

**COMMITTEE ON ACADEMIC PERSONNEL
Proposed Addition to Santa Cruz Bylaw 13**

To the Academic Senate, Santa Cruz Division:

The Committee on Academic Personnel (CAP) proposes an addition to Bylaw 13.

Rationale

This bylaw addition clarifies the definition and use of the waiver of one’s right to vote. The current procedure for recording votes (Bylaw 55, B 1.) states “The department letter should contain ... the exact vote specifying the number in favor, opposed, abstained, recused, waived and absent not voting.” In response to questions from departments we wish to clarify the distinction between a waiver, an abstention, and “absent not voting”. We recommend that “absent not voting” be used for faculty members who are on leave, have not waived their voting rights because they want to vote on one or more cases, but do not vote on a particular case. “Absent not voting” will continue to be an option for faculty not on leave. CAP feels that it is important to retain the distinction between an “abstention” (someone who casts a vote that said “abstain”) and “absent, not voting”. To abstain is to cast a vote but to support neither a positive or negative recommendation. Faculty should have these options.

Existing Bylaw	Proposed Bylaw
13.4.3 Members of the Division shall avoid conflict of interest and the appearance of conflict of interest in the performance of all of their duties. The Division shall not require explanation of recusals based on this provision.	No change
13.4.4 The Division shall not require or request explanation of voting abstentions by Senators who have the right to vote in any Divisional committee action, including those involving Bylaw 55 actions by departments.	No change
	13.4.5 (New) <i>Waiver of vote: Members of the Division may give up their right to vote on all actions for a specified period of time. If a member goes on leave, but chooses to participate in some personnel actions, that member cannot waive her/his right to vote; the actions not voted on will be recorded as “absent, not voting”, just as for a member not on leave. If a member has a conflict of interest for any given action, not voting on that action constitutes a “recusal” (as in SCB 13.4.3) not a waiver of voting rights.</i>

Respectfully submitted,

COMMITTEE ON ACADEMIC PERSONNEL

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