**CSUEU Board Agenda Item**



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| **Board Agenda Item:** | B&P Nov/2016/\_\_ |
| **Action Item:** | November 19, 2016 (Tabled from July 9, 2016) |
| **Subject:** | CSUEU Bylaws Section 5.11 and 604.00 RECALL |
| **Source and/or Proponent:** | CSUEU Policy File Committee |
| **Presentation By:** | Steve Mottaz, CSUEU Policy File Chair |
| **Assigned To:** | Nancy Yamada, CSUEU Staff |
| **Recommended Action:**That the CSUEU Board of Directors adopt the attached amendments to CSUEU Bylaws, CSUEU Policy File 604.00 RECALL. |
|  **Background:**This proposed amendment will combine and standardize the recall procedure for chapter and statewide positions. It outlines the procedure and brings it in accordance with Robert’s Rules. At the last Board meeting, upon discussion and suggested recommendations, the Committee withdrew its original motion. This version incorporates the Board’s suggestions and amendments made at the Board meeting.  |
| **Estimated Cost/Savings:**  | None. |
| **Funding Source:** | N/A |
| **Board Action:** | ❑ Adopt ❑ Reject ❑ Refer |

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**CSUEU BYLAWS**

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**Section 5.11. Vacancies on the Board of Directors.**

A. Causes of Vacancies. A vacancy or vacancies on the Board of Directors or Executive Officer Committee shall exist on the occurrence of any of the following events.

* 1. The death or resignation of a Director or Officer.
	2. The declaration by resolution of the Executive Officer Committee of a vacancy in the office of a Director or Officer who has been declared of unsound mind by an order of court or convicted of a felony since being elected as a Director or Officer.
	3. The removal of a Director or Officer by the Board of Directors, as set forth in this section.
	4. Two (2) consecutive, unexcused absences from Board of Directors meetings shall be cause for removal from the Board of Directors.

(BD 96/10/3)

* 1. An increase in the number of authorized Directors. (BD 96/10/3)
	2. Recall of a Director or Officer by the Electorate. (BD Nov/2016/ )

B. Rules for Vacancies

1. Resignation. A Director or Officer may resign by giving written notice to the President, the Vice President for Finance or the Executive Officer Committee. Such resignation will be effective when received unless it specifies a later effective date, in which case it shall take effect as of such later date.
2. Removal. The Board of Directors may remove a Director or Officer from office, with cause, by vote of two-thirds of the Directors in attendance and voting at a meeting at which a quorum is present. Directors may be removed only at a meeting.
3. Temporary leaves from elected positions shall become permanent vacancies after one year unless extended by action of the Board of Directors.(BD 96/10/3)
4. Except for Executive Officers, vacancies created by recall will be filled in accordance with Policy File 603. (BD Nov/2016/ )
5. Filling Vacancies. Except for vacancies created by removal of an Officer by the Board of Directors, vacancies on the Executive Officer Committee may be filled by a majority vote of the remaining Officer(s) within 15 days of the vacancy, subject to the Board’s concurrence within 30 days. (BD 96/10/3) (\_/14/\_)
6. A vacancy created by the removal of an Officer by the Board of Directors may be filled by the Board of Directors; if the Board of Directors fails to fill any such vacancy, the Executive Officer Committee may do so as in the case of any other vacancy. The Board of Directors may fill any vacancy not filled by the remaining Executive Officers. (BD 96/10/3)

CSUEU POLICY FILE

DIVISION 6: CSUEU PROCEDURES

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604.00 RECALL (BD Nov/2016/\_\_)

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604.01 Any person holding elective office within CSUEU may be recalled from that office through the following procedures:

(a) Before considering a recall, the proponent(s) are encouraged to exercise the complaint process in CSUEU Policy File 607.

(b) The recall process shall be the same for positions filled by election, appointment, or succession.

(c) CSUEU resources may only be used for signature verification, the recall vote and potential subsequent election. All other costs will be borne by the proponents or the subject of the recall. After the recall process is complete, upon request of any party, the CSUEU Executive Board shall determine whether or not to reimburse the requestor(s) for reasonable costs.

(d) Notwithstanding the requirements above, an individual recalled from office is not eligible to run for, or hold, that office during the term from which the individual was recalled.

(e) Proponent(s) of the recall must submit a written notice of intent to recall with the CSUEU President, unless the person being recalled is the President, in which case the notice shall be submitted to the Vice President in the order of succession.

(1) The notice of intent shall include the name and title or position of the person sought to be recalled and a statement of the reasons for recall not to exceed 250 words. The reasons for recall shall conform to the criteria as set forth in the Complaint Procedure (CSUEU Policy File 607.01). The alleged acts must have occurred within the current term.

(2) The President or Vice President as appropriate shall immediately provide the notice of intent to the officer who is the subject of the recall by certified mail and email.

(3) The subject of the recall shall have ten (10) days from date of postmark to submit a rebuttal, not to exceed 250 words, to the President or Vice President as appropriate.

(4) The President or Vice President, as appropriate, shall acknowledge the proponent(s) notice in writing within ten (10) days of receipt of the intent to recall.

(5) No later than the end of the 10 day rebuttal period the President shall forward the rebuttal to the proponent(s), if received. If no rebuttal is received the President or Vice President as appropriate shall notify all parties. This date shall begin a thirty (30) day signature gathering period for the petition.

 (f) The recall petition shall include:

(1) The top of each petition page shall contain:

* + - the name and office of the officer being recalled
		- the statement of the reasons for recall submitted on the notice of intent
		- the rebuttal submitted by the officer being recalled. The petition will indicate if no rebuttal is made.

(2) The name of each signatory must be printed as well as signed.

(g) All recall petitions must be submitted to the President or Vice President as appropriate by no later than 5PM at the end of the 30th day of the signature gathering period or the first subsequent business day if the 30th day falls on a non-business day.

(h) The proponent(s) of the recall must submit the signatures of more than 50% of the electorate for that office.

(i) The President or Vice President as appropriate shall be the Presiding Officer of the recall process.

(j) The Presiding Officer shall form a Teller’s Committee of at least 3 members who are not part of the electorate and consistent with existing CSUEU policy. The Teller’s committee validates and counts the recall petition signatures.

(k) Both the person being recalled and the proponent(s) of the recall, or their representative, may observe the validating and counting of the recall petition signatures.

(l) Within four (4) days of the validation of signatures the President or Vice President as appropriate will send a written notice to the person being recalled and the proponent(s) of recall informing them of the results of the count.

(1) In order for the recall to proceed, the count of valid signatures must comprise of more than 50% of the electorate.

(2) A recall vote shall take place within 60 days of the announcement that sufficient signatures were submitted and validated.

(m) The recall vote shall be conducted in the same manner as the officer was originally elected. If the position was filled by succession or appointment the recall vote shall be by mail in ballot.

(1) Two-thirds (2/3) of the electorate form a quorum and must be present for the recall vote to proceed.

(2) A recall is sustained if two-thirds (2/3) of the votes cast support the recall.

(3) The proponent(s) and the subject of recall, or their representative, may be present during the counting of the recall ballots.

(n) An individual recalled from office is not eligible to run for, or hold, that office during the term from which the individual was recalled.

(o) Any resulting vacancies shall be filled in accordance with CSUEU Bylaws, Policy File and Chapter Bylaws as appropriate.