The Committee on Rules and Jurisdiction
Theodora Mauro, MD, Chair

MINUTES
Thursday, August 14, 2008

PRESENT: T. Mauro (Chair), J. Imboden (Vice Chair), D. Carlson, H. Kirsch, J. Olson, J. Weinberg

ABSENT: O. Clark, M. Larson, A. Slavotinek

The Committee on Rules and Jurisdiction (R&J) was called to order by Chair Mauro on August 14, 2008 at 10:00 a.m. in room S 30. A quorum was present.

Chair’s Report
No report.

Consideration of Communication from the UC Office of the General Council (Attachment 1 - Confidential)
The Committee reviewed the Communication from the Regents of the University of California Office of the General Council (OGC), and pertinent sections of the UC Academic Senate Bylaws, the bylaws of the Division, sections of the Academic Personnel Manual and other materials.

The Committee found that the Office of the General Council did not have standing to petition the Committee under Divisional Bylaw 120.B.8. Furthermore, even if the OGC did have standing to petition the Committee, they did not meet the criteria to do so under Divisional Bylaw 120.B.8, specifically a petition written by at least 10 members of the Academic Senate. The Committee did not find validity in the footnote 1 on page 1 of the Communication from the OGC addressing the non-solicitation of cooperation of Senate members.

The Committee recognizes the importance of this issue and clear systemwide implications and agreed and that a legislative ruling from the University Committee on Rules and Jurisdiction should ultimately be sought.

The Committee rejected the petition from the Office of the General Council to rule on the actions of the Divisional Committee on Privilege and Tenure, but considered the additional request (page 4) to “join with us in seeking a Legislative Ruling on this point from the University Committee on Rules and Jurisdiction.”

Motion: (1) The Committee will reject the petition of the OGC; and (2) following consultation with the Chair of the University Committee on Rule and Jurisdiction (UCRJ), the Committee will request a Legislative Ruling from UCRJ on this issue (under Systemwide Bylaw 206.A Legislative Rulings).

Vote: The Motion passed unanimously.
Chair Mauro will consult with the Chair of UCRJ regarding the prudence and benefit in putting forth a request to UCRJ for a Legislative Ruling on the jurisdiction of Divisional Committees on Privilege and Tenure to hear cases involving the dismissal of a Senate Member from an administrative appointment.

The Committee will communicate the rejection of the OGC petition and its intent to or not to seek a Legislative Ruling from UCRJ in a single communication addressed to the OGC, the Chair of the UCSF Committee on Privilege and Tenure, David Gardner as Chair of the Division.

Old Business
None.

New Business
None.

Chair Mauro adjourned the meeting at 11:05 a.m.