

Committee on Rules, Jurisdiction, and Elections

Annual Report, 2004-05

To the Academic Senate, Santa Cruz Division:

During 2004-05, the Committee on Rules, Jurisdiction and Elections (CRJE) routinely evaluated legislation, resolutions and other items submitted for inclusion in the agendas of regular meetings of the Santa Cruz Division, provided editorial advice to proposers about the wording of documents and proposals, and provided advice about possible legal and legislative implications of proposals, should they be approved by the Division. Other requests for information or informal advice from the Executive Committee, Senate Officers, committee chairs, and individual senators were dealt with mainly by email or telephone conversations.

At the request of various senate committees, CRJE provided opinions on the following items.

SCR 6.2.2 Minimum Progress: CRJE recommended that a Committee on Educational Policy (CEP) proposal contained unclear language, and CEP decided not to submit it during 2004-05.

Appendix C. Section I.B: Undergraduate Student Grievance Procedure. CRJE reviewed CEP's proposed revision of Appendix C, and recommended that CEP should give examples of "inappropriate actions," or further define what actions might be grievable, so that students and instructors had clear guidance about what constitutes an appropriate grievance.

SCB 13.17.8: CRJE approved a Committee on Committees (COC) proposal to amend the CEP charge by changing the name of the Narrative Evaluations Student Grievance Hearing Committee to Academic Assessment Grievance Committee to bring the committee's name into conformity with UCSC's current assessment practices.

COC Elections: CRJE approved changing dates for the election of 2005-06 committee members, so that tabulation of ballots would be completed in the last week of classes rather than finals week. CRJE also responded to requests from Secretary Nygaard about the use of the web and electronic communications in the election process for COC, by recommending that:

1. COC should continue the current practice of informing members about nominations by posting nominees' names on the senate's website as they are received.
2. The election should focus on the candidates, not the nominators, and therefore, approved the current practice of not divulging the names of nominators.

SCB 13.4.2 Administrative and Senate Conflict: CRJE responded to a request from COC Chair Freeman about whether the Parliamentarian's acceptance of an administrative position as Associate Dean would be in conflict with Santa Cruz Bylaw (SCB) 13.4.2, which states that when specified Senate officers, including the Parliamentarian, accept "an administrative position at the level of Dean or above, he or she shall immediately vacate the Senate position." CRJE members noted that with the proliferation of administrative positions below the decanal level, prohibiting Senate members from serving could be counter-productive for the Senate. Members agreed that SCB 13.4.2 does not prohibit the Parliamentarian from holding an Associate Dean position, but expressed concern that, since the Parliamentarian is typically called on to advise the Senate chair mainly when issues are being hotly debated, it is crucial for the Senate that the Parliamentarian should be seen to be independent. CRJE forwarded the broader issue of the separation of the Senate and administration to the Executive Committee for wider Senate discussion.

Graduate Dean's Voting Rights: In response to a request from the GC Chair Schumm, the CRJE concluded that the Graduate Dean, who is an *ex officio* member of the GC, could not delegate the Dean's

voting rights to another representative of the Graduate Division when the Dean was unable to attend. Universitywide Senate Bylaw 330 unambiguously states that the Dean is the member and not someone else.

SB 330. Graduate Councils

1. General Provisions. Regulative and coordinative functions in a campus Graduate Division shall be exercised in accordance with Bylaw 180 by a Graduate Council of the Division concerned. The Dean of the campus Graduate Division is ex officio a member of the Council but shall not be Chair or Vice Chair.

CRJE suggested it would be appropriate for the Dean to send another representative, e.g. the Associate Dean, to meet with the Graduate Council, with the understanding that the representative will not have voting rights.

Expiring “Q” General Education Courses: In November 2004, CEP issued a letter “expiring” all quantitative “Q” courses until they had been reviewed by CEP, using different criteria from those in force when they were originally approved. This decision was formally challenged to Senate Chair Galloway by the requisite number of Senators; the challenge was forwarded to CRJE by the Chair. In all substantial respects, CRJE accepted the arguments in the letter of appeal (and its bylaw and regulation references) that CEP’s action constituted a major policy change with potentially substantial curricula and resource allocation impacts, and that CEP had failed to follow the Senate Bylaw 13.17.3 requirements for prior consultation with the Committee on Planning and Budget (CPB) and affected instructional units and faculty.

CRJE ruled that all courses with Q designations should remain valid until such time as CEP had: a) reviewed each course individually; and b) decided on a course by course basis that a particular course no longer meets CEP’s criteria for “Q” designation. Should the cancellation be based solely on failure to meet the criteria in force at the time it was approved, then CEP has the authority to cancel it immediately; but should cancellation be based on application of new criteria, then CEP should allow sufficient time for the new policy to be established and approved by normal procedures, and then give all existing courses sufficient time to come into compliance with the new criteria. CEP then withdrew its letter, pending further discussions.

CRJE also suggested another approach that would avoid most of the problems would be for CEP to initiate a discussion by the Senate as a whole on what constitutes an appropriate Q-designated course.

Several issues remained unresolved and were carried forward to 2005-06, including: interpretation of Bylaw 55 as it affects Security of Employment Lecturers; voting privacy and the reporting of abstentions in personnel actions; and an inquiry regarding authority during graduate appeals.

Respectfully Submitted,

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS

David Belanger
David Brundage
Donald Wittman
Donald Potts, Chair

May 4, 2006