

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

Annual Report 2020-21

To: Academic Senate, Santa Cruz Division

The Committee on Rules, Jurisdiction, and Elections (RJ&E) met two times during the fall and winter quarters, and once during the spring quarter in 2020-21. This report summarizes the Committee's work during the year.

I. Guidance on Senate Bylaws

A. Graduate Student Representatives

RJ&E discussed correspondence between the Graduate Student Association (GSA)¹ and Committee on Committees (COC)² regarding rules and guidelines relating to graduate student representation on Graduate Council (GC).

RJ&E noted an ambiguity in the current divisional bylaws. UCSC Senate Bylaw 13.4.2 actually states that student representatives on standing committees are "appointed," not merely nominated, by "such bodies as may be recognized by the Divisional Committee on Committees." Although the bylaw is speaking generally about student representatives on any committee, the GC charge (Bylaw 13.22.1) specifically names the GSA. RJ&E believes it would be beneficial to clarify which bodies COC recognizes for the purposes of appointing (or nominating) student representatives to GC, and perhaps to other committees as well.

Regardless of whether a recognized body has appointed or nominated a student representative, GC, like any committee, may also invite students other than the appointed GSA representatives to attend their meetings, per Divisional Bylaw 13.4.3.

COC could proceed with any of the three following alternatives:

1) Make the language of Divisional Bylaw 13.4.2 consistent with systemwide Senate Bylaw 128.E: "Students who sit with standing committees, as provided in these bylaws, are non-voting representatives and shall be nominated by the student organization recognized by the Academic Council for that purpose and appointed by the University Committee on Committees."

The new 13.4.2 would read:

13.4.2 Students who sit with Standing Committees, as provided in these bylaws, are non-voting representatives and shall be nominated by the student organization recognized by the Committee on Committees (COC) for that purpose and appointed by the COC.

This change would make clear the Senate's authority to appoint representatives to its committees and would not require a change to Bylaw 13.22.1, the GC charge.

¹ GSA to Senate_Re_Appointment of GSA Representatives to the Graduate Council_10-23-2020

² COC to GSA re 20-21 Graduate Council Appointments_11-2-2020

2) In addition to the change proposed in 1, amend 13.22.1, and remove specific reference to the GSA. The new bylaw would read:

There are ten Santa Cruz Division members. The Dean of Graduate Studies serves ex officio, and shall not serve as Chair or Vice Chair. In addition, there are one Library representative, no more than three graduate student representatives, and one Postdoctoral Scholars Association representative. Among the Division members, there are at least one, but no more than three members from each academic division and the School of Engineering.

3) Amend 13.22.1 to adopt changes proposed in 1 and 2, adding language that would cede the authority of appointment for graduate student representatives on GC specifically to GSA:

There are ten Santa Cruz Division members. The Dean of Graduate Studies serves ex officio, and shall not serve as Chair or Vice Chair. In addition, there are one Library representative, no more than three graduate student representatives appointed by the Graduate Student Association, and one Postdoctoral Scholars Association representative. Among the Division members, there are at least one, but no more than three members from each academic division and the School of Engineering.

This would require a change to 1 wherein 13.4.2 would read:

13.4.2 Students who sit with Standing Committees, as provided in these Bylaws, are non-voting representatives, and shall be nominated by the student organization recognized by the Committee on Committees (COC) for that purpose, and appointed by the COC unless otherwise provided under these Divisional Bylaws.

B. Joint Appointments

On June 30, 2021, RJ&E met and discussed a request for guidance, dated June 27, 2021 entitled Guidance on Bylaw 55 For Multiple Faculty With Joint Appointments In the Same Departments, from Herbie Lee, Vice Provost of Academic Affairs.

In response to communications from the Committee on Academic Personnel³, RJ&E sought to locate a policy prohibiting a Bylaw 55 faculty member from voting on the same personnel case in two departments. We did not find a policy supporting this. Rather, Bylaw 55 guarantees minimal voting rights for Senate faculty on personnel cases, and on “other substantial departmental questions,” which includes faculty members with a 0% appointment.

II. Comments on Senate Policy and Process

A. Systemwide Review of Proposed Presidential Policy, Business and Finance Bulletin, IS-12 IT Recovery

The Committee reviewed the proposed Presidential Policy, Business and Finance Bulletin, IS-12 IT Recovery. The committee members agreed that these proposed plans for IT Recovery would be of benefit to the campus. However, there was concern about the looseness of the language around

³ CAP_ReCRES_DeptEstablishment_VPAA_051321at pp. 5-6

a “unit head.” Unit head may be a department chair. If so, members were concerned that IT recovery would significantly add to what a department chair already has to do.

B. Systemwide Review of Proposed Revisions to the Leave-Related Policies of the 700 Series of the Academic Personnel Manual (APM)

RJ&E reviewed the proposed revisions to the Leave-Related Policies of the 700 Series of the Academic Personnel Manual (APM). The committee agreed that the changes were reasonable, but had one question regarding the language in 700-30. The revised policy defined “absent academic duty” only for periods when “working remotely is approved by the Chancellor.” For this reason, members were left unclear about what “absent academic duty” would mean when we are not in a period of remote working.

C. Systemwide Review of Proposed Revisions to Senate Bylaw 336.F.8

The Committee on Rules, Jurisdiction, and Elections reviewed the proposed revisions to Senate Bylaw 336.F.8. The Committee deemed the revision to be an appropriate way of ensuring compliance with state law and federal regulations.

