

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

**SM-S19-5, Senate Management Resolution, Amendment to
Standing Rule 10 (Motions)**

Whereas: Charge and membership information for the Executive Committee and Committee on Committees are contained in Senate bylaws (bylaw 4 and 5), and

Whereas: Greater clarity is needed regarding the use of Senate Management Resolutions to amend the Senate bylaws, and

Whereas: Standing rule 10 contains the information pertinent to the use of Senate Management Resolutions and motions to change bylaws, therefore be it

Resolved That Standing Rule 10a (2) be modified as follows:

Senate Management Resolutions -- motions ~~(other than motions to amend the bylaws)~~ affecting only the rules, procedures, committees or other internal affairs of the Senate.

- i. Senate Management Resolutions (other than those amending bylaws as noted below in section ii) need a simple majority to pass.
- ii. When a Senate Management Resolution seeks to change bylaws, a 2/3 majority is required and the Senate Management Resolution must conform to Article III, Section 5 of the Senate's Constitution.

Rationale: Standing Rule 10.a.2 appears to exclude changes to bylaws through Senate Management Resolution; However, Standing Rule 10.d specifically notes that "The Academic Senate may adopt bylaws consistent with this Constitution" where there is no restriction pertaining to the use of Senate Management Resolutions to amend bylaws. In addition, Standing Rule 10.a.2 clearly identifies Senate Management Resolutions as the appropriate vehicle to address 'rules, procedures, committees or other internal affairs of the Senate' and our bylaws contain, in this case, information related to committees that needs to be updated. Thus, it will be helpful to amend Standing Rule 10.a.2 to clarify the use of Senate Management Resolutions in a way that reinforces the connection to the constitution (and section 10.d).

Approved: 1/28/19

Vote: 10-0-0

Present: Capizzi, Curry, French, Gallo, Higgins, Grosvenor, Ormsbee,
Rodan, Saldamli, Shifflett

Absent:

Financial Impact: None
Workload Impact: None

Below is reference information for the Senate

Standing Rule 10

10. Motions

a) Substantive motions are of three kinds:

- 1) Sense of the Senate Resolutions -- motions which would express the sense or opinion of the Senate, but would not propose new or modified policy or procedure specifically for this University;
- 2) Senate Management Resolutions -- motions (other than motions to amend the bylaws) affecting only the rules, procedures, committees or other internal affairs of the Senate;
- 3) Policy Resolutions -- motions which, if approved by the Senate and the President of the University, would create or modify university policy or procedure.

b) Recommendations from standing committees, whether or not they affect any university policy, may be acted upon at the meeting of the Academic Senate at which they are introduced, provided they have been distributed to members of the Senate at least twenty-four (24) hours in advance of the meeting. However, a recommendation which a committee considers of unusual importance or complexity may be designated by the committee as a "first reading" item, for final action at the meeting following that at which it was first reported by the committee.

c) Motions from the Floor

Motions not proposed by a policy committee:

- 1) Described in a.1) and 2) above may be introduced and acted on at any meeting under the appropriate agenda item.
- 2) Described in a.3) above may be acted upon only at a meeting subsequent to the meeting in which it is introduced or in which notice is given to the Senate of intention to introduce such a motion. If only a notice is given, such notice shall include the general sense of the proposed motion, and may be given either orally or in writing. Upon giving of notice, the presiding officer will enter the mover's name on the agenda for the next meeting and will recognize him or her at the time for New Business for the purpose of introducing the motion. Any

motion from the floor may be referred to a committee on the day when first introduced.

d) Motions to change the bylaws are governed by Article III, Section 5 of the constitution.

e) Any motion referred by the Senate to a policy committee must be reported back to the Senate with the committee's recommendation.

Article III — Organization

Section 5. The Academic Senate may adopt bylaws consistent with this Constitution. Bylaws may be enacted only by a two-thirds (2/3) majority at a regular meeting subsequent to the meeting at which such bylaws are introduced.

Section 6. The Academic Senate may establish its own rules of procedure consistent with this Constitution. A standing rule may be established, amended or rescinded by a majority vote at any meeting.

Bylaw 12 – Approval of Policies

2.1 Measures adopted by the Academic Senate intended to have binding effect on the university generally or on persons or matters external to the Senate itself are policy recommendations and are submitted to the President for approval under Article IV, Section 2, of the Senate constitution. Bylaws adopted under Article III, Section 5, of the constitution are also submitted to the President for approval. Measures affecting only the rules, procedures, committees or other internal affairs of the Senate, or expressing only the opinion of the Senate, are not policy recommendations and do not require approval of the President.