

SAN JOSÉ STATE UNIVERSITY

SM-F24-1

**SENATE MANAGEMENT RESOLUTION
TEMPORARY DISPOSITION OF SENATE SEAT
16-HHS-27 AND THE CHAIR OF THE ORGANIZATION AND
GOVERNMENT COMMITTEE**

Legislative History: At its meeting on December 2, 2024, the Executive Committee passed SM-F24-1 by 11-0-1. It was presented to the Academic Senate by Senator Heindl and approved by 37-0-1.

Rationale:

Joshua Baur was elected by the faculty of the College of Health and Human Sciences to serve as one of their Senators in a term set to expire in Spring 2027. Subsequently, he was elected by the Academic Senate to serve as Chair of the Organization and Government Committee for a term set to expire in Spring 2025.

Following these two elections, the Department of Public Health and Recreation agreed to eliminate Senator Baur's academic major and this was approved by the College of Health and Human Sciences and all University committees and administrators. Senator Baur requested to move his appointment to a department in the College of Social Sciences beginning January, 2025, which was also supported by the administration of both colleges and the provost. This creates a situation which is unprecedented in Senate history.

An Academic Senator may only be elected from the college of their assignment, but Senator Baur's term would have him serve

as the Senator from HHS for 2 ½ years while he was no longer assigned to HHS. On the one hand, the Constitution and Bylaws of the Senate cannot intend for Senators to represent colleges other than their own. On the other hand, Senator Baur's transfer does not reflect the will of the voters who elected him. Does the place of residency or the mandate of election take precedence?

A strict enforcement of the residency requirement would require Senator Baur to leave the Senate—at least on a short-term basis—and for immediate new elections to occur to name a replacement for the College of HHS. This would also require the Senate to choose a new Chair for O&G midway through the year. Both of these developments would be disruptive but would be necessary without the temporary change to the Bylaws established below.

This measure will enable a more reasonable transition period to occur at the end of the academic year rather than mid year, by ending the term of seat 16-HHS-27 in May rather than at the moment of Baur's transfer to his new college in January. This preserves the long term principles of residency and democracy while minimizing the short term disruption of this administrative decision.

Resolved: Senator Baur will continue to represent the College of Health and Human Services through Spring 2025, despite his transfer to the College of Social Sciences in January. He is instructed to continue to consult HHS faculty and represent their views.

Resolved: The term for seat 16-HHS-27 shall expire in Spring 2025. Senator Baur will not be eligible to run for election for any HHS seat but will be eligible to run for a senate seat in his new college: Social Sciences. Seat 16-HHS-27 shall be available for a 2-year term to be filled by spring elections as per normal processes.

Resolved: This Senate Management Resolution expires in May 2025 at the end of this Senate term.

Resolved: This SMR constitutes an exception to Senate Bylaw 1.8 (regarding vacancies) but shall not set precedent.