

# D. Elections Proposal

## Principle D.1 - Senate and Faculty Marshal Elections

The committee proposes:

- (a) that the annual elections include the election of the officers of the University Faculty / Senate - the Chair, Vice Chair, and Secretary,
- (b) that the Staff have their own electorate and vote for their Staff Senator directly, and
- (c) that the election of the Senate officers, the at-large Senators, College and Libraries Senators, Student Services Professional Senators, Lecturer Faculty Senators, Staff Senator, Faculty Marshal and College Regular Faculty, Lecturer Faculty and Student Services Professional members of the Academic Senate Standing Committees adopt the following set of procedures.

### *Announcement of Elections:*

Announcement of elections shall be made directly to various electorates via email by the Senate Office or responsible election authority. The election announcement will also be posted on the Academic Senate website. The two-step election process will begin in the first week of December for Spring elections.

### *Administering the Elections*

All elections are overseen by the Faculty Marshal. The Secretary of the Senate and the Senate Office are responsible for coordinating the elections. Annual elections are held in two parts:

Part-1 of the annual election shall elect the Senate Chair, Vice Chair, and Secretary, at-Large Academic Senators, Statewide Academic Senators, and the Faculty Marshal.

Part-2 of the election shall elect College, Lecturer Faculty, Student Services Professional, Emeriti Faculty and Staff members of the Academic Senate and College Regular Faculty, Lecturer Faculty, and Student Services Professional members of the Academic Senate Standing Committees and shall be held immediately upon the completion of Part-1. The various elections will be the responsibility of the designated responsible election authority - the College Deans and the University Librarian (for College and Libraries members), the Provost (for Lecturer Faculty members and Emeriti member), the Dean of Academic Programs and Services (for Student Services Professional members), and the Vice-President for Administration and Finance (for staff member) and will employ the equivalent steps and durations as adopted for Part-1 elections.

*Nominations and Verifying Eligibility:*

Prior to elections, the current Faculty Marshal shall review and update the list of continuing Academic Senate members and approve a list of eligible faculty for Senate membership using the current University Regular Faculty roster and prior years' Senate membership lists. Eligibility of other nominated individuals shall be determined by their responsible election authority, in consultation with the Senate Office and Faculty Marshal, using the appropriate electorate list and the prior years' Senate and Standing Committee membership lists. To be considered eligible to be an officer of the Academic Senate, nominees must have previously served one year, or be currently serving on the Academic Senate. To be considered eligible to be a Lecturer Faculty Senator, nominees must have a 0.5 or higher timebase at the time of the election (although this timebase may subsequently change once elected, it will not affect their eligibility unless it reduces to zero for either semester). Nominations for all positions can be by self nomination or nomination by petition. Nominations for a position can be made by any member of that electorate. Persons being nominated must agree to stand as the candidate before their name is included on the ballot. For every election, a list of candidates is published by the Senate Office or responsible election authority such that there is at least one candidate for every open position. There must be a minimum of seven calendar days between the election announcement to an electorate and the deadline for the receipt of self nominations.

In the election for Senate officer, Senate membership, Faculty Marshal and Standing Committee membership, all nominees shall be checked for eligibility by the Senate Office and/or the responsible election authority and this eligibility shall be verified by the current Faculty Marshal. Once this eligibility check is complete, the Senate Office or responsible election authority shall publish the list of continuing Academic Senators or Standing Committee members, as applicable, a statement of positions to be filled, and the list of self-nominees. For a minimum of seven calendar days after this self-nominee list is published, the Senate Office or the responsible election authority accepts nomination by petition for positions to be filled. All petitions must be accompanied by the names and signatures of five individuals from the nominee's electorate.

Individuals may not be on the ballot for more than one position, except for the position of Statewide Academic Senator, which can be held concurrently with being a Senator, Senate Officer, or Faculty Marshal, and for the position of member of a Standing Committee. Individuals may seek election to a Standing Committee concurrently to seeking the position of Academic Senator, Faculty Marshal and/or Statewide Academic Senator, but may only be on the ballot for one Standing Committee per election and may only serve on one Standing Committee in any single academic year.

