STUDENT ADVISORY MEMORANDUM

March 1, 2004

To: College Presidents

From: Vice Chancellor Frederick P. Schaffer

Re: Student Government Elections and Review Procedures

With student government elections required to be held between March 15 and April 30, this memorandum provides guidance concerning the procedures to be followed in the conduct and review of student elections. This memorandum supersedes Student Advisory Memorandum No. 99-3, dated August 4, 1999.

Student government elections are to be held at each college beginning no earlier than March 15, and ending no later than April 30, in accordance with Board of Trustees policy (copy attached as last amended on May 27, 2003, Cal. No. 9.B). The newly elected student governments, where such is the practice, should take office in time to elect delegates and alternate delegates to the University Student Senate (USS) by August 10, from the elected members of the student government, or as soon as possible. At some colleges USS delegates are directly elected by the student body, as is permitted under Section 15.7 of the University Bylaws.

Without exception, pursuant to Section 15.2(d) of the Board Bylaws, each college must establish a Student Elections Review Committee (SERC) to approve election procedures and certify the results of student government elections and student body referenda.
The explanation to the resolution provides that:

As clarification, the intent of 15.2(d) is that the establishment of Student Elections Review Committees be a method to formalize certification of election results and to encourage student participation in the electoral process. The intent with respect to composition is that the membership of the committees are to be selected by the duly elected student legislative bodies. The role of college presidents is intended to be limited to receiving appeals from the Student Elections Review Committee where an individual student has received a negative determination on a request (such as a ruling declaring a student ineligible for nomination to an elected position). (Board Minutes, May 27, 1975, Cal. No. 2)

A student government should have a constitution or other governing document which includes provisions for student government elections, including an elections committee. At some colleges, the student government has delegated this function to a non-student government committee, such as the SERC or a college senate elections committee.

While the student government itself has the authority to establish procedures and a committee for the conduct of student elections, SERCs provide a mechanism for review to insure that the election procedures, the voting, and the certification of the election results are appropriate. The SERC should be an impartial review panel, particularly because officers of the student government may be running for re-election themselves or have an interest in the outcome.

The Board Bylaws state that the "college" shall establish a SERC and the explanation states that membership of the SERC is to be selected by the duly elected student legislative bodies. The college president, as the chief executive officer of the college, is responsible for the establishment of the SERC and the composition of its membership. The president's appointees should be chosen from those nominated by the elected student legislative bodies, and may include students, faculty, and administrative members. The college may designate staff for the SERC.

While there is no Board Bylaw or policy dictating the composition of the SERC, it is strongly recommended that the SERC be composed of a majority of faculty and administrators, in order to ensure legal representation and indemnification of student members on a SERC, if necessary, pursuant to Education Law Section 6205.
Consistent with the intent of the Board Bylaw provision, the student legislative bodies should nominate impartial representatives, that is, those who are neither a candidate, nor by declaration or action have demonstrated a personal interest in the outcome of the elections. The college president may request the student government(s) to nominate several individuals from whom he may then appoint a set number. If a student legislative body does not nominate an impartial person(s), the college president may reject the nomination(s). If the college president rejects a nominee or all nominees, the college president may ask for other nominations, or if the student government fails to nominate such a person by the time the SERC should begin operation, the college president may appoint the members.

The college president should ensure that a SERC is established sufficiently in advance of elections to be able to determine the propriety of all procedures and receive appeals throughout the election process. The student government(s) should be informed of a date by which election procedures must be submitted for review by the SERC. The procedures should be reviewed to insure that they are fair and serve to encourage student participation.

Since the First Amendment to the U.S. Constitution applies on our college campuses, election rules should not unduly limit the free speech rights of student candidates. If you have questions concerning the application of the First Amendment to student elections, please call my office.

If the SERC does not approve the election procedures or any part thereof, they may be sent back with recommended changes to the student government(s). If the student government(s) does not establish its procedures in a timely fashion to allow for review, the college president may direct the SERC to establish procedures.

