

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS
Amendments to Bylaw 8.4.1, 9.1, and 13.28.6

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction and Elections (CRJE) is proposing changes to Santa Cruz Division Bylaw (SCB) 8.4.1, 9.1, and 13.28.6 in order to make the days by which to submit petitions for mail ballots match for these two Bylaws, and to make clear who conducts mail ballots versus oversees them in the Santa Cruz Division.¹ The Senate Executive Committee (SEC) has asked that the number of days needed for a mail ballot be reduced from 21 to 14 for reasons discussed below.

Days allowed for requesting mail ballots

In 2003 the days given in SCB 8.4.1 on Referendum changed from “not later than 21 calendar days after the Minutes of the Divisional Senate meeting reporting such action have been placed in the mail” to “not later than 21 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications.”

CRJE finds that the rationale for changing the days to match the Divisional Action Report applies also to SCB 9.1. Here is the relevant quote for the 2003 justification: “Currently, the deadline for submitting petitions requesting a mail ballot referendum on an issue decided at a Divisional Senate meeting is tied to the distribution of the ‘minutes’, without specifying whether they are draft minutes or approved minutes. Draft minutes really have no official status, and minutes of a meeting have taken as long as a year to be approved. Instead, we are proposing that the deadline for such petitions be tied to the Notice of Divisional Actions, which our Secretary must distribute to all Senate members within two weeks after each meeting. It is only divisional actions which are subject to referenda, and this change would require that referenda be initiated in a timely fashion after the Division has acted.” The justification for that change to SCB 8.4.1 as submitted to the Senate in February 2003 is attached in Appendix A.

SEC has recommended that the number of days for submitting a petition for a mail ballot be reduced from 21 to 14. As indicated in their letter to CRJE, “The 21 day time frame was initiated at a time when the distribution of draft minutes was issued by hard copy. Now that the Divisional Action Report (DAR), which is distributed electronically, sets the timeline for a petition in motion, a shorter time line for submitting such a petition seems sensible. Over the past decade, many Senate timelines have accelerated in consideration of the availability of electronic distribution. This shorter period would more rapidly allow the Senate to understand the status of its own business—meaning that the decision made at the meeting stands or that it is subject to a ballot.”

¹ Please note that a minor editorial change was made to the first sentence of SCB 8.4.1 since it appeared in the April Senate Meeting Call.

Conducting versus overseeing mail ballots

CRJE finds what appears to be a conflict in the language of SCB 4.3 which says that the Secretary “conducts all elections and all mail balloting in the Santa Cruz Division, under the supervision of the Committee on Rules, Jurisdiction, and Elections” versus SCB 8.4.1 which says “the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot” and SCB 9.1 which says “The mail ballot referendum will be conducted by the Committee on Rules, Jurisdiction, and Elections.”

The Committee recommends that the Senate Secretary be designated to conduct all mail ballots with CRJE overseeing them.

For clarity and consistency in counting of ballots, CRJE proposes that language similar to SCB 11.3 on elections be added to SCB 13.28.6. SCB 11.3 states: “The Committee on Rules, Jurisdiction, and Elections determines the dates on which Divisional elections should be held, counts or appoints tellers to count the ballots, and certifies the results to the Chair of the Santa Cruz Division.”

Current wording

Proposed wording

Current wording	Proposed wording
<p>SCB 8.4.1 Referendum. Upon petition by at least 25 members of the Santa Cruz Division, the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot on any specific action of the Santa Cruz Division or of the Executive Committee acting for the Santa Cruz Division. Such a petition must be submitted not later than 21 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications. The results of such a mail ballot referendum are deemed conclusive. The Santa Cruz Division may not reconsider for a period of one year a question substantially the same as that decided by the mail ballot. [DLI 1996.10C and 1996.10E]</p>	<p>SCB 8.4.1 Referendum. Upon petition by at least 25 members of the Santa Cruz Division, the <u>Senate Secretary, acting under the supervision of the Committee on Rules, Jurisdiction, and Elections.</u> Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot on any specific action of the Santa Cruz Division or of the Executive Committee acting for the Santa Cruz Division. Such a petition must be submitted not later than 21 14 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications. The results of such a mail ballot referendum are deemed conclusive. The Santa Cruz Division may not reconsider for a period of one year a question substantially the same as that decided by the mail ballot. [DLI 1996.10C and 1996.10E]</p>

SCB 9.1 Definition: A "Memorial to the Regents" is a declaration or petition addressed to the President of the University of California for transmission to The Regents. A "Memorial to the President" is a declaration or petition to the President not intended for transmission to The Regents. A "Memorandum" is a so-designated declaration or petition addressed to other than the President or The Regents, such as to the Chancellor of Santa Cruz or to the campus's representatives to the Assembly. [SB 90, SB 85]

The Division may submit Memorials to the President of the University of California and may initiate Memorials to The Regents on matters of Universitywide concern to be submitted to The Regents through the President. [SB 90B]

Memorials to the Regents, Memorials to the President, and Memoranda may be sent forward only after approval in a mail ballot by a majority of members of the Division eligible to cast votes, unless the decision not to conduct a mail ballot is made by the Santa Cruz Division at a Regular or Special Meeting at which the language of the ballot proposal shall be presented. If the Division decides against holding a mail ballot, a mail ballot will nevertheless be held upon petition of 25 voting members of the Division. Such a petition must be submitted not later than 21 calendar days after the Minutes of the Divisional Senate meeting reporting such action have been placed in the mail. The mail ballot referendum will be conducted by the Committee on Rules, Jurisdiction, and Elections in accordance with Universitywide Senate procedures [SB 95]; approval of the referendum by a majority vote shall constitute direction to the Division to send the Memorial to the Regents, Memorial to the President, or Memorandum forward.

