COMMUNICATION FROM THE CHAIR OF THE COMMITTEE ON RULES AND JURISDICTION
Jean Ann Seago, RN, PhD

December 14, 2006

Elena Fuentes-Afflick, Chair
Committee on Committees
Office of the Academic Senate
Campus Box 0764

Dear Dr. Fuentes Afflick,

In a meeting on November 9, 2006, and via electronic communication, the Committee on Rules and Jurisdiction reviewed the request of the Committee on Committees (October 23, 2006) to review Bylaw language regarding appointing non-Senate faculty to Academic Senate Committees. Specifically, the Communication from the Committee on Committees requested guidance regarding the language pertaining to membership of the Committee on Academic Personnel (CAP).

Regarding the Committee on Academic Personnel
The Committee discussed the idea that the word “including” could mean either “limited to” or “not limited to.” However, it is common practice to expressly state “including, but not limited to,” if that is the intent. The Committee considered the intent of the Bylaw language, and concluded that the wording related to membership of the Committee on Academic Personnel, that is “shall consist of nine members of professor rank including Tenure Track, Clinical-X, and In-Residence series,” is explicit in that all three Senate series must be included in the membership of the Committee. Additionally, it does not permit the addition of others. This is a statement of membership inclusion, and those series not mentioned are excluded. This interpretation is based on the recollection of a current Member of Rules and Jurisdiction who participated in the drafting of this Bylaw.

This interpretation is further bolstered by Systemwide Senate Bylaw 35c, Title IV Committees, 35 Membership of Committees, C Voting Rights, 2.:

2. Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions. (http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl35)

The primary, if not sole, activity of the Committee on Academic Personnel is to be advisory to the Chancellor via the Vice-Provost for Academic Affairs—“University officers or other non-Senate agencies in the name of the Senate.” Considering this, non-Senate faculty may not be appointed to the Committee on Academic Personnel.
Regarding other Academic Senate Committees

Further, the Committee on Rules and Jurisdiction interprets Bylaw 35c to mean that non-Senate faculty may be appointed to Academic Senate committees but are not allowed to vote on any matters which result in a final action of the Academic Senate, nor may their vote be counted on matters which are advisory to the University or other non-Senate agencies. Non-Senate members may participate in Senate Committee meetings, and act as consultants or representatives of their various constituents or series, but their votes may not be counted for action or advisory items.

The appropriateness of including non-Senate faculty on Committees of the Academic Senate is largely determined by the primary work and activities of each Committee. Non-Senate faculty are encouraged to participate so far as their actions do not constitute votes for final actions (or advisory actions) in the name of the Senate proper. The Committee on Rules and Jurisdiction supports the idea that the various committees are best suited to determine to what degree their work results in actions on behalf of the Senate or is advisory to the University. In some cases, inclusion of non-Senate faculty is necessary and should be strongly encouraged, such as the inclusion of Health Sciences Clinical faculty on the Clinical Affairs Committee. As the Clinical Affairs Committee is unique to this campus and is primarily charged with providing information to the Divisional Senate and its Divisional Standing Committees, and as the Clinical Affairs Committee does not advise in the name of the Senate but makes “recommendations to other Senate agencies,” non-Senate Members may be voting Members.

The Committee on Rules and Jurisdiction therefore recommends that no action be taken by the Committee on Committees (COC) at present. However, the Committee recommends that the COC request that each Standing Committee of the San Francisco Division review their membership language in light of Systemwide Senate Bylaw 35.C.2 and, based on the work that is brought before each committee, suggest changes, as necessary or appropriate, to the Divisional Bylaws governing membership of their Committee to make explicit which faculty series’ members are eligible for committee membership.

Sincerely,

Jean Ann Seago, RN, PhD
Chair, Committee on Rules and Jurisdiction

Committee on Rules and Jurisdiction
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