

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA

ACADEMIC SENATE

ELECTIONS AND PROCEDURES COMMITTEE

REPORT TO

THE ACADEMIC SENATE

EP-002-189

Update of Academic Senate Bylaws

Elections and Procedures Committee

Date:

**Executive Committee
Received and Forwarded**

Date: 03/20/2019

Academic Senate

**Date: 03/27/2019
First Reading
04/24/2019
Second Reading**

BACKGROUND:

Please provide background on the need for this referral and how it will benefit the University. Clearly state the expected outcome(s) or action(s) requested.

Cal Poly Pomona transitioned to a semester calendar in Fall 2018. The previous referral, EP-001-156, requested an update to the Bylaws to bring these documents into alignment with the new semester calendar, and this was completed with AS-2798-189-EP. The previous referral also requested a revision to incorporate the following Senate-adopted and President-approved policies that govern Senate processes but have not yet been included in the Bylaws.

- **FS-198-756/EP**, Question of Write-In Votes in Faculty Senate Elections-- not included specifically in the Bylaws or Constitution
- **FS-258-767/EP**, Steering Committee Replacements and **AS-690-889/EP**, Senators on Leave - Clarifying and Policy -- tied together. Possibly need to be in Constitution the EC portion in Article II, Section 9 and the Senator part in Article III. EC leaves for one quarter are treated the same as senators on leave - election by the Academic Senate
- **AS-662-878/EP**, Formalizing Procedures for Committee Meetings - Bylaws- Article III H
- **AS-685-880/EP**, Procedures for One-candidate Election Ballots and **AS-825-912/EP**, Review of Procedures for One-candidate Election Ballots for Senate and RTP Elections - Bylaws Article III, Section 2N.
- **AS-701-889/EP**, Review of Academic Senator Organization and Representation and **AS-940-945-EP**, Review of Academic Senate Organization and Representation - not included specifically in the Bylaws or Constitution - Apportionment of the Senate
- **AS-702-889/EP**, Terms of Senate Officers - Bylaws -Article II, Section 1F, Section 2D
- **AS-716-890/EP**, Bylaws Revision Administrative Representation on Academic Senate Committees - -Bylaws -Article IV Section 2 C and H, Article 3 Section Band E
- **AS-878-934/EP**, Election of Steering Committee - Constitution Article III, Section 1
- **AS-901-934/EP**, Election of Academic Senators - not included specifically in the Bylaws or Constitution

This referral continues the work of the previous referral to update the Bylaws to incorporate these policies. [In addition, E&P also looked at **AS-2369-011/EP** "Review of Senate Absence Policy to Address Sabbaticals and Absences during the Summer Quarter" and **AS-887-934/EP** "Criteria for Courses in Multicultural Perspectives."]

RESOURCES CONSULTED:

1) Individuals

- a) **Valerie Otto**, Administrative Analyst, Cal Poly Pomona Academic Senate
- b) **Executive Committee**, Cal Poly Pomona Academic Senate

- c) Office of Laura Massa, Associate Vice President of Academic Programs
- d) Diane Gonzalez, Executive Assistant to the Provost, Cal Poly Pomona Academic Senator
- e) Sep Eskandari, Associate Provost
- f) Martin Sancho-Madriz, Associated Vice President for Faculty Affairs
- g) Keith Forward, Interim Director of Undergraduate Studies and General Education
- h) Lisa Alex, Chair of Chemistry, former Chair of Cal Poly Pomona Academic Senate
- i) Mahmood Ibrahim, Chair, General Education Committee

2) Documents

- a) The Constitution of the Academic Senate of Cal Poly Pomona, 2005 & 2018
- b) The Bylaws of the Academic Senate of Cal Poly Pomona, 2011 & 2018
- c) Elections and Procedures report of the 1975-1976 academic year related to this issue, FS-198-756/EP
- d) Elections and Procedures reports of the 1976-1977 academic year related to this issue, FS-258-767/EP and EP-004-767
- e) Elections and Procedures report of the 1988-1989 academic year related to this issue, FS-690-889/EP
- f) Elections and Procedures report of the 1987-1988 academic year related to this issue, AS-662-878/EP
- g) Elections and Procedures report of the 1988-1989 academic year related to this issue, AS-685-889/EP
- h) Elections and Procedures report of the 1991-1992 academic year related to this issue, AS-825-912/EP
- i) Elections and Procedures reports of the 1988-1989 and 1994-1995 academic years related to this issue, AS-701-889/EP and AS-940-945/EP
- j) Elections and Procedures report of the 1988-1989 academic year related to this issue, AS-702-889/EP
- k) Elections and Procedures report of the 1976-1977 academic year related to this issue, AS-716-890/EP
- l) Elections and Procedures report of the 1976-1977 academic year related to this issue, AS-878-934/EP
- m) Elections and Procedures report of the 1976-1977 academic year related to this issue, AS-901-934/EP
- n) Elections and Procedures report of the 1993-1994 academic year related to this issue, AS-887-934/EP
- o) Elections and Procedures report of the 2010-2011 academic year related to this issue, AS-2369-011/EP
- p) Minutes of the Executive Committee Meeting held on July 15, 2015.
- q) Cal Poly Pomona academic calendar for the academic year 2018-2019

