

**SAN JOSÉ STATE UNIVERSITY
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S17-6, University Policy, Departmental Voting Rights

Legislative History:

On March 13, 2017, the Academic Senate approved policy recommendation S17-6, Departmental Voting Rights, presented by Senator Shifflett for the Organization and Government Committee. S17-6 rescinded F66-6, F02-4, S98-2, and F07-5, which pertained to departmental voting rights. F02-4 arose from deliberations about whether and how lecturers could participate in the nomination and selection of department chairs, and a concern that the previous policy (S98-2) appeared to exclude lecturers from such participation. F07-5 pertained to voting privileges for faculty assigned to more than one representative unit. S17-6 was approved and signed by President Mary A. Papazian on April 18, 2017.

Amendment A to University Policy S17-6 was approved by the Academic Senate on April 9, 2017 and approved by President Mary A. Papazian on April 27, 2018. Amendment A pertains to departmental voting rights and specifies proportional voting for faculty who have entered the Faculty Early Retirement Program (FERP) or the Pre-Retirement Reduction in Time Base (PRTB) Program. In addition, Amendment A adds language related to the timely reporting of the results of voting.

Rescinds: F66-6, F02-4, S98-2, F07-5

**University Policy
Departmental Voting Rights**

Whereas, The voting rights associated with decisions relating to policies/bylaws/guidelines, curricula, and other business of academic departments requires clarification; and

Whereas, Meaningful engagement of departmental faculty in decision making is an essential component of shared governance, assuring the integrity of departmental business, and our commitments to students; now, therefore, be it

Resolved: That S98-2, F07-5 and F66-6 be replaced by this policy, and be it further

Resolved: That the administration, in consultation with the Senate, investigate

options and subsequently acquire an appropriate resource to facilitate online voting at all levels (department, college, university), and be it further

Resolved: That the attached policy be implemented following approval by the President, and be it further

Resolved: That until such time as S14-8 (selection & review of department chairs) is updated, section 1.a. of F02-4 will remain in effect while all other provisions of F02-4 will be replaced by this policy. Thus, lecturer votes related to department chair recommendations remain advisory. S14-8 is presently under revision by Professional Standards. Once their work is completed, this section of F02-4 will become obsolete.

1.a. Names for inclusion in the list of qualified (tenured or probationary) faculty to serve as department chair may be recommended by all regular and temporary faculty in the department. Normally, a department meeting shall be held at which persons whose names are proposed as chair shall be open for discussion, and all regular and temporary faculty may attend and participate. All faculty may then vote by secret ballot (proportional votes for part-time faculty, as provided below) on all candidates proposed and willing to serve. The name or names of those receiving a majority vote of the regular (tenured and probationary) faculty shall be forwarded to the President via the College Dean as the nominee(s) of the department. A statement of the vote of all faculty, broken down into two categories – vote by regular faculty and by temporary faculty, including the actual number of votes cast in each category - will be forwarded to the President via the College Dean for information.

Rationale: A number of voting related issues have arisen over the intervening years following implementation of F02-4. These include consideration of the various procedures employed in academic departments for such issues as curricular changes, operating policies, determinations of what issues require formal or informal votes by faculty, implications of appointment fractions, and the opportunities as well as the limitations of electronic voting resources. This proposed update to the departmental voting rights policy seeks to provide greater clarity and guidance on such issues. In addition, as revisions were made, voting guidelines found in both the Senate constitution (Article II section 3c) and bylaws (1.7) were taken into consideration.

Retention of section 1.a. of F02-4 is needed to temporarily bridge the gap between rescinding F02-4 and update of S14-8 (selection & review of department chairs). Subsequently the revision of S14-8 will contain all information regarding department chair nomination and selection procedures.

Note: Regarding department chair assignments, the current CSU/CFA Agreement states that:

20.30 Department chairs shall normally be selected from the list of tenured or probationary faculty employees recommended by the department for the assignment.

20.31 Such department chairs shall perform duties and carry out responsibilities assigned by the President

20.32 Such department chairs shall be appointed by the President and shall serve at the pleasure of the President.

Original Policy

Approved: 3/6/17

Vote: 8-1-0

Present: Bailey, Boekema, Grosvenor, Hart, Higgins, Laker, Ormsbee, Shifflett, Tran

Absent: Rajkovic

Financial Impact: Depending on decisions regarding tools for online voting, one-time costs for the purchase of software can be expected.

Workload Impact: Potential reduction as a result of the clarification of processes and potential prevention of time consuming corrections resulting from inappropriate procedures. Potential increase initially depending on departmental time invested in development of their bylaws/guidelines related to voting rights.

