UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

October 11, 2013

SENATE DIVISION CHAIRS
SENATE COMMITTEE CHAIRS

Re: Systemwide Review of Proposal to Amend Senate Bylaw 55

Dear Colleagues:

Last spring, the San Diego Division submitted proposed amendments to Senate Bylaw 55 that would allow the extension of departmental voting rights on academic appointment and promotion actions to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series. The proposed revisions would permit Senate members in an academic unit to vote on whether to extend Bylaw 55 rights to non-Senate titles and would require that a decision to do so must be reconsidered annually. Former Council Chair Powell asked UCAP and UCFW to consider the proposal in systemwide context. In May, the Academic Council discussed the proposal and advice from UCAP and UCFW and voted to send the proposal, along with the comments from UCAP and UCFW, for systemwide review. Because it was too late in the academic year to begin such a review, Council voted to postpone the review until the fall.

Accordingly, I have enclosed the proposal, the letters from UCAP and UCFW, and the relevant portion of the minutes from Council's discussion in May. I ask that you distribute these materials for review and that you submit responses to SenateReview@ucop.edu by **Friday, January 17, 2014**. The Academic Council will discuss the responses at its meeting on January 29. As always, committee chairs who determine that the subject is not in the purview of their committee need not reply.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Bill Jacob

Bill Jacob, Chair
Academic Council

Cc: Senate Executive Directors
Senate Committee Analysts

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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March 25, 2013

Professor Robert Powell
Chair, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Subject: Proposed Amendment to Senate Bylaw 55

Dear Bob,

At its meeting on May 22, 2012, the Representative Assembly of the San Diego Division approved a proposal to amend Senate Bylaw 55 to extend voting rights on academic review actions to two specific classes of non-Senate faculty (NSF) members in Health Sciences – "career" salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor series.

Proposal

Senate Bylaw 55 currently allows voting privileges in departments to be extended to emeriti faculty if two-thirds of the department's tenured faculty members vote to support the extension. The Health Sciences Faculty Council (HSFC) proposal, which is supported by the UCSD Senate Council, would allow the extension of voting privileges to career salaried faculty in the Adjunct and Health Sciences Clinical series using the same process as the extension to emeriti faculty. The proposal does not require every department in the Health Sciences to extend voting privileges to these non-Senate faculty members, recognizing that different departments have different cultures when it comes to department governance. Under this proposal, the extension of voting privileges would be in place for at least one year; reconsideration of the extension follows the same process as that for emeriti faculty. Under the proposal, voting privileges could be extended only to those Adjunct and Health Sciences Clinical Professors who hold an appointment of more than 50% ("career") in the department.

Rationale

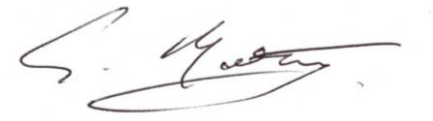
In the Health Sciences, many clinical faculty members are appointed in the Adjunct and Health Sciences Clinical series. These NSF members perform many of the same duties as Senate members and are critical to the success of the Health Sciences' research, education, and clinical enterprises. Indeed, in the five decades since UCSD was founded, the funding landscape of the state has changed, and now about 70% of Health Sciences faculty members are in non-Senate positions. These NSF faculty members are ineligible to vote on departmental actions related to the academic review process, and so cannot fully participate in critical departmental decisions such as faculty hiring and career reviews. Indeed, it can be very difficult for departments with large percentages of NSF to operate if

this substantial majority of their faculty is not given a voice in the academic personnel process. The inability to vote on academic personnel review files is demoralizing for NSF in the Health Sciences, enforcing an artificial division of the faculty into two different classes.

