

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

S09-3, Policy Recommendation, Senate Elections

Legislative History: Amends By-Laws 1.5 and 1.6

At its meeting of May 11, 2009, the Academic Senate approved the following policy recommendation presented by Senator McClory for the Election Committee.

Action by University President: Approved by President Jon Whitmore on May 27, 2009.

**Policy Recommendation
Senate Elections**

Whereas: the procedure used to fill a vacant Senate seat that results from no candidate filing during a general election is not directly covered in the By-Laws; and

Whereas: the current Senate practice is to put out a second call for nominees and appoint the first person to apply; and

Whereas: the list of ways a vacancy may be created in 1.6.2 a is not exhaustive; be it

Resolved: that the attached policy be implemented, replacing By-Laws 1.5 and 1.6.

Rationale: The current practice for filling Academic Senate seats for which no one applies is to send out a reminder and then give the seat to the first person that applies. A more equitable method for filling these seats is desirable. By-Law 1.5.2 has been added to declare these seats vacant and 1.6.2 c) has been added to describe a process for filling these seats. In addition, the list of ways in which a seat can become vacant in 1.6.2 a) previously appeared to be an exhaustive list. Two methods have been added as well as wording to the effect that the list is only examples of how this may occur.

Approved: April 13, 2009

Vote: 6-0-1

Present: Tsui, Osland, Chung, Liu, Speer, Ng and McClory

Absent: Schmidt, Dresser

Financial Impact: None

Workload Impact: None

Senate Bylaws

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.

1.5.1 If there is no candidate for an Academic Senate seat by the end of the filing period, that seat shall be declared vacant and shall be filled according to the procedures outlined in 1.6.2 c.

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) Examples of how vacancies can be created are:
 - 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.

- 6) assumption of the role of Academic Senate Chair
- 7) no candidate files for a vacant seat

- 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 one semester, following the procedures listed in 1.6.1 above.
- c) If no candidate files for a vacancy by the deadline, it shall be filled for one year by a person in that constituency selected by the Executive Committee after consultation with the Senators from that constituency. A permanent replacement shall be elected to fill out the remainder of the term as part of the next General Election.
- d) If only one candidate files a nominating petition for a vacancy, the dean (or Senate Administrator for the 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.
- e) 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.