*Statement of Interest:*

A statement of interest (no more than 200 words) relevant to the particular position is required for all persons who wish to be considered for election to any vacant position. This statement is submitted electronically, using the method provided by the Senate Office or the responsible election authority, at the time of self nomination and with nominations by petition. Nominations received without a statement of interest are not valid nominations.

*Ballots:*

After the last day of nomination by petition and within five calendar days of the end of the nomination period, the eligibility of each additional nominee shall be checked by the Senate Office or the responsible election authority and shall be verified by the Faculty Marshal. Once this eligibility check is complete, the Senate Office or responsible election authority shall make electronic ballots available to the electorate. The registered, preferred names of the candidates for each position shall be listed alphabetically by last name on the ballot. The ballot will include links to each candidate's statement of interest for the position.

*Voting:*

Voting will take place for a minimum of 14 calendar days following the electronic distribution of the ballots to the electorates. Voters may not cast more than one vote for any one candidate. The candidate (or candidates when there are more than one position being filled e.g. at-large Senators) with the highest number of votes is elected. In the event of ties for any one position, a coin toss or the drawing of names by the Faculty Marshal will determine the winner. There is no requirement that a voter must vote for all of the elected positions represented in the ballot. The results of the voting will be certified by the Faculty Marshall and be reported by email to the electorate within 5 calendar days of the end of the voting period by the Senate Office or the responsible election authority and published on the Senate website.

## **Background D.1 - Senate and Faculty Marshal Elections**

### **Election of Officers**

Currently, the Senate Chair, Vice-Chair and Secretary are elected from the ranks of already elected Senators at the organizational meeting. The [Principle on Eligibility](#) makes explicit the constitutional requirement that the officers be members of the University Regular Faculty (as defined in the [Principle on Definitions](#)). The Officers of the Senate are also the officers of the University Faculty under the constitution (Article VI). Thus, given the constitutionally subordinate position of the Senate to the University Faculty under the Constitution (Article IV,

Section 7), it logically follows that these individuals should be elected during the annual election by the University Regular Faculty electorate rather than at the annual organizational meeting as they represent the University Faculty as officers *as well as* serve as officers of the Senate. This would potentially increase the membership of the Academic Senate in a given year by an additional three individuals, should the successful nominees not already be an at-large or College Senator continuing the second year of a two-year term or a Statewide Senator continuing the second or third year of a three-year term. Note that this potential fluctuation in numbers from year to year is already normal with our Academic Senate roster as our Standing Committee Chairs, when elected by their committees, may or may not already be elected Senators, as is also the case for faculty elected to the positions of Statewide Senator. This proposal will require a change to the Academic Senate membership listed in Article V Section 2 of the Constitution.

#### Preparing Nominee Lists

Current practice is that the Executive Committee does not make nominations or publish the list of nominations for the positions to be elected in the annual elections - this is currently being handled by the Senate Office and does not go to the Executive Committee - given the infrequency of meetings this would be cumbersome. Different from listed in Article VI, Section 3, all preparation of nominations and eligibility revision is currently carried out by the Senate Office Coordinator in combination with oversight from the Senate Chair and in combination with the Secretary of the Senate, the Faculty Marshal and others as needed (the relevant election authority such as the Provost and the Dean of Academic Programs and Services (APS)) with respect to identifying the electorates and eligible individuals for the various positions being elected.

