

Referendum Procedures (DRAFT 4)

Draft 4 prepared by Nick Strobel after consultation with Mark Pafford at Schools Legal

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The referendum process is given in the Senate Constitution Article VII (Referendum):

Section 1: Upon presentation to the Senate (body rep.) of a referendum petition, signed by fifteen percent of the Academic Senate members protesting an action by the Senate (body rep.), the President shall suspend such action until a referendum election is held.

Section 2: Within three weeks, excluding recesses and holidays of the suspension action, an election shall be conducted. If a majority of Academic Senate members vote against the Senate (body rep.) action, then the Senate (body rep.) action shall be null and void.

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The Senate (body rep.) needs to create the procedures (yes, the Senate (body rep.) has the authority to create the procedures). The procedures outlined below are based on the UC Senate By-Laws (the CSU Senate bylaws or constitution do not give any procedures for a referendum).

Some or all of the procedure steps below may be put into the By-Laws.

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Referendum Procedures

1. Referendum petitions require a document from each signatory describing the referendum and signed by the signatory with a wet signature. The petition must describe the action of the Senate (body rep.) being protested.
2. The referendum petition must be submitted not later than [insert time limit] days after the minutes for the Senate (body rep.) meeting in which the protested action occurred are approved. The list of signatories is a public document. *[Do we give an extra time allowance for the Spring 2023 petition since this hadn't been stated before?]*
3. The referendum petition must be submitted to the Senate (body rep.) at one of its meetings within the timeframe given in the previous paragraph.
4. At that meeting of Senate (body rep.) described in the previous paragraph, the Senate may set a date for a Special Meeting of the Senate (body rep.) with the referendum as the only agenda item and an extended Public Comments period, to provide a public forum to debate the protested action of the Senate (body rep.) and answer questions. The Special Meeting would be only for debating/answering questions on the subject of the referendum and no vote would be taken. The

Special Meeting should be held before the referendum election ballots are distributed.

5. A ballot statements document may be prepared and posted on the Academic Senate website before the referendum election ballots are distributed. If provided, the document will have a statement of the reasons for affirming the Senate's (body rep.) action, to be furnished by the Academic Senate President, and a statement of the reasons for reversing the Senate's action, to be furnished by the initiator of the petition.
6. The Brown Act prohibits a majority of Senate (body rep.) members from communicating on the BC Faculty listserv on this topic. Therefore, the Senate (body rep.) are advised to not discuss the referendum over the BC_Faculty listserv or in any setting where a quorum of the Senate (body rep.) may be present, unless properly agendized due to the constraints of the Brown Act.
7. All faculty, including Senate (body rep.) members, are free to debate the merits of the referendum at the Special Meeting of the Senate (body rep.) called for that purpose and properly agendized.
8. The referendum vote is handled through the regular Senate election mechanism which is secure and ensures a private, one-person/one-vote process. An election shall be conducted within three weeks of presentation of the petition to the Senate (body rep.). After providing the meeting as described in paragraph 4, ballots will be distributed with a designated and reasonable deadline to return ballots. If a majority of the Academic Senate membership votes against the Senate (body rep.) action, the protested Senate (body rep.) action will be null and void.