

Policy Recommendation

Amendment to Bylaws of the Academic Senate of San José State University

Rationale

In August 2023, SM-F23-1 was passed, which established the Committee on Senate Representation (CSR). The committee consists of administrators, faculty, staff, and students, and is tasked to develop “recommendations on ways to further strengthen equitable, inclusive, and effective shared governance” at San José State University.

Senate representation has been the subject of seven policy referrals between 2000 and present (O&G-F00-2, O&G-F03-3, O&G-F18-4, O&G-F21-1, O&G-F22-1, O&G-S23-1, and O&G-S24-1). Many of these referrals called for adding non-Management Personnel Plan, non-Student Services Professionals staff seats to the Senate. Staff comprise 35% of all employed personnel at San José State University, as of fall 2023, and many staff interact with students and faculty in their daily work.

Furthermore, the 2022 Report of the WASC Senior College & University Commission (WSCUC)¹ Team for Reaffirmation of Accreditation identified shared governance as one of the key areas of concern and encourages the university to continue work on “to be more inclusive of all stakeholders.” The CSR engaged in thirteen stakeholder meetings between January 2024 and August 2024, and conducted a staff survey in February 2024, which yielded data of about 250 respondents. A consistent theme throughout these meetings and the survey was the importance of staff serving on the Senate and other bodies of shared governance.

From the establishment of the General Unit in the Senate Constitution in 1994, a specific segment of staff have served as senators; specifically Unit 4 members who hold the title of Student Services Professionals (SSP) III and IV. This constituency has had varying amounts of representation over the years, because they do not have dedicated seats, but rather, they must be elected from within the General Unit. The committee found two issues on this state of affairs.

First, it can be confusing to label a specific segment of the staff as “faculty” when they are in fact classified as staff employees. Second, while voices of the SSP III and IV

¹ The organization is under the umbrella of the Western Association of Schools and Colleges (WASC).

members have been important, it is not sufficient because “staff” of the university encompasses a much larger group of SJSU employees. It is the committee’s finding that staff members merit broader, more inclusive representation at the Senate.

This policy recommendation proposes to amend the Bylaws of the Academic Senate of San José State University so that the terms “faculty” and “staff” used for the Bylaws of the Senate would align with the usage of these terms in a broader context. This policy recommendation also proposes to broaden the membership of the Senate to implement a more inclusive and equitable shared governance model.

The committee has also learned other areas of opportunity to propose further changes. One area is the representation of deans, which is one of the most widely represented constituencies. While each dean has their own discipline-specific expertise and unique leadership perspectives, which is indispensable for the function of the Senate, given frequent and collegial communication and collaborations among the deans, as has been always exercised, the committee found it feasible to adjust the extent of representation.

Another area is the membership of the President of the University, who is the ultimate authority regarding all university policies. Ratification of all policy resolutions approved by the Senate requires approval by the President. As such, and aligning the practices employed by other CSU campuses, the committee found it beneficial to change the President to a non-voting member.

Furthermore, this policy recommendation proposes to add an article on staff protections. Although San José State University has policies relating to free speech, it is the committee’s opinion that additional language is necessary to ensure that staff can freely participate with independent voices. Our research has shown that when staff do not have sufficient support from their managers (and the university administration, as a whole), then staff will view their participation in shared governance as potentially unsafe and threatening.

Based on these reasons, and specifically, this recommendation seeks to:

1. Redefine “faculty” as exclusively Unit 3 employees;
2. Preserve SSP Staff participation in the Senate;
3. Allow General Staff participation in the Senate;
4. Make changes to non-faculty seats;
5. Increase the number of faculty seats; and
6. Provide language that allows time for service work for staff senators and ensure independent opinions are voiced by staff in the Senate.

Resolved: That the following amendment to the Bylaws of the Senate be adopted and enacted upon the adoption of the amendment of the Constitution as proposed in AS 1876.

Approved: September 25, 2024

Vote: 10-0-0

Present: Harish Chander, Denise Dawkins, Katelyn Gambarin, Reiko Kataoka, Michael Kaufman, Eduardo Munoz-Munoz, Annette Nellen, Nha-Nghi Nguyen, Kenneth Peter, Janet Sundrud

Absent: Acacia Clark, Behin Elahi, Jahmal Williams

Financial Impact: If hours of work is taken from those hours otherwise spent for the regular work of the staff members, then it may incur financial cost to the organization/division. Staff participation in the Senate may result in facilitating operation university-wide, contributing to reducing overall operational costs.

