

# **S83-5 SENATE ELECTION CHALLENGE POLICY**

## **Legislative History:**

**Document dated April 27, 1983.**

**At its meeting of April 11, 1983, the Academic Senate approved the following policy recommendation presented by Ray Pimentel of the Executive Committee.**

## **ACTION BY THE UNIVERSITY PRESIDENT:**

**"Accepted and Approved as University Policy. Effective immediately." Signed: Gail Fullerton, April 27, 1983.**

## **SENATE ELECTION CHALLENGE POLICY**

### **S 83-5**

1. Candidates in any election for Faculty Representative on the Academic Senate, SJSU, or member of the Academic Senate, CSU, who are not officially reported by the Election Committee as having been elected, may challenge the report in accordance with the following rules and procedures.
2. A challenge must be in writing and must be filed with the Executive Committee of the Academic Senate, SJSU, within five working days of the date on which the Election Committee's report is presented to the Senate.
3. Grounds for challenge are improper procedures, invalid votes, errors in tabulation, or gross fraud or misrepresentation by or on behalf of another candidate. For all grounds, the challenge must show that the error or misconduct had a substantial effect on the outcome of the election adverse to the challenger.
4. When a challenge is filed, the Executive Committee, unless it determines that the challenge is completely without substance, shall promptly appoint a special committee composed of five former members of the CSU or SJSU Senate. Where a SJSU Senate election is challenged, none of the faculty shall be faculty from the unit from which the challenge arises. The person reported as winning the challenged election shall not take his/her seat in the Senate until the challenge is resolved.

5. The special committee shall inquire into the facts alleged as the grounds for challenge and shall seek all relevant evidence. The burden of proof shall be on the challenger. Any hearings shall be open to the public.
6. If the special committee finds that the challenge is supported by the facts and that the outcome of the election was affected thereby, it may recommend a) that a new election be held, or, b) where there were only two candidates, that the challenger be declared elected. If a new election is recommended and if the special committee has found that a candidate in the initial election was guilty of fraud, misrepresentation or other serious misconduct, it may also recommend that he/she not be allowed to compete in the new election.
7. The special committee shall report to the Academic Senate, SJSU, which shall make the final decision.