Amendment A

Approved: 4/2/18

Vote: 8-0-0

Present: Bailey, French, Grosvenor, Hart, Higgins, Ormsbee, Norman, Shifflett

Absent: Curry, Rajkovic, Ramasubramanian

Financial Impact: None

Workload Impact: None

Departmental Voting Rights

The ideals of higher education within the United States are rooted in principles of democracy and shared governance. This policy affirms the primacy of faculty members in decision-making related to the academic and educational matters of departments. The voting rights described in this policy exclude all personnel matters. Separate policies govern (including voting procedures) Retention, Tenure, and Promotion (S15-7) and the Selection and Review of Department Chairs (S14-8).

Overall, engagement in deliberations prior to voting should be the norm as it leads to more informed decision making. Additionally, those leading departments and/or committees should strive to make agendas and supporting materials available in a reasonable time in advance of meetings and seek the input of all faculty on matters related to their roles and responsibilities.

1. Definitions

1.1 Departmental voting rights are the rights granted to faculty to have a voice, through voting, on matters pertaining to their roles and responsibilities in the department(s) they are formally affiliated with, including but not limited to governance, curriculum, and leadership

1.2 Department of permanent assignment. For purposes of this policy, "department of permanent assignment" refers to the academic department or equivalent unit officially designated for a faculty member at the time of appointment, or the department to which he/she has been subsequently officially reassigned to on a permanent basis.

2. Department Faculty Voting

2.1 The faculty vote on a number of matters, including those assigned to them through university policies and the Collective Bargaining Agreement. Those eligible to vote are those who have departmental voting rights in the area(s) being voted on. Changes to the curriculum of the department must be approved by the department's faculty according to the department's voting guidelines/bylaws as explained below.

2.2 In order to provide flexibility at the department level with regard to departmental voting, departmental guidelines/bylaws shall be established by tenured and tenure track faculty to stipulate lecturers' departmental voting rights (proportional to their assignment) on some or all department issues excluding those assigned to tenured and tenure track faculty by university policy or departmental guidelines/bylaws.

2.2.1. Given variations in the culture, history, and composition of departments with regard to tenure density, differences in the extent to which lecturers will be engaged in decision making are expected. In establishing departmental

guidelines/bylaws pertaining to lecturers voting rights, departments may take into consideration a range of issues including, but not limited to, years of experience, terminal degrees and other qualifications, entitlements, years of service in the department, and appointment level (e.g., .2, .5, 1.0)

2.2.2 Departmental voting rights, when granted, take effect at the beginning of the next semester (fall or spring) and remain in effect until departmental voting guidelines/bylaws are modified. When department guidelines/bylaws pertaining to departmental voting are modified, the changes go into effect at the beginning of the next semester.

2.2.3 Departments may not require lecturers to serve on committees in order to obtain voting rights since appointments for lecturers typically do not include service requirements.

2.2.4 When a department establishes a committee responsible for making preliminary decisions on departmental matters, department guidelines/bylaws can grant a full vote (rather than proportional) to all members of such committees regardless of their proportional assignment in the department.

2.3 Voting, unless otherwise stipulated in department guidelines/bylaws or university policy, is restricted to tenured and tenure track faculty in these areas merging, dividing, transferring, or eliminating academic units (S13-9); and department name changes.

2.4 Voting, unless otherwise stipulated in department guidelines/bylaws or university policy, is restricted to tenured and tenure track faculty in these areas: development of and/or changes to departmental curricula, curricular policies, and program requirements for students (inclusive of establishing or modifying courses).

2.4.1 Depending on a department's guidelines/bylaws, voting may be conducted by: (a) representative committees; (b) tenured and tenure track faculty only; or (c) all department faculty (lecturers, tenured, tenure track) faculty when voting rights related to curriculum have been granted to lecturers.

2.4.1.1 When a department establishes a committee responsible for making curricular decisions, faculty members with voting rights on curricular matters not on the curriculum committee may request a review of a specific committee decision. This request must be voted on and approved by the department faculty with voting rights on curricular matters in order for a committee decision to be reviewed.

2.5 Departments may choose to vote (or not vote) on a range of matters beyond those specified in sections 2.3 and 2.4. However, faculty voting rights do not extend to matters that may contravene university policies, violate the Collective Bargaining Agreement,

interfere with departmental management and participation in university governance, or fall under the responsibilities of the department chair or equivalent.

3. Voting Methods and Procedures.

3.1 Tenured and tenure track faculty will determine the acceptable methods, mechanisms and timelines for voting (e.g., paper ballots, double envelope, email, online, show of hands, etc.) for department matters in general. They may select different methods for various types of decisions unless otherwise stipulated or precluded by University policy, Collective Bargaining Agreement, and/or laws.