Workload Impact: Increased workload for University Personnel

BYLAWS OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

1. Elections and Faculty and Staff Representatives
 - 1.1 Faculty representatives shall be elected to the Academic Senate of this University from the following representative units: College of Health and Human Sciences, College of Business, College of Education, College of Engineering, College of Humanities and the Arts, College of Science, College of Social Sciences, and the General Unit.
 - 1.1.1 Members of the General Unit
 - a) Unit 3 faculty outside the above colleges (e.g., College of Data, Information, and Society faculty, librarians, counselors, Division of Intercollegiate Athletics coaches ~~[not-MPP]~~).
 - b) ~~Student Services Professional III or IV (e.g., staff advisors).~~
 - 1.1.2 A college, not presently represented in 1.1 would become a representative unit when that college has at least 50 Full-Time Equivalent Faculty (FTEF)~~FTEF~~ and at least three departments.
 - 1.1.3 Members of the faculty electorate holding administrative, or Management Personnel Plan (MPP), positions are not eligible to serve as faculty representatives while holding such positions.
 - ~~1.2 Pursuant to Article II, Section 3 of the Constitution, the following positions and classifications are declared to be directly related to the instructional program. All employees serving in the following positions are qualified to vote for faculty representatives (using proportional voting based on assignment) and are eligible to serve as faculty representatives to the Senate with the exception of administrators (covered by the Management Personnel Plan), employees in clerical and technician classifications, and volunteers.~~
 - a) ~~All members of Bargaining Unit III who are not members of or included in one of the college representative units. This includes: Instructional Faculty (12 mo & AY) and Student Services Professional.~~
 - b) ~~Employees classified as Student Services Professional III or IV.~~
- 1.2 Staff representatives shall be elected to the Academic Senate from the staff unit, the members of which are the entire SJSU employees who are not members of Collective Bargaining Unit 3 nor students, and do not hold positions as

Management Personnel Plan (MPP).

1.2.1 Two of the staff representatives shall be elected from the members of the staff electorate who hold positions as Student Service Professional (SSP Staff electorate) as SSP Staff representatives.

1.2.2 Two other staff representatives shall be elected from all of the other members of the staff electorate (General Staff electorate) as General Staff representatives.

1.31-2-4 Subject to approval of the Executive Committee, the Election Committee is authorized to decide questions of interpretation of this bylaw and may recommend amendments to it to the Organization and Government Committee.

1.41-3The number of faculty senators must be twice the number of senators who are eligible to vote and not faculty members [currently 2018: Deans (34), AS President and students (7), ~~the President and VPs (45)~~, SSP Staff Representatives (2), General Staff Representatives (2), an Emeritus Representative (1), and an Alumni Representative (1)].

1.4.11-3-4 The number of faculty representatives to be apportioned among the colleges and the General Unit is the total number of faculty senators minus the number of ex officio faculty senators (Academic Senate of the CSU (ASCSU)~~ASCSU~~ senators, SJSU Senate Chair and Past Chair). The resulting difference is the number to be used in part 1.4.2 1-3-2 to apportion faculty representatives among the several colleges and the General Unit.

1.4.21-3-2: Before each spring election, using the FTE/F of the preceding fall semester provided by University Personnel, the Senate Administrator shall determine, and the Associate Vice Chair verify, the number of representatives allotted to each representative unit (as defined in Bylaw 1.1). The number of representatives for each unit shall be determined by first dividing the combined total FTE teaching faculty of the college representative units plus the FTE faculty ~~and staff~~ in the General Unit by the number determined in part 1.4.1-4-3-1 above and then dividing this value into the FTE faculty of each of the college units and the FTE faculty ~~and staff~~ in the General Unit.

1.4.2.11-3-2-4 If the allotment of any representative unit is determined to be less than one, it shall be increased to one.

1.4.2.21-3-2-2 If the total number of faculty representatives on the Senate overall exceeds the number as determined in section 1.4 1-3 above, the number as determined in section 1.4.2 1-3 above shall be decreased until the total number of faculty representatives allotted is equal to the number determined in 1.4 1-3 (i.e., maintains the 2/3 proportion of voting members

membership being faculty representatives.

