

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

SM-S20-3, Senate Management Resolution, Update of Senate Bylaws

Effective: Immediately upon approval and sunset immediately after updating the Senate Bylaws

Legislative History:

On May 11, 2020, the Academic Senate approved the following Senate Management Resolution presented by Senator Shifflett for the Organization and Government Committee.

Whereas: The Organization and Government Committee has completed its review of all Senate Bylaws, and

Whereas: Areas in need of update were found, therefore be it

Resolved: That the attached updates be adopted once passed by the Senate.

Rationale: The updates proposed address areas where the need for clarification had been noted and where the work of the Senate could be facilitated.

Approved: 5/4/20

Vote: 12-0-0

Present: Altura, Grosvenor, Okamoto, Shifflett, McClory, Gallo, Higgins, French, Kao, Skinnell, Sasikumar, Millora

Absent: None

Financial Impact: None

Workload Impact: One-time update to current Bylaws.

BYLAWS OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

1. Elections and Faculty Representatives

1.1 Faculty representatives shall be elected to the Academic Senate of this University from the following representative units: Colleg.funie y n11 (:)-10.7 (1.15 T7)-17.3J0 Tw 3.8 0

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1.6.2.2 When a Senate seat is vacated, the associated seat on that senator's assigned policy committee would become vacant.

1.6.2.3 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.

1.6.2.4 If no candidate files for that vacancy, 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.

1.6.2.5 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.

1.6.2.6 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 next general election.

1.7 Faculty Voting Rights for Elections to the Senate

1.7.1 Tenured and tenure track faculty have full permanent voting rights for college representatives in the department of their primary assignment.

1.7.2 Lecturer faculty have proportional voting rights for college representatives in the department of their primary assignment. Lecturer faculty assigned to more than one representative unit may vote in each unit on a proportional basis determined by the percentage of their appointment in each unit.

1.7.3 Members of the general unit have voting rights proportional to their appointment(s).

1.8 No write-in votes are permitted.

1.9 Procedures for faculty elections shall be determined by the Senate Election Committee, with the approval of the Executive Committee of the Academic Senate.

1.10 The phrase "academic deans" as used in Article II, Section 2 of the constitution means deans, and associate deans (MPP) in the academic affairs division. Elections of representative academic deans shall be conducted and reported by the Provost, and vacancies shall be filled by special elections for the balance of unexpired terms.

1.11 Whenever the phrase "faculty electorate" is used in the constitution, bylaws, or standing rules of the Academic Senate, it refers to those faculty members eligible to vote for representatives to the Senate (including members of the General Unit), with proportional votes for lecturer faculty, as specified in Article II, Section 3, Part c, o11.3 (e -9ac)-6 (u
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2.1.7 The chairs of the Senate Policy Committees.

2.2 Election Procedures for Senate Officers

2.2.1 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. Nominees for Chair of Professional Standards must be tenured full professors.

2.2.2 Extension of Senate Chair's term

2.2.2.1 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 that chair's term. When the special-order item is reached, the Associate Vice Chair of the Senate shall preside while the Senate debates and votes on the proposal. The vote shall be by secret ballot and approval of the extension shall require a two-thirds affirmative vote.

2.2.2.2 If the Senate approves the extension, the incumbent Chair is re-elected for the following year. The term of office of the Vice Chair is extended for one year. (If the term of the Vice Chair as an elected faculty

3.6 The Senate Administrator shall be an ex officio non-voting advisor on the Committee on Committees and the Election Committee.

4. Senate Committees

4.1 General information

4.1.1 The Academic Senate shall establish and appoint committees as may be needed.

4.1.2 Except as otherwise provided in these bylaws, university policy, or Senate Management Resolutions, all committees prepare, and submit to the Senate Chair, an annual report summarizing activities at the end of the academic year. These reports will be made available on the Senate's website.

4.1.3 Except as otherwise provided in these bylaws, university policy, or Senate Management Resolutions, 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 commi Acadmmh-17.3 (

to the Curriculum and Research Committee. The provision shall be implemented in a manner consistent with Academic Senate bylaw 4.5.2.1.

4.1.8 If a member (non-ex officio) of an Academic Senate committee (policy, operating, special agency, or other Senate committee) cannot complete the term for any reason, the chair of the committee may request, through the Associate Vice Chair of the Senate, that a replacement be appointed. The Associate Vice Chair, using the normal procedures of the Committee on Committees, then solicits nominations for a replacement and brings a recommendation to the Executive Committee and subsequently to the Senate via the consent calendar.

4.1.9 If a non-ex officio member of an Academic Senate committee (policy, operating, special agency, or other Senate committee) is absent from three regularly scheduled committee meetings in an academic year or repeatedly does not perform assigned committee duties, the chair of the committee may request, through the Associate Vice Chair of the Senate, that the person be removed from the committee. The Associate Vice Chair, following discussion with and approval from the Executive Committee for removal of the committee member will then solicit nominations for a replacement (or notify the relevant college if an election is needed) and bring a recommendation to the Executive Committee and subsequently to the Senate via the consent calendar.