3.1.1 Because of the importance of deliberations in resolving conflicts and determining policies, proxy and absentee voting on departmental matters are permissible only if authorized by specific departmental guidelines/bylaws.

3.1.2 Any selected method must include a process for verifying the proportion and eligibility of those voting, and provide the option of a vote to 'abstain'.

3.2 If the Department does not have an established voting procedure at the time a decision is to be made, a vote by secret ballot conducted by the department or committee chair shall be the default practice.

3.3 When a vote has been by secret ballot, the method used and the reporting of results must be done in such a way as to not reveal the identity of voters even to the chair.

3.4 Within departmental committees, faculty members can decide what process they will use for decision making (e.g., consensus, secret ballot).

3.5 Results of departmental voting must be reported to the department and to other relevant stakeholders within ten working days after the close of the vote.

4. Tenured and Tenure Track Faculty Departmental Voting Rights

4.1 Tenured and tenure track faculty are responsible for establishing departmental guidelines/bylaws regarding matters on which lecturers may vote.

4.2 Tenured and tenure track faculty shall have voting rights in the areas specified in sections 2.3 and 2.4, including constitution of decision-making committees for these matters, unless otherwise specified by department guidelines/bylaws.

4.3 Tenured and tenure-track faculty members have departmental voting rights in proportion to their permanent assignment in a department and can choose not to exercise that right (not vote).

4.4 Tenured and tenure-track faculty members with teaching assignments outside their department of permanent assignment retain full voting rights in their department of permanent assignment. In addition, they may request departmental voting rights in the non-permanent department. Proportional voting rights in the non-permanent department may be granted by a vote of the tenured and tenure track faculty in that department.

4.4.1 Departmental voting rights, when granted, take effect at the beginning of the next semester (fall or spring) and remain in effect throughout the faculty member's service in the department.

4.5 Leaves. Tenured and tenure track faculty members on an approved leave retain departmental voting rights.

4.6 Faculty Early Retirement Program (FERP) and Pre-Retirement Reduction in Time Base (PRTB). Faculty participating in FERP or PRTB retain departmental voting rights proportional to their annualized appointment. They retain a full-proportional vote, regardless of their academic assignment in a given semester, through the last semester of their teaching appointment.

4.7 Tenured and tenure track faculty suspended under article 17 (Temporary Suspension) of the Collective Bargaining Agreement (CBA) retain their departmental voting rights.

4.8 Departmental voting rights of tenured and tenure track faculty are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP), or other full-time non-faculty position, in the university. Faculty on re-assigned time engaged in administrative duties remain Unit 3 faculty and retain their faculty departmental voting rights.

4.9 Departmental voting rights of tenured and tenure track faculty members end upon termination of employment or full retirement.

5. Departmental Voting Rights for Lecturers

The nature of lecturers' appointments including appointment level, entitlements, and areas of expertise, among other things, affect the engagement of lecturers in department matters. Thus, department guidelines/bylaws may prescribe lecturers' voting rights on various matters.

5.1 Lecturers can participate in votes on departmental matters excluding those entrusted to tenured and tenure track faculty by department guidelines/bylaws (per 2.2, 2.3, and 2.4 above) or university policy.

5.1.1 Lecturers have departmental voting rights in proportion to their assignment in a department and can choose not to exercise that right (not vote).

5.1.2 Proportional voting rights of lecturers may fluctuate with fall and spring appointments.

5.2 Leaves. Lecturers on an approved partial leave retain the proportional voting rights of their teaching assignment. Those on full leave relinquish their voting rights for the duration of their leave.

5.3 Lecturers suspended under article 17 (Temporary Suspension) of the CBA retain their departmental voting rights.

5.4 Departmental voting rights of lecturers are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP), or other full-time non-faculty position, in the university. Lecturers on re-assigned time engaged in administrative duties remain Unit 3 faculty and retain their faculty departmental voting rights.

5.5 Departmental voting rights of lecturers end upon termination of employment or retirement.

6. Department Chair Voting Rights.

6.1 Chairs have full voting rights in the department they chair during their term regardless of the level of assignment (i.e., 0.4, 0.6).

6.2 Faculty assigned as interim or acting chair for a department outside their department of permanent assignment have full voting rights in the department they are serving in as interim or acting chair. They also retain full voting rights in their permanent department.

7. Visiting faculty, students, staff, and other non-faculty voting rights.

While visiting faculty, students, staff, or other non-faculty individuals may participate on departmental committees and groups, they may not be granted departmental voting rights.