January 5, 2005

Wade Smith, Chair
School of Medicine Faculty Council
Box 0114

Dear Chair Smith,

Pursuant to Divisional Bylaw 120 (B)(5), the Rules and Jurisdiction Committee has reviewed the School of Medicine’s proposed revisions to their bylaws. The following are the Committee’s recommendations to clarify intent, ensure consistency, and bring the bylaws into compliance with the revised Division bylaws and the bylaws of the Academic Senate.

1. Throughout the Faculty Council’s bylaws, consistent capitalization should be applied to the term “faculty.” Consider using a capital “F” when referring to the entire Faculty of the School, and a lowercase “f” when referring to a faculty member in general.

2. Throughout the Faculty Council’s bylaws, consider eliminating all references to “Council of the Faculty” and replacing these references with “Faculty Council” (as suggested in the proposed changes).


   The language proposed for I.4.E. to describe the support provided by the Academic Senate Office is broader than that used by other Faculty Councils. Additionally, the deletion of the language currently in I.3.C.2. removes faculty responsibility for oversight of these activities.

   If the intention is for the Vice Chair of the Faculty Council to oversee the activities currently performed by the Academic Senate Office, consider inserting the phrase “The Vice Chair shall oversee the duties of the Executive Office...” at Bylaw I.3.C.2. as noted below. Also consider using the rest of this language (similar to that used by other Faculty Councils) to describe the duties of the Academic Senate Office:

   The Vice Chair shall oversee the duties of the Executive Office of the San Francisco Division, which provides professional, analytical, and administrative support; guidance; coordination; communication; and assistance (Division Bylaw 25). The Executive Office’s duties shall include:

   A. Maintaining proper records.
B. Sending advance notice (call) for meetings and presentation to the Faculty, in advance of any meetings, of adequate information regarding matters to be considered.
C. Minutes of each Faculty Meeting.
D. Conducting all elections which require mail ballots.
E. Keeping a valid roster of voting members of the Faculty.

4. Bylaw II.1.A
   According to Bylaw II.1.A.2., the Faculty Council shall have five ex officio members. If this is correct, the language in Bylaw II.1.A. should indicate “five” rather than “six.”

   The deletion of the language “No more than two members from one department or its divisions may serve simultaneously” allows, in theory, the entire Faculty Council to be composed of members of one department. If the intent is to increase flexibility, consider increasing the cap on members from the Department of Medicine to three or four, by appending the phrase “…with the exception of the Department of Medicine which may have up to [three, or four] members serving at one time.”

   The parenthetical expressions that indicate that clinical and adjunct series faculty are not members of the Academic Senate are redundant and unnecessary. Additionally, the indication that these faculty members have no voting rights on the Council is inconsistent with Divisional Bylaw 80.D. Consider changing the proposed text as follows:
   “Representatives – Three representatives shall be elected by faculty in the clinical series (who are not members of the Academic Senate) and two representatives shall be elected by faculty in the adjunct series (who are not members of the Academic Senate); and these representatives shall be entitled to participate in the deliberations of the Council, but without the right to vote. (A.S. Bylaws 50 A. and 45 and Legislative Ruling 4.67), and have the right to vote as noted in Divisional Bylaw 80 D.”

   Change the word “members” to “persons” as follows: “The elected members and representatives of the Faculty Council are each to have a three-year term, staggered such that three or four members shall be elected every year.”

8. Bylaw II.1.B.1
   The proposed language indicates that elected members or representatives cannot serve more than two consecutive terms, but does not indicate any term limit for the ex officio members. Though a term limit would not be sensible for the majority of ex officio members on this Council, consider that as currently written, unless UCSF Fresno has an internal term limit for their representative, the UCSF Fresno representative does not have a term limit.

   The language prescribing procedures for the first election is unnecessary. Consider striking this language: “…except that the first election shall be held immediately after the adoption of these Bylaws under the supervision of the Secretary of the San Francisco Division and those elected shall take office forthwith.”
10. Bylaw II.1.F.
   Remove the unnecessary comma between “three” and “consecutive”; also remove the parentheses around “by majority vote” and set this phrase off by commas instead.

11. Bylaw II.1.H.
   The proposed language is unclear. If the intent is that, in order to have a quorum, an officer or other member of the Council designed by an officer must be present, consider using the following language: “A quorum shall consist of any five elected members provided that one of the officers or a member of the Council designated by an officer is present.”

We hope these comments are helpful to you. Please feel free to contact Rules & Jurisdiction Committee Chair Joe Wiemels at 514-0577 (or wiemels@itsa.ucsf.edu) with any questions you might have.

Sincerely,

Committee on Rules & Jurisdiction

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