#### Timing of Elections

The timing of election milestones are currently based on 'academic' days, which has been taken to mean duty days (i.e. not including weekends or holidays). To make things simpler for both the Senate Office and responsible election authorities (e.g. College Deans, Dean of APS) in programming the elections, and for voters participating in the elections, it is proposed that a switch be made to calendar days. This makes this process simpler and straightforward as shown below. This would create the following changes compared to ByLaws Article VI:

Currently, the language is confusing and refers only to faculty, not to any of the other member constituencies being elected with the following timetable

- Not less than 10 academic days before scheduled election starts we must publish: a statement of the positions to be filled, a list of continuing members of the Academic Senate and continuing Academic Senators of the California State University, (when there

is a seat in the Senate, California State University to be filled), and a preliminary list of nominees (the actual period is not specified, just that it must be at least 10 days before the balloting period)

- For a period of 5 academic days after the publishing of the preliminary list of nominees, we must accept nominating petitions.
- We pause for eligibility checking (no time frame provided in C&BL):
- For a period of 10 academic days: balloting (i.e. voting).
- Within 3 academic days of balloting ending: publish results of elections.

Given the Committee proposal, the standard timetable for a phase of voting (Part-1 or Part-2) would be

- Calendar Day 1-8 : Publish a list of continuing members of the Academic Senate and continuing Academic Senators of the California State University, (when there is a seat in the Senate, California State University to be filled) and positions to be filled, and collect self-nominations (e.g. noon Day 1 to noon Day 8 = 7 days)
- Calendar Day 8-15 : Publish list of preliminary nominees and collect nominations by petition (7 days)
- Calendar Day 15-20 : Verify eligibility and prepare ballots to distribute (up to 5 days if needed)
- Calendar Day 20-34 : Distribute ballot and allow voting (14 days)
- Calendar Day 34-39 : Publish results of voting (up to 5 days if needed)

#### Nominees for Positions

ByLaw Article VI Section 3 currently requires there to be at least two candidates for each position being filled (as listed in Article VI Section 1 - the Faculty Marshal, Academic Senators of The California State University (in years when there are seats to be filled), and representatives-at-large to the Academic Senate). That means, when we have an election for the representatives at large, we need at least two candidates for every position i.e. 10 candidates for five positions!. This makes it necessary to locate additional candidates (which we often have to do) to have an election. We don't do this in other elections such as at the organizing meeting or when we are electing Chairs of Standing Committees and so forth. In other situations we allow uncontested elections and even appoint individuals by acclamation without a formal vote when they are unopposed. When we have to twist people's arms to vote, it unnecessarily forces people into an election. It also creates potential situations in which there are people who may lose who really wanted to represent and others who get elected but only stood because they were cajoled into doing so! The proposal eliminates this proviso that all seats must be contested but does require that all positions, if there is to be an election, has at least one candidate.

## **Principle D.2 - Senate Vacancies**

The committee recommends that the eligibility of all nominees to fill Senate vacancies will be checked by the Senate Office and/or responsible election authority for that position and be verified by the Faculty Marshal. Vacancies shall be addressed consistently for all elected positions using the following set of standardized procedures and noted variations.

For vacancies in the University Faculty officers, State-Wide Academic Senators, and Faculty Marshall, the Chair shall immediately call an election to replace the person. If the Chair is the vacancy, the Vice-Chair shall serve and shall call an election for a new Chair. If the Secretary is the vacancy, the Chair shall appoint a member of the University Regular Faculty and Senator to serve temporarily until a new Secretary is elected. If the vacancy is for less than 40 days, no election shall be called. In that instance the Vice-Chair would serve the remainder of the term of the Chair and the appointed member the remainder of the Secretary's term. For the Faculty Marshall, the Chair shall perform any duties unless doing so would present a conflict of interest, in that case, the Vice-Chair shall perform those duties.

For At-Large Academic Senators, if a position is vacant for one semester or less than one semester, the Executive Committee solicits and makes nominations of one or more eligible persons and appoints a person to complete the given semester through a written ballot by its members; the person with the most votes is appointed. If a position is vacant for more than one semester, the Senate Office will arrange for a special election by the University Regular Faculty to fill the vacancy for the period of the absence or the remainder of the term, as applicable.

College, Emeriti, Student Services, and Staff Senators: If a position is vacant for one semester, or less than one semester, the Executive Committee solicits and makes nominations of one or more eligible persons and appoints a person to complete the given semester through a written ballot by its members; the person with the most votes is appointed. If a position is vacant for more than one semester, the Executive Committee shall request that the responsible election authority hold a special election by the appropriate electorate (College/Libraries Regular Faculty, Emeriti electorate, Student Services Professionals electorate, and Staff electorate respectively) to fill the vacancy for the period of the absence or the remainder of the term, as applicable.