~~1.4.2.3~~~~1.3.2.3~~ If the total number of faculty representatives on the Senate overall is less than the number as determined in section ~~1.4.1.3~~ above, one additional representative shall be allotted in turn to each of the units in order of greatest fractional representation until the total number of faculty representatives equals the number as determined in section ~~1.4.1.3~~ above (i.e., twice the number of senators who are eligible to vote on policy resolutions and are not in section 3, section 5, and section 6 sections 3, 4, and 5 of Article II of the Constitution)

~~1.5.1.4~~ If it is determined by the above procedure that the number of representatives allotted to any college/unit will be changed from the previous year, the Senate Administrator in collaboration with the Associate Vice Chair, shall ~~so~~ report to the Academic Senate prior to the announcement of elections.

~~1.5.1.4.4~~ If a representative unit is allotted an additional seat and there is no vacancy in the representation of a unit losing a seat, the unit gaining a seat shall nevertheless elect an additional representative for a full term at the next general election. The next vacancy occurring, by expiration of term, resignation or otherwise, in the unit losing a seat shall not be filled.

~~1.6.1.5~~ Representatives to the Academic Senate shall be nominated by a petition signed by at least ten (10) members of the faculty/staff electorate of the appropriate election unit: (a) college, (b) General Unit, (c) SSP Staff unit, or (4) General Staff unit. The candidate shall indicate, by signature on the petition, their willingness to serve if selected.

~~1.6.1.5.4~~ If there is no candidate for an Academic Senate seat by the end of the filing period, that seat shall be declared vacant and shall be filled according to the procedures outlined in ~~1.7.2.4~~ ~~6.1.6.2.4~~.

~~1.7.1.6~~ When there is a vacancy of a faculty/staff representative (excluding CSU Senators) the replacement for the remainder of the term shall be chosen as follows:

~~1.7.1.6.4~~ If a senator will be unable to perform their duties as senator for one semester or less, a temporary replacement will be selected in accordance with the following procedures:

~~1.7.1.1.6.1.4~~ The dean of the college from which the senator serves shall call for nominations for a temporary replacement to be chosen by chairs and directors of that college from those nominated.

~~1.7.1.2~~~~1.6.1.2~~ For the General Unit, the Senate Administrator shall call for nominations for a temporary replacement to be chosen by the Executive Committee from those nominated.

~~1.7.1.3~~ For a staff senator, the University Personnel (UP) shall call for nominations for a temporary replacement to be chosen by the Executive Committee from those nominated.

~~1.7.2~~~~1.6.2~~ When there is a permanent vacancy of a senator, the 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 or UP in the case of staff) shall hold a special election as soon as possible after the determination of the vacancy.

~~1.7.2.1~~~~1.6.2.1~~ Vacancies are created by

- a) resignation or recall from the Senate,
- b) termination of employment,
- c) removal from the Senate as a result of being absent from three Senate meetings in an academic year,
- d) removal from a policy committee as a result of being absent from three regularly scheduled policy committee meetings,
- e) removal from a policy committee due to failure to perform assigned policy committee duties as determined by the Executive Committee of the Senate in consultation with the policy committee chair,
- f) leave, with or without pay, which covers more than one semester,
- g) appointment to a full-time administrative (Management Personnel Plan) position,
- h) election to the role of Academic Senate Chair, or
- i) no candidate files for a vacant seat.

~~1.7.2.2~~~~1.6.2.2~~ When a Senate seat is vacated, the associated seat on that senator's assigned policy committee would become vacant.

~~1.7.2.3~~~~1.6.2.3~~ Faculty and staff 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 1.7.1~~1.6.1~~ above.

~~1.7.2.4~~~~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. For SSP and General Staff Senate seats, such vacant seats shall become a Staff-at-Large seat, which may be filled for one year by a person from either a SSP Staff or a General Staff constituency.

~~1.7.2.5~~~~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, or UP for the staff units election) shall not conduct an election but shall ~~so~~ report to the Executive Committee, and the Executive Committee shall declare the single candidate elected.

~~1.7.2.6~~~~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 1.7.1 ~~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.

1.8~~1.7~~ Faculty and Staff Voting Rights for Elections to the Senate

~~1.8.1~~~~1.7.1~~ Tenured and tenure track faculty have full permanent voting rights for college representatives in the department of their primary assignment.