A student adversely affected by an elections decision, action or event, must appeal first to the SERC, and then to the college president. The college president, in establishing the SERC, may provide, that if the SERC does not timely hear and decide a properly submitted appeal, the appeal may then be submitted directly to the college president. The college president may affirm, reverse, or modify the action of the SERC.

Enclosure

cc: Chancellor's Cabinet
    Chief Student Affairs Officers
    Directors of Student Activities
    Legal Affairs Designees
BOARD POLICY ON THE SCHEDULING OF STUDENT GOVERNMENT ELECTIONS AND THE ELECTION OF DELEGATES AND OFFICERS OF THE UNIVERSITY STUDENT SENATE

As last amended by the Board of Trustees on May 27, 2003, Cal. No. 9.B.


I. Student government elections (regular) shall be held at each of the colleges beginning no earlier than March 15, and ending no later than April 30.

II. The newly elected student government(s), where such is the practice, shall elect delegates and alternate delegates to the University Student Senate no later than August 10, if possible, from the elected members of the student government. Where delegates and alternate delegates are directly elected by their student bodies, such elections shall be held in conjunction with regular student government elections. The newly elected University Student Senate delegates and alternate delegates shall have a term of office which begins September 1st and ends on August 31st and do not hold over after the expiration of their terms of office.

III. The college presidents shall certify the newly elected delegates and alternate delegates to the University Student Senate to the Vice Chancellor for Student Affairs, with respect to procedures and eligibility criteria, no later than 10 days after the election.

IV. Elections for officers of the University Student Senate shall be held in October, at least 10 days prior to the scheduled October meeting of the Board of Trustees, for a term of office commencing on the day of the scheduled October meeting of the Board of Trustees. Officers of the USS are elected for terms of office ending on the day preceding the subsequent scheduled October meeting of the Board of Trustees, and do not hold over after the expiration of their terms of office.

V. Each community college, and senior college without a graduate division, shall have two delegates to the University Student Senate, one a day session student and one an evening session student. Each senior college with a graduate division shall have three delegates to the University Student Senate, one day session student, one an evening session student, and one a graduate student. The Graduate School, the Law School and the [Medical School] Sophie Davis School of Biomedical Education shall each have one delegate. If a college, for governance purposes, does not distinguish between day and evening students, it shall instead have [a full-time] two undergraduate student delegates [and a part-time student delegate].

VI. Each college shall also elect alternate delegates for each allowed delegate. An alternate delegate may vote in the University Student Senate and count towards a quorum only when the specific delegate for whom the person is an alternate is absent. Where a college has two undergraduate delegates, a first alternate and second alternate delegate shall be elected, to vote and count towards a quorum in that order in case one or both undergraduate delegates are not present.

VII. All officers of the University Student Senate must be elected by the delegates. Only delegates and alternate delegates may run for and be elected to an office of the University Student Senate. If a delegate or alternate delegate has been elected as an officer of the University Student Senate and subsequently resigns or otherwise ceases to be a delegate or alternate delegate, the student will simultaneously forfeit his/her office in the University
Student Senate, with the exception of the transitional period at the end of the one year term of office from September 1 until the day of the scheduled October meeting of the Board of Trustees provided that the student meets all other eligibility criteria.

VIII. A quorum of the University Student Senate shall be a majority (more than half) of the number of delegates that have been certified by the college presidents to the Vice Chancellor for Student Affairs. Only delegates or alternate delegates, when applicable, so certified, may vote at University Student Senate meetings.

IX. The election of officers of the University Student Senate shall be managed by a non-partisan agency or organization, such as the League of Women Voters or the Honest Ballot Association, approved by the Vice Chancellor for Student Affairs and the selection of the Parliamentarian for the elections shall be effected by the University Student Senate after consultation with the Vice Chancellor for Student Affairs. The cost will be assumed by the USS and, in the event that the USS does not have sufficient funds, will be paid for by the administration.

