

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS
Annual Report 2010-11

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction, and Elections (CRJE) met six times in 2010-11. 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.

Review of proposed legislation:

SCB 4.3, SCB 8.4.1, SCB 9.1, and SCR 13.28.6: Last year, CRJE noted inconsistencies between Santa Cruz Bylaw (SCB) 4.3 and SCBs 8.4.1 and 9.1 regarding responsibility for conducting mail ballots. SCB 4.3 gives this responsibility to the Senate Secretary "under the supervision of the Committee on Rules, Jurisdiction, and Elections," whereas SCBs 8.4.1 and 9.1 give it to CRJE. CRJE concluded that the Secretary should conduct mail ballots under the supervision of CRJE and that the language of the Bylaws should be made consistent on this point. In addition, upon advice from and at the request of the Senate Executive Committee (SEC), CRJE also proposed amending the sections of SCB 8.4.1 and 9.1 that deal with the number of days allowed for requesting a mail ballot; it also proposed tying these days to the circulation of the Notice of Divisional Actions of the Santa Cruz Division rather than to the distribution of 'minutes,' as was previously the case. Accordingly, legislation to this effect was proposed at the February, 2011 Academic Senate meeting. After discussion, the proposal was referred back to CRJE with a request that language be added specifying that, although the Secretary conducts mail ballots, CRJE counts the votes. A new proposal, with language about counting votes added to the CRJE charge (SCR 13.28.6), was put on the agenda for the May, 2010 Senate meeting. Quorum having been lost mid-way through the meeting, the CRJE proposal was not considered. CRJE decided to withdraw its proposed legislation from the agenda of the October 20, 2010 Senate meeting and place it on the agenda for the November 5, 2010 Senate meeting. Unfortunately the November meeting also did not achieve quorum for voting. Citing SCB 8.5 (lack of quorum), SEC was empowered to vote on and passed CRJE's proposed legislation at its November 9, 2010 meeting.

SCB 13.1.3 and 13.2.1: The committee reviewed changes to Chapter 13 Grading and Transmission of Records for graduate students, proposed by Graduate Council (GC). With the exception of one grammatical edit in section 13.1.3, CRJE found the proposal to be clearly written and not in conflict with any existing legislation. The legislation appeared on the agenda at the March, 2011 Senate meeting. The legislation was discussed at some length on the floor, and after several friendly amendments were introduced, the legislation was passed by voice vote. After the meeting, a petition for referendum on the Grad Council legislation was received, and CRJE conducted an electronic ballot (hard-copy was available). The ballot was open from April 21 through May 6, 2011. CRJE certified the results of the ballot on May 11, 2011; the passage of the legislation at the March 9, 2011 Senate meeting was upheld.

SCB 4.1: The Committee on Committees (COC) proposed a change to the bylaw governing the Senate Chair's term. Their argument was that the current bylaw did not provide an adequate mechanism for stabilizing the Senate Chair term when a Chair resigns after one year. The intent of the legislation was to provide COC the flexibility to initiate, when appropriate, another two-year term. CRJE proposed a grammatical change which improved the overall clarity of the new language. The change was adopted by COC and passed at the March 9, 2011 meeting.

SCB 11.4: The Committee on Committees (COC) also proposed a change to the elections bylaw intended to resolve the problems that arise when an insufficient number of nominees to fill COC is put forward during the regular nomination process. CRJE found no conflict with existing bylaw. The legislation was passed at the March 9, 2011 meeting.

SCB 13.24.1: The Committee on Planning & Budget (CPB) proposed to codify the participation of the Senate Director on CPB with concurrence from COC. CRJE Chair Jordan reviewed the language "invited to sit with" discussed by previous RJE committees and confirmed that it designates a non-voting position. The legislation was passed at the March 9, 2011 meeting.

SCB 13.23: The Committee on Library (COL) proposed a change and overall update of their committee charge so that its name and charge would reflect the current reality of the expanded role of the library in the publication and dissemination of both print and electronic resources. The update also recognized the change of the systemwide committee (UCOLASC) to include scholarly communication. COL also acknowledged that the library no longer has a protected budget, and the committee sought to create awareness about where the library budget is situated with respect to campus priorities. At its February 24, 2011 meeting, CRJE consulted with the COL analyst and reviewed the systemwide and local Senate committee charges. Based on its review, CRJE proposed several revisions to the legislation, fully supported the principles for the expansion of the COL charge, but recommended that COL withdraw their legislation to allow for more time to implement the changes suggested by CRJE prior to the legislative deadline for the March 9, 2011 Senate meeting. Ultimately, COL implemented the CRJE's proposed changes in a timely manner, and the legislation was passed at the March 9, 2011 meeting.

