSITY  
ONE WASHINGTON SQUARE  
SAN JOSE, CA 95192**

**S08-5, Policy Recommendation, Revision to By-Law 13,  
Representative, Academic Senate, CSU**

**Legislative History:**

At its meeting of May 12, 2008, the Academic Senate approved the following Policy Recommendation presented by Senator Backer for the Organization and Government Committee.

Replaces By-Law 13

**Action by University President:** Approved by President Don Kassing on May 15, 2008.

**Policy Recommendation**

**Revision to By-Law 13, Representative, Academic Senate, CSU**

RESOLVED that, to clarify temporary and permanent vacancies in the Representation to the CSU Academic Senate, By-Law 13 be replaced by the attached.

**Rationale:**

During Fall 2007 and Spring 2008, there were many discussions in the Executive Committee about the procedures for selecting a temporary or permanent vacancy in the SJSU representatives to the CSU Academic Senate. In particular, there were differences in interpretation related to existing section 13.1e as to when a seat became vacant. The Organization & Government Committee has rewritten the ByLaw to clarify the differences between a temporary vacancy (proposed section 13.1.4) and a permanent vacancy (proposed section 13.1.5).

Approved	April 21, 2008
Vote:	7-0-0
Present:	Backer (chair), Hendrick, Johnson, Hebert, McClory, Kauppila, Selter, Norton (non-voting)
Absent:	Grabowski, Vanniarajan

FINANCIAL IMPACT: None

WORKLOAD: None

## Proposed By-Law 13

### 13. Representation, Academic Senate, CSU

- 13.1 Subject to applicable provisions of the Constitution of the Academic Senate of the California State University
  - 13.1.1 Candidates for that body from this campus shall be nominated by the faculty electorate from the faculty electorate-at-large, following procedures similar to those prescribed for nomination of candidates for the Academic Senate of San José State University.
  - 13.1.2 Candidacy of the same person for both the Academic Senate CSU and the Academic Senate SJSU at the same election is not permitted.
  - 13.1.3 A faculty representative on the SJSU Senate who is elected to the CSU Senate vacates his/her seat as an elected member of the SJSU Senate.
  - 13.1.4 Temporary Vacancy
    - a) A temporary vacancy is defined as one in which a CSU Senator will be unable to perform his or her duties for a period of one semester or less. In such cases, the Vice Chair of the SJSU Academic Senate shall serve as temporary CSU Senator.
    - b) If the Vice Chair is unable to serve, the Chair of the SJSU Academic Senate may designate any elected faculty representative of the current SJSU Academic Senate to act as temporary CSU Senator.
    - c) A temporary CSU Senator shall be an SJSU Senator for all purposes of the SJSU Senate.
  - 13.1.5 Permanent Vacancy
    - a) If a CSU Senator will be absent from the SJSU campus or unable to perform the duties of Statewide Senator for a period of longer than one semester, the seat held by that Senator shall be deemed vacant.
    - b) When a permanent vacancy occurs, a special election shall be held to fill the vacancy for the balance of the term. The election shall be held promptly after the determination is made that there is or will be such a vacancy. If there is no advance notice, the position will be filled temporarily as described in section 13.1.4 above until an election can be held.
  - 13.1.6 These terms become effective with any elections for CSU Senator held after enactment of this policy and do not affect any current CSU Senator during his or her current term of office.

## Current By-Law 13

### 13. Representation, Academic Senate, CSU

13.1 Subject to applicable provisions of the Constitution of the Academic Senate of the California State University,

- a) Candidates for that body from this campus shall be nominated by the faculty electorate from the faculty electorate-at-large, following procedures similar to those prescribed for nomination of candidates for the Academic Senate of San José State University.
- b) Candidacy of the same person for both the Academic Senate CSU and the Academic Senate SJSU at the same election is not permitted.
- c) When there is a permanent vacancy in the SJSU representation on the CSU Senate and the balance of the unexpired term exceeds one semester, a special election shall be held to fill the vacancy for the balance of the term. The election shall be held promptly after the determination is made that there is or will be such a vacancy.
- d) When a permanent vacancy occurs for one semester or less before the end of the term of office, or there is a brief period during which an incumbent CSU Senator will be unable to attend meetings, the Vice Chair of the SJSU Senate shall act as interim CSU Senator. If the Vice Chair is unable to act, the SJSU Senate Chair may designate any elected member of the current SJSU Academic Senate (other than the CSU Senator) to act as interim CSU Senator. Such an interim CSU Senator shall be an SJSU Senator for all other purposes of the SJSU Senate.
- e) When it appears that a CSU Senator, whose term has more than one semester to run, will be unable, by reason or leave or otherwise, to attend meetings of the CSU Senate for more than one semester, the seat shall be deemed vacant and the vacancy filled by special election under paragraph c of this by-law.
- f) A faculty representative on the SJSU Senate who is elected to the CSU Senate vacates his/her seat as an elected member of the SJSU Senate.