

## COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS Annual Report 2008-2009

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction, and Elections (CRJE) met eight times in 2008-09. This report summarizes the Committee's work during the year.

### **Advice and interpretation of legislation:**

No formal legislative interpretations were issued this year, and therefore none were reported to the Senate.

*SCR 6.5 and SR 764:* CRJE considered an inquiry from the Committee on Educational Policy (CEP) about Santa Cruz Regulation (SCR) 6.5 which deals with students taking independent study courses. Strong restrictions are placed on such courses by Systemwide Regulation (SR) 764, somewhat loosened by an approved variance for the Santa Cruz Division. In response to a question from CEP about an existing Major program at UCSC, CRJE stated that the program was not in accordance with the local or systemwide Regulations. Since CRJE learned that CEP was contemplating proposing that SCR 6.5 should be amended, an inquiry was sent to the University Committee on Rules and Jurisdiction (UCRJ) about the interpretation of the variance from SR 764, so that CEP would know what amendments to SCR 6.5 would require a new variance. Under UCRJ's interpretation, subsequently changed to a Legislative Ruling, SCR 6.5 would need a new variance even without any amendments. In a letter to the Senate Chair after the Legislative Ruling was issued, CRJE explained its reservations about the ruling. In view of the discussion at the systemwide level about whether to rescind SR 764, which would make the question of a variance moot, CRJE has deferred to next year's committee the task of seeking a new variance (for SCR 6.5 as amended by the Division in its May 2009 meeting).

### **Review of proposed legislation and resolutions:**

*SCR 6.5:* CRJE reviewed the changes proposed by CEP. As noted by CEP in the justification to the legislation, the change to SCR 6.5 requires the Assembly of the Academic Senate to approve a variance from SR 764 before it can be valid. CRJE also recommended that the term "special study courses" in the draft legislation be changed to avoid confusion with the same term in SR 764 which possibly carries a different meaning. CEP changed the term to "special approval courses".

*Santa Cruz Bylaw (SCB) 13.12.1:* CRJE reviewed the proposed change to the charge of the Committee on Affirmative Action and Diversity (CAAD) and held that it was clear and not in conflict with existing legislation. Since the membership and charge of the various standing committees are primarily the responsibility of the Committee on Committees (COC), CRJE advised that COC should have had a chance to consider the proposed change; this had already been done.

*UCRP Resolution:* CRJE reviewed the Resolution about the University of California Retirement Plan submitted to the Division by the Committee on Faculty Welfare (CFW). CRJE made various recommendations about whom the different clauses in the Resolution should be

addressed to. The revised Resolution was found to be clear and not in conflict with any legislation.

*SCR 10:* CRJE reviewed CEP's proposal to change the writing-intensive requirement to disciplinary communication. Minor changes were recommended for clarity; the proposal was found to be consistent with existing legislation.

*SCB 13:* CRJE reviewed the changes to Chapter 13 proposed by COC, dealing with the rights of invitees and representatives to standing committees of the Division. The legislation proposed by COC for the February meeting of the Division and the revised version submitted to the Division in May were both found to be clear and not in conflict with existing legislation.

*SCR 10.2:* CRJE reviewed CEP's proposal to restructure the General Education requirements for undergraduate students. It found the proposed legislation to be clear and not in conflict with existing legislation.

*SCR 10.2.2.3:* CRJE reviewed CEP's proposed change to how transfer credit for Topical requirements is determined, and found it to be clear and not in conflict with existing legislation.

*Appendix C:* CRJE reviewed the proposal from CEP and the Academic Assessment Grievance Committee to change the time provided in Appendix C of the Divisional Manual for a student to file a grievance. It found the proposal to be clear and not in conflict with existing legislation.

#### **COC elections:**

This year, fresh elections had to be announced for COC because, in response to the original announcement, fewer nominations were received than the number of vacancies. Subsequently, CRJE felt that the procedure to deal with such situations should be spelled out clearly in the Divisional Bylaws. Accordingly, CRJE proposed changes to Chapter 11 of the Bylaws; an additional amendment to Chapter 11 was proposed to make it clear that ballot votes in Divisional meetings--consistent with established practice--are not conducted by mail. These changes were approved by the Division in its May meeting. CRJE is pleased with the Senate Executive Committee (SEC) and COC's plan to consider how participation in COC can be increased.

The CRJE chair provided informal advice that, as per SCB 13.14.2, if a COC member fails to complete their term and an election is held to fill a vacancy for the second year of the term, the newly elected member only serves for one year.

#### **Santa Cruz Division Manual updates:**

*College Bylaws:* CRJE reviewed the Bylaws submitted by Kresge College and College 8. Various revisions were suggested for clarity. The final versions were found to be not in conflict with any Divisional or systemwide legislation, and are included in the 2009 edition of the Senate Manual, which now includes Bylaws from nine of the ten colleges. CRJE also suggested revisions to the Bylaws for Oakes College, and expects that these will be finished early in fall 2009.

