



Office of the Chair
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: george.blumenthal@ucop.edu

Assembly of the Academic Senate, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 15, 2005

ROBERT C. DYNES
PRESIDENT

Re: Amendment of Senate Bylaw 336. B.4

Dear Bob:

At its March 9, 2005 meeting, the Assembly of the Academic Senate approved amendments to [Senate Bylaw 336](#), which governs the standards and procedures employed by divisional Privilege and Tenure committees for disciplinary cases. Specifically, section B.4 of the bylaw was changed to clarify the three-year statute of limitation that begins once an alleged infraction is known by anyone in the line of reporting up to the Chancellor or the Chancellor's designee. The amended bylaw is effective immediately, and since it has implications for Chancellors and their designees, I ask that you forward this information to the Chancellors with the request that it be disseminated to all appropriate individuals or offices on their respective campuses.

The following is the revised wording of SBL 336.B.4 that was approved by the Assembly (changes underlined):

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.

The intent of the statute of limitations in SBL 336.B.4 is to protect faculty from having to defend themselves against charges for events taking place in the distant past. Modeled on statutes of limitations in criminal and civil law, the provision avoids a situation where a faculty member is precluded from an adequate defense against charges because evidence has been lost, memories have faded, or key witnesses are no longer available. The full justification of the amendment can be found on pages 28-30 of the [March 9, 2005 Assembly Agenda](#).

Thank you for bringing this bylaw change to the attention of the Chancellors and others whose role in faculty disciplinary procedures is affected.

Best Regards,

A handwritten signature in cursive script that reads "George".

George Blumenthal, Chair
Academic Council

Copy: Academic Council
Professor Duncan Agnew, UCP&T Chair

GB/bgf



Office of the Chair
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: george.blumenthal@ucop.edu

Assembly of the Academic Senate, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 15, 2005

ACADEMIC SENATE DIVISION CHAIRS

Robert Knapp (B)

Kathleen Komar (LA)

Leonard Zegans (SF)

Daniel Simmons (D)

Manuela Martins-Green (R)

Walter Yuen (SB)

Joseph DiMento (I)

Donald Tuzin (SD)

Allison Galloway (SC)

UC MERCED PROTO-DIVISIONAL CHAIR

Shawn Kantor

Re: Amendment of Senate Bylaw 336. B.4

Dear Divisional Chairs:

At its March 9, 2005 meeting, the Assembly of the Academic Senate approved amendments to [Senate Bylaw 336](#), which governs the standards and procedures employed by divisional Privilege and Tenure committees for disciplinary cases. Specifically, section B.4 of the bylaw was changed to clarify the three-year statute of limitation that begins once an alleged infraction is known by anyone in the line of reporting up to the Chancellor or the Chancellor's designee. The amended bylaw is effective immediately, and I ask that you notify faculty and other appropriate individuals or agencies on your campus of this change in the Senate Bylaws.

The following is the revised wording of SBL 336.B.4 that was approved by the Assembly (changes underlined):

336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

B. Prehearing Procedure in Disciplinary Cases

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.

The intent of the statute of limitations in SBL 336.B.4 is to protect faculty from having to defend themselves against charges for events taking place in the distant past. Modeled on statutes of limitations in criminal and civil law, the provision avoids a situation where a faculty member is precluded from an adequate defense against charges because evidence has been lost, memories have faded, or key witnesses are no longer available. The full justification of the amendment can be found on pages 28-30 of the [March 9, 2005 Assembly Agenda](#).

Thank you for bringing this bylaw change to the attention of faculty and others whose procedural role in faculty disciplinary cases is affected.

Best Regards,

A handwritten signature in cursive script that reads "George".

George Blumenthal, Chair
Academic Council

Copy: Systemwide Senate Committees
Academic Senate Committee Analysts
Divisional Senate Directors

GB/bgf