

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS
Annual Report, 2005-06

To the Academic Senate, Santa Cruz Division:

During 2005-06, the Committee on Rules, Jurisdiction, and Elections (CRJE) evaluated legislation and resolutions submitted for inclusion in the agenda of Regular Meetings of the Santa Cruz Division, providing editorial advice to the proposers of these items, and advice about legislative implications of the items to be considered by the Division. Formal and informal advice was given to various Senators and Divisional committees and officers who requested it. Advice given, as well as other comments, is summarized below on the various items discussed by CRJE.

At the request of various Senate committees and Senators, CRJE provided opinions on the following items.

Bylaw 55 – Voting Privacy: The issue of voting privacy was brought before the previous CRJE and, although some discussion took place, the issue was considered in detail by the 2005-06 CRJE. The letter from a Senator included a request for advice regarding whether explanations for abstentions in voting were appropriate in Bylaw 55 personnel action letters. CRJE confirmed that faculties of departments are Senate committees subject to UC and UCSC Bylaws and Regulations when discussing UC Bylaw 55 issues. CRJE found no authority within UC or UCSC Bylaws for requiring explanation for voting abstentions. Neither “Roberts Rules of Order” nor “The Standard Code of Parliamentary Procedures” by Alice Sturgis offer clear guidance on this issue. The UCSC Bylaw SCB 13.4.3 explicitly forbids requiring explanations in the case of a recusal, but does not address abstentions for other reasons. CRJE was concerned that it would be difficult in practice to discern the reason for an abstention, if not volunteered in open meetings by the abstainer, without running the risk of violating SCB 13.4.3. CRJE concluded that inquiries into reasons for abstentions should therefore not be made. CRJE proposed SCB 13.4.4, which expressly forbids inquiries regarding motivations for all abstentions and this was considered and approved at the March 8, 2006, Regular Meeting of the Santa Cruz Division.

CRJE found no reason for concern regarding discussions in personnel action letters of explanations given publicly by the person abstaining, for example at department meetings. CRJE is, however, concerned that such disclosures be truly voluntary and intentional. A question was also raised in the original inquiry to CRJE whether it is proper to include the number of abstentions in personnel action letters. Since the number of abstentions can be readily obtained from the known number of eligible voters and the number of affirmative and negative votes, the first issue seems moot to CRJE. CRJE also found no basis for concerns regarding recording of reasons for waivers.

During the consideration of this issue, it became clear to CRJE that there has been significant confusion regarding the issue of what constitutes an “abstention” versus a “waiver” with regard

to UC Bylaw 55 actions. A “waiver” is a formal process of relinquishing the right to vote on Bylaw 55 actions for a specified period. During that period, the senator cannot vote on any issue regarding Bylaw 55 actions. If a senator chooses to retain the right to vote on some and not other Bylaw 55 issues during a specific period, the non-votes are “abstentions”. CRJE requested that the Committee on Academic Personnel (CAP) specify wording regarding the definition of the word “waive” to be included in the CAPP.

Lines of Authority in Graduate Appeals: A request was made to CRJE by the Chair of the Senate for advice regarding the lines of authority in graduate appeals. It is the opinion of CRJE that University of California Academic Senate Bylaw 330 is quite explicit that the Graduate Council has jurisdiction over all policies regarding graduate programs. Section C of Bylaw 330 allows for this authority to be re-delegated only by Divisional Bylaws, but current UCSC Bylaws provide no such re-delegation. The Dean of Graduate Studies or departments may implement the policies of the Graduate Council, but the Graduate Council retains ultimate authority over the entire appeals process.

While deliberating on this issue, it became apparent to CRJE that the Graduate Handbook is not sufficiently clear regarding lines of authority. CRJE requested that the Graduate Council revise the wording of that procedure so that it will be more transparent regarding the ultimate authority of the Graduate Council. CRJE also requested that the Graduate Council submit all Regulations they pass to CRJE so that they can be reviewed for consistency with UC and UCSC Bylaws. Furthermore, it was requested that the Graduate Council ensure that the Graduate Handbook is consistent with Appendix D of the UCSC Senate Manual. The Graduate Council agreed to work towards these goals.

SCB 13.28.1: The number of members of CRJE, specified to be four in SCB 13.28.1, posed a challenge to the committee. With one recusal, the necessity of quorum required that all three other members be present to move forward on the issue. This proved difficult with member travel and illnesses. Recognizing this impediment to the most timely response on the issue and wishing to avoid such problems in the future, CRJE requested to the Committee on Committees (COC) that CRJE membership be increased by one. COC proposed the change to SCB 13.28.1, CRJE found it to be clear and consistent with other Bylaws, and it was considered and approved at the April 26, 2006, Regular Meeting of the Santa Cruz Division.

