

**COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS**  
**Annual Report 2019-20**

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 2018-19. This report summarizes the Committee's work during the year.

## **I. ADVICE AND INTERPRETATION OF LEGISLATION**

### **A. Amendments to the Charge for the Committee on Development and Fundraising**

RJ&E discussed the proposed amendments to the charge for the Committee on Development and Fundraising (CDF). The Committee found no issues of conformance with existing policy. Members found the specification of "divisional" representation to be reasonable given the fact that much of the campus's development efforts do derive from the divisions. Regarding the clause "A representative from the Council of Provosts . . ." members were not sure if this meant that the representative must be a provost. Language clarifying this may be prudent so as to remove any ambiguity.

### **B. Proposed Amendments to Senate Bylaw 13.18.11 - Committee on Educational Policy**

RJ&E had the opportunity to review the proposed amendments to the charge for the Committee on Educational Policy (CEP), specifically to Senate Bylaw 13.18.11. After a thorough discussion, the committee found no issues of conformance with existing policy. The committee suggests that proposed amendment include language in the preamble specifying that the repeal of Senate Bylaw 13.26.1-2 (the charge for the Committee on Preparatory Education) is included in the proposed changes. If the intent is to eliminate CPE in its entirety, the preamble should so state.

### **C. Proposed Amendments to Divisional Senate Bylaw 13.30 et Seq. - Committee on Teaching**

RJ&E reviewed the proposed amendments to the charge for the Committee on Teaching (COT) divisional Senate Bylaw 13.30.1-2. RJ&E found no issues of conformance with existing policy. That being said, members observed that the way in which the committee proposes to interact with specified principal officers going forward is quite different from the way it does so in current practice. To this end, RJ&E offered the following language for 13.30.2.5 for consideration:

- 5) To collaborate and consult *regularly* with the Center for Innovation in Teaching and Learning, with ITS, and with the VPAA, in matters regarding teaching and instructional support.

## II. CAMPUS AND SYSTEMWIDE POLICY AND PROCESS

### A. Recruitment of Graduate Dean at UCSC

This year the Santa Cruz divisional Committee on Rules, Jurisdiction, and Elections (RJ&E) was presented with an issue that we believe has systemwide implications. The issue was related to how the recruitment for the Vice Provost and Dean of Graduate Studies (VPDGS) was carried out, specifically, how “tenure” was defined for the purposes of the recruitment. This was an internal recruitment and one of the qualifications listed was, “Candidate must be a member of the UCSC Academic Senate with tenure or security of employment (SOE).” Ultimately, a candidate was chosen to fill the role; however, the individual was an emerita. Our understanding is that an emerita is not considered to have “tenure.” This is based on our reading of Regents’ Standing Order 103.9 and APM 220- 17c(1), Associate and Professor series positions "are continuous in tenure until terminated by retirement..." Further APM 120 provides,<sup>1</sup> “The title suffix Emerita/Emeritus shall be conferred, upon retirement, on every Professor and Associate Professor.” It would appear that tenure terminates with the conferral of the title of emerita/emeritus. This would seem to be the end of the issue except for a comment made by Grace McClintock, Assistant Vice Provost of Academic Affairs, suggesting that retirement terminates the professorial position, but not the tenure itself, when she wrote, “We consulted with the Office of Academic Personnel and Programs (APP) at UCOP, who advised that a retirement terminates the professorial position, but not tenure itself.”<sup>2</sup> This appears to be in direct contradiction to what the policies actually say. It was our observation that if emerita/emeritus were to be included in the recruitment, it should have been explicitly stated. They were excluded by the terms of the recruitment and it appears to us that this recruitment violated its own terms establishing qualifications for the appointment. Further, to justify the inclusion of emerita/emeritus in the recruitment, the administration presented a definition of tenure that contradicts long standing policy. In order to help clarify this apparent contradiction we sought guidance from the University Committee on Rules and Jurisdiction (UCRJ).

In its response, UCRJ noted that there was unanimous concurrence with the interpretation that we reached, based on their reading of the language of Regents' Standing Order 103.9 ("SO 103.9"), which states “All appointments to the positions of Professor and Associate Professor and to positions of equivalent rank are continuous in tenure until terminated by retirement, demotion, or dismissal. The termination of a continuous tenure appointment or the termination of the appointment of any other member of the faculty before the expiration of the appointee's contract shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate, except as otherwise provided in a Memorandum of Understanding for faculty who are not members of the Academic Senate.”<sup>3</sup> More precisely that

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<sup>1</sup> APOM 120: [https://www.ucop.edu/academic-personnel-programs/\\_files/apm/apm-120.pdf](https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-120.pdf)

<sup>2</sup> AVPAA McClintock to Einarsdottir Re: Concerns Regarding VPDGS Recruitment - December 5, 2018

<sup>3</sup> Standing Order of the Regents 103.9: <https://regents.universityofcalifornia.edu/governance/standing-orders/so1039.html>

"tenure" terminates upon retirement from the UC system.

In UCRJ's view, the first sentence indicates that tenure is terminated by dismissal. This conclusion was based on the fact that the two positions, Professor and Associate Professor, both enjoy tenure, and that argues for interpreting the word tenure as referring precisely to tenure. The second sentence addresses the process that must be implemented if tenure is to be terminated prior to its expiration, i.e., before the end of the contract or before retirement. This interpretation is consistent with APM 220-17(c)(1),<sup>4</sup> which quotes the above language.