~~1.8.2~~~~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.

~~1.8.3~~~~1.7.3~~ Members of the general unit have voting rights proportional to their appointment(s).

1.8.4 Staff members have voting rights proportional to their appointment(s).

~~1.9~~~~1.8~~ No write-in votes are permitted.

~~1.10~~~~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.

~~1.11~~~~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.

1.12 Whenever the word "staff electorate" is used in the constitution, bylaws, or

standing rules of the Academic Senate, it refers to those SJSU employees who are not members of Collective Bargaining Unit 3, nor students, and do not hold positions as Management Personnel Plan (MPP). Elections of representative staff shall be conducted and reported by University Personnel, and vacancies shall be filled by special elections for the balance of unexpired terms.

1.12.1 When further delineation is needed, the term "SSP Staff electorate" is used to refer to the staff electorate who hold SSP positions, and the term "General Staff electorate" is used to refer to all other members of the staff electorate.

1.13 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, of the Senate's constitution.

1.14 Whenever the word "staff" is used in connection with eligibility for or service on any committee and no other definition is stated, it means both a member of the SSP Staff and the General Staff electorates.

1.14.1 When further delineation is needed, the phrase "SSP Staff" is used to refer to the staff members who hold SSP positions, and the phrase "General Staff" is used to refer to all other staff members.

1.154.12 Whenever the word "faculty" is used in connection with eligibility for or service on any committee and no other definition is stated, it means a member of the faculty electorate.

1.164.13 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, 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). Reimbursed or re-assigned time for research, curriculum development, committee service, etc., is instructional.

1.17 Staff Protections: staff senators independently represent staff, and do not represent their supervisors or administrators. Supervisors and administrators must at all times make clear that the staff senators have protected voices that will be respected. Opinions expressed by staff senators during senate activities shall not be included in staff evaluations. Staff senators shall be given time to attend scheduled senate and policy committee meetings as well as time for meeting preparation and work on committee assignments.

2. Senate Officers

2.1 The following are officers of the Academic Senate:

2.1.1 The Chair of the Senate (who must be a faculty or SSP staff member), who shall be its presiding officer, as provided in the constitution, and shall also be Chair of the Executive Committee, and general faculty meetings.

2.1.2 The Vice Chair (who must be a faculty or SSP staff member), 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 to the ASCSU, 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.

2.1.3 The Associate Vice Chair (who must be a faculty or SSP staff member), 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.

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

2.1.5 The Faculty-at-Large Representative. There shall be no Faculty-at-Large Representative when there is a Past Chair.

2.1.6 ASCSU Representative to the Executive Committee

2.1.7 The ~~Chair~~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 and SSP staff 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 representative expires at the end of the spring semester the Vice Chair shall take the place otherwise held by the Past Chair as an ex officio member.) The term of the Past Chair is not extended, and a Faculty-at-Large Representative shall be elected at the end of spring semester to fill the Past Chair's position on the Executive Committee for the following year.
- 2.2.2.3 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.
- 2.2.2.4 No chair shall serve for more than two full terms in succession.
- 2.2.3 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.
- 2.2.4 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 should 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.
- 2.2.5 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 next academic year 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 shall be held to fill all open Senate offices. Only the continuing and newly elected members of the Senate, who will be members in the next academic year, shall vote in the election.
- 2.2.6 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. The Vice Chair shall then serve for the full term of the following year, and the full term shall be counted as that person's first year in office for purposes of 2.2.2.2. 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 to the Senate. Additional nominations may be made from the floor. When nominations have been closed, the Senate shall elect a replacement to serve for the balance of the vacant position's term.

2.2.7 If the Senate Chair needs to take a leave of absence, the Vice Chair shall serve as Acting Senate Chair during the leave. The Acting Senate Chair shall have all the rights and responsibilities of the Chair during the Chair's leave, but may, upon approval of the Executive Committee, temporarily assign some of the Chair's duties to other Senators. If the Chair indicates an inability to return from leave, the position becomes vacant and the Vice Chair becomes Chair as per 2.2.6. Notification of leaves and vacancies are official when communicated in writing to the Executive Committee. Leaves may only be one semester or shorter in length or else the position is deemed vacant as per 2.2.6.

3. Senate Administrator

3.1 The Senate Administrative Analyst (an employee position in the Senate Office) shall serve as the Senate Administrator.