Change from Roberts Rules of Order to the Standard Code of Parliamentary Procedures, SCB 7.4: CRJE reviewed the proposal by Senate Executive Committee to revise Bylaw 7.4 in order to adopt “The Standard Code of Parliamentary Procedure” by Alice Sturgis as the reference for questions of order not covered by legislation, replacing “Robert’s Rules of Order”. After initial feedback from CRJE, the final proposed legislation was found to be clear and not in conflict with existing Bylaws or Regulations. The change was considered and adopted at the March 8, 2006, Regular Meeting of the Santa Cruz Division.

Security of Employment (SOE) Lecturers: CRJE responded to an inquiry regarding voting procedures for and by SOE lecturers in UC Bylaw 55 actions. CRJE recommended that

procedures for SOE lecturers parallel those of ladder-rank faculty, taking into account that SOE lecturers cannot vote on personnel actions for ladder-rank faculty.

SCR 6.2.2: CRJE reviewed changes to Santa Cruz Regulation 6.2.2, proposed by the Committee on Educational Policy (CEP), regarding minimum progress expectations. After initial feedback, CRJE found the final proposed text to be clear and not in conflict with existing Bylaws and Regulations.

Legislative Rulings: CRJE considered whether it has the right to issue Legislative Rulings. Such power to issue Legislative Rulings is not automatically given to a Divisional CRJE. For a Divisional CRJE to have the power to issue such a ruling, which has the status of Legislation after Divisional Approval, specific language to that effect must be provided by the Divisional Bylaws, according to Legislative Rulings 12.93A issued by the University Committee on Rules and Jurisdiction (UCRJ). CRJE does not believe that such specific language exists in the UCSC Bylaws and believes that such Legislative Rulings by CRJE are not proper or valid. Rather, they are interpretations and opinions that are to be considered authoritative, as explained in the Legislative Ruling 12.93B issued by UCRJ. In reviewing the Division Manual, conforming changes included changing all occurrences of the word “ruling” to “interpretation”.

SCB 13.16: CRJE reviewed proposed changes by the Committee on the Education Abroad Program (CEAP) to Bylaw 13.16 regarding their name and charge. CRJE found no conflict with existing Bylaws and Regulations.

SCB 13.25.2: CRJE reviewed wording changes to Bylaw 13.25.2 regarding undergraduate preparatory and remedial education that were proposed by CEP, interpreted them to be conforming changes, and implemented them.

SCB 3.4: CRJE reviewed a COC request to revise the text of Bylaw 3.4 regarding the use of the term “student representative”. Elimination of this phrase was determined to be a conforming change.

The Committee on Planning and Budget (CPB) resolution on the LRDP and the EIR: CRJE reviewed this resolution and made minor suggestions to the CPB to improve clarity.

SCB 13.22: CRJE reviewed a proposal by COC to eliminate SCB 13.22 relating to the Committee on Land and Building Development and found no conflicts with existing Bylaws and Regulations.

SCR 10.2.2.3: CRJE reviewed the proposal by the CEP to change to Regulation 10.2.2.3 regarding transfer and advanced standing credit to be clear and not in conflict with existing Bylaws and Regulations.

SCB 13.16: CRJE reviewed a proposal by the CEAP and COC to change 13.16 regarding the charge of the CEAP and found it to be clear and not in conflict with existing Bylaws and Regulations.

SC Division Manual Appendix D: CRJE reviewed Graduate Council changes to Appendix D concerning the Master's degree programs. It made an inquiry to clarify the status of "Master's papers", but otherwise found the changes to be clear and not in conflict with existing Bylaws and Regulations.

Santa Cruz Division Manual Updates: CRJE reviewed the Bylaws section of the Division Manual. Several conforming changes were made in addition to those mentioned previously. The word "calendar" was added just before "days" in SCB 6.3, "instructional" just before "days" in SCB 6.6, and "calendar" just before "days" in SCB 9.1. CRJE determined that the replacement of "Committee of Study" with "Program of Study" and the elimination of "Committee of Study" when "Program" is already stated in a paragraph are conforming changes. In Appendix A, CRJE determined that "improper ruling" should be dropped since the UCSC CRJE cannot make rulings and the references using this language are not relevant. CRJE has determined that the Bylaws of the colleges should be included in the Senate Manual. Therefore, it requested the Bylaws from each college to be reviewed for consistency with existing Bylaws and Regulations so that they can be posted in an appendix to the manual. Other conforming changes were made for consistency with UC style standards and to reflect such things as the proper number of UC campuses and current names of campus units and committees.

No outstanding issues were carried forward to 2006-07.

CRJE would like to express appreciation to Roxanne Monnet for her excellent assistance throughout the year.

Respectfully Submitted,

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS

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