COMMITTEE ON RULES & JURISDICTION
Jean Ann Seago, PhD, RN, Chair

MINUTES
Tuesday, November 9, 2006

PRESENT:  J. A. Seago (Chair), T. Mauro (Vice Chair), D. Carlson, J. Olson, A. Slavotinek,


The Committee on Rules & Jurisdiction (R&J) was called to order by Chair Seago on November 9, 2006 at 2:30 P.M. in room S-30. A quorum was not present.

As there was not a quorum, the Committee could take no actions. However, the following items were discussed by those present.

Chair’s Report
None.

Review and Response Proposed Modification to (Systemwide) Senate Bylaw 205 Part I.A.
The Committee reviewed the proposed modifications to Senate Bylaw 205 Part I.A. (Attachment 1) which would provide add a position of Vice Chair to the Systemwide UCRJ. The Committee agreed with these changes and would recommend that the Division support this amendment. Absent Committee Members were polled for their vote via e-mail. The Committee unanimously approved these changes and sent a Communication expressing the Committee’s support to Academic Senate Chair Greenspan (Attachment 2).

Review of Request from Committee on Committees for Guidance Regarding Bylaw Language for Divisional Standing Committees and the Possible Inclusion of Non-Senate Faculty
The Committee reviewed the request from the Committee on Committees (COC) (Attachment 3) and the Divisional Bylaws (Attachment 4). As faculty in non-Senate series are highly productive, integral, and highly valued on this campus, COC would like to appoint faculty in non-Senate series (particular those in the Adjunct and Health Sciences Clinical Professor series) to Standing Committees of the Divisional Senate.

The bylaw governing appointment to the Committee on Academic Personnel (CAP) reads

“This Committee shall consist of nine members of professor rank including Tenure Track, Clinical –X and In-Residence series, serving staggered terms of three years. It shall contain members from each of the Division’s Schools and should be representative of the broad missions of UCSF, including members who are involved in the Basic, Clinical, and Social/Behavioral Sciences.”
The question from COC to R&J in this case is “Shall ‘including’ be interpreted as ‘limited to’?” The Committee discussed that as the series to be included are expressly stated included, other series may not be appointed to CAP as well. Based on semantics, it could be interpreted that non-Senate faculty could be members; however based on the best understanding of the intent is that they cannot be members. This interpretation is bolstered by other bylaws which are explicit if they are to be inclusive of non-Senate members.

This interpretation is further bolstered by Systemwide Senate Bylaw 35c:
http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl35

Title IV. Committees
35. Membership of Committees
   A. Types of Membership. Committees may be composed of appointed, elected, or ex officio members, or any combination thereof.
   B. Terms of Service. Unless otherwise specified in these Bylaws or the relevant Divisional Bylaws, members of Standing Committees shall serve two-year terms, where feasible staggered, beginning on September first following their appointment. (Am 28 May 2003; Am 12 May 2004)
   C. Voting and Other Rights
      1. The Vice Chair, if any, shall perform the duties of the Chair in case of temporary absence or disability of the Chair, and such other duties as the committee concerned may determine. (Am 15 Jun 70)
      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. [See Legislative Ruling 12.75]
      3. Except for the provision of Article C.2 of this Bylaw, ex officio members have the same powers as other members unless otherwise specified.

Non-Senate faculty votes may not be counted for actions of the Senate nor for “giving advice to University officers or other non-Senate agencies in the name of the Senate.” Possible inclusion of non-Senate series in the memberships of the standing committees of the Academic Senate is best examined by each committee as the committees best understand their work and how much of that work represents actions of the Senate or is advisory in the name of the Senate.

Committees such as CAP which is advisory, or R&J which votes on behalf of the Senate, should not include non-Senate series, but Clinical Affairs, which needs the advice of Health Sciences Clinical faculty, should. Each Committee, knowing best their own work, are best suited to decide if they should or should not include non-Senate, non-voting members.

All Committee members, including those not present at the meeting, participated in further discussion via e-mail and approved a final Communication to be sent to the Committee on Committees (Attachment 5).

Review of the Modifications to the Divisional Procedure for Student Grievance in Academic Affairs, UCSF Division Bylaws, Appendix VII Proposed by the Faculty Councils
Members present reviewed the modifications submitted by the School of Medicine and approved by the other Faculty Councils of the other three schools, with the exception of additional modifications and comments from the department of Community Health Systems of the School of Nursing.

The primary points of the discussion were:

- Meaning and definition of injury.
- Should the Divisional Procedure only to apply to dismissal?
- The Committee noted that Section 1.4 had been deleted. Members present agreed that the retention of a final procedure appeal overseen by the Senate is necessary.

This discussion as well as electronic discussion resulted in the Working Draft Revisions to Procedure, Version 2 (Attachment 6)

Chair Seago adjourned the meeting at 11:45 A.M.

Meeting Attendance Record – Rules & Jurisdiction Committee 06-07

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<td>Jean Ann Seago, Chair</td>
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<td>Theodora Mauro, Vice Chair</td>
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