3.2 The Senate Administrator may participate in Senate proceedings on the same basis as a member of the Senate but shall not vote.

3.3 The Senate Administrator may speak at Senate and Executive Committee meetings on matters relevant to Senate operations and on other matters when requested by the Senate Chair.

3.4 The Senate Administrator may be present at executive sessions of the Senate and is subject to the same confidentiality requirements as are applicable to Senate members.

3.5 The Senate Administrator shall provide administrative support to the Senate Chair and the Associate Vice Chair, shall attend and take minutes of the Senate and Executive Committee meetings, shall have charge of the records and archives of the Senate and its website, shall prepare committee appointment letters and maintain and update committee membership lists, and shall assist in the preparation of election materials and the administration of Senate elections.

3.6 The Senate Administrator shall be an ex officio member 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 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. When appointments have been approved by the Senate, the Senate Administrator shall notify those appointed.

4.1.4 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.

4.1.5 For purposes of service on Senate committees, all university faculty, full or part-time, active or retired, and all students, staff and alumni shall be considered members of the university community.

4.1.5.1 For purposes of service on Senate committees, all SSP Staff members are eligible to serve on General Unit and Faculty-at-Large seats.

4.1.6 Vacancies

4.1.6.1 Each year the Senate Executive Committee will approve a calendar (referred to below as "appointment calendar") for appointing faculty and staff to operating committees, policy committees, special agencies, and other committees of the Senate. The calendar will be structured such that colleges and units are given ample notification of vacancies before the start of the fall semester and also allow for faculty-at-large appointments to be confirmed at the first Senate meeting of the semester.

- 4.1.6.2 Notwithstanding the provisions of bylaw 4.5.2, college seats on policy committees, operating committees, special agencies and other committees for which no faculty from that college willing to serve have been found by the date specified on the appointment calendar shall become faculty-at-large seats for the balance of the academic year.
- 4.1.6.3 By the date specified on the appointment calendar, the Associate Vice Chair of the Senate shall inform each college representative and college dean which of that college's committee seats are still vacant and invite them to recommend faculty for those seats within one week's time. The college representative(s) on the Senate 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 representative 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 bylaw 4.1.3.
- 4.1.6.4 By the date specified on the appointment calendar, all vacant college seats on operating committees, special agencies and other committees for which no faculty from the college have been recommended under paragraph 4.1.6.3 above (or otherwise identified) shall become faculty-at-large seats for the balance of the academic 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.
- 4.1.6.5 By the date specified on the appointment calendar, 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 on the Senate 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 4.1.6.3 for policy committees.
- 4.1.6.6 The Associate Vice Chair of the Senate shall coordinate this selection process so as to maintain as far as possible a representative balance across committees and shall report one name for each vacancy to the Senate or the Executive Committee as appropriate under bylaw 4.1.3.
- 4.1.7 Elected faculty and staff representatives (other than Senate officers) not appointed to seats designated for representative units and also not appointed to faculty-at-large seats as provided above shall be appointed as additional

members-at-large of policy committees. If there is only one such member, that person shall be appointed to the Organization and Government Committee. If there is a second, that person shall be appointed to the Instruction and Student Affairs Committee. A third shall be appointed to the Professional Standards Committee and a fourth 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.

- 4.1.11.2 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 within 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 4.1.11.1.
- 4.1.11.3 In the event a student holding an Associated Students ex officio position has a conflict and cannot make committee meetings, then the AS President may designate a replacement as needed.

4.2 Executive Committee

- 4.2.1 Charge: Acts as an Ad Hoc Advisory Committee to the President on request; acts for the Academic Senate at such times when the members may not be available; formulates policy proposals; refers matters of business to the appropriate agencies; develops and approves the agenda for Senate meetings; handles external relations with elected officials and their staff, as appropriate; prepares nominations/appointments as needed to policy committees, operating committees, special agencies, and other Senate committees for Senate (or administrator) approval.