4.1.10 Removal of a senator from their assigned policy committee will result in removal from the Senate.

4.1.11 Unless otherwise stipulated in university policy or Senate Management Resolutions, recommendation of students for membership on policy committees, operating committees, special agencies, and other Senate committees shall be made according to the recommendation procedures of the Associated Students, Inc. and should be transmitted to the Associate Vice Chair by the second 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.

4.1.11.1 Should the Associated Students, Inc. Board of Directors not transmit recommendations of students for membership on Senate operating committees, policy committees, special agencies or other Senate committees by the fourth week of instruction, the following shall supersede the rules of the Associated Students, Inc. for nomination of students to policy committees, operating committees, special agencies or other Senate 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 4.1.3). All student nominees shall submit a statement of interest to the Senate's Associate Vice Chair.

4.2.3 Any action taken by the Executive Committee requires the presence of a quorum of the elected members. When acting for the Academic Senate, the Executive Committee shall distinguish whether it is expressing the position adopted by the Senate as a whole or of the Executive Committee alone. In handling relations with elected officials or their staff, these shall be on matters of relevance to the well-being of the university, and this duty shall be carried out in coordination with university employees involved in government relations; the Executive Committee is encouraged to recruit an appropriate number of university employees and students to assist in its external relations efforts. In acting as an ad hoc Presidential advisory committee, only the elected members of the Executive Committee shall sit in this capacity. Normally, the President should seek the advice of the full Senate on issues of policy, rather than that of the Executive Committee or its elected members.

4.3 Committee on Committees

4.3.1 Charge: Prepares nominations for policy committees, operating committees, special agencies, and other Senate committees as needed. In cooperation with the Organization and Government Committee, makes recommendations for the improvement of the Senate's committee operations and structure. Maintains a record of faculty, staff, students, and administrators currently serving on University-level committees. At the request of the President, or other administrator making the appointments, recruits nominees and suggests names of faculty, staff, and students for service on committees as needed. Acts as Election Committee.

4.3.2 Membership:

4.3.3 Appointments to the Committee on Committees shall be recommended by the elected members of the Executive Committee and approved by the Senate. Members (other than the Chair and the Student Senator) shall serve for staggered two-year terms.

4.4. Election Committee

4.4.1 There shall be an Election Committee. Its members shall be the members of the Committee on Committees. Its chair shall be the Associate Vice Chair of the Senate.

4.4.2 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.

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

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

4.4.5 The Election Committee shall assure that the results of the elections will be available for presentation to the Academic Senate no later than one week prior to the last spring Senate meeting.

4.4.6 In carrying out a referendum under Article V of the Constitution, the Senate Administrator in consultation with the Election Committee shall prepare an electronic 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.

4.5. Policy Committees

In general, these committees study policy issues and investigate policy problems in their areas at the request of the Academic Senate and prepare policy recommendations for official action. Current Policy committees:

4.5.5 Chairs of policy committees shall be elected annually by the Senate from its faculty representatives.

4.5.5.1 Nominees for the Chair of Professional Standards must be tenured full professors.

4.5.6 Policy committees shall report to the Executive Committee of the Academic Senate.

4.5.7 All policy committee recommendations for the Senate's consideration shall show the names of the committee members present and absent; the vote totals, and shall state:

a) The rationale for of the policy, including its source, intent and claimed need; in language suitable for communication to faculty and staff. (69)81233 (07)41(1)

5. Procedure

5.1 Robert's Rules of Order, most recent edition, shall apply unless superseded by the constitution, bylaws, or standing rules of the Academic Senate.

5.2 The meetings of the Academic Senate are open, but the number of non-members present shall not exceed the room capacity, and preference shall be given to guests officially invited by the Senate Chair. The Chair shall request audio-visual coverage of meetings when necessary.

5.3 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 the Chair's discretion, the Chair may recess the meeting.

5.4 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. Normally, 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 and are not published within the senate minutes.

6. Senators as Representatives

6.1 It is the responsibility of each elected member of the Academic Senate to assess the attitudes and viewpoints of their constituency. However, each member represents and serves the entire university. Thus, no member shall come instructed as to how to vote on any item under consideration by the Senate or its committees.

6.2 Senators are to maintain communications with their constituency regarding Senate activities and accomplishments as needed.

7. Approval of Policies

7.1 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.

7.1.1 Bylaws adopted in accordance with standing rule 10.a.2 (Senate Management Resolutions) or resolutions expressing only the opinion of the Senate, are not policy recommendations and do not require approval of the President.

8. Representation, Academic Senate, CSU

9.2 Where no other procedure has been approved by the Academic Senate,

Management Resolutions. The chair will communicate the action at an Executive Committee meeting. The Senate Administrator will include documentation of this in Executive Committee minutes.

11. Specific Designation of Rescinded Policies

Adoption and approval of a new policy resolution overrides all prior conflicting policies, whether or not the previous policies aevciia-1.1od[(055 (C3()-1222 340)-162f.7 (-1.1od5fhH1od5fhH1odE)517.3 (n