SCB 9.1 [No change to paragraph 1]

[No change to paragraph 2]

Memorials to the Regents, Memorials to the President, and Memoranda may be sent forward only after approval in a mail ballot by a majority of members of the Division eligible to cast votes, unless the decision not to conduct a mail ballot is made by the Santa Cruz Division at a Regular or Special Meeting at which the language of the ballot proposal shall be presented. If the Division decides against holding a mail ballot, a mail ballot will nevertheless be held upon petition of 25 voting members of the Division. Such a petition must be submitted not later than ~~21~~ **14** calendar days after the **Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications.** ~~Minutes of the Divisional Senate meeting reporting such action have been placed in the mail.~~ The mail ballot referendum will be conducted by the **Senate Secretary under the supervision of the** Committee on

<p>SCB 13.28.6 The Committee supervises all Divisional elections. It supervises voting on propositions submitted to the Santa Cruz Division by mail ballot.</p>	<p>Rules, Jurisdiction, and Elections in accordance with Universitywide Senate procedures [SB 95]; approval of the referendum by a majority vote shall constitute direction to the Division to send the Memorial to the Regents, Memorial to the President, or Memorandum forward.</p> <p>SCB 13.28.6 The Committee supervises all Divisional elections. It supervises voting on propositions submitted to the Santa Cruz Division by mail ballot. <u>The Committee counts or appoints tellers to count all ballots.</u></p>
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Respectfully submitted,

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS

Jean Fox Tree
K.C. Fung
Ira Pohl
William Scott
John O. Jordan, Chair

May 5, 2010

APPENDIX A

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

AS/SCP/1368-5

SENATE ADVISORY COMMITTEE Proposed Amendment to Bylaw 8.4.1, Referendum

To: The Academic Senate, Santa Cruz Division

Continuing its review of Santa Cruz Divisional Bylaws begun last year, the Senate Advisory Committee would like to propose an amendment to bylaw 8.4.1, which is intended to enhance the efficiency and clarity of Divisional operations. We discuss below, the background and rationale for the change. For these reasons, the Senate Advisory Committee urges the enactment of the following bylaw amendment to the Divisional bylaws.

The following bylaw amendment will fix difficulties with our current rules regarding referenda. Currently, the deadline for submitting petitions requesting a mail ballot referendum on an issue decided at a Divisional Senate meeting is tied to the distribution of the “minutes”, without specifying whether they are draft minutes or approved minutes. Draft minutes really have no official status, and minutes of a meeting have taken as long as a year to be approved. Instead, we are proposing that the deadline for such petitions be tied to the Notice of Divisional Actions, which our Secretary must distribute to all Senate members within two weeks after each meeting. It is only divisional actions which are subject to referenda, and this change would require that referenda be initiated in a timely fashion after the Division has acted.

This change clarifies the prohibition regarding whether a matter can be reconsidered by the Division within one year of a referendum. It precludes such reconsideration only for substantially the same question, allowing for conforming amendments, and it eliminates the phrase “unless authorized to do so,” since it is unclear who has the power to provide such authorization.

Current	Proposed
<p>8.4.1 Referendum</p> <p>Upon petition by at least 25 members of the Santa Cruz Division, the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot on any specific action of the Santa Cruz Division or of the Advisory Committee. Such a petition must be submitted not later than 21 days after the Minutes of the Santa Cruz Division or of the Senate Advisory Committee reporting such legislation or decision have been placed in the mail. The results of such a mail ballot referendum are deemed conclusive. The Santa</p>	<p>8.4.1 Referendum</p> <p>Upon petition by at least 25 members of the Santa Cruz Division, the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot on any specific action of the Santa Cruz Division or of the Advisory Committee. Such a petition must be submitted not later than 21 days after the Notice of Divisional Actions Minutes of the Santa Cruz Division or of the Senate Advisory Committee reporting such legislation or decision have has been placed in the mail. circulated to the Division either by mail or</p>

<p>Cruz Division may not reconsider such action for a period of one year unless authorized to do so. [DLR 1996.10C and 1996.10E]</p>	<p><u>through direct electronic communications.</u> The results of such a mail ballot referendum are deemed conclusive. The Santa Cruz Division may not reconsider such action for a period of one year unless authorized to do so <u>may not reconsider for a period of one year a question substantially the same as that decided by the mail ballot.</u> [DLR 1996.10C and 1996.10E]</p>
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Respectfully submitted,

SENATE ADVISORY COMMITTEE

Dave Belanger, Secretary
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Carolyn Martin-Shaw, P&T
Bob Meister, CPB
Alan Richards, CAP
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January 10, 2003