4.2.2 Membership:

- a) Senate Chair (elected)
- b) Vice Chair (elected)
- c) Past Chair, or Faculty at Large in years when there is no Past Chair (elected)
- d) President (EXO)

- e) Provost (EXO)
- f) VP, Administration & Finance (EXO)
- g) VP, Student Affairs (EXO)
- h) Chief Diversity Officer (EXO)
- i) Statewide Senator (elected)
- j) AS President (EXO)
- k) Chair, Committee on Committees/Assoc. Vice Chair (elected)
- l) Chair, Curriculum & Research (elected)
- m) Chair, Instruction & Student Affairs (elected)
- n) Chair, Organization & Government (elected)
- o) Chair, Professional Standards (elected)

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: The Senate's Associate Vice Chair serves as Chair for the Committee on Committees. Additionally, one faculty member from each of the Senate's representative units who shall not be members of the Senate. If a seat is not filled and becomes an 'at large' seat, Senators from the college where

there is a vacancy, who are already serving on a policy committee, would be eligible to serve on the Committee on Committees.

- a) The Associate Vice Chair of the Senate [EXO], who shall be chair
- b) 1 faculty, College of Business
- c) 1 faculty, College of Education
- d) 1 faculty, College of Engineering
- e) 1 member, General Unit
- f) 1 faculty, College of Health and Human Sciences
- g) 1 faculty, College of Humanities and the Arts
- h) 1 faculty, College of Science
- i) 1 faculty, College of Social Science
- j) 1 Student Senator
- k) Senate Administrator (non-voting)

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:

Curriculum & Research (CR) Instruction & Student Affairs (ISA) Organization & Government (O&G) Professional Standards (PS)

- 4.5.1 The establishment or elimination of any policy committee shall require a two-thirds (2/3) majority of the Senate.
- 4.5.2 Policy committees shall normally be composed so that at least one half of the members of a policy committee 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.
 - 4.5.2.1 Normally, each policy committee includes representation from each of the units from which faculty representatives are elected. 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.
 - 4.5.2.2 The senators representing the Emeritus and Retired 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 to the Associate Vice Chair to be appointed to a policy committee. Although they may request a specific committee assignment, they may be appointed to another committee where representation is needed. When

appointed, these senators shall have the status of ex officio members.

- 4.5.3 All policy committee appointments shall be for one year, commencing with the first meeting of the new Senate for the year, which usually takes place in the last month of the Spring semester.
 - 4.5.3.1 Seniority shall not be the primary factor in selecting members of policy committees.
 - 4.5.3.2 To achieve the principle in 4.5.2, senators shall have priority in appointments to policy committees.
 - 4.5.3.3 Tenured faculty should be given priority for appointment to the Professional Standards Committee.
- 4.5.4 Members of Senate policy committees, including ex officio members, can vote and be counted for quorum (defined in Senate Standing Rule 13) only if present in person or via remote attendance.
- 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 the policy, including its source, intent and claimed need; in language suitable for communication to faculty, staff and students affected.
 - b) The expected estimated financial impact, obtained from a named office responsible for implementing the policy, if adopted.
 - c) The workload impact of the policy, that is, whether and how much compliance will increase or decrease required activity or expenditure of time by faculty, staff, or students.
- 4.6 Operating Committees

In the context of their charge, operating committees serve a range of functions

including the preparation of reports and making recommendations for changes in policy to their designated policy committees. Current Operating Committees:

Faculty Diversity Committee (reporting to PS)
General Education Advisory Committee (reporting to CR)
Graduate Studies & Research Committee (reporting to CR)
Institutional Review Board (reporting to CR)
International Programs & Students Committee (reporting to ISA)
Program Planning Committee (reporting to CR)
Student Evaluation Review Board (reporting to PS)
Student Fairness Committee (reporting to ISA)
Undergraduate Studies Committee (reporting to CR)

- 4.6.1 The establishment or elimination of any operating committee shall require a simple majority of the Senate.
- 4.6.2 All operating committees shall report to their designated policy committees.
- 4.6.3 Except as otherwise provided in these bylaws, University Policy, or Senate Management Resolution, chairs of operating committees shall be elected by the members of the operating committee. Any member of the committee, except an ex officio member, is eligible to serve as chair.
- 4.6.4 Near the end of each spring semester, each operating committee shall elect from among its continuing membership, a chair for the following academic year. The outgoing committee chair shall recommend, through the appropriate policy committee, to the Organization and Government Committee any changes in committee responsibility or organization.
- 4.6.5 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.
 - 4.6.5.1 Faculty serving on a policy committee are ineligible to serve on any operating committee reporting to that same policy committee.
 - 4.6.5.2 The Committee on Committees chair will assure that, when appointments are made, they take into consideration part 4.6.5.1.
 - 4.6.5.3 To the extent possible, administrative designees to operating committees and their parent policy committee should not result in concurrent membership.