The consultation list for this referral is intimidatingly large, including virtually everyone on campus save prospective students taking a tour. Where possible, notes on the nature of consultations have been included in the various discussion items.

DISCUSSION:

This referral impacts the Academic Senate of California State Polytechnic University, Pomona's (AS-CPP's) Constitution and Bylaws in a number of areas. The various reports containing the recommended changes are listed below, alongside a short description of the issue/recommendation, the salient points, the results of consultation, and where the changes need to be implemented.

FS-198-756/EP – This referral relates to the ballot possibilities in the election of senators to the AS-CPP. The question is: should write-in votes be allowed or discarded? The Constitution states in Art. III, Sec. 8(A) that

No department in a college/school shall have more than one senator until each department within that college/school has at least one senator. During each nomination period candidates may be nominated from any department within the college/school that does not already have a senator. However, if after the close of the initial nomination period there is an insufficient number or numbers of candidates from the eligible department(s), then the seat(s) shall be declared open and candidates from any department within the college/school may be nominated.

The language is clear that a nomination is required. This would seem to disallow any write-in candidacies, but the actual nature and process of the nomination is left unsaid. The currently practiced nomination process requires the signatures of would-be constituents. However, this requirement is not formally prescribed and so may lack actual force, opening up the possibility for candidates to enter an election by a variety of means.

Our recommendation is that write-in votes violate the requirements laid out in the Constitution and are unnecessary in any circumstance, and thus are forbidden. The existing constitutional language disallows nominations after the nomination period (the interval between the announcement of an election and the dissemination of the ballots) is concluded. Presumably, the reason that an individual would launch a write-in campaign is that they are not otherwise qualified to run for open senate seats. These qualifications and

the currently practiced nomination requirements are not onerous, so there should be few reasons to circumvent them. We recommend that

- a) the election announcements should explicitly state that write-in votes are not allowed,
- b) the “no write-ins” policy be stated in the AS-CPP Bylaws (there is no language in the Constitution specifying the balloting process, only who is eligible to hold the seats), and
- c) the signature-based nomination requirement be formalized in the Bylaws.

Incorporation of this language may not appear to be strictly necessary, at first. The Bylaws (Art. IV, Sec. 3) indicate that the Elections & Procedures (E&P) Committee shall “[s]erve as a Board of Qualifications by ensuring that all nominees for Academic Senate and CSU Academic Senate seats are duly qualified.” This seems to give the E&P committee broad power to adjudicate what the nomination and election process requires, but we recommend the Bylaw inclusions above for transparency and accountability reasons. We also recommend that, in the event of a dispute about qualifications, a referral addressed to the E&P committee be generated for expedited decision.

Would-be candidates who believe that they have been unfairly excluded from the nomination/election process have some recourse in the form of an appeal to the EC and E&P Committee.

We consider these internal matters to be at the discretion of the AS-CPP E&P committee, the AS-CPP Executive Committee (EC), and the AS-CPP generally, so no broader consultation was conducted. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

We recommend that language describing the above rules be added to the Bylaws under the duties of the E&P Committee.

FS-258-767/EP – This referral describes the niceties of replacing members of the “Faculty Senate Steering Committee,” i.e., the EC. Since the members of this committee are elected

by the members of the AS-CPP, mid-term replacements for departing members of the EC should be approved by the AS-CPP, as well. The recommendation is that

[...] all appointments made as replacements for the [Executive] Committee of the Faculty Senate be approved by the Senate.

That the AS-CPP already has this authority is described in Art. II of the Bylaws:

Upon resignation, any Senate Officer or Executive Committee member shall be replaced by majority vote of the Academic Senate at the next regularly scheduled Senate meeting.