Lecturer Senators: If a Lecturer Faculty position becomes vacant, the Executive Committee solicits and makes nominations of one or more eligible persons and appoints a person to complete the remainder of the term through a written ballot by its members; the person with the most votes is appointed.

Standing Committee members: For all positions in which a vacancy of one semester or less occurs, and for Lecturer Faculty vacancies, the Executive Committee solicits and makes

240 nominations of one or more eligible persons and appoints a person to complete the remainder of  
241 the term through a written ballot by its members; the person with the most votes is appointed.  
242 For vacancies of College and Library Regular Faculty and Student Services Professionals for  
243 more than one semester, the Executive Committee shall request that the responsible election  
244 authority hold a special election by the appropriate electorate to fill the vacancy for the period of  
245 the absence or the remainder of the term, as applicable.

## 247 **Background D.2 - Senate Vacancies**

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249 Currently, there is no procedure for filling a vacancy for a Senate officer i.e. if the current Chair,  
250 Vice Chair or Secretary resigns from their office, is removed from office, or goes on leave, takes  
251 sabbatical, etc. This proposal provides a process to address that situation. Given that the  
252 positions of University Faculty Officers would be elected by the entire University Regular  
253 Faculty and their importance in the governance system at CSU East Bay, these positions should  
254 be filled by another election with another officer stepping in or a regular faculty member being  
255 appointed until the new election is completed. No provision for appointment for Vice-Chair or  
256 Faculty Marshall is included as vacancies in these positions are not as critical. For vacancies that  
257 occur in these positions with less than 40 days remaining in the term, no election shall be called.

258  
259 The procedures for filling a vacancy for entities not mentioned in Step-1, College and Libraries  
260 Senators, the Emeriti Senator, Lecturer Faculty Senators, Student Services Professionals  
261 Senators, and Staff Senators (in the current By-Laws those in Article VII Section 5, Article VIII  
262 Section 2.D, Article IX Section 2.D, Article X Section 3, and Article XI Section 3) are not  
263 currently very consistent. There is no reason why there should be significant differences between  
264 them except for the fact that Regular Faculty of the Colleges and Libraries eligibility for Senate  
265 can change from semester to semester depending on their participation in FERP/PRTB, and thus  
266 they need to be replaced on a semester rather than academic year basis for a vacancy of less than  
267 one year in a two-year term. Currently, vacancies for at-large Senators are elected by the  
268 Academic Senate members, not the electorate that originally elected them. It seems logical and  
269 much more consistent to have all two year term Senators with absences greater than one semester  
270 to be elected, through a special election, by their electorate. This would apply to the at-Large  
271 Regular Faculty, Emeriti, Student Services Professionals, and Staff representatives. This  
272 procedure is thus recommended by the Committee. However, since Lecturer Faculty are only  
273 elected for one year, the current By-Laws (Article IX Section 2.D) have ExCom fill the position  
274 rather than hold an election from the Lecturer Faculty electorate and there is no need, therefore,  
275 to change this.

276  
277 The procedures for filling Standing Committee vacancies are only loosely defined in Article XVI  
278 Section 8. They mirror the Senator vacancy procedures for vacancies for one semester or less,  
279 but are not specific about how replacements are determined for the Colleges and Libraries and

the Student Services Professionals representatives. It seems logical that since the election procedures are the same as for Senators, that the filling of vacancies should also be the same.

