



San José State
UNIVERSITY

A campus of The California State University

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S05-6

At its meeting of April 4, 2005, the Academic Senate passed the following Policy Recommendation presented by Senator Veregge for the Organization and Government Committee.

POLICY RESOLUTION - BY-LAW AMENDMENT
MODIFICATION TO ROLE OF SENATE SECRETARY
AND SENATE ADMINISTRATIVE ANALYST

- Whereas, the workload of the Senate Secretary/Chair of the Committee on Committees has increased significantly since the Senate's inception, and
- Whereas, the Administrative Analyst in the Senate Office has over the course of time naturally assumed a significant portion of the duties normally assigned to the Senate Secretary as listed in the by-laws of the Senate Handbook, and
- Whereas, the assigned time for the Senate Secretary/Chair of the Committee on Committees has been decreased to .10 starting in 2004/2005, and
- Whereas, the reduced assigned time for the Senate Secretary/Chair of the Committee on Committees is best spent performing those duties assigned to the Chair of the Committee on Committees, and
- Whereas, the Senate Administrative Analyst has no official recognition as a member of the Senate in any capacity, and
- Whereas, the Senate Administrative Analyst is impeded when attempting to complete those duties assigned to the Senate Secretary by the Senate by-laws, but actually completed by the Senate Administrative Analyst, and
- Whereas, the Senate Administrative Analyst sits in on Executive Committee and Budget Advisory Committee meetings that are confidential and has been expected to continue to take minutes when the Senate is in executive session; and
- Whereas, the Senate is better served by having a Senate Secretary that can bring forward the knowledge, experience, and expertise gained from years of experience, as opposed to electing and training a new Senate Secretary each year, and
- Whereas, the previous Senate Secretary, the current Senate Secretary, the Senate Chair, and the Administrative Analyst in the Senate Office have discussed, in detail, the duties assigned to each and have agreed with the changes below, and
- Whereas, the Senate Chair consulted with the Administrative Analyst in the Senate Office as to whether having a more formal role in the Senate would facilitate the role of the Analyst

and it was determined that it would improve the Analyst's role in supporting the Senate, so be it

Resolved, that the Senate by-laws be modified as indicated below to reflect that the responsibilities of the Senate Secretary/Chair of the Committee on Committees are split into those duties currently completed by the Senate Secretary, and those duties currently completed by the Chair of Committee on Committees, and be it further

Resolved, that the Senate by-laws be modified as indicated below to reflect that the Senate Administrative Analyst shall be officially designated as the Senate Administrator, assume the duties of the Secretary of the Senate and be given the status of a non-voting Senator, and be it further

Resolved, that the present Secretary/Chair of the Committee on Committees shall continue to be an annually elected officer with the title of Associate Vice Chair and the duties specified in the following By-Law amendments and elsewhere in the By-Laws and Standing Rules.

Approved: November 29, 2004

Consulted: Chair of Senate, Senate Administrative Analyst, Secretary of the Senate

Present: Chris Hebert, Sharon Parsons, Marilyn Easter, Ruth Wilson,
Sally Veregge

Absent: Jennifer Lam, Chang Choo, Gerry Selter, Judy Hilliard

Vote: 6-0-0

Financial Impact: None

**BY-LAWS OF THE ACADEMIC SENATE
SAN JOSE STATE UNIVERSITY**

1.7 When there is a vacancy of a faculty representative, 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 within one month of the determination of the vacancy.

- a) If no candidate files for that vacancy, it shall be filled by the Executive Committee with a

c) Whenever the phrase "teaching faculty" is used in connection with committee eligibility or service and no other definition is stated, it means university personnel holding the title of Professor, Associate Professor, Assistant Professor, Instructor or Lecturer whose primary assignment is instruction and not more than 50 percent of whose workload is administrative or other non-instructional duties (other than as department chair or equivalent). Released, reimbursed or assigned time for research, curriculum development, committee service, etc., is instructional.

2. Senate Officers

2.1 The following are officers of the Academic Senate:

2.11 The Chair of the Senate, who shall be its presiding officer, as provided in the Constitution, and shall also be Chair of the Executive Committee, the Budget Advisory Committee and general faculty meetings.

2.12 The Vice Chair, who shall discharge the duties of the Chair during any temporary disability of the Chair, shall serve as a CSU Senator during the temporary disability of one of the SJSU representatives, and shall succeed to the office of Chair when the Chair's term or terms expire or if the Chair resigns or that office becomes vacant for any other reason.

