

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS
Annual Report, 2009-10

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction, and Elections (CRJE) met nine times in 2009-10. 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: 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 or of the Executive Committee rather than to the distribution of 'minutes,' as was previously the case. Accordingly, legislation to this effect was proposed at the February 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 Senate meeting. Quorum having been lost mid-way through the meeting, the CRJE proposal was not considered. It will be on the agenda for the first Senate meeting of the fall.

SCB 6.3: CRJE reviewed a change proposed by SEC to SCB 6.3 that would increase from ten to twenty-five the number of Senators required to call for a special meeting. CRJE noted a conflict with Senate Bylaw (SB) 75.B, which states that "a special meeting of a Division may be called for the purpose of considering a request for a referendum on an Assembly action, or for the purpose of discussing the subject matter of an announced referendum, upon written request of ten members of the Division to the Divisional Secretary." Since Senate bylaws take precedence over Divisional ones, CRJE recommended to SEC that it incorporate into its proposal the wording "except as provided for in SB 75.B." CRJE stated that if the revised proposal passed (and it did), it would then make a conforming change to SCB 8.5 to reflect the revised number.

SCR 9.2: CRJE reviewed an amendment proposed by SEC to SCR 9.2 that would make

narrative evaluations optional in undergraduate courses. The proposed amendment was found to be clear and not in conflict with existing legislation. CRJE stated that if the amendment passed (and it did at the April Senate meeting), it would then make conforming changes to other sections of the Senate Manual where the term “narrative evaluations” is used.

SCR 13: CRJE reviewed an amendment proposed by the Graduate Council (GC) to SCR 13 that would make narrative evaluations optional in graduate courses. Minor changes in wording were recommended for clarity; the proposed amendment was found not to be in conflict with existing legislation.

SCR 9.2: CRJE reviewed a proposal from two Senators for an “Enhanced Grades System” that would modify SCR 9.2 as amended at the April Senate meeting. The proposal was found to be unclear in several respects. CRJE made suggestions for changes in wording and in placement of the proposed legislation within Chapter 9 of the Santa Cruz Regulations.

Review of proposed Resolutions

Resolutions on faculty furloughs: CRJE reviewed five draft Resolutions related to faculty furloughs submitted by a Senator. CRJE found a lack of clarity regarding to whom the Resolutions were addressed and for that reason could not completely determine whether the proposed Resolutions were congruent with Senate Bylaws. Two of these Resolutions and a third, were subsequently voted on and passed at the October Senate meeting. CRJE was then asked by the Senate Chair to comment on the validity of the Resolutions. CRJE reviewed the Resolutions and found the third to be invalid on procedural grounds. It issued a report to the Senate containing its comments and its reasons for finding Resolution #3 to be invalid. (See <http://senate.ucsc.edu/rje/CRJEReptREOct19-09Resolutions.pdf>.) Eighteen Senators petitioned to hold a mail ballot on the Resolutions passed at the October meeting. After reviewing the names and signatures on the petition, CRJE confirmed the petition to be valid, but recommended removing Resolution #3 from the ballot. Agreeing with the committee’s recommendation, the Senate Secretary conducted a mail ballot on Resolutions 1 and 2 under the supervision of CRJE. CRJE counted the votes and confirmed that both Resolutions were approved.

Resolution on childcare: CRJE reviewed a Resolution to the UCSC Chancellor on childcare proposed by SEC. The Resolution was found to be clear and not in conflict with any legislation.

Resolution on budgetary transparency: CRJE reviewed a Memorial to the UC President on budgetary transparency proposed by SEC. The Memorial contained eight separate Resolutions. CRJE made suggestions for changes in wording in order to clarify to whom the separate Resolutions were addressed. The Memorial was otherwise found to be clear and not in conflict with any legislation.

Resolution on fiscal transparency: CRJE reviewed a Resolution on fiscal transparency

proposed by the Committee on Planning and Budget (CPB). CRJE found the Resolution to be a Memorial, since it was addressed to the UC President. Minor changes in wording were recommended for clarity. The Memorial was otherwise found to be clear and not in conflict with any legislation.

Committee on Committees elections:

CRJE found the proposed dates for the 2010 Committee on Committees (COC) elections to be compliant with Senate legislation. The nominating process for COC yielded two candidates for the two open positions. Consequently, CRJE found that a mail ballot election did not need to be held, as specified in SCB 11.4, which states that “if the number of nominees is equal to the number of spaces to be filled, all the nominees will be declared elected.” Therefore, the two nominees were certified to serve as members of COC for a two-year term beginning September 1, 2010.

