The Committee on Rules & Jurisdiction (R&J) was called to order by Chair Wiemels on June 27, 2006 at 11:00 A.M. in room S-118. A quorum was present.

Minutes
The minutes of the meeting of November 14, 2005 were approved.

Chair’s Report
Jean Ann Seago will be serving as Chair of Rules and Jurisdiction for 2006-07. Theodora Mauro will serve as Vice Chair.

Review of the Proposal from the Committee on Courses of Instruction (COCOI) for a Variance to Senate Regulation 750 to Include Health Sciences Clinical Professor, Clinical Professor, and Clinical Instructor Series in the List of Eligible Teaching Series
Doug Carlson, University Registrar, reviewed the Communication from the COCOI (Attachment I) and the proposed variance to systemwide Academic Senate Regulation 750 (Attachment II) to read as follows:

2. San Francisco
750. B. Health Sciences Clinical Professors of any rank, Clinical Professors of any rank, Health Sciences Clinical Instructors and Clinical Instructors may give courses of any grade.

The Committee discussed this issue and recognized its necessity. This Regulation was written prior to the creation of these series. The Committee decided to approve this variance and to bring it to the attention of UCRJ as other medical schools in the UC system would require such a variance as well. By submitting this variance to UCRJ for review, the Committee expects that other campuses represented on UCRJ will recognize its necessity and perhaps move to alter the Senate Regulation on the systemwide level.
Motion: To approve the variance to Senate Regulation 750 as proposed.

Vote unanimously passed.

The Analyst will draft a communication to Eileen Grady, Chair COCOI and to Academic Senate Division Chair Deborah Greenspan expressing approval of this variance and a recommendation that they be submitted to a Divisional vote and then to UCRJ for their review. This communication will include a notation that this variance may be required for other campuses with health science schools.

**Discussion of Revision to Divisional Procedure for Student Grievance in Academic Affairs, UCSF Division Bylaws**

At the request of Chair Greenspan, the Committee reviewed the current Divisional Procedure for Student Grievance in Academic Affairs, Appendix VII to the Academic Senate Divisional Bylaws (Attachment III). During the 2005-06 year, there were three student grievances. During the review process, it was noted that the current guidelines are unclear and confusing for faculty, students, and staff. Invited to this meeting of R&J to share their expertise and experience were Carole Rossi, General Counsel of the Regents; David Irby, Vice Dean of Medical Education in the School of Medicine, and who has written extensively on the subject of student grievances in academic affairs, and Hobart Harris and Kimberly Topp, Members of an Ad Hoc Grievance Committee last year.

Chair Wiemels read from the R&J Bylaws to delineate the powers and avenues available to the Committee with regards to drafting new guidelines. It is the duty of Rules and Jurisdiction is “to make editorial and conforming non-substantive changes in Divisional legislation” (Divisional Bylaw 120 Rules and Jurisdiction, B. Duties, Point 4). Authoring a significant revision to this procedure would be considered substantive and beyond the authority of this Committee. Chair Wiemels initiated discussion on this issue so that the Committee could better understand the issues involved and to determine the best means to proceed.

David Irby led the discussion regarding the history of the procedures, and how the circumstances have changed over the years. The current policy/procedures were drafted in 1977, prior to certain case precedent and clarification of “due process” as it is now known in the process of managing student grievances in academic affairs. The 1977 procedure guidelines need to be revised to more clearly describe the grievance and appeal process.

Carole Rossi suggested that the scope of this procedure also needs to be clarified. This is a post-dismissal process, and students need to know specifically what they need to allege to enter into this due process of student grievance. The Office of Civil Rights has intimated that they would be less likely to intervene should there be an opportunity in this process, or in the process prior to dismissal, for the student to voice any prejudicial concerns.

C. Rossi noted that there are some ambiguous sections of the policy which need to be addressed. For example, this process identifies two parties to a grievance: student and employee. Often it is rather the student and an agent acting on behalf of the school. The employee may or may not be a representative of the school. In one instance it states that both parties need to be present at the hearings, and in another section it states that the parties have a right to be present, implying the option. The suggestion of student legal counsel elevates the process from informal hearing and sharing of information to a more serious and often counter-productive exchange. This requires three University lawyers and represents a significant expense for the University, and student, and extends the timeline from grievance to resolution.
C. Rossi and D. Irby recommend these procedures be revised to address:

1. The Scope of these procedures.
2. The reconsideration of number of layers of grievance and appeals.
3. Resolution of internal ambiguities.
4. Connection of these procedures to other policies of the University.