2.13 The Associate Vice Chair, who shall be Chair of the Committee on Committees and the Election Committee, shall act as Vice Chair during the temporary disability of the Vice Chair, and shall act as Chair if both the Chair and the Vice Chair become temporarily unable to perform their duties.

2.14 The Past Chair, who is the person who served as Chair for the preceding year, provided that s/he is not the same person as the current Chair and does not hold any other Senate office.

2.15 The Faculty-at-large Representative, provided that there shall be no Faculty-at-large Representative when there is a Past Chair.

2.16 A CSU Senate Representative.

2.17 The Chairs of the Senate Policy Committees.

2.2 Election Procedures for Senate Officers

2.21 Senate officers, other than the Chair, Past Chair and Faculty-at-large Representative, shall be elected from the faculty members of the Senate annually for one-year terms.

2.22 a) If the Chair so requests, the agenda for the first regular meeting of the Senate in Spring semester shall include, as a special order of business preceding policy committee reports, a proposal to extend her/his term. When the special order item is reached, the Associate Vice Chair of the Senate shall preside while the Senate debates

- c) If the Senate does not approve the extension of the Chair's term, the Vice Chair shall automatically succeed to the office of Chair at the adjournment of the last meeting of the current Senate in Spring semester.
- d) No chair shall serve for more than two full terms in succession.

2.23 If the previous year's Chair is not the same person as the current Chair, the previous year's Chair will be a Senate officer called the Past Chair. However, if the Past Chair is elected to any other/Senate office, there will be no Past Chair that year and a Faculty-at-large Representative shall be elected instead.

2.24 As soon as possible after the election of new Senate members in the Spring, the Chair of the Senate shall appoint a nominating committee to prepare a slate of officers for the forthcoming academic year. This committee shall nominate at least two candidates for each open Senate office. The committee shall also ascertain the willingness of the nominees to serve if elected. The committee shall produce a brief written document regarding the qualifications and goals of each candidate which shall be distributed to the Senate prior to the day of election.

2.25 The slate of nominees proposed by the nominating committee shall be communicated to the Senate prior to the last regular meeting of the academic year. On that day, two consecutive meetings of the Senate shall be held. The first meeting shall be the final meeting of the Senate of the current academic year. Immediately following the adjournment of that meeting, the first meeting of the Senate for the academic year next ensuing shall be held. The nominating committee shall make its report in the second meeting, further nominations from the floor shall be accepted, and an election held to fill all open Senate offices. Only the continuing and newly-elected members of the Senate, who will be members in the year ensuing, shall vote in the election.

2.26 Should a vacancy occur in the office of Senate Chair, the Vice Chair shall automatically succeed to the position for the balance of the vacant term. S/he shall then serve for the full term of the following year, and the full term shall be counted as her/his first year in office for purposes of 2.22b). Should a vacancy occur in any other Senate office, the Executive Committee shall nominate at least two candidates to fill the vacancy and present its nominees

4. Executive Committee

4.1 The Executive Committee shall be composed of all Senate officers (as defined in By-Law 2), the President, the Provost, the Vice President for Administration, the Vice President for Student Affairs, the Vice President for Advancement, and the President of the Associated Students.

4.2 Any action taken by the Executive Committee requires the presence of a quorum of the elected

5.3 The Committee on Committees shall also maintain a record of faculty serving on University-level administrative committees, and, on request of the President or other administrator making the appointments, may suggest names of faculty for service on such committees.

5.4 The Committee on Committees shall also serve as the Election Committee as specified in By-Law 8.1.

6. Standing Committees

6.1 The Academic Senate shall establish and appoint such standing committees as may be needed.

6.2 Except as otherwise provided in these By-Laws, appointments to policy committees of the Academic Senate shall be recommended by the elected members of the Executive Committee and approved by the Senate; appointments to operating committees shall be recommended by the Committee on Committees and approved by the Senate. When an appointment is recommended more than one week before the next regular meeting of the Senate, the recommending body may make its recommendation effective at once as a temporary appointment. These temporary appointments shall last until the next meeting of the Senate and must receive Senate approval to become permanent.

6.3 Committees concerned primarily with faculty affairs shall contain a majority of teaching faculty with full-time appointments. Committees concerned with student affairs shall contain a significant proportion, but not a majority, of students.

6.4 For purposes of service on Senate committees, all University staff, academic or other, full- or part-time, active or retired, and all students and alumni shall be considered members of the University community.

6.5 Recommendation of students for membership on operating committees shall be made according to the recommendation procedures of the Associated Students, Inc. and should be transmitted to the Secretary of the Senate by the first meeting of the new Academic Senate for final approval by the Senate. The Associated Students, Inc. should give student appointments to the Student Fairness Committee a high priority.

