

Voting Rights and Zero-Level Departmental Members
Committee on Elections, Rules and Jurisdiction
March 7, 2011

The Committee on Elections, Rules and Jurisdiction offered [formal advice](#) on September 5, 2002, according to which zero-level appointments in departments have full systemwide Bylaw 55 voting rights. Reciprocally, CERJ concludes presently that all eligible members of a department must be considered to have full Bylaw 55 voting rights with respect to any member with a zero-level appointment.

Academic Senate Bylaw 55(A) states: “No department shall be organized in a way that would deny to any of its non-emeritae/i faculty who are voting members of the Academic Senate, as specified in Standing Order 105.I(a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw.”

It follows from ASB 55(A) that no agreement may be made that may remove the right of a zero-level member of a department from voting on personnel actions specified in ASB 55(B) or that may remove the right of department members eligible by ASB 55(B) to vote on the zero-level faculty member. In general no faculty member may lose voting rights by agreement.

The zero-level faculty member (or candidate for zero-level appointment) may certainly make an explicit agreement not to exercise his or her Bylaw 55 right to vote. However, such an agreement does not abrogate that member’s fundamental right to vote, and the agreement may be rescinded if the member were to choose to exercise that right.

The other eligible department members may also make explicit agreements not to exercise their right to vote on the zero-level member. Again, such an agreement does not abrogate that member’s fundamental right to vote, and the agreement may be rescinded if the member were to choose to exercise that right.

Any agreement not to vote must be made by each individual separately. There can be no “departmental” agreement not to vote, even if the members of the department unanimously desire at any point in time not to vote. Such an agreement would constitute the department’s being organized in such a way as to deny an eligible member the right to vote, which would violate ASB 55(A).

It should be added that any agreement not to vote should be made completely voluntarily, without any pressure applied by any party. The rights granted by ASB 55 are fundamental to Senate membership.