Given the urgency of the matter, an extended nomination process for the vacancy is undesirable, so an appointment is a more attractive prospect.

Since this event is covered by normal EC nomination process, we recommend no changes in this case.

We consider these internal matters to be at the discretion of the AS-CPP EC and the AS-CPP generally, so no broader consultation outside of the AS-CPP was conducted. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

FS-690-889/EP – This regards the election of a replacement AS-CPP senator in the event that they will be absent from the senate for an extended period of time. The recommendation is that

In the event that a senator will be absent for more than one quarter, he/she shall be replaced by a special election to fill the balance of the unexpired term.

We do not anticipate that this recommendation will be controversial. There exists currently language regarding absences in the Bylaws in Art. X, Sec. 2(A):

The Executive Committee shall remove from the Academic Senate any member with more than three consecutive absences (one academic quarter's time) from regularly scheduled monthly meetings of the full Academic Senate. Should a Senator be absent for the next regular

monthly Academic Senate meeting after three unattended meetings, a special election will automatically be called to fill the balance of such Senator's term. The Executive Committee shall also remove from the Academic Senate any member with a total of 5 absences from regular senate meetings in an academic year.

We recommend that this language should be amplified to include the possibility that the AS-CPP knows ahead of time that a senator will be absent for some time to come and wishes to preempt the process. There is, however, a decision to be made regarding the time frame. "One quarter" could be changed to "the next four consecutive meetings" to adopt the same time frame as the existing absence policy. Ideally, a senator in this position would resign and the EC could take the appropriate steps, but this is not always possible. The Constitution could also be modified to include these possibilities; Art. III, Sec. 8(B) can be changed to

If a senator cannot fulfill their duties, resigns, or is removed from the Academic Senate before the end of their term, an election shall be conducted as in Article III, Section 8(A). The senator thus elected shall serve until the end of that term.

Again, this is a mostly internal matter, so no broader consultation was conducted. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

We recommend that language describing the above rule be added to the Bylaws in Art. X, Sec. 2(C).

AS-662-878/EP – This is related to EC responsibilities regarding appeals from constituents regarding the handling of various referrals. It recommends that AS-CPP Bylaws Art. III should include a new Sec. 2(H)

Sit as an appellate committee to hear arguments from a Senate constituent who can show cause that an issue before one of the

standing committees has not been adequately resolved in the recommendations that it is making to the Senate.

This language apparently already exists in the Bylaws; there is no action necessary.

AS-685-889/EP – AS-685-889 (mis-labeled in the referral as “AS-685-880”) is meant to formalize the procedure for the event that a candidate for AS-CPP is running unopposed. The recommendation is that the AS-CPP Bylaws Art. III, Sec. 2 should include the new language

Upon notification from the Elections and Procedures Committee that only one candidate has been duly nominated for a given position either in Senate or RTP elections, declare that the individual has been elected.

This language apparently already exists in the Bylaws as subsection (N); there is no action necessary.

AS-825-912/EP – This policy deals with a particular circumstance where a slate of nominees are all running unopposed. In this case, the recommendation is that the nominating period should be held open for 5 more “working days” to encourage more participation. (The faculty should be notified via “action sheet;” this is obsolete with the advent of email.)

We recommend re-adopting this recommendation. The procedure can be built into the existing AS-CPP Bylaws Art. III, Sec. 2(N) as

(N) Upon notification from the Elections and Procedures Committee that only one candidate has been duly nominated for each position in Senate or committee elections, declare that the nomination period will be held open for five additional instruction days. Upon further notification from the Elections and Procedures Committee that only one candidate has been duly nominated after this extended period, declare that the individual has been elected.

This language change has broader impact given that it involves RTP-committee elections. Faculty Affairs is supportive of the change.

AS-701-889/EP – This referral revises and formalizes somewhat the apportionment procedure used in the AS-CPP. Namely, that “obligatory apportionment of the Senate [...] prior to Spring Quarter elections be calculated on the number of base positions...” and that “[...] the library and student services professionals [...] each be given one senator.” This policy is not outlined in the Constitution or in the Bylaws. This recommendation is apparently superseded by referral AS-940-945/EP, below.