X. In the event the office of the chair of the University Student Senate is vacated, another officer shall become interim chair to serve until a new chair is elected by the delegates. The order of succession among the vice chairs of the USS shall be: (1) legislative affairs; (2) graduate affairs; (3) senior college affairs; (4) community college affairs; (5) evening and part-time student affairs; (6) international student affairs; (7) disabled student affairs; and (8) fiscal affairs, but such succession shall occur only to the office of interim chair. The interim chair shall serve as chair for a period not to exceed 45 calendar days or the expired portion of the term, whichever is shorter. At the end of the 45 day period, if the USS has failed to elect a chair the office of the chair shall be vacant until it is filled by the vote of the body. The eligibility of the interim chair shall be subject to the certification of the Vice Chancellor for Student Affairs.

XI. In the event a student who is an officer of the University Student Senate graduates at the end of a semester, the student may continue to hold office until February 1, for the fall semester, or September 1, for the spring semester, following which date, the office shall be deemed vacated unless the student has enrolled in another degree program at the University prior to the applicable date. In addition, a student who is chair and graduates at the end of the spring semester, or thereafter but prior to the scheduled October meeting of the Board of Trustees, may continue to hold the office until the completion of the term of office ending on the day preceding the October meeting of the Board of Trustees, even if the chair does not enroll in another degree program at the University for the fall semester.

XII. Delegates and alternate delegates, from each college student body division, to the USS may be removed by a majority vote of the USS for three [consecutive] unexcused absences at regularly scheduled USS meetings at the third such meeting, subject to review and certification by the Vice Chancellor for Student Affairs. If a quorum is not present at the regular USS meeting of the third [consecutive] unexcused absence, then removal may be by an affirmative vote of a majority of the full Steering Committee. Following each unexcused absence of both the delegate and alternate delegate for a student body division of a college, the delegate, alternate delegate, and the chief student affairs officer of the affected college shall be notified by the Chair of the USS, by regular mail, that the applicable student body division was not represented at the USS meeting and that three [consecutive] unexcused absences of the delegate or the alternate delegate may result in their removal. Where there are two undergraduate delegates from a college, this provision shall apply when there are unexcused absences for one or both of the undergraduate seats, by the notification of those delegates and alternate delegates who have unexcused absences and the chief student affairs officer of the affected college. An excused absence shall be an absence from any regularly scheduled USS meeting, for which the delegate or alternate delegate has filed five day advance written notification with the USS Chair and the chief student affairs officer of the affected college demonstrating good cause for not attending. In the case of a delegate, he or she must also notify the alternate delegate(s) that he or she will not be attending the meeting. In the event of an emergency absence that precludes five days advance written notification, written or oral notification shall be given to the USS Chair as soon as possible, and application for an excused absence based upon emergency circumstances may be made to the Steering Committee. The determination to remove a delegate may be appealed to the Vice Chancellor for Student Affairs within 15 days of the mailing of the determination by certified mail. The removal of a delegate pursuant to this provision shall be effective upon the expiration of the time to appeal to the Vice Chancellor for Student Affairs or the denial of such an appeal. A delegate or alternate delegate who is removed pursuant to this provision shall be ineligible to serve as a delegate or alternate delegate for a period of one year following the effective date of removal.
EXPLANATION: These amendments to Sections V, VI, XII have been recommended by the University Student Senate, in consultation with the Vice Chancellor for Student Affairs, in an effort to improve student participation from the colleges and the obtaining of quorum at USS meetings. The provision for two undergraduate delegates from each college without a separate evening student government (currently only two colleges have separate evening student governments), rather than a full-time and part-time delegate, will improve the chances of obtaining quorum, since either of two alternates could serve in case one of the undergraduate delegates does not show up. Currently, if the full-time delegate and the full-time alternate delegate show up, but the part-time delegate and part-time alternate delegate are not present, the college has only one of two undergraduate votes because the full-time alternate may not vote and be counted instead of the part-time delegate. This change would also improve college representation because it will avoid the disqualification of the full-time delegate or part-time delegate, and their alternates if, after their election there is a change in their full-time/part-time status. Thirdly, the proposal would allow colleges to fill both undergraduate delegate and alternate delegate positions, where there are no part-time students in student government interested in serving. The amendment to Section XII changes the requirement for removal of a delegate or alternate delegate that the three unexcused absences be consecutive.