

# **RULES AND PROCEDURES FOR CLARION UNIVERSITY DEPARTMENT CHAIRPERSON ELECTIONS**

**\*(AS AMENDED)**

Introduction. Article 6. B. 1. of the Commonwealth/APSCUF Collective Bargaining Agreement outlines the procedures to be followed in the election of Department Chairpersons. The Collective Bargaining Agreement is controlling in all instances and the present statement of Rules and Procedures is intended to amplify and implement, but not modify the Agreement.

Article 6. B. 1. a. and 2. [in the July 1, 2007 to June 30, 2011 Agreement] contains the following provisions:

1. a. The President or his/her designee and a committee selected by the department shall designate the individual or individuals who is (are) mutually acceptable to serve in the post of department chairperson. Upon request, the President or his/her designee will communicate the reason(s) for rejection of the candidate(s) to the department and the candidate(s). Such reason(s) shall not be reviewable through the grievance and arbitration procedure under this Agreement unless a violation of Article 3 is alleged. The chairperson shall be elected (or rejected) by the majority secret ballot vote of the regular full-time FACULTY MEMBERS within the department from the individual or individuals designated. Except as provided in paragraph b, below, this procedure shall apply with respect to the appointment of an interim or acting department chairperson.

2. Department chairperson elections were held in 2005 and shall be conducted every three (3) years thereafter. Elections shall be concluded no later than April 15. Newly elected department chairpersons shall take office May 1 of the year in which elected; however, newly elected department chairpersons shall not receive a stipend or workload equivalency until the first day of the summer session or the next academic year, whichever is appropriate. Outgoing department chairpersons continue to receive their stipends and workload equivalencies until the end of the academic year. Should vacancies occur during the term of office, a special election must be held under the terms described above with the newly elected chairperson serving until the next regularly scheduled round of departmental elections.

**President's designee.** The President's designee shall be the Provost.

**The election.** The department chairperson election shall be held at a time and place and in accordance with other administrative details as agreed at University/APSCUF Meet and Discuss. The members of the department shall be entitled to vote as the agreement achieved in Meet and Discuss shall provide. Each member shall be furnished a ballot on which are listed the name(s) of the individual or individuals designated by the Departmental Chairperson Committee and the President or his designee as mutually acceptable to serve in the post of department chairperson and also a space marked "None of the above." Each faculty member within the department shall vote by placing a mark before the name of one individual or before "None of the above."

Eligible voters who are able to do so must cast their ballots in person and sign the eligibility list when receiving a ballot. Eligible voters who are unable to vote in person may vote as follows:

a. The voter may request an absentee ballot from the Human Resources Department in person or through the departmental office on designated dates.

b. The Human Resources Department shall send the absentee ballot directly to the absentee voter, unless the voter personally picks up the ballot.

c. The voter shall return the ballot to the Human Resources Department by a designated date. The ballot shall be placed in an unmarked sealed envelope; the unmarked envelope shall be placed in an outer envelope, which shall then be sealed and signed by the voter.

d. The Human Resources Department and Academic Affairs shall be responsible for conveying absentee ballots to the official ballot box prior to the counting of ballots.

**Counting the ballots.** At the designated time, the ballot box will be sealed. It will then be reopened by a University/APSCUF committee (as agreed to in Meet and Discuss) for the purpose of counting the ballots. The time and place selected for counting the ballots shall be announced to the faculty and any faculty member who so desires shall be entitled to be present. The tally of the votes cast shall be announced to the members of the department concerned.

As the ballots for each department are counted, each ballot will be examined and any improper ballots shall be voided. Ballots shall not be voided if it can be clearly determined which one of the listed nominees (or "None of the above") shall receive the vote even though there may be writing on the ballot or the ballot has been mutilated in some manner.

Absentee ballots shall be inserted in the ballot box in the sealed inner envelope, and this envelope with the signed outer envelope shall be retained. The sealed inner envelope shall be opened when the ballot box is opened for counting of all ballots, and absentee ballots shall then be handled with ballots cast at the polling place. In instances in which representatives of administration and APSCUF agree, an election may be determined without the return of an absentee ballot when it is apparent from the count that the absentee vote can not possibly affect the outcome of an election. Such a contingency may be resorted to when awaiting an absentee ballot may delay unduly the reporting of election results, as may frequently be the case in special elections.

**Determining the outcome.** If the number of votes received by any person is at least equal to a majority of the number of faculty members within the department who are eligible to vote, that person shall be declared the winner of the election and in due course shall take office as department chairperson. If no person receives a vote at least equal to a majority of the number of faculty members within the department who are eligible to vote, then a run-off election shall be held as described below.

Run-off election. If a run-off election is required in any department, the names of the two mutually acceptable individuals who received the greatest number of votes shall be listed on the ballot and a special election shall be held among the members of that department. If the two persons receiving the greatest number of votes cannot be determined because of a tie or ties, then the names of all persons involved in such ties shall be listed on the ballot. Ballots for run-off elections shall also include a space marked "None of the above."

Any run-off election which may be required shall be conducted in accordance with administrative details agreed to in University/APSCUF Meet and Discuss. All members of the department shall be furnished a ballot and shall be entitled to vote for one listed person (or "None of the above"). The ballots shall then be examined and improper ballots shall be voided.

If the number of votes received by any person is at least equal to a majority of the number of

faculty members within the department, that person shall be declared the winner of the election. If no person receives a vote at least equal to a majority of the faculty members within the department, then, at the option of the President, another run-off election shall be held or an interim chairperson shall be appointed as provided by Article 6. B. 1. b. of the Commonwealth/APSCUF Agreement.

**Special election.** Special elections for chairpersons must from time to time be held to provide for such contingencies as sabbatical, sick leave, and resignations. Such elections shall follow the rules and procedures herein specified for regular elections, with the following exceptions:

a. **Time and place.** Balloting shall take place at designated hours in the appropriate departmental office with the departmental secretary in charge of ballots and balloting.

b. **Counting the ballots.** At a designated time, the ballot box shall be sealed. It will be brought by Administration and APSCUF representatives to Academic Affairs for unsealing and counting. The counting will be in accord with procedures for regular elections.

**Rejection.** A mutually acceptable individual who has been voted upon by the department members shall not have been rejected within the meaning of Article 6. B. 1. b. unless the name of that individual shall have been listed on the ballot in an election in which a majority of the members of the department cast ballots marked in the space identified as "None of the above."

\*These rules and procedures were agreed to in a University/APSCUF Meet and Discuss on January 31, 1985, and incorporates all amendments made prior to date.

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### **Understanding on Absentee Ballots\*\***

The following understanding is reached between APSCUF and management of Clarion University:

For general and special chairperson elections it is understood that only faculty members who are on approved leave and working/traveling outside of the United States will be permitted to submit their ballots via facsimile machines.

In order to assure the ballot has not been tampered with, faxed ballots will only be accepted if faxed to the Office of Human Resources no later than the specified due date for submission of absentee ballots. Immediately upon receipt a representative from the Office of Human Resources will place the ballot in a blank envelope, seal the envelope, sign their signature across the seal of the envelope and place the envelope in the ballot box.

Under no other circumstances will faculty members be permitted to submit a ballot via facsimile machine.\*\*This understanding was agreed to in a University/APSCUF Meet and Discuss and signed by both parties.