AS-940-945/EP – This referral modernizes the language used in the preceding referral AS-701-889/EP, recommending that “Academic Senate apportionment be based on the Fall FTEF figure for each academic year. Thirty-three senate seats are to be apportioned among eight colleges/divisions. One seat is to be allocated to each the library and student services.” There is also a description of the algorithm to apportion the seats without rounding error. This policy is currently in place but is not outlined in the constitution or in the bylaws.

This can be rectified by adding language to the Bylaws as Art. IV, Sec. 3(C) the language
Apportion Academic Senate seats among the colleges, schools, and
areas according to the Bylaws [VIII.5].
in a new subsection.

Again, this is a mostly internal matter, so no broader consultation was consultation was conducted. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

The apportionment procedure has been described in new language under the responsibilities of the E&P Committee. The three-year reapportionment cycle established by the Constitution starting in 1994 can remain in place.

AS-702-889/EP – This referral establishes in more exact language the term of the AS-CPP EC’s Chair and Vice-chair. There exists currently language in the Bylaws (Art. II, Sec. 1) that states that the incoming Chair will

[a]ssume the duties of the Chair at the beginning of the Summer Term after election.

The recommendation is that this should read

[a]ssume the duties of the Chair at the beginning of the Summer Term after election at the last meeting of the Spring [Term].

Since the date for the election of the Chair and Vice-chair is established by the Constitution, we believe that this language is functionally unnecessary and could complicate changes to these documents down the road. We recommend that no changes be made in this instance.

This is another internal matter for the AS-CPP Senate, so no broader consultation was consultation. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

AS-716-890/EP – This referral deals with the composition of standing AS-CPP committees. Part of the recommendation establishes (in the Bylaws) the Academic Programs and Planning Subcommittee and the General Education Subcommittee under the Educational Policies Committee. The referral also establishes which CPP officials are entitled to ex-officio seats on various established committees:

- “Associate Vice President for Academic Programs” to “Academic Programs and Planning Subcommittee”
- “Director of Academic Programs” to “General Education Subcommittee”
- Associate Vice President for Academic Affairs to Academic Affairs Committee
- Associate Vice President for Faculty Affairs to Faculty Affairs Committee

We believe that the first part establishing the hierarchy of the committees should be ignored, since these “subcommittees” are currently full-fledged committees.

There exists currently in the Bylaws language that describes the open nature of Academic Senate and committee meetings:

It is the policy of the Academic Senate that all Academic Senate committees conduct their proceeding in an open manner unless otherwise provided for in the Bylaws. [Art. IV, Sec. 4(A)]

All meetings of the Academic Senate shall be open to all University-related personnel unless by a majority vote of the Academic Senate an executive session is called. When in executive session, only voting Academic Senate members may be present, except that the Senate may invite appropriate personnel as required to conduct executive session. [Art. VIII, Sec. 2]

Administrative representatives (non-voting) shall be appointed to standing committees based on the business and responsibilities of the committee. These appointments shall be approved by the Executive Committee. [Art. IV, Sec. 2(H)]

There is no question that these CPP officials have the right to attend Academic Senate and committee meetings. They may also be assigned at the discretion of the EC, entitling them to be counted for purposes of quorum, to committee correspondence, and to not be excluded in the event of a closed-door meeting. The question is whether or not these administrators should be assigned on a permanent basis or continue to serve at the pleasure of the EC.

Consultation and discussion indicate that the current policy is sufficient, but there is a possibility that events could transpire that strain the relationship between the Academic Senate/committees/EC and the administrators in question. It is also conceivable that certain administrator positions will appear and disappear during periodic restructurings, necessitating Bylaw changes to keep pace. We feel that the flexibility of the current language outweighs the drawbacks, and that no changes be made at this time.

If desired, language required to officially assign these administrators to the various committees can be inserted into the Bylaws as a subsection in Art. IV, Sec. 2:

All standing committees shall, in addition to their senator and constituent appointees, include the following University officials as ex-officio members:

- (1) Director of Undergraduate Studies and General Education to Academic Programs Committee
- (2) Associate Vice President of Academic Programs to General Education Committee
- (3) Associate Provost to Academic Affairs Committee
- (4) Associate Vice President for Faculty Affairs to Faculty Affairs Committee

AS-878-934/EP – This referral discusses the timing of the notifications for AS-CPP seats opening during a given academic year. The recommendation is that

- The base positions (i.e., FTEFs) for each College/School/Area be collected in the Winter Quarter and the number of new senators for each sector determined at that time.
- That the nominations be opened at the start of the Spring Quarter, rather than 3 weeks in. The ballots should be counted the sixth week of the Spring Quarter. Run-offs take place during weeks 7 and 8.
- That the incoming senators shall be notified of their official duties prior to the final meeting of the academic year when they are seated. (The primary duty of newly elected representatives at this point is the election of the EC.)

