

**COMMITTEE on RULES, JURISDICTION, and ELECTIONS**  
**Chapter 13.4.4**  
**Revision to Member Voting**

**To the Academic Senate, Santa Cruz Division:**

The Committee on Rules, Jurisdiction, and Elections (CRJ&E) was asked to give an interpretation of Divisional Legislation regarding the recording of reasons behind abstaining votes in UC Bylaw 55 proceedings. CRJ&E found no authority for inquiring about, explaining, or recording of abstentions in Divisional committee meetings within the Bylaws of UC or UCSC. For abstentions connected with recusals, it is explicitly forbidden by UCSC Bylaw 13.4.3 to require an explanation. Furthermore, neither *Roberts' Rules of Order* nor *The Standard Code of Parliamentary Procedures* (by Sturgis) give authority for inquiries into reasons for abstentions.

Departments, when meeting under authority of UC Bylaw 55, act as Divisional Committees. For Departments in Bylaw 55 actions to make inquiries regarding abstentions, the explicit prohibition against inquiries in the case of recusals (scb 13.4.3) would require that distinction be made between abstentions based on recusals and abstentions made for other reasons. It is the opinion of the CRJ&E that departments cannot in any practical way make meaningful inquiries to distinguish between abstentions based on recusals and those made for other reasons since, depending on the reason for the abstentions, those inquiries might constitute breaches of 13.4.3. Although no explicit language exists forbidding inquiries regarding the reasons for abstentions not based on recusals, it is CRJ&E's interpretation that practical application of UCSC Bylaws precludes inquiries into the reasons for abstentions in general.

We believe, however, that the right to privacy regarding the reasons for abstentions by senators in Senate meetings should have the explicit force of a bylaw. We therefore propose the new bylaw 13.4.4 stated below. This bylaw reflects the interpretation of CRJ&E and would remove any ambiguity about whether or not inquiries regarding abstentions are forbidden.

<b>Current</b>	<b>Proposed</b>
13.4.1 Membership. All voting members of all committees must be members of the Santa Cruz Division. Representatives who sit with Standing Committees as provided in these Bylaws are non-voting representatives and shall be appointed by such bodies as may be recognized by the Divisional Committee on Committees. Representatives include undergraduate and graduate students, postdoctoral scholars, and non-senate teaching faculty. Persons who are not members of the Academic Senate may be invited to sit with Standing Committees as non-voting representatives as provided elsewhere in this Chapter.	13.4.1 No changes

<p>13.4.2 When the Chair of the Santa Cruz Division, the Vice-Chair, Secretary, Parliamentarian, or any member of the Committees on Academic Personnel, Privilege and Tenure, or Planning and Budget accepts an administrative position with the University at the level of Dean or above, he or she shall immediately vacate the Academic Senate position. No Chair of a Department, Program, or Committee of Studies may at the same time serve as Chair of either the Committee on Academic Personnel or the Committee on Privilege and Tenure. This is consistent with Senate Bylaw 330A.</p>	<p>13.4.2 No changes</p>
<p>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.</p>	<p>13.4.3 No changes.</p>
	<p><b>13.4.4 [New] 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 UC Bylaw 55 actions by departments.</b></p>

Respectfully submitted,

**COMMITTEE on RULES, JURISDICTION, and ELECTIONS**

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