D. Request for Interpretation of Appendix C

The Committee on Rules, Jurisdiction, & Elections considered an inquiry regarding the authority granted to CCI in Appendix C., Undergraduate Academic Assessment Grievance Procedure. The committee concluded that if, after investigation and completion of the procedure described in Appendix C, CCI finds that a “No Pass” grade was assigned based on criteria that did not directly relate to a student’s performance in the course, CCI can elect to change the “No Pass” Grade to a “Pass” Grade.

E. Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Rules, Jurisdiction, and Elections (RJ&E) reviewed the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. The committee had several questions about this policy proposal.

The version of the policy reviewed stated that enforcement “of the mandate will be delayed until full FDA licensure (approval) and widespread availability of at least one vaccine.” Members were curious as to why the proposed policy is contingent on “full approval” of a vaccine before implementation, given that vaccines had been administered in and by the UC system already. Why not implement the proposed policy under the current emergency use authorization? This seemed to the Committee to be a more prudent approach, better ensuring the safety and health of students, staff, and faculty, as well as expediting a return to normal operations. Members noted that full approval can take up to six months and is expected sometime in the second half of 2021. If the clause about FDA license is kept, how will the University define “widespread availability”? And will the proposed policy be enforced immediately, even if approval happens in the middle of the academic term? In fact, the final policy makes no mention of full FDA authorization and unconditionally takes effect two weeks before start of instruction.⁴

⁴ See *Policy: SARS-CoV-2 (COVID-19) Vaccination Program* at <https://policy.ucop.edu/doc/5000695/SARS-Cov-2>

RJ&E observed that SB 277 does not allow for personal beliefs exemptions, nor does the UC Student Immunization Policy, so why would the University allow for such exemptions in the case of this vaccine policy? (See also <https://www.shotsforschool.org/laws/exemptions/>.) If students with religious exemptions are excluded from in-person participation, might this be construed as a discriminatory policy?

With regard to implementation and enforcement, the Student Immunization Policy states that the UC Immunization Exemption Policy Committee will grant the exemptions. This committee is composed of:

“UC faculty, staff and students, and public health officials, with members having expertise in primary care medicine, infectious disease, public health, international student services, medical ethics, law, etc.”

This committee appears to be composed primarily of members with expertise in medicine and public health. Given this constitution, and without including interfaith representatives or religious ethicists, how will this body be approving the request for an exemption based on faith or beliefs? Will the composition of the committee be changed to better account for this proposed exemption? Little was written with regard to enforcement. Will information about the number of exceptions, courses implicated, etc. be made available in a timely fashion to faculty and administrators so appropriate ancillary measures can be adopted to ensure collective public health and safety of the UCSC community?

The Student Immunization Policy also provides for enforcement by the Registrar in the form of a Registration Hold and does not address the enforcement mechanisms related to, “Non-Pharmaceutical Interventions including appropriate use of either personal protective equipment (where required) or face coverings, social and physical distancing, frequent hand-washing and cleaning, and regular surveillance testing.” As noted, the sole enforcement mechanism provided by the policy reviewed appeared to apply only to students in the form of a Registration Hold, which would not be appropriate or effective in the case of faculty and staff.

The committee also questioned how prohibition from “in-person access to university facilities or programs, including university housing” would be enforced across the wider university community. Overall, the details of implementation and enforcement seemed vague, e.g. it appeared that the Location Vaccine Authority may have been the responsible party for deciding on the details of implementation and enforcement in section III E regarding Program Implementation and Enforcement. Later section IV C stated:

“Chancellors and leaders at non-campus locations are responsible for implementing this policy. Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others with responsibility for personnel management will support program implementation and enforcement. Consultation with Academic Senate leaders, especially on the campus, is encouraged with respect to implementation procedures for academic appointees.”

As well, RJ&E wondered if the vagueness we observed intended to allow for each campus to develop its own solutions in this regard. Further, members wondered what will be done if vaccine-resistant variants of SARS-CoV-2 arise in the UC community and how the proposed policy might

impact the University's possible response. For example, if modified vaccines with Emergency Use Authorization (EUA) approval become available but they are not “approved,” the proposed policy would seem to leave further shutdowns and return to remote instruction as the course of action rather than requiring “boosters.” We suggested that the possible impact of the proposed policy be carefully considered with regard to its impact on the University’s reopening plans.

F. Request for Senate Consultation Regarding the New Position of Associate Provost

The Committee on Rules, Jurisdiction, and Elections (RJ&E) had the opportunity to review the job description for the newly created position of Associate Provost, which would report directly to the CPEVC. The committee would have liked to have had a better understanding of the motivation behind the creation of this new position. Members would have liked to have known more about how the responsibilities outlined in the job description are currently allocated. If the Associate Provost position were to be created, we recommended that the position be added to the Campus Academic Personnel Manual (CAPM), presumably section 304.241, which lists the faculty administrator titles used on campus.

III. Updates of the Santa Cruz Division Manual

The following updates were made for the 2020-21 manual of the Santa Cruz Division. There are two classes of changes.

1. Changes due to divisional legislation.
 - 13.22.1
2. Conforming changes
 - None

IV. Elections and Ballots

Committee on Committees Elections

RJ&E reviewed COC nomination petitions, wherein three nominations were received for three open seats by the February 7, 2021 petition deadline. Pursuant to SCB 11.4, a ballot election was unnecessary, and RJ&E certified the three members as elected to COC on February 17, 2021.

Respectfully submitted,

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

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