The San Diego Division therefore proposes to allow NSF in the Health Sciences to participate in voting and academic review, a change that is fully consistent with the principle of shared governance. UCSF has proposed to solve this problem by making members of the NSF series officially Senate members. However, this approach would radically change the makeup of the Senate and the concomitant service, scholarship, and teaching expectations might be difficult to fulfill. This led to the proposal discussed above, which has support from the Divisional Senate Council and from other campuses with medical schools. The proposal was also overwhelmingly approved by the Divisional Representative Assembly on May 22, 2012 with vote of 30 in favor, 3 opposed, and 2 abstentions.

The San Diego Division formally submits the attached proposed revision to Senate Bylaw 55 for consideration and approval.

Sincerely,



T. Guy Masters, Chair
Academic Senate, San Diego Division

Attachment

cc: Divisional Vice Chair Pogliano
Executive Director Winnacker

ACADEMIC SENATE: SAN DIEGO DIVISION

May 22, 2012

REPORT OF THE HEALTH SCIENCES FACULTY COUNCIL

The UCSD Health Sciences Faculty Council forwards to the Representative Assembly the attached proposal for extending voting rights on academic review actions to two specific classes of non-Senate faculty in Health Sciences – salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor series. As explained below, faculty members with these specific titles are absolutely essential to the educational and research missions in the Schools of Medicine and Pharmacy and Pharmaceutical Sciences and are clearly part of the logical and appropriate peer group of Senate faculty responsible for the same missions.

This issue has been discussed extensively within Health Sciences and is supported by the Faculty Council, Health Sciences Department Chairs, and Health Sciences leadership. We recognize that this proposal will require systemwide action to modify Academic Senate Bylaw 55 and the proposal includes draft language to do so, similar to the current provision within Bylaw 55 to extend voting privileges to emeritus faculty.

We wish to emphasize that the intent of this proposal is not to require all departments to extend voting rights to non-Senate faculty, but to allow individual departments to do so upon vote of their Senate faculty. Also, the intention is restrict this proposal to voting on academic appointment and review actions within Health Sciences departments and not to further involve non-Senate faculty in Academic Senate business or governance.

The primary rationale for this proposal is the fact that non-Senate faculty now make up a majority of faculty in Health Sciences, upwards of 75% in some departments and increasing. These faculty members play critical roles in both the clinical education and research missions in our professional schools to the benefit of the whole University community. Fully engaging the salaried Adjunct and Health Sciences Clinical Professors in the academic appointment and review processes of their own departments is both necessary and optimal for the University to achieve and excel in its Health Science missions. The alternative of requiring these faculty members to move into a Senate series is less desirable because there are other important differences in responsibilities beyond academic appointment and review between these Health Science faculty and Senate faculty on other parts of the undergraduate and graduate campus.

The Senate Council discussed the proposal at its meeting on May 7, 2012 and was generally supportive. The consensus of the Council was that the proposal should be forwarded to the Representative Assembly for consideration. The Health Sciences Faculty Council recommends that the Representative Assembly approve the proposal. If the Assembly approves the proposal, it will be submitted to the systemwide Academic Assembly for consideration and approval.

Douglas Conrad, Chair	Andrew Ries, Associate Vice Chancellor	Frank L. Powell, Immediate Past Chair
Health Sciences Faculty Council	Health Sciences, Academic Affairs	Academic Senate, San Diego Division

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HEALTH SCIENCES FACULTY COUNCIL
VOTING PROPOSAL FOR NON-ACADEMIC SENATE FACULTY

- Whereas a core value of the University of California is the principle of shared governance between faculty and administration
- Whereas non-Academic Senate faculty make up the majority of salaried faculty in the Health Sciences
- Whereas the growth of faculty in Health Sciences has been beneficial to both Health Sciences and the whole University community
- Whereas non-Academic Senate faculty are critical to all academic missions in Health Sciences with
  - Important roles in teaching
  - Substantial contributions to the growth and success of the research enterprise to the benefit of all faculty and campuses in the University community
  - Active participation in University service
- Whereas University voting policies were established in an earlier era in which there were few salaried, full-time non-Academic Senate faculty in Health Sciences
- Whereas disenfranchising non-Academic Senate faculty in Health Sciences from the academic appointment and review process has the unintended consequence of unnecessarily motivating more faculty to seek appointment in series that convey membership in the Academic Senate