Thinking of Lecturer Faculty eligibility raises the issue of what happens in the rare case of a Lecturer Faculty, once elected, who finds that they fall below a 0.5 timebase and thus they are no longer considered a member of the Lecturer faculty electorate? This eventuality can be addressed by adding explicit language to the eligibility of Lecturer Faculty to serve a year-long term on the Senate as being based on their timebase at their time of election, not during their term of office. It seems reasonable that as long as they continue to be employed each semester by the University for the duration of their term (i.e. have a greater than 0.0 time base for both semesters), they can remain a Senator. However, if they have no teaching assignment in a given Semester then they should be considered similarly to FERP and PRTB faculty as being inactive and therefore ineligible to serve on Senate. The Senate Office would thus need some mechanism, as it does with the semester-by-semester updating of the University Regular Faculty roster, of determining the active status of Lecturer Faculty Senators. The Provost's Office can generate a list of lecturer timebase on the finalization of each semester's course schedule, as is currently the case prior to the Spring election with which the Senate Office establishes the Lecturer Faculty electorate. This information can be used to trigger the vacancy and election process as prescribed.

### **Principle D.3 - Recall of Members**

The Committee recommends that all non-student elected officers and representatives be subject to the recall methodology listed in Constitution Article VII Section 1 and ByLaws Article V Section 8 as follows:

Constitution: The Academic Senate shall institute an election for the recall of any elected officer or representative, as provided in the Bylaws of the University Faculty, when at least fifteen percent (15%) of their electorate have petitioned for a recall election.

ByLaws (to appear in each election clause for each electorate and their positions): If a petition of at least fifteen percent (15%) of their electorate requesting the recall of an officer or representative is filed with the Executive Committee, it shall instruct the responsible election authority to conduct a special electronic ballot in accordance with the provisions established herein. The question shall be put, "Shall (preferred name of office holder and office they hold) be recalled?" If a majority of those voting favor recall, the position shall be declared vacant and shall be filled using the method as prescribed in these ByLaws. The recall ballot will be open for a period of 10 calendar days.



### **Background D.3 - Recall of Members**

Article VII of the Constitution establishes the right to recall elected officers and representatives of the various electorates of the University. All electorates - the University Regular Faculty, the College and Libraries Regular Faculty, the Lecturer Faculty, the Emeriti Faculty, and the Student Services Professionals - are empowered to recall their officers or representatives. In the case of student representatives, this power is vested in the Associated Students President and Council and for Staff representatives, the power to recall is given to the Academic Senate. Only in the case of the electorates comprised of Regular Faculty is the method for this recall specified - a petition by 15% of the electorate triggers a recall election. For all other electorates, Article VII of the Constitution indicates that the electorate, or the Academic Senate in the case of Staff representatives, will determine the recall method, to be approved by the Academic Senate. With the proposal that the Staff create their own electorate for the election of the Staff Senator and with a desire for clarity and consistency across the Constitution and ByLaws, the Committee recommends that all non-student elected officers and representatives be subject to the same recall methodology.

### **Principle D.4 - Election of SALO and DELO**

The committee recommends that the SALO and DELO be elected at the beginning of the Spring semester in the year prior to the term of office. For years in which there is an election, nominations for the SALO and DELO positions shall be generated using the Step-1 annual election procedures used to solicit self nominations and nominations by petition and candidate statements for the other open positions. The SALO and DELO electorate for nominations by petition are the current Academic Senate members. The eligibility of the nominees will be certified by the Faculty Marshal and the Academic Senate will conduct an election through a written ballot by its members at its first meeting following this certification; the person with the most votes is appointed.

### **Background D.4 - Election of SALO and DELO**

Election of the SALO and DELO, as described in Article XIII Section 1 and 2 of the ByLaws lacks detail. Both are to be tenured University Regular Faculty. The ByLaws indicate that the election will take place in the year prior to the term of office, will be by a vote of the Academic Senate, and that nominations may be made by the Executive Committee and the Academic Senate. To be consistent with other elections, the nature by which the nominations and candidate statements are secured and eligibility determined should be prescribed. It is noted that the SALO has not been appointed for almost [20 years](#). Thus it should be either be eliminated from the Constitution and ByLaws or it should be restored and resourced. No position is taken on this by the Committee; rather we recommend that the University community take the opportunity to

359 discuss this dormant position to determine its fate as part of this process of reviewing the  
360 Constitution & ByLaws.