4.6.6 Student membership on operating committees is normally for a one-year term.

4.7 Special Agencies, Other Senate Committees, and Special Committees of the Senate

4.7.1 The Senate shall establish and appoint special agencies, other Senate committees or special committees of the Senate as may be needed. The establishment or elimination of any special agency, other Senate committee, or special committee of the Senate shall require a simple majority of the Senate.

4.7.2 Unless otherwise specified in a Senate Management Resolution or University Policy, reporting requirements for special agencies, other Senate committees, and special committees of the Senate follow bylaw 4.1.2.

4.7.3 Unless otherwise specified in a Senate Management Resolution or University Policy, a) members of special agencies, other Senate committees, and special committees of the Senate shall be nominated by the elected members of the Executive Committee; and

4.7.4 Unless otherwise specified in a Senate Management Resolution or University Policy, chairs of special agencies, other Senate committees, and special committees of the Senate may be designated by the elected members of the Executive Committee.

4.7.5 Student membership on special agencies, other Senate committees, and special committees of the Senate is normally for a one-year term.

4.7.6 Special Agencies

Special agencies are created as needed by the Senate. Their charge, membership, and reporting responsibilities are specified in the policy or Senate Management Resolution that established them. Current special agencies:

Accreditation Review Committee Alcohol & Drug Abuse Committee Athletics Board

Budget Advisory Committee Campus Planning Board

Strategic Planning Steering Committee Student Success

4.7.6.1 The following shall apply to all special agencies.

- a) Unless otherwise provided in the policy or senate management resolution creating the special agency, at-large faculty members shall be nominated by the Committee on Committees.

- b) A special agency and related policy committee may consult on any matter of common concern.
- c) Special agency recommendations requiring changes in university policy shall be reported to the Executive Committee for referral to an appropriate policy committee for consideration.
- d) The Executive Committee (or a designated policy committee at the request of the Executive Committee) may, from time to time, review the policy establishing a special agency and may require reports from special agencies.
- e) When filling faculty appointments, the Associate Vice Chair of the Academic Senate shall have the responsibility to stagger the terms, unless otherwise specified by policy.

4.7.6.2 Appointments of faculty to special agencies 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 designees shall be included on special agencies as ex officio members.

4.7.7 Other Senate Committees

Committees in this category are bodies created by policies or Senate Management Resolutions. Their charges, membership, and responsibilities are specified in the policies or Senate Management Resolutions that established them. Current committees in this category:

Academic Disqualification and Reinstatement Review Board of Academic Freedom and Professional Standards Traffic, Transit, and Parking

University Library Board University Sustainability Board University Writing Committee

- 4.7.7.1 Recommendations from committees in this category requiring changes in university policy shall be reported to the Executive Committee for referral to an appropriate policy committee for consideration.
- 4.7.7.2 If not otherwise specified in policy or a senate management resolution, reporting requirements follow bylaw 4.1.2
- 4.7.7.3 Appointments of faculty to committees in this category 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 designees shall be included as ex officio members.

4.7.7.4 Student membership is normally for a one-year term.

4.7.8 Special Committees of the Senate

Committees and task forces in this category are time-delimited bodies created to address specific issues. The Senate shall establish and appoint such special committees as may be needed.

4.7.8.1 Members of special committees and task forces shall be nominated by the elected members of the Executive Committee.

4.7.8.2 The charge, determined by the elected members of the Executive Committee, shall be specified in the resolution that establishes the special committee of the Senate.

4.7.8.3 Chairs of special committees and task forces may be designated by the elected members of the Executive Committee.

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~~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

- 8.1 The following are subject to applicable provisions of the constitution of the Academic Senate of the California State University (ASCSU).
 - 8.1.1 Candidates for the ASCSU from the SJSU campus shall be nominated by the faculty electorate following procedures similar to those prescribed for nomination of candidates for the Academic Senate of San José State University.
 - 8.1.2 Simultaneous candidacy of the same person for both the ASCSU and the Academic Senate SJSU at the same election is prohibited.
 - 8.1.3 A faculty representative on the SJSU Senate who is elected to the ASCSU vacates their seat as an elected member of the SJSU Senate.
 - 8.1.4 Temporary Vacancy
 - 8.1.4.1 A temporary vacancy is defined as one in which a CSU Senator will be unable to perform ~~his or her~~their duties for a period of one semester or less. In such cases, the Vice Chair of the SJSU Academic Senate shall serve as temporary CSU Senator.
 - 8.1.4.2 If the Vice Chair is unable to serve, the Chair of the SJSU Academic

Senate may designate any elected faculty representative of the current SJSU Academic Senate to act as temporary CSU Senator.

