COMMITTEE ON RULES & JURISDICTION
Joe Wiemels, PhD, Chair

MINUTES
Tuesday, May 17, 2005

PRESENT: J. Wiemels (Chair), J. Seago (Vice Chair), J. Guydish, T. Mauro, L. Ponton, J. Olson, D. Carlson

ABSENT: K. Hauer, R. Jordan, D. Ramos

The Committee on Rules & Jurisdiction (R&J) was called to order by Chair Wiemels on May 15, 2005 at 10:05 a.m. in S-118. A quorum was not present.

Minutes
As a quorum was not present, the minutes of the meeting of March 15, 2005 were not approved. Minutes will be approved via e-mail

Chair’s Report
In the March 15 meeting, the Committee on Rules and Jurisdiction ruled on the precedence of the December 10, 2002 vote of the faculty which was in favor of restricting funding from the tobacco industry versus the findings of the UCSF Task Force reviewing the University Committee on Research Planning (UCORP) Resolution regarding Restrictions on Research Funding Sources (July 21, 2004). The Committee decided to draft a communication to UCSF Academic Senate Chair Leonard Zegans clarifying that the Committee is NOT of the opinion that the findings of a task force may supersede a vote of the faculty. This Communication (Attachment I) was sent to Len Zegans, which he then presented at the systemwide Academic Senate meeting along with the opinions of the campus regarding the restrictions on funding sources.

Report from the University Committee on Rules & Jurisdiction (UCRJ) – Jean Olson
No report.

Ruling on Possible Conflict of the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion (December 2003) with the Academic Personnel Manual (Specifically Concerning the Waiver of Searches)
At the request of Division Chair Leonard Zegans, the Committee reviewed the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion (Attachment II) and the comments to this report from the School of Pharmacy Faculty Council (Attachment III). The Committee was asked to consider if the recommendation of a blanket waiver of a national search for change in series from the Adjunct or Clinical series (as per Task Force

The Committee reviewed and discussed several sections of the APM, including 270-8, 270-16, and 275-8. While the Committee discussed various issues surrounding the implementation of such a waiver—concerns such as affirmative action, financial feasibility, and potential disparity in applying such a waiver unequally—these were ultimately considered beyond the purview of the Committee and outside the scope of the question before the Committee. The Committee expressed concerns that the ramifications of such a waiver be considered by the Academic Senate or Senate committee before implementation. As part of this consideration, the Committee believes that the term “blanket waiver” should be more specifically defined, in particular whether this term renders the waiver compulsory in all transfers or whether departments could reserve the right to perform searches in specific cases.

It was reiterated that the recommendation of a blanket waiver for national searches is limited only to current faculty in the Adjunct or Clinical series, and then only for those whose dossiers reflect that they are already doing work appropriate to another series. After careful consideration of Section II of the APM, the Committee noted that the sections of the APM which do mention searches for new appointments do so in terms of appointments into a specific series, not out of a specific series as is addressed by the Recommendations from the Task Force (i.e. out of Adjunct or Clinical into another series). The language could be changed to specify that the transfers are limited to those moving into Academic Senate series other than Ladder Rank, and this specification could be incorporated into section C.4.

The Committee further noted that the APM clearly allows waiver of searches for transfers of any faculty titles into other series that are not Ladder-Rank, and the Committee believes that the use of a waiver for searches under the conditions set forth in the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion are not in conflict with the provisions set forth in the Academic Personnel Manual. In addition, the change to the Task Force recommendations suggested by the Faculty Council of the School of Pharmacy (attached, which recommends a search waiver only for those faculty who were searched nationally for their initial appointment) is also not in conflict with the APM.

The Committee members present reached consensus on this issue, however they could not take official action due to lack of quorum. The Committee agreed to circulate a summary of the discussion and a draft Communication to Chair Zegans to the Rules and Jurisdiction by email for comment and electronic approval by the entire Committee.

It was also suggested that the Communication from the Committee should include an explanation that while appointments of Adjunct and Clinical series to other series do not specifically require a search per the APM, APM Section 270-16-e (1) specifically states that a change in series/appointment from the In Residence series to the Professor (Ladder Rank) series requires a competitive search. The waiver recommended by the Task Force applies only to current Adjunct or Clinical faculty and does not present a conflict. Additionally, it is important to communicate that the APM is clear that transfers of any sort require “regular academic review.”

Chair Wiemels requested that all comments to the draft Communication (which will be e-mailed to the Listserv) be submitted by Tuesday, May 24, 2005. After which he will edit the draft
Communication to reflect the opinions and additions of the Committee and submit the Communication to Chair Zegans.

The final version of this Communication is included here as Attachment IV.

The meeting adjourned at 11:35 a.m.

These minutes were approved via e-mail.

**Meeting Attendance Record – Rules & Jurisdiction Committee 04-05**

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* R. Navarro removed from Committee at her request October 15, 2004
** B. Shoichet added to Committee October 5, 2004

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