

**ACADEMIC SENATE
STANDING PROCEDURES
for
DEPARTMENT CHAIR ELECTIONS**

I. AUTHORITY

A. According to the COCFA contract, Article 12, Section K - subsection 3(a), the Academic Senate is responsible for administering the election of Department Chairs. The Academic Senate is bound by the provisions found in the COCFA contract. However, further development and elaboration of procedures by the Academic Senate for the election of Department Chairs is permitted provided they are in accordance with the COCFA bargaining contract.

B. The Departments of Counseling and Library/Media Technology (LMTECH) are exempt from the election provisions of Article 12, Section K, subsection (3)(a) of the COCFA contract, per that bargaining agreement.

II. QUALIFICATIONS

A. Per Article 12, Section K, subsection 3(a) of the COCFA contract, Faculty members eligible to serve as Department Chair must teach a majority of his/her regular teaching load in the designated department.

III. TERM

A. Department Chairs will serve a term of two years and may serve multiple terms. The term will start on the first day following the last day of instruction of the spring semester.

IV. VOTING

A. Per Article 12, Section K, subsection 3(a), eligibility to vote in a department chair election requires a faculty member to maintain a majority of his/her regular teaching load in that department.

V. ELECTION PROCEDURES

A. Nominations

1. Calls for nominations will go out from the Academic Senate to every full-time faculty member in the department.
2. Faculty members will have a week to return nominations.
3. Faculty members may nominate themselves or another member of the department.
4. Faculty members can only nominate individuals in their own department.
5. The Academic Senate will confirm the willingness of nominated faculty members to serve as Department Chairs.
6. If only one candidate is nominated for Department Chair, then that candidate is deemed to have been elected "by acclamation", unless there is a formal request for a ballot by any other member of the department.
 - a.) If there is a formal request for a ballot, a "yes/no" ballot will be issued to the department.
 - b.) The balloting will be open for one week.

- c.) If the nominee does not receive a majority of ballots cast, then nominations will be reopened.
7. If there are two or more candidates for Department Chair, then an election will be held.
- a.) Balloting will be open for one week.
 - b.) Elections Involving Only 2 Candidates:
 - i. A successful candidate must receive a majority of the vote cast (50%+ 1).
 - ii. If both candidates receive 50 percent of the votes cast, then the Senate will administer the principle of rotation.
 - c.) Elections Involving 3 Candidates or More:
 - i. If in an election of 3 or more candidates a candidate has achieved a plurality of the votes cast, the candidate having achieved a plurality is deemed to have won the election.
 - ii. If in an election where 3 or more candidates all receive an equal share of votes cast and no candidate has achieved a plurality of votes, then the Senate will administer the principle of rotation.
 - d.) Implementation of Principle of Rotation:
 - i. Two Candidate Elections
 - 1. If an incumbent candidate has received 50 percent of the vote in a two candidate election, the non-incumbent candidate is deemed to have won the election provided the incumbent candidate has served as Chair of that Department for at least three successive semesters by the end of the spring semester in which the election is being conducted.
 - 2. If an incumbent candidate has received 50 percent of the vote in a two candidate election, and has only served as Chair for two successive semesters or less by the end of the spring semester in which the election is being conducted, the incumbent candidate is deemed to have won the election.¹
 - 3. If an incumbent candidate has received 50 percent of the vote in a two candidate election, and has previously served as Chair in any capacity during a term other than the term of the present election, the non-incumbent candidate is deemed to have won the election provided the non-incumbent candidate has never served as Chair in any capacity. Otherwise, the principle of rotation does not apply and Section V(A)(7)(d)(iii) of these procedures apply.²
 - 4. In the case where two candidates have each received 50 percent of the vote and neither candidate is an incumbent candidate and one of the two candidates has

¹It can be said that incumbent candidates having served as Chair for only two successive semesters or less have not had adequate opportunity to gain the insight, experience and knowledge achieved by serving as Chair. Therefore, compelling the incumbent candidate to vacate the office so that a non-incumbent candidate may realize the benefits of a full 2 year term as Chair is arguably inequitable.

²This section was meant to address the scenario where an incumbent has tied, has possibly served his or her current term for only one or two semesters and would then be deemed the winner under subsection V(A)(7)(d)(2) above. But, that would not be very equitable because V(A)(7)(d)(2) above is meant to apply and benefit only those incumbent chairs who have never before served as Chair. Thus, under this section an incumbent Chair could have only served one or two semesters as an incumbent, yet they have had the full privilege of past service in some capacity. Under that scenario, it seems equitable to allow the non-incumbent candidate to win, provided they have never served as Chair.

previously served in any capacity as Chair, the candidate having never served as Chair in any capacity is deemed to have won the election.

