

COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS

2016-17 Annual Report

To: Academic Senate, Santa Cruz Division

The Committee on Rules, Jurisdiction, and Elections (RJ&E) met two times during each quarter in 2016-17. This report summarizes the Committee's work during the year.

I. Advice and Interpretation of Legislation

Committee on Educational Policy – Request for Interpretation of Senate Regulation 10.4.7

RJ&E responded to a request from CEP to interpret Senate Regulation 10.4.7, which defines minimum credit requirements for students pursuing more than one major: "Courses used to satisfy the requirements for each major must include a minimum of 40 upper-division credits not used to satisfy the minimum credits of any other major or minor." The question was whether the phrase "the minimum credits of any other major" refers to 1) the campus minimum of 40 upper-division credits for a major, or 2) the minimum requirements of a specific major. The committee read closely the language of Regulation 10.4.7 and concluded that the most common interpretation is that "the minimum credits of any other major" refers to the specific program requirements of a given major, not the campus upper-division credit requirement.

Committee on Educational Policy – Proposed Amendment to Senate Bylaw 13.17.9

RJ&E reviewed proposed amendments to Senate Bylaw 13.17.9. The intent of the amendments was to enumerate specific delegations of authority to administrative units, especially those in the Division of Undergraduate Education. The committee did not find any issues of conformance or compliance with existing policy. RJ&E noted that the enumeration was very specific, and any changes to or renaming of the administrative units in the future will require further amendments to the bylaw.

Committee on Courses of Instruction - Proposed Revisions to Divisional Senate Bylaws 13.16.2 & 13.16.6

RJ&E reviewed proposed revisions to divisional Senate Bylaws 13.16.2 and 13.16.6. The amendments clarify that CCI may delegate authority to the University Registrar and College Provosts for matters that involve a "routine administrative decision." RJ&E found no issues of compliance or conformance with existing policy.

Committee on Courses of Instruction - Proposed Revisions to Appendix C

RJ&E reviewed proposed revisions to Appendix C, which codifies the undergraduate grade grievance procedure. The intent of the proposed revisions is to avoid any expectation of a hearing to present evidence, clarifying instead that CCI may conduct its own informational investigation. RJ&E had already raised concerns in February 2016 about apparent issues with procedural due process, since the revisions remove the hearing clause and place the submission of evidence at the discretion of the committee.

After a thorough review of the redlined version of Appendix C, the committee was left with

essentially the same concerns, namely that the revisions alter the nature of the inquiry and the presentation of evidence. In the original language it is up to the student to present evidence. The new language places the impetus for the presentation of evidence in the hands of the committee, shifting the dynamic between the committee and the grievant. RJ&E was also concerned with proposed changes removing an instructor's right of complaint if they think their "record has been impugned by false or unfounded charges," while retaining the analogous language regarding student action. RJ&E emphasized that both student and instructor should retain the same right to file formal complaints with the appropriate offices.

Committee on Emeriti Relations - Proposed Revisions to Divisional Senate Bylaw 13.8.1

The committee reviewed CER's proposed revisions to divisional Senate Bylaw 13.8.1. The intent of the revisions was to expand the committee's membership to include "at least two and no more than five" emeriti members. RJ&E carefully considered the committee's rationale for the change and the language of the amendments, and the committee found no issue of compliance or conformance with existing policy.

II. Rulings and Advice on Senate Policy and Process

Ruling on Complaint Regarding Systemwide Senate Bylaw 55

RJ&E reviewed a complaint regarding Senate Bylaw 55 voting rights on personnel matters and the importance of sufficient notice to faculty. Part of sufficient notice includes a timely posting of the meeting agenda so that faculty are aware of an impending Bylaw 55 vote and are prepared to exercise the right to make their opinions known. Votes on appointment of Senate members are named specifically in the SB 55 voting rights.

In the same review, the committee noted that issues of quorum in department meetings cannot abridge or otherwise affect SB 55 voting rights. By the committee's reading, the right of Senate members to vote on an appointment is absolute.

The committee also urged departments to submit their alternate voting methods to the Committee on Academic Personnel (CAP) for approval, as provided in SB 55.B.7, and file the approved methods with the Academic Personnel Office (APO) pursuant to CAPM 404.220.4.e.

Guide for Managing Curricular Capacity and Program Enrollment

The committee reviewed the revised guidelines for managing curricular capacity and program enrollment submitted to the Academic Senate for review. After a careful review of the document and associated enclosures, the committee did not find any major issues of conformance with existing Senate bylaws or regulations on the face of the proposed guidelines.

In its written advice, RJ&E emphasized that actions to "Set Admissions Cap" and to "Set Qualification Cap" fall under the purview of the Committee on Admissions and Financial Aid (CAFA), which should be consulted in regard to establishing any admissions cap, as well as the Committee on Educational Policy (CEP), which should be consulted in regard to setting any qualification caps. Not consulting them on these matters would appear to fall without the long-established practice of consultation between the administration and the Senate.

RJ&E also affirmed that Regents' Standing Order 105.2(a) gives the Senate authority to determine the conditions for admission and to control courses and curricula. This implies that the two actions to "Set Qualification Criteria" and "Set an Admissions Threshold" are the privilege of the Senate, regardless of the intent surrounding those conditions.

III. Updates of the Santa Cruz Division Manual

Committee on Educational Policy – Senate Regulation 10.5.2

The committee reviewed a request from CEP to change the implementation date for SR 10.5.2 currently printed in the manual, from fall of 2017 to fall 2018. The committee determined that a simple parenthetical notation could be placed next to the subsection heading indicating that implementation would occur by fall 2018. This approach was adopted by the Division.

IV. Certification of Elections

Committee on Committees Elections

RJ&E reviewed COC nomination petitions which were submitted by the February 6 deadline, and six candidates were certified. An election for four COC members was conducted from February 17 through March 6, and the election results were certified on March 13.

Respectfully submitted;
COMMITTEE ON RULES, JURISDICTION, AND ELECTIONS
Margarita Azmitia
Dave Belanger
Chris Connery (W, S)
Audun Dahl
Jason Nielsen, *Chair*

August 31, 2017