

Ex Officio Voting Rights January 22, 2009

Right to Vote

Ex officio members may be divided between members of the Senate and non-members of the Senate, and separate rules apply to each group.

Non-Senate Ex Officio Members

Voting rights are governed by Universitywide Bylaw 35(C).

<http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl35>

Clause 2 states the following:

"Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions. [See [Legislative Ruling 12.75](#)]"

Davis Division Bylaw 28(F) duplicates the language of 35(C), except that it precludes voting when advice is given in the name of the Davis Division.

http://academicsenate.ucdavis.edu/cerj/manual/dd_bylaws.cfm#28-

There are no explicit Bylaw provisions that give the right to vote on "other questions," so non-Senate members do not have the right to vote on any issue.

Senate Ex Officio Members

Davis Division Bylaw 28(C) contains a restriction on voting by some ex officio Senate members (members of the Davis Division) of standing committees.

http://academicsenate.ucdavis.edu/cerj/manual/dd_bylaws.cfm#28-

"No member of the Division holding an administrative title of Chancellor, Vice Chancellor, Provost, Vice Provost, Dean, Associate Dean or titles with equivalent levels of administrative responsibility may serve as a member of a divisional committee or as a representative of the Davis Division to any taskforce, committee, or agency (except in a non-voting, ex officio capacity.) These restrictions do not apply to chairs of academic departments or programs. (Am. 06/01/06)"

Any Divisional member of a standing committee holding one of the above titles may not vote on any issue.

Representatives

Davis Division Bylaw 29(F) denies voting rights to representatives on standing committees:

http://academicsenate.ucdavis.edu/cej/manual/dd_bylaws.cfm#29-

"Student representatives shall be appointed by the appropriate student government organization under procedures agreed to by the Executive Council. Non-student representatives shall be appointed in the manner designated in the Bylaw pertaining to the committee on which they are to serve. Representatives on a committee do not have voting privileges"

Other Rights

Ex Officio Members

Universitywide Bylaw 39(C) grants to ex officio members the right to participate equally with regular members in all matters other than the prohibition against voting by non-Senate members.

"Except for the provision of Article C.2 of this Bylaw, *ex officio* members have the same powers as other members unless otherwise specified."

The voting prohibition applies to Senate ex officio members by virtue of Davis Division Bylaw 28(C), where a limitation on the powers of ex officio members is "otherwise specified."

Representatives

The other rights of representatives are governed by the remainder of Davis Division Bylaw 29(F):

"Representatives on a committee do not have voting privileges but they have the right to participate in committee deliberations, except as specified otherwise in the Bylaw pertaining to the specific committee involved, and they may have their opinions recorded. (En. 4/21/80; Am. 1/27/81)"

Ranked Nominees

A final issue concerns a specific procedure for the selection of recipients of public service awards. The current process is to solicit rankings of nominees from all committee members and then to use these rankings as the basis of further actions.

Since ex officio members have the same powers, save for the power to vote, as all other members, these members are entitled to rank nominees for awards. However, the role of these rankings must be strictly advisory. CERJ interprets any action which is taken on the basis of these rankings which would eliminate any candidate as being a vote, and therefore such action may be undertaken only by a vote of the members who are not ex officio.