- It is proposed that each department in Health Sciences be allowed (but not required) to extend voting rights for academic appointments and reviews to career (i.e., >50% effort) non-Academic Senate faculty who are subject to regular academic review upon 2/3 vote of eligible Senate faculty in that department.
  - It is further proposed that systemwide Academic Senate Bylaw 55 be modified to insert the following text (similar to the extension of voting rights to Emeritus faculty).

Academic Senate Bylaw 55, Departmental Voting Rights
(http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl55)

E. Extension of Voting Privileges to non-Academic Senate Faculty in Health Sciences

Voting privileges on personnel matters within any department or school in Health Sciences may be extended to one or more of the classes of career (i.e. >50% effort) non-Academic Senate members of that department, as a class, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw, upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. Any extensions of the voting privilege under this Article E must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of voting privileges will be renewed only upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.

Considered by the Representative Assembly of the San Diego Division on May 22, 2012 with the following result:

Motion to approve passed: 30 in favor, 3 opposed, 2 abstentions

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UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
J. Daniel Hare, Chair
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May 15, 2013

ROBERT POWELL, CHAIR
ACADEMIC COUNCIL

RE: Proposed Amendments to Senate Bylaw 55 (Departmental Voting Rights)

Dear Bob,

UCFW reviewed the proposal from the San Diego Division to amend Bylaw 55, to provide departments in the Health Sciences the option to extend voting privileges to two non-Senate faculty (hereafter NSF) titles, the "career" salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor Series. The purpose of the proposal was to remedy inequities in those departments in which NSF comprise a large fraction, perhaps a majority, of the department. The proposal is modeled on a current provision of Bylaw 55, which extends voting privileges to emeritus faculty members, at the discretion of the department as indicated by a vote of 2/3 of the Senate faculty in support, for a year at a time, subject to annual renewal.

UCFW was supportive of the concept and recommends that the proposal be circulated for Systemwide review. UCFW recognizes, however, that any amendments to the Senate Bylaws must be carefully considered, and Systemwide review may identify areas in which the proposal needs to be modified prior to approval. UCFW therefore offers the following points that might require further consideration by the campuses, schools, and colleges during Systemwide review.

- Are the Adjunct Professor and the Health Sciences Clinical Professor series the only two NSF titles that should be considered? On the campuses with Agricultural Experiment Stations, similar inequities may exist in departments whose faculty includes NSF Agronomists (APM 320) and Cooperative Extension Specialists (APM 334). The problem identified by the San Diego Division may extend to other NSF titles, and Systemwide review likely will result in a recommendation to expand the list of titles.

- Some UCFW members suggested that, although it would be appropriate to extend full voting privileges to NSF titles for their own merits and promotions, it would be inappropriate to extend full voting privileges on the files of Senate faculty members within those departments. These members were concerned that the culture of departments may be changed if the new NSF did not value scholarship, innovative research, teaching, and University and public service equally as Senate faculty members. Is there danger that the greater number of non-

senate voters would change the expectations of the department's Senate members for merits and promotions? This would need careful consideration in departments with large proportions of NSF, such as the departments with ~70% of such members mentioned in the San Diego Division's cover letter.

- Would an annual threat of having their voting privileges revoked also skew the voting process?

UCFW developed two recommendations that might be considered further during Systemwide review:

- Rather than at the divisional level, the respective colleges or schools, as appropriate, within campuses review and identify the titles that should be considered for the extension of voting privileges by their units. It is the colleges and schools, rather than the Systemwide organization or the campuses that know best where the inequities among faculty titles exist and if the extension of voting privileges might alleviate them.