*Divisional Regulations:* CRJE undertook an exhaustive--and exhausting--review of all Divisional Regulations to check for clarity, internal consistency, and compliance with systemwide legislation. Various Regulations were identified that may require amending; CEP and the Graduate Council (GC) have been informed about them. Some Regulations conflict with systemwide Regulations; after CEP has decided whether to recommend that the Division amend these, variances will have to be sought from the Assembly of the Academic Senate. Because the review was completed towards the end of the academic year, these actions will have to take place in 2009-10. Various editorial changes were made by CRJE to improve the clarity of the Regulations in accordance with SCB 13.28.5.

CRJE also learned of two places where the General Catalog is in conflict with Divisional Regulations. In practice, these documents control how Regulations are implemented for students, regardless of what is written in the Senate Manual. We recommend that CRJE undertake a review of the relevant sections of the General Catalog and The Navigator in 2009-10 to see if there are other such instances, and institute a mechanism so that changes to these sections are checked by the Committee before new editions of the Catalog and Navigator are published.

*Appendix B:* CRJE found several discrepancies between Appendix B of the Divisional Manual and Appendix III of the systemwide Senate Manual, both of which list variances approved by the Assembly. In some cases, CRJE corrected omissions in Appendix B. In others, after obtaining agendas and minutes of relevant Assembly meetings, CRJE confirmed that Appendix B was correct and requested UCRJ to update Appendix III. As far as possible, the wording of the items in Appendix B was changed to reference the Divisional Regulations for which variances have been obtained.

Divisional Regulations for which variances have been obtained from the Assembly should be numbered with an "A" prefix, according to Senate Bylaw (SB) 80.D. Errors had accumulated in this over time. Correcting these errors by inspecting Assembly agendas was not straightforward: when a variance is requested, extra Divisional Regulations are sometimes sent to the Assembly to provide context. Moreover, some Divisional Regulations require approval from the Assembly even if they do not conflict with anything systemwide (e.g. the Honors Policy). UCRJ has been informed of the choices CRJE made when updating the "A" prefixes; any corrections from UCRJ should be reflected in next year's Manual.

*Appendix D:* GC sent CRJE a revised version of Section XII of Appendix D of the Senate Manual. The revisions address concerns that CRJE expressed with the 2008 version and lacunae identified by GC. The revised version has been included in the 2009 Senate Manual.

**Other issues:**

CRJE considered an inquiry from a member of a standing committee about the right of members to access documents submitted to their standing committee. After consulting relevant Divisional and systemwide Bylaws and Regulations and *The Standard Code of Parliamentary Procedure* by Sturgis, CRJE agreed that all officially submitted documents that pertain to a topic should be made available to all committee members prior to discussion of that topic by the full committee. Committees may set up their own procedure about the timing when access will be provided (e.g.

number of days before the committee meeting). Documents not officially submitted to the committee are not subject to this requirement, but the committee may (by a majority vote) request additional documents before its decision is issued. As per SB 20, the authority of a committee cannot be redelegated to a subcommittee unless authorized in the legislation by which the committee is established.

The CRJE chair provided informal advice to a department chair about the extension of SB 55 voting rights to emeriti and lecturers. It was explained that, as per UCLR 12.75 and 5.67, SB 55 voting rights could not be extended to lecturers. SB 55 rights could be extended to emeriti, and the department could choose to extend voting rights under SB 55.B.1 but not under SB 55.B.8. (An extension of voting rights under SB 55.B.8 requires Committee on Academic Personnel (CAP) approval.) The difference between a "waiver" and "absent not voting" as per SCB 13.4.5 was explained. Votes within search committees are not covered by SB 55. The CRJE chair also provided informal advice to the chair of CAP about a document CAP was going to circulate to departments explaining how to record SB 55 votes; minor changes were made in accordance with the advice.

CRJE wrote to the Senate Chair recommending that one week be provided between the legislative and agenda deadlines for Divisional meetings, as has been customary before the May meeting. With less time between the two deadlines, the likelihood that CRJE will be unable to examine and respond to a complicated piece of legislation will increase.

CRJE wrote to the Senate Executive Committee (SEC) pointing out that the deadline to request a Mail Ballot for a Memorial or Memorandum in SCB 9.1 is different from that in SCB 8.4.1 for actions of the Division, and asked whether SEC felt this was an oversight when SCB 8.4.1 was last changed. SEC responded that it had no objection to CRJE proposing an amendment to SCB 9.1 to match SCB 8.4.1. (If this is done, an amendment to SCB 6.7.2 would be needed for consistency.) It was not possible to follow through this year.

CRJE considered an inquiry from a Senator asking whether the term "department" in the Divisional Regulations should be replaced with something broader. CRJE decided that each instance would need to be considered separately to determine whether the term should be broadened to include college, program of study and/or degree sponsoring entity, but that the meaning of the term was clear from the context in each instance. No further action was taken.

The Committee would like to thank analyst Roxanne Monnet for her invaluable help throughout the year.

Respectfully Submitted,

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

Jean Fox Tree  
Carol Freeman  
K.C. Fung  
David Koo  
Onuttom Narayan, Chair

August 31, 2009