We believe that this referral is mostly superseded by language already in place in the Constitution and Bylaws that handle the timing of these elections, and electronic announcements and balloting make communications about run-off elections, etc. nearly instantaneous. We recommend no changes to the Bylaws or Constitution related to this referral. If desired, the introduction of the incoming senators to their responsibilities can be added to the duties of the EC (Art. III, Sec. 2), Vice-chair (Art. II, Sec. 2), or Recording Secretary (Art. II, Sec. 3):

The [Executive Committee or Vice-chair or Recording Secretary] shall inform the recently elected senators of their duties after they are seated at the final spring meeting of the Academic Senate one week prior to the final spring meeting.

Again, this is a mostly internal matter, so no broader consultation was conducted. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

AS-901-934/EP – This one is about clarifying details of the elections of senators:

- “Election to the Academic Senate shall be by a plurality of votes cast.”
- “If ties should result, they will be resolved through a second election among the candidates who are tied.”
- “If a tie still exists, it shall be resolved by recourse to a table of random numbers.”

These details are represented nowhere in the Bylaws or Constitution.

We recommend including these details in the responsibilities of the E&P Committee.

No broader consultation was conducted, since this is an internal matter for the AS-CPP Senate. We expect the AS-CPP representatives to accept or reject these changes with the needs and opinions of the CPP faculty in mind.

RECOMMENDATION:

We are recommending the attached changes to the AS-CPP Constitution and Bylaws that address the above recommendations. These changes include the introduction of an appendix (Appendix I) that collects policies related to the conduct of elections (where such policies are not explicitly in the AS-CPP constitution) and another appendix (Appendix II) that describe the apportionment procedure for the AS-CPP and its committees.

As additional recommendations, we suggest that instances of “he/she” (and variations) that occur in the Bylaws be replaced with “they” (and variations):

Art. II, Sec. 1(B)

Art. IV, Sec. 3(F)

Art. IX, Sec. 1(B)

Also:

AS-887-934/EP – A referral that introduces the AS-CPP’s responsibility to administer the American Cultural Perspectives (ACP) requirement at CPP. The issue here is that the responsibility for administering the requirement is not delegated to any committee. The referral states

The Academic Senate shall be responsible for determining whether a course meets the above guidelines, and shall refer all requests for inclusion on the American Cultural Perspectives course list to the General Education Committee.

Currently, the General Education (GE) Committee’s only responsibility (Art. IV, Sec. 3(E)) is to “oversee the implementation of Executive Order 1033 in all of its specified and applied dimensions.” Executive Order 1033 does not discuss the ACP requirement. Updating the Bylaws to include administering this requirement as a GE responsibility seems appropriate.

AS-2369-011/EP – This late addition to the referral addresses absences related to sabbatical other University-approved leave. The referral indicates that the Bylaws need to be updated in Art. X, Sec. 2(A) to read

The Executive Committee shall remove from the Academic Senate any member with more than three consecutive absences (one academic quarter’s time) from regularly scheduled monthly meetings of the full Academic Senate. Should a Senator be absent for the next regular monthly Academic Senate meeting after three unattended meetings, a special election will automatically be called to fill the balance of such Senator’s term. The Executive Committee shall also remove from the Academic Senate any member with a total of 5 absences from regular senate meetings in an academic year. An exception to this policy is made for those senators who are on a one quarter sabbatical or a university approved leave of absence and has provided the Executive Committee with a letter

designating proxy for the entire quarter. Senators on a sabbatical or leave of absence for a more than one quarter should resign from the Academic senate.

Also, that the following subsections be added to Art. X, Sec. 2:

Attendance at Senate meetings scheduled during the summer months is optional. Missing any meeting during the summer will not count as an absence for the purpose of removing a Senator due to lack of attendance.

All proxies including those designated for an entire quarter shall be listed in the minutes of Senate meetings.

A Senator submitting a proxy shall be considered absent for the purpose of attendance.

These changes have been introduced almost verbatim, with the exception that "Senators on a sabbatical or leave of absence for a more than one quarter should resign from the Academic senate." A requirement like this is not easy to enforce, but the EC have been given the authority to call a new election in this instance under the new language associated with FS-690-889/EP, above.