Recommendations for appointment to policy committees of student members of the Senate and student policy committee representatives shall be transmitted to the Associate Vice Chair by the Associated Student's, Inc. Board of Directors, acting in accordance with the appointment rules and nomination procedures of that organization. The recommendations should be transmitted to the Associate Vice Chair by the second meeting of the new Academic Senate.

When appointments have been approved by the Senate, the Senate Administrator shall notify those appointed.

6.5.1 Should the Associated Students, Inc. Board of Directors not transmit recommendations of students for membership on Senate operating committees or policy committees by the fourth week of instruction, the following shall supercede the rules of the Associated Students, Inc. for nomination of students to policy and operating committees: student seats shall become university student-at-large seats for the balance of the academic year. These seats may be filled by any student in good standing at the university who self nominates or who is nominated by a member of the Academic Senate, and who is recommended by the elected members of the Executive Committee and approved by the Senate (subject to bylaw 6.2). All student nominees shall submit a statement of purpose to the Executive Committee.

6.5.2 Should a vacancy occur, the President of Associated Students, Inc. shall select a replacement to fill out the remainder of the term. This selection must be approved by a two-thirds majority of the total membership of the Board of Directors of the Associated Students, Inc. The name of the nominee should be transmitted to the Associate Vice Chair within 30 days of the time that the vacancy occurred for final approval by the Senate. When the appointment has been approved by the Senate, the Senate Administrator shall notify the

appointee. If a nomination is not received with 30 days, the seat will be declared a student-at-large seat for the balance of the academic year and will be filled as per 6.5.1.

6.6 The establishment or elimination of any regular policy committee shall require a two-thirds (2/3) majority of the Senate.

6.7 Policy committees shall report to the Academic Senate. Committee recommendations within the report shall show the names of the committee members present and the vote totals. Each recommendation to the Senate shall include either: (a) a statement that the recommended action is not expected to have any significant financial impact; or, (b) an estimate, obtained from the appropriate body or person who will be responsible for implementing the policy, of the approximate direct cost or saving to the University if the recommended action is taken. All operating committees shall report to the designated standing policy committees.

6.8 Except as otherwise provided in these By-Laws, chairs of operating committees shall be elected by the committee. Any member of the committee, except an ex officio member, is eligible as chair. Chairs of policy committees shall be elected annually by the Senate from its faculty representatives.

6.9 All policy committee appointments shall be for one year, commencing with the first meeting of the Senate for the year (in the last month of the Spring semester).

Seniority shall not be the primary factor in selecting members of policy committees.

6.10 Policy committees shall normally be so composed that at least one half of the members of each are also members of the Senate. Generally, no person shall serve on more than one policy committee. Exceptions may be made for the President of the Associated Students, officers of the Senate, and University administrators. Members of Senate committees, including ex officio members, can vote and be counted for quorum only if present in person and not by designee or representative.

6.10.1 Normally, one faculty member from each of the units from which faculty representatives are elected is assigned to each policy committee. In no instance shall more than two faculty members from any of the units from which faculty representatives are elected be assigned to one policy committee.

6.10.2 The senators representing the Emeritus Faculty Association and the Alumni Association are eligible for appointment to policy committees with the exception of the Professional Standards Committee. If they wish to serve, they shall, at the beginning of the academic year, request appointment. They may request a specific committee assignment; they may not serve on the same committee. Requests shall be made to the Executive Committee. When appointed, they shall have the status of ex officio members.

6.11 Appointments of faculty to operating committees shall be for staggered three-year terms unless otherwise specified. After service for a full three-year term, members should be reappointed only in special circumstances. Appropriate administrative officers or their officers or designees shall be included on operating committees as ex officio members.

Student membership on operating committees is normally for two year terms, with one-half of the student positions appointed each year. However, students may be appointed for a one-year term should either the individual or the appointing body so request.

Near the end of each Spring semester, each operating committee shall elect from among its membership, a chair for the following academic year. The outgoing committee chair shall recommend through the appropriate policy committees to the Committee On Committees any changes in committee responsibility or organization.

6.12 a) If a new member of an Academic Senate committee cannot complete the term for any reason, or is absent from three regularly scheduled committee meetings, the chair of the

committee may request the Committee on Committees (if an operating committee) or the Executive Committee (if a policy committee) to nominate a replacement.

b) If a member of an Academic Senate committee repeatedly does not perform assigned committee duties, the chair or any member of the committee may ask the committee to request, by vote, the Committee on Committees (if an operating committee) or the Executive Committee (if a policy committee) to nominate a replacement.