8.1.4.3 An SJSU senator temporarily serving as an ASCSU Senator shall remain a faculty representative of the SJSU Senate.

8.1.5 Permanent Vacancy

8.1.5.1 If a CSU Senator will be absent from the SJSU campus or unable to perform the duties of an ASCSU Senator for a period of longer than one semester, the seat held by that ASCSU senator shall be deemed vacant.

8.1.5.2 When a permanent vacancy occurs, 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. If there is no advance notice, the position will be filled temporarily as described in section above until an election can be held.

9. Faculty Appointments to Off-Campus and Presidential Bodies

9.1 Faculty (as defined in the Academic Senate Constitution) occasionally serve as representatives on bodies not established by nor under the authority of SJSU (e.g., system-wide or other off-campus agencies or committees). In instances in which no other procedure for their designation is prescribed, representatives shall be appointed by the Academic Senate on nomination of the Executive Committee.

9.2 Where no other procedure has been approved by the Academic Senate, appointments of faculty to presidential task forces, advisory committees, and commissions shall be made by the following process: the elected members of the Executive Committee shall consult with the President in regard to these appointments. Nominations shall be presented to the Senate for approval.

9.3 Appointments of faculty to the boards of University auxiliary organizations shall be made by the President after consultation with the elected members of the Executive Committee.

9.4 Appointments of faculty to the Instructionally Related Activities (IRA) Advisory Committee shall be made by the President after consultation with the elected members of the Executive Committee.

10. Editorial Changes - Senate Documents and Archiving Resolutions

10.1 When identifiers are changed, but the function, responsibilities, purpose, or content remain the same, the Senate Chair may approve replacement in Senate

documents of the old identifier by the new one, as an editorial change. Such changes shall be explained and reported to the Executive Committee of the Senate and recorded in the meeting minutes. Example identifiers include the title related to a university official, agency, or course designations, or unit of the university appearing in Academic Senate documents (including the constitution, bylaws, university policies, and resolutions providing for committee membership).

- 10.2 When the number, title or designation of a law, regulation, executive order, or policy, referred to in a Senate document, is changed or rescinded by competent authority, but no other change affecting university policy is involved, the Senate Chair may authorize replacement of the old number, title or designation by the new one in Senate documents, as an editorial change. Such changes shall be reported to the Executive Committee of the Senate and recorded in the meeting minutes.
- 10.3 When a policy recommendation or Senate Management Resolution is found to contain editorial errors, ~~that when corrected~~that, when corrected, would not change the intent of the policy recommendation or resolution, the Senate Chair can correct the error(s) following consultation with and obtaining unanimous consent from, the Executive Committee. The edited version of the policy recommendation approved by the Executive Committee will be submitted to the President for final review and signature. Approved editorial corrections shall be recorded in the Senate Executive Committee meeting minutes and changes will be made by the Senate administrator to the document being corrected. If the editorial changes are not approved by the Executive Committee or the President, the document will be returned to the appropriate policy committee for revision and brought to the Senate for debate and vote.
- 10.4 Following implementation of updates to Senate bylaws and standing rules, called for in a Senate Management Resolution, the Senate chair can approve the relocation, by the Senate administrator, of such resolutions to the web-based archive of 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 are specifically identified. However, it is best practice to list specifically in a new policy all superseded policies. If, subsequent to the adoption and approval of a policy resolution, the Senate administrator finds that not all prior policies which should have been rescinded

were specifically so listed in the subsequent policy, the Senate administrator shall notify the Senate chair and the appropriate policy committee chair. The committee shall review the policies and, if satisfied that the older policies were superseded and should be specifically designated as rescinded, the Senate chair shall authorize the administrator to note their rescission in the Senate records. The Senate chair shall report the committee's decision to the Executive Committee, and the Senate administrator shall record the information in the minutes.