SCB 13.17.1: The Committee on Committees (COC) submitted legislation to expand the membership range of the Committee on Educational Policy (CEP). The range expanded from six to "no fewer than six and no more than nine Santa Cruz Division members plus the Registrar serving ex officio. In addition, there are one non-senate teaching faculty representative, one non-voting provosts' representative selected by the Council of Provosts, and no more than two student representatives." The legislation was passed at the May 27, 2011 meeting.

SCR 9.1.3: The Committee on Educational Policy (CEP) submitted legislation changing the regulation on "One Year Limit of Grade Change Exceptions" which allows changing a final grade based on clerical or procedural error within one year of the original submission, upon written request from an instructor. The current regulation did not take into account grade change requests made after an instructor had left the University or when deceased. This amendment gives CEP the authority to grant exceptions to the one year limit.
CEP guidelines for implementing this change:

In cases in which the instructor is deceased, has left the university, or cannot be contacted for other reasons, the Registrar may approve exceptions to the one-year limit on grade changes based on clerical or procedural error if:

1. The request satisfies all other conditions required for approval; and
2. The failure to meet the one-year deadline was due to factors outside the student's control; and
3. The department or other course-sponsoring unit supports the request.

The legislation was passed at the May 27, 2011 meeting.

Review of proposed resolutions

In Fall, the committee reviewed several resolutions proposed by the Committee on Faculty Welfare (CFW) and found them to be clearly written, properly addressed, and not in conflict with any existing legislation.

Resolution on New Tier Post-Employment Benefit

Resolution on Retiree Health Benefit

Resolution on contributions from current employees who continue with the current UCRP plan

Resolution on Addressing the Unfunded Liability of UCRP

Committee on Committees elections:

CRJE found the proposed dates for the 2011 Committee on Committees (COC) elections to be compliant with Senate legislation. Due to a resignation in the second year of an appointment, there were four COC vacancies. Four nominations were filed by the deadline. 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." Three nominees were declared elected for 2-year terms (2011-12 & 2012-13): Elizabeth Abrams, Bruce Cooperstein, and Paul Roth. The Secretary drew lots (SCB 11.5) under CRJE supervision and the nominee declared elected for a 1-year term was Pradip Mascharak. All terms will begin September 1, 2011.

Santa Cruz Division Manual updates:

The committee reviewed a Cowell College bylaw change (2.6.2): Cowell faculty voted at their December 6, 2010 meeting to remove entirely section 2.6.2 which limits the number and term of honorary fellow appointments. The committee found nothing objectionable about the change.

CRJE reviewed a discrepancy in graduate program normative time-to-degree at its meeting in May. Based on the background information provided by the Graduate Council analyst, CRJE concluded that the issue was clearly editorial in nature. The statement regarding time to degree in Appendix D that previously read "Ph.D. students: seven calendar years for all programs except Literature and History of Consciousness, where it is eight years." is incorrect and instead *should* read: "**Ph.D. students: six calendar years for all programs except Anthropology, Literature, and History of Consciousness, where it is seven years.**" The committee recommended that all other references to normative time in graduate resources be changed to conform to this language.

CRJE has identified outdated references in the manual to “breadth requirements” (SB 13.17.5, SR 2.2, SR 10.2.2.3). The committee plans to make conforming changes to the language to match existing educational course requirement nomenclature.

Other issues:

During the year CRJE provided informal advice to individual Senators and Senate Committees on a variety of different matters.

Chair Jordan provided an informal opinion related to how, if at all, a department should record the presence or absence of a faculty member who has requested that their voting rights be transferred to another UC campus where they will be a visiting professor for an extended period. Chair Jordan stated his view that in such a case, the absent professor should not be recorded in the department’s vote tally.

Chair Jordan provided an informal opinion related to audio tape recordings of Senate meetings. Chair Jordan stated that in his opinion all senators should have access to official Senate records; however, as tape recordings are not the official record of the Senate (the only official record of a Senate meeting are the minutes), he indicated his view that a decision whether to provide access to audio recordings at the request of a senator was at the discretion of the Secretary.

Chair Jordan provided an informal opinion to the chair of COL on how his committee should proceed with their future legislation. Chair Jordan recommended that COL take the time to consult with several other Senate committees (CPB, COT, CCT) and that it might be prudent to withdraw their legislation, deferring it until a Spring meeting in order to execute CRJE conforming changes and any pending feedback from the aforementioned committees.

The committee gratefully acknowledges the assistance of analyst Matthew Mednick throughout the year.

Respectfully Submitted,

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

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July 31, 2011