6.13 a) Notwithstanding the provisions of By-Law 6.10.1, college seats on both policy and operating committees for which no faculty from that college willing to serve have been found and which remain vacant after the fourth week of instruction in fall semester shall become faculty-at-large seats for the balance of the academic year.

b) Following the third week of instruction, the Associate Vice Chair of the Senate shall inform each college representative and college dean which of that college's operating committee seats are still vacant and invite them to recommend faculty for those seats within one week's time. The college representatives and deans shall be reminded that the seats will become faculty-at-large seats for the year if no college faculty to fill them can be found. The dean's recommendations shall be forwarded to the college's Committee on Committees representatives who shall present one name to the Associate Vice Chair of the Senate to be reported to the Senate or to the Executive Committee, as appropriate under By-Law 6.2.

c) Following the fourth week of instruction, all vacant college seats on operating committees for which no faculty from the college have been recommended under paragraph b) above (or otherwise identified) shall become faculty-at-large seats for the balance of the year and all members of the Committee on Committees shall be requested to supply names of faculty from any representative unit to fill these vacancies.

d) Following the third week of instruction, all vacant college seats on policy committees shall become faculty-at-large seats for the balance of the year. First priority in filling these vacancies shall be given to elected faculty representatives not assigned to other policy committees. If all elected faculty representatives (other than Senate officers) have been appointed to policy committees and there are policy committee seats still remaining vacant, they shall be filled as provided in 6.12b) and c) for operating committees.

c) Chairs of special committees may be designated by the elected members of the Executive Committee.

8. Election Committee

8.1 There shall be a standing Election Committee. Its members shall be the members of the Committee on Committees. Its chair shall be the Associate Vice Chair

8.2 a) The Election Committee shall arrange for the election of faculty representatives to this Senate and of the University's representatives to the CSU Academic Senate, referenda under Articles V and VI of the Academic Senate Constitution, and all other campus-wide elections required by University policies.

b) Elections shall be conducted by colleges and departments under instructions of the Election Committee.

8.3 The Election Committee shall determine the allotment of representation based on Article I of these By-Laws. The determination of FTE is to be based on eligible staff as of November 1 and will be reported to the Academic Senate.

8.4 The Election Committee shall be responsible for the establishment of voting procedures and their supervision.

8.5 The Election Committee shall assure that the results of the elections will be available for presentation to the Academic Senate by not later than May 15.

8.6 In carrying out a referendum under Article V of the Constitution, the Election Committee shall prepare a ballot which indicates the specific action of the Academic Senate which is being referred to the faculty electorate. The question to be voted on will be stated as follows: "Shall the action of the Academic Senate specified above be sustained?" The ballot in a referendum may be accompanied by pro and con arguments of not more than 300 words each. If such arguments are to be included, the Chair of the Senate will designate one or more persons to write the pro argument; the person(s) offering the motion or submitting the petition for a referendum will designate one or more persons to write the con argument. In the event that persons requesting the referendum are in support of the Senate action which is the subject of the referendum, then the Chair of the Senate will designate one or more persons opposed to the Senate action to write the con argument. Failure to submit an argument on one side shall not prevent distribution of an argument submitted by the other side.

9. Procedure

9.1 Robert's Rules of Order, most recent edition, shall apply unless superseded by the Constitution, By-Laws, or Standing Rules of the Academic Senate.

9.2 The meetings of the Academic Senate are open, but the number of non-members present shall not exceed the number of seats available for them and preference shall be given to representatives of the press and other media and officially invited guests. The Chair shall request closed-circuit television coverage of meetings when necessary.

9.3 Spectators at Senate meetings shall not take part in or attempt to influence the proceedings of the Senate, except as may be authorized in the Standing Rules. Violators shall be excluded. At his/her discretion, the Chair may recess the meeting.

9.4 The Academic Senate shall be called into Executive Session by the Chair upon approval of a majority of the members present. Only Academic Senate members and the Senate Administrator may be present during Executive Sessions. Only personnel or fiscal matters may be discussed in Executive Sessions, but final action on all matters shall be taken in regular Academic Senate meetings. Proceedings in executive session are confidential.

- 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 ppiJ0.ill

b) When a law, regulation, executive order or Senate document is referred to in a Senate document by number, title or other official abbreviated designation, and the number, title or designation is changed by competent authority, but no other change affecting University policy is involved, the Executive Committee may authorize replacement of the old number, title or designation by the new one, as an editorial change. Such changes shall be reported to the Senate.

**ACTION BY UNIVERSITY PRESIDENT: Approved by Interim President Don Kassing
on April 21, 2005.**