The Committee also reviewed the procedures in place in the School of Medicine, “Grievance and Appeal Procedure for Housestaff Performance Issues.” This procedure took over five years to develop and the Committee considered it to be a valuable model for possible revisions to the Academic Senate Divisional Procedure for Student Grievance in Academic Affairs.


The Committee discussed the process available to it to move forward with revision of the divisional procedure for student grievance in academic affairs.

**Motion: To send a communication to Division Chair Greenspan requesting the formation of a Task Force to Revise the Academic Senate Divisional Procedure for Student Grievance in Academic Affairs.**

**Vote unanimously passed.**

The Committee will draft a communication to Division Chair Greenspan expressing the following:

The Academic Senate Committee on Rules and Jurisdiction (R&J) reviewed the current Academic Senate Divisional Procedure for Student Grievance in Academic Affairs (Appendix VII to the Bylaws, drafted in 1977) and discussed the need for its revision with Senate Faculty who had recently served on an Ad Hoc Student Grievance Committee as well as with University Counsel Carole Rossi, and Vice Dean of Medical Education for the School of Medicine David Irby, both considered local experts on this issue.

The Academic Senate Committee on Rules and Jurisdiction respectfully requests the Division Chair to convene a task force to revise the Academic Senate Divisional Procedure for Student Grievance in Academic Affairs. The Committee recommends that this task force include one member from the Faculty of each of the four schools (to be recommended by respective Faculty Councils), one member from each of the Academic Senate Committees on Education Policy, Equal Opportunity, and Rules and Jurisdiction; one member identified by Graduate Council to represent the interests and circumstances of students in the Graduate Division, and this Committee specifically recommends the inclusion of Carole Rossi of the Office of the General Counsel of the Regents, and David Irby, Vice Dean of Medical Education, School of Medicine. Additionally, the Committee suggests the inclusion of one or more students in the work of this task force. Former members of an Ad Hoc Student Grievance Committee
Kimberly Topp, Martin Bogetz, and Hobart Harris have expressed their willingness to provide the benefits of their experience to this task force.

The Committee suggests that the task force be charged with the revision of the Academic Senate Divisional Procedure for Student Grievance in Academic Affairs to update this procedure to be consistent with other University policies and current legal requirements; and to address issues of scope, layers of appeal, and internal ambiguities. Carole Rossi and David Irby are prepared to provide specific suggestions regarding the current legal and necessary requirements for this procedure.

The Committee further recommends that the task force’s work include a review of the pre-dismissal procedures in place within each school. The Committee would welcome a proposed revised version of this Procedure for its review when it reconvenes in fall 2006.

**Review of Proposed Changes to Bylaws and Regulations of the San Francisco Division of the Academic Senate 125: Graduate Council**

The Committee reviewed the changes proposed by the Graduate Council to Academic Senate Divisional Bylaw 125: Graduate Council (Attachment IV). The proposed changes expand Graduate Council’s membership from 10 to 13, and requires that at least two members have medical degrees. The proposed changes also allow for a designated member other than the Chair to serve as a member of the University Coordinating Committee on Graduate Affairs. This member would be designated by the Committee on Committees. Lastly, the modifications clarify that the Assistant Dean for Graduate Academic Affairs of the San Francisco Graduate Division is a non-voting, ex-officio member of the Graduate Council.

After review and discussion, the Committee voted to approve these revisions.

**Motion: To approve the Modifications to the Bylaws and Regulations of the San Francisco Division of the Academic Senate 125: Graduate Council as proposed.**

*Vote unanimously passed.*

The Analyst will draft a communication to Senate Chair Greenspan and Chair of Graduate Council Farid Chehab expressing approval of these changes and a recommendation that they be submitted to UCRJ for their review and approval.

Chair Wiemels adjourned the meeting at 1:00 p.m.
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