- An alternative to conferring full voting privileges on all faculty titles would be to confer full voting privileges only within each title, and to confer advisory voting privileges on other faculty titles. These advisory votes would be separately summarized and discussed in the Departmental letter.

UCFW recognizes that the University has become so complex that schools and departments now have substantially different cultures. We are therefore supportive of a careful and deliberate process to expand voting privileges within departments where appropriate. We recognize that UC may be stepping on to a "slippery slope" in considering modifying departmental voting privileges, but the dangers must be carefully compared to the inequities that currently exist within departments having significant numbers of non-Senate faculty.

Sincerely,

J. Daniel Hare, UCFW Chair

Copy: UCFW
Robert Powell, Chair, Academic Council
William Jacob, Vice Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate

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May 17, 2013

BOB POWELL, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISION TO SENATE BYLAW 55

Dear Bob,

UCAP discussed the proposal by the San Diego division to amend Senate Bylaw 55 during its May 8th meeting. All members of UCAP except UCSF and UCLA are opposed to the proposal to extend departmental voting rights on academic merit and promotion reviews to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series.

Sincerely,

Harry Green, Chair
UCAP

Academic Council
Minutes of Meeting
Wednesday, May 22, 2013

XI. Senate Bylaw 55

ISSUE: The San Diego Division submitted a proposal to amend Senate Bylaw 55 to extend departmental voting rights on academic merit and promotion reviews to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series. Chair Powell asked UCAP and UCFW to consider the proposal in systemwide context.
DISCUSSION: UCSD divisional Chair Masters said that his division would like to extend the provision in Bylaw 55 allowing emeriti voting rights to non-Senate faculty. It would enable Senate members in a unit to vote on whether non-Senate faculty in that unit could review personnel cases and/or vote on them. This would be decided by each department and would be renewed annually. UCAP Vice Chair Jeffrey Knapp stated that UCAP opposes the proposal because there is a substantive distinction between Senate and non-Senate faculty in the areas of achievement for which faculty are evaluated. UCAP was not persuaded that giving voting rights would solve the problem of demoralization among non-Senate faculty. A member noted that LSOEs have a different portfolio than ladder-rank faculty, but are Senate members and have full voting rights. Another member noted that his department has extended advisory voting rights to agronomists. A member suggested sending the proposal for review and asking respondents to comment specifically on UCFW's recommendations. A member stated that UCSF's proposal to extend Senate membership to some non-Senate faculty was rejected last year. In contrast, this proposal is modest. It gives departments the ability to determine how they want to govern themselves, and is voluntary. Because it must be renewed annually by a vote of the Senate faculty, it could be easily reversed if the Senate faculty in the department wished to do so. UCAP Vice Chair Knapp said that UCAP focused on appointments, not merit reviews. He provided the example that if clinical faculty, who are primarily focused on teaching, vote on appointments, research may be devalued in a search. He also stated that the analogy to emeriti is problematic because emeriti are Senate faculty and are a small minority. Non-Senate faculty can constitute up to 70% of a department, so they would instantly have a supermajority. A member stated that Merced extends voting rights to assistant professors because they have small units, but cautioned that Council should carefully consider which non-Senate titles will be included, noting that the term "adjunct" is used in many different ways. The titles that are eligible and the percent of appointment should be specified in the proposal. A member countered that departments should define the eligible titles. A member commented that votes should be segmented according to Senate versus non-Senate faculty in order to assess the effect of the policy. A member spoke in favor of accommodating the differences among the units and divisions, even though her division would be unlikely to implement the proposal. A member asked to what degree the proposal is a slippery slope to granting non-Senate faculty Senate membership and noted there are other options, such as advisory votes or non-Senate faculty voting only on non-Senate faculty merit reviews, not on Senate faculty or on appointments. A member commented that the proposal addresses a specific case with a systemwide solution.

ACTION: Council voted to send the proposal, along with the comments from UCAP and UCFW for systemwide review in the fall (11 in favor, 5 opposed).