5. In the case where two candidates have each received 50 percent of the vote, neither of whom is an incumbent Chair, and neither has ever served in any capacity at any time as Chair, then the Principle of Rotation is inapplicable and Section V(A)(7)(d)(iii) of these procedures applies.

ii. Three or More Candidate Elections

1. If an incumbent Chair is one of three or more candidates having received an equal share of the vote cast in an election and no candidate has achieved a plurality of votes, the incumbent candidate is deemed to have won the election provided the incumbent candidate has only served as Chair for two successive semesters or less by the end of the spring semester in which the election is being conducted. Otherwise, the incumbent candidate is disqualified from further consideration as a candidate to serve as Chair. A run-off ballot will be provided for the remaining two non-incumbent candidates.

2. If in an election three or more candidates receive an equal share of the vote cast and no candidate has achieved a plurality of votes, and none of those candidates is an incumbent Chair nor has ever served as Chair in any capacity, the Principle of Rotation is inapplicable and Section V(A)(7)(d)(iii) of these procedures applies.

3. For all run off ballots/elections, the provisions of Section V(A)(7)(d)(i) of these procedures apply.

iii. Under all circumstances where the Principle of Rotation is inapplicable, and under all circumstances and scenarios not addressed by Sections V(A)(7)(d)(i) and (ii) of these procedures, the election will be resolved in the following manner:

1. The final determination of the election will be overseen by an ad hoc committee of at least 3 or more disinterested members of the Academic Senate. Either the President or Vice-President of the Academic Senate shall serve a member of the ad hoc committee. The final two candidates for the unresolved election shall attend a meeting of the ad hoc committee and will each randomly draw one selection out of a lot of 10 sealed papers each containing a number from 1 to 10. The candidate who draws the higher number from 1 to 10 is deemed the winner. If only one of the two candidates attends the meeting, the candidate who does not attend is deemed to have lost the election, unless compelling circumstances exist explaining the absence of that candidate.

8. If a department does not have a faculty member nominated for Chair, then the position of Department Chair for that department will be open first to other full-time faculty from the division in which the department in question resides, and if no nominations are received, then to the entire full-time faculty.

a. Single Member Departments – Department Chairs who serve as the only member of their Department may choose not to continue service as Chair.³ Under such circumstances the President of the Academic Senate will convene an ad-hoc committee to explore the best possible alternatives.

³ In particular cases, full-time faculty are hired by the District using a job description that includes service as Department Chair as part of the expected job duties. However, it is the position of the Academic Senate that subsequent to being hired the COCFA bargaining contract controls thus providing election opportunities for any Chair, from single member Departments or otherwise, to opt out of their service as Chair. The same principle applies to Chairs from single member departments that were not originally hired to serve as Department Chair. Under either circumstance, the decision of a faculty member from single member departments not to continue serving as Chair presents serious academic and

i. Ad hoc Committee Composition – the committee shall consist of the President of the Academic Senate or designee, the CIO or designee, the Division Dean of the affected Department, the President of COCFA or designee, and the current Department Chair opting out of continued service as well as one full-time faculty member from outside the affected Division. A majority vote shall determine all outcomes decided by the committee.

b. No Nominations Received – in elections where no nominations are received from any full-time faculty member, the Academic Senate President will convene an ad hoc committee to determine an appropriate outcome.

i. Ad hoc Committee Composition – the committee shall consist of the President of the Academic Senate, the CIO, the Division Dean of the affected Department, the President of COCFA or designee, all full time members of the Department in question, as well as one full-time faculty member from outside the affected Division. A majority vote shall determine all outcomes decided by the committee.

9. Resignations

a. If a Department Chair resigns prior to the completion of their term, the President of the Academic Senate will convene an ad hoc committee to determine the best manner in which to temporarily fill the vacancy. The committee may consider temporary and interim appointments as well as special elections. A majority vote shall determine all outcomes decided by the committee.

b. If the resignation occurs during a spring semester in which an election for Department Chair has already transpired and a candidate other than the resigning Chair has been elected, no special election will be conducted and any interim or temporary appointment will end at the conclusion of the spring semester.

c. If a resignation occurs in a two member department leaving only one eligible member of the department in question to serve as Chair, the President of the Academic Senate may appoint that remaining eligible member as interim Chair of the department in question to serve out the original term of the resigning member of the department in question.

d. Ad Hoc Committee Composition – the committee shall consist of the President of the Academic Senate, the CIO, the Division Dean of the affected Department, the President of the COCFA or designee, and all full time members of the Department in question, as well as one full-time faculty member from outside the affected Division. A majority vote shall determine all outcomes decided by the committee.

10. Removal for Non-Performance – provisions for removal of Department Chairs for non-performance are set forth in Article 12, Section K, sub-section 9 of the COCFA bargaining contract.

11. All election results must be confirmed by the full Senate. Any challenges to the election process shall be made at that time. Confirmation of the results may be achieved without public disclosure of the actual vote totals for each department. Upon the approval of a majority of the Academic Senate, public disclosure of the actual vote totals for a particular department, or all departments, will be made. Access to the actual vote totals for any or all Department Chair elections will be made available to any requesting faculty member by the President of the Academic Senate.

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administrative dilemmas to be resolved. Consequently, an ad hoc committee representing a shared governance approach to addressing the issue is warranted.