Finally, we noted that the issue around the recruitment process as described could have been avoided, had the job posting stated that candidates "must have received tenure," or used comparable language that did not suggest that applicants must currently have tenure. RJ&E suggested that the language in future recruitments precisely state the qualifications in this manner.

### **B. FTE Transfer Of Faculty From A Department To A Division**

RJ&E discussed the issue of faculty FTE transfers from a department into a division. The Campus Academic Personnel Manual (CAPM) provides guidance on how department to department FTE transfers are to transpire (CAPM 416.220), but is silent on the situation when the transfer is from department to division. "In its response to this review, RJ&E recommended that the Senate should work with the administration to clarify the policy in this situation. APM 15 identifies a number of rights that are protected under Systemwide Bylaw 55 specifically "No department shall be organized in a way that would deny to any of its non-emeritae/i faculty who are voting members of the Academic Senate, as specified in Standing Order 105.l(a), the right to vote on substantial departmental questions"<sup>5</sup> What happens to those rights identified in APM 15 and those protected by Bylaw 55 when the transfer is from a department to a division is left for us to guess, and this is a problem. Our concern, as well, was that this lacuna in policy can be used as an end-around established UC policies related to disciplinary actions against faculty.

### **C. Campus Academic Personnel Manual §514.285**

RJ&E reviewed proposed revisions to Campus Academic Personnel Manual §514.285 (CAPM 514.285) and found them to be consistent with those expressed in the Academic Personnel Manual (APM). The committee's understanding of the proposed revisions to CAPM 514.285 was to bring campus policies into alignment with the systemwide policies of the APM, which have themselves been revised to bring the policies for the Lecturer with Security of Employment (LSOE) titles into closer alignment with those for the Professor series. The committee found no issues of conformance with existing policy, but did have the following editorial comment to offer.

In Section I - Workload, to bring the workload responsibility into better alignment with the

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<sup>4</sup> [https://ucop.edu/academic-personnel-programs/\\_files/apm/apm-220.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-220.pdf)

<sup>5</sup> Systemwide Senate bylaw 55.A.1: <https://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart1.html#bl55>

evaluation criteria of section D, the following is recommended:

Section I(3) currently reads:

*3) The secondary responsibility for this series is professional and/or scholarly achievement and activity, including creative activity, especially as they relate to instruction and pedagogy. This responsibility does not necessarily require the production of published work, although such scholarship may inform and/or help fulfill the expectation of professional achievement and/or activity (see APM 210-3).*

RJ&E suggested that this be changed to:

*3) The secondary, **yet necessary**, responsibility for this series is professional and/or scholarly achievement and activity, including creative activity, especially as they relate to instruction and pedagogy. This responsibility does not necessarily require the production of published work, although such scholarship may inform and/or help fulfill the expectation of professional achievement and/or activity (see APM 210-3).*

### **III. UPDATES OF THE SANTA CRUZ DIVISION MANUAL**

The following updates were made for the 2019-20 manual of the Santa Cruz Division. There are two classes of changes.

1. Changes due to divisional legislation.

Bylaw 13.14.1, the Charge of The Committee on Development and Fundraising

Bylaw 13.18.11, the Charge of the Committee on Educational Policy

Bylaw 13.26 et seq., the Charge of the Committee on Preparatory Education

Bylaw 13.30.2.1, 13.30.2.4, 13.30.2.5, the Charge of the Committee on Teaching

2. Conforming changes

Bylaw 13.26 et seq., the Charge of the Committee on Preparatory Education

### **IV. Elections and Ballots**

#### **A. Committee on Committees Elections**

RJ&E certified the election for the Committee on Committees which yielded two (2) candidates for the two (2) 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.*”

The following faculty members were deemed elected and their terms will begin September 1, 2020.

Jason Nielsen – Physical and Biological Sciences  
Catherine Ramirez – Social Sciences

The following legislation was presented at the May 15<sup>th</sup> divisional meeting. Due to time constraints, the legislation was put to an electronic ballot which opened on May 19<sup>th</sup> and closed on June 1<sup>st</sup>. The results were certified and shared with the Senate.

Legislation to amend Bylaw 13.14, the Charge of the Committee on Development and Fundraising:

247 votes cast  
236 – Aye  
11 – Nay  
Pass

Legislation to amend Bylaw 13.26, the Charge of the Committee on Educational Policy and Bylaw 13.26 Charge of the Committee on Preparatory Education:

239 votes cast  
210 – Aye  
29 – Nay  
Pass

Legislation to amend Bylaw 13.30, the Charge of the Committee on Teaching:

247 votes cast  
229 – Aye  
18 – Nay  
Pass

Moved from the floor Senate Resolution: An Ethical Response to the Budget Crisis:

273 votes cast.  
238 – Aye  
35 – Nay  
Pass

Respectfully submitted,

**COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS**

Jenny Horne, Film and Digital Media  
Martha Zuniga, Molecular & Cell Developmental Biology  
Ken Pedrotti, Electrical Engineering, Chair (F, W)  
David Belanger, Chair (S)

August 31, 2020