Santa Cruz Division Manual updates:

To accommodate changes in the membership of the Committee on Teaching (COT) resulting from the elimination of an administrative position, CRJE approved two conforming changes to the charge for COT (SCB 13.29).

In light of the amendment to SCR 9.2, making narrative evaluations optional, CRJE made conforming changes to the Senate Manual in places where the phrase “narrative evaluations” appears.

In order to make them consistent with Senate Regulation (SR) 502, CRJE made conforming changes to SCR 10.2.2.2 and 10.2.2.3 regarding the transferability of General Education courses taken at another UC campus.

CRJE made several other minor editorial changes in the Senate Manual, correcting typographical errors, adjusting syntax for greater clarity, and adding words that had been inadvertently omitted.

Other issues:

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

The CRJE Chair provided informal advice to a Senator on the question of whether a minority report to a Senate committee’s Annual Report could be blocked if that minority report was found to violate the committee’s confidentiality agreement. The CRJE Chair gave his informal opinion that no grounds exist for editing or blocking the submission of a minority report and that while committee confidentiality agreements should be adhered to by all members, such agreements fall outside the Senate Bylaws and Regulations and as such are not subject

to CRJE authority.

CRJE provided informal feedback regarding faculty bylaws to a group of faculty proposing the establishment of an undergraduate major in Jewish Studies. CRJE advised that the bylaws be written in such a way as to insure that any topics under Senate purview (such as curriculum and governance, including, for example, discontinuation of the degree program) are voted on only by Senators.

CRJE provided informal feedback to a Senator regarding Legislative Ruling (LR) 8.95 and the question of whether and under what conditions the Division can assume authority given to a standing committee. CRJE (via its Chair) consulted with the Senate Chair on the question of whether there was need for a legislative change to deal with such situations. The informal opinion of the Senate Chair, with which CRJE subsequently concurred, was that no legislative change was needed.

CRJE considered an inquiry from a department Chair regarding SCR 9.3.1 with respect to grading of comprehensive exams and senior theses. SCR 9.3.1 states: "All comprehensive examinations and senior theses shall be graded honors (H), pass (P), or fail (F). Papers of students receiving H or F must be read by at least two readers." Since no "grade" of H exists at UCSC and since the UCSC grading system does not allow a P/F system for undergraduates, this language is outdated or at least unclear. CRJE discussed whether to change P/F to P/NP as a conforming change, but decided instead to write to CEP and ask them to consider the questions posed above and to propose changes to the legislation as appropriate. CRJE also recommended that CEP consider whether a possible solution to this problem, one that could be dealt with as a conforming change, might be to substitute the word "scored" for the word "graded" so as to indicate that the determination of honors for undergraduate comprehensive examinations and senior theses need not involve the award of a grade in any course. The Committee noted that language almost identical to SCR 9.3.1 also appears in SCR 13.1.2, where it applies to preliminary, qualifying and/or comprehensive graduate examinations.

CRJE considered an inquiry from the Chair of CEP regarding faculty authority over curriculum. The inquiry focused specific attention on Senate Bylaw (SB) 55A and the question of whether departments may delegate authority over curriculum to a department chair or department subcommittee. CRJE's view of this matter was that the Senate faculty of a department may vote to delegate curricular authority to the Chair or to a subcommittee, but that SB 55A makes clear that only Senators, not lecturers, may make those decisions. SB 55A states that departments may not be organized in such a way as to deny faculty the right to vote on substantial department matters, and curriculum is clearly one of those matters. In CRJE's view, each situation needs to be considered individually in order to determine whether faculty or department bylaws, MOU, or charters are currently on record.

CRJE reminded CEP and GC of the need to respond to requests sent to them by 2008-09 CRJE Chair Narayan in August 2009 regarding regulations that need changes in language, plus those in need of an approved variance to systemwide regulation or an update to an

existing variance. Both committees responded and asked for more time to consider some of the issues raised by Chair Narayan. In two instances (variance to SR 630.A for SCR 10.1.3, which allows for provost exceptions to senior residency, and variance to SR 900.A.2 for SCR 12.1.2, which spells out time toward academic disqualification), CEP endorsed the existing legislation and asked CRJE to request variances.

Senate Regulation 764, which set a limit on the number of special studies credits that a student could take during one term, was repealed. In light of this decision by the Academic Assembly, UCSC does not need to seek a variance for SCR 6.5 on special approval courses, as was reported in the CRJE Annual Report for 2008-09.

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

Respectfully Submitted,

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

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