

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

Annual Report 2022-23

To: Academic Senate, Santa Cruz Division

The Committee on Rules, Jurisdiction, and Elections (CRJE) met two times during the fall and winter quarters, and once during the spring quarter in 2022-23. This report summarizes the Committee's work during the year.

I. Guidance on Divisional Senate Bylaws and Regulations

Systemwide Senate Bylaw 20.5.B Challenge

The Committee reviewed a request related to Senate bylaw (SB) 20.5, Santa Cruz bylaw (SCB) 13.18.9, and SCB 13.17.6.

The Committee confirmed that SB 20.5 prevents redelegation of authority vested in a Senate Committee, and that SCB 13.18.9 allows the Committee on Educational Policy (CEP) routine administrative delegation of decisions on academic policies only to the Admissions Director, University Registrar, and College Provosts. SCB 13.17.6 offers similar language for the Committee on Courses of Instruction (CCI).

The dual limitations - over both the type of decisions that may be delegated and the bodies to which they may be delegated - suggests that the intended scope and understanding of "routine administrative" decisions is related to procedural decisions (e.g. course enrollment), and not substantive academic policy decisions (e.g. whether a syllabus is robust and suitable for online instruction). Such academic decisions are not routine decisions, and in fact they are rather extraordinary (and never administrative). Further, even if CEP had the authority to delegate decisions over such issues (which it does not), it could only delegate them to the Admissions Director, the University Registrar, and College Provosts.

Finally, the Committee confirmed that the authority to approve courses is part of the core authority of the Academic Senate (Regent Bylaw 40.1).

For all the above reasons, the Committee found that CEP lacks the authority to delegate to course-sponsoring agencies the decision of whether to offer any of their courses in Summer 2023 through remote instruction without prior CCI approval. Further, such CCI approval requires following established CEP and CCI policies regarding online/hybrid courses. Following pronouncements and actions by the university in a variety of venues, the campus has returned to operating largely according to pre-pandemic policies. The Committee thus could not glean any reason to grant these extraordinary powers to course-sponsoring agencies.

II. Comments on Senate and Campus Policy and Process

A. Comments on Policies Concerning Non-Registered Organized Research Units

The Committee on Rules, Jurisdiction, and Elections (CRJE) reviewed a query regarding rules, policies, and regulations that focus on non-Organized Research Units (non-ORU).

CRJE discussed this issue and, after reviewing both systemwide and divisional relevant documents, had the following to share. UC Santa Cruz campus policies, rules, and regulations make no reference to non-Organized Research Units. At the UC level, the Committee identified three documents which mention the item: Policy UC-RG-00-0156 (December 1999); “Compendium: Universitywide Review Processes for Academic Programs, Academic Units, & Research Units (September 2014),” Section V (Research Units); and the current “UC Institutional Research and Academic Planning,” Section V (Research Units).

The wording of the three documents is effectively identical:

Non-ORU Center: The term Center may be used for research units not formally constituted as ORUs upon approval by the Chancellor after consultation with the divisional Academic Senate. Before approval is granted for a Center that is not an ORU, the campus may stipulate terms and conditions such as a process for appropriate periodic review, including administration, programs, and budget; appointment of a director and advisory committee; an appropriate campus reporting relationship; and progress reports. (Compendium, Part V)

Thus, non-ORUs require approval by the Chancellor after consultation with the UCSC Academic Senate. There are no rules on how the directors or governing body of a non-ORU are appointed/reappointed/removed/replaced.

In general, the Committee noted the advantages that the existing language provides for the creation of flexible and nimble research organizations. Indeed, the Committee suggested that it might be helpful to consider research organizations as falling into three-tiers:

- a) ORUs and MRUs, which have the highest level of requirements and regulations;
- b) non-ORU centers, which are not subject to all the regulations pertaining to ORUs but still are covered by the above policies and require Chancellor approval;
- c) informal research groups (including the typical research lab/group directed by a single PI), which are not “an academic unit the University has established to provide a supportive infrastructure for interdisciplinary research” (Compendium, Part V) and hence are not covered by the policies listed above regarding ORUs, MRUs, or non-ORU centers.

The Committee also suggested that if the University wishes to establish more non-ORUs, it might be useful to have a catalog and policies specifically dedicated to such non-ORUs on campus. A list of such precedents and related practices would:

- a) assist in ensuring an equitable distribution of resources across units and over time;
- b) increase clarity and transparency;
- c) contribute to documenting the campus’ history;
- d) provide guidance for faculty interested in developing a non-ORU.

B. Change of Duty Station Requests

During the winter quarter, CRJE provided an unofficial interpretation of a campus administrative policy. Specifically, CRJE discussed the issue of a dean’s authority to

decide their own criteria for granting permission to do field research during a given quarter instead of teaching, and if there is a requirement that there must be proof that the research cannot be performed during the summer.

A request for leave with pay to conduct fieldwork for a period under 30 days figures under a “change of duty station” request. According to subsection 902.000 of the Campus Academic Personnel Manual (CAPM), during a change of duty station “the faculty member is not relieved of teaching, research, or service duties, but carries out these responsibilities at a different location.” Please note that “remote work” includes fieldwork.

The passages relevant to the query states that changes of duty station “must have some time aspect; in other words, the material to be studied is only available at certain periods of the year, or the facilities to be employed are only available at certain times.” In changes of duty station, further, “a request from the faculty member must be submitted to the chair at least 45 days in advance outlining the proposed activity. The chair shall review the request and forward a recommendation to the dean. In cases where the change of location is for 30 days or less, the dean has authority for approval.”

Thus, according to CAPM 902.000, the Committee offered that:

- a) There are no *a priori* limits to the dean’s criteria; in other words, the dean has full authority for approval;
- b) The regulation specifically states that such requests can be denied if the research in question can be conducted during the summer.

III. Divisional and Systemwide Reviews

In addition to the items listed above, CRJE provided comment on the following requests for review.

Divisional

- Transfer of CHES to the Division of Student Affairs and Success

Systemwide

- Proposed Presidential Policy – Clery Act Policy
- Proposed Presidential Policy on Anti-Discrimination
- Proposed Conforming Amendments to Senate Regulations on Admission
- Proposed Presidential Policy BFB-BUS-43 - Purchases of Goods and Services; Supply Chain Management
- Presidential Policy on Developing and Maintaining Presidential Policies

IV. Updates of the Santa Cruz Division Manual

The following updates were made for the 2023-24 manual of the Santa Cruz Division. There are two classes of changes.

Changes due to divisional legislation

- Santa Cruz Regulation 6.1.2
- Santa Cruz Regulation 9.1.6

- Santa Cruz Bylaw 13.14 et seq.
- Santa Cruz Bylaw 13.12

Conforming changes

- Santa Cruz Bylaw 13.25.3
- Santa Cruz Bylaw 14.1

V. Elections and Ballots

Committee on Committees Elections

CRJE reviewed COC nomination petitions, wherein there were four (4) candidates for the four (4) open positions. SCB 11.4 specifies that “If the number of nominees is equal to the number of places to be filled, all the nominees will be declared elected.” CRJE certified the two members as elected to COC.

Respectfully submitted,

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

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