

**UNIVERSITY COMMITTEE ON RULES AND JURISDICTION (UCR&J)  
ANNUAL REPORT 2017-18**

**TO THE ASSEMBLY OF THE ACADEMIC SENATE:**

**Responsibilities and Duties**

Pursuant to [Senate Bylaw 205](#), the University Committee on Rules and Jurisdiction (UCRJ) is responsible for:

- examining and supervising all changes and additions, both substantive and editorial, in the Senate Bylaws and Regulations;
- examining all Divisional legislation that affects the system Bylaws and Regulations;
- preparing and reporting to the Assembly or to any of the Divisions such changes and additions to the Bylaws and Regulations as may seem to it advisable; and
- making editorial and conforming non-substantive changes in the Bylaws and Regulations with regard to numbering, headings, cross-references, organizational titles, details of style, and similar items.

Pursuant to Senate Bylaw 206, UCR&J shall respond to informal requests from Senate members for information concerning the *Code of the Academic Senate*, and shall file with the Secretary/Parliamentarian of the Senate, and summarize in its annual committee report, all correspondence containing committee response to such requests.

UCR&J conducted business over email, and major actions are reported below.

**Legislative Ruling**

[Bylaw 55.D](#) – *Rights and Privileges of Emeritae/i Faculty*

The San Diego Division requested a legislative ruling regarding Bylaw 55.D concerning the extension of voting rights on personnel matters to Emeritae/i. UCR&J rendered the following Legislative Ruling in regard to the interpretation of Senate Bylaw 55:

*In two cases in Bylaw 55.D for extension of voting rights on personnel matters to Emeritae/i department members, it is stated that the requirement for such extension is a “two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question” under various provisions of the Bylaw. The set of members to which the two-thirds proportion applies is explicitly stated as the entire membership class, and UCR&J rules that extension of voting rights may not be made without an affirmative vote of two-thirds of the entire membership class, not merely of those voting.*

*The ruling clarifies several technical issues concerning voting – notably, that the requirement for a 2/3 majority to extend voting rights refers to 2/3 of all faculty in a department who were eligible to vote, not merely those who voted, and that faculty who abstain from a vote are counted as if they voted in opposition. Bylaw*

*206.A notes that “Prior to issuance of a ruling, the position of [UCRJ] as to what such ruling should be shall be submitted to the Academic Council for consideration and comment. After considering such comment, the committee shall issue its ruling and report it to the Assembly for its information.”*

On January 31, 2018, the Academic Council concurred, and on February 14, 2018, it was reported to the Assembly for its information.

## **Variances**

### Regulation 750.B – *Persons in Charge of Courses*

In March 2018, the Academic Council approved a variance to Senate Regulation 750.B that would allow the San Francisco Division (UCSF) to include health sciences clinical faculty in the list of faculty who can be in charge of courses. Approval authorizes a change to UCSF’s Senate Regulation 750, not to systemwide Senate Regulation 750. The Assembly approved the variance by unanimous consent on April 11, 2018.

### Regulation 780 - *Grades*

The San Francisco division requested a variance to Senate Regulation 780 to accommodate a proposed pass/no-pass grading system in the UCSF School of Pharmacy for a new three-year PharmD degree program that uses a competency-based curriculum. The Assembly approved the variance by unanimous consent on June 13, 2018.

## **Evaluation of Proposed Bylaw Changes**

### Bylaw 128 – *Membership of Standing Committees of the Assembly*

At the request of the Academic Council, UCR&J composed an amendment to Bylaw 128, instituting procedures for cases of apparent conflict of interest on the part of members of standing committees of the Assembly. Bylaw 128.J was approved by the Assembly at its meeting on April 11, 2018.

*128.J. Conflict of Interest: Members of Assembly committees, sub-committees and task forces must be aware that professional judgments made in committee work may be compromised or appear to be compromised by a conflict of interest. Any member of a committee who thinks they have a conflict of interest must inform the Chair (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair) thereof. Any member of a committee who thinks another member has a conflict of interest should inform the Chair (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair) thereof. The member with the potential conflict may choose to limit their participation up to and including full recusal. Any party may consult the Chair of the Academic Council for advice (or the Vice-Chair if there is a potential conflict of interest on the part of the Chair). In the absence of agreement between the member and the Chair (or Vice-Chair) of the committee on the appropriate actions, the Chair (or Vice-Chair) of the committee shall inform the Chair (or Vice-Chair) of the Academic Council, who shall make the final determination as to what actions are appropriate.*

## Advice to Divisions and Committees

- Advice was given to the Academic Council Chair regarding procedures stated in the Bylaws for submitting Memorials to the Board of Regents.
- The Chair of the Faculty at the UC Berkeley School of Public Health requested advice regarding participation of non-Senate faculty in faculty meetings. UCR&J advised that Senate faculty may extend to non-Senate faculty the privilege of receiving notices of meetings, gaining access to meeting materials, attending meetings, and speaking at meetings. These privileges may be extended both for non-personnel departmental matters and for non-Senate personnel matters.
- The Riverside Division requested advice regarding whether alumni have standing as “members of the University Community” to file a conduct complaint. UCR&J advised that the interpretation of the phrase “the University Community” as found in Riverside Division's Bylaw Appendix item 5.3.2 is at the discretion of the Division.
- UCR&J was asked by the Chair of the Academic Council to draft more specific rules regarding conflict of interest than are found in Bylaw 128.J (see above). The UCR&J Chair revised an earlier document prepared by the Committee on Committees for conformity to newly-adopted Bylaw 128.J and advised that further development of the document be undertaken by that committee.
- The UCR&J Chair advised the Chair of the Academic Council that residency requirements should not materially affect enrollment in cross-campus on-line courses.
- The UCR&J Chair advised the Chair of the Academic Council regarding the interpretation of Bylaw 128.H, which precludes administrators from serving on Assembly committees. The Senate member in question declined the offer of a decanal position in order to serve on the committee as Chair for the 2018-19 academic year.
- The UCR&J Chair and committee member Jonathan Glater served on an *ad hoc* committee formed by the Academic Council to respond to a request by the Board of Regents to amend Bylaw 336, *Privilege and Tenure: Divisional Committees — Disciplinary Cases*. The work of the committee is ongoing.

This UCR&J annual report was drafted by committee analyst and Assistant Director, Jocelyn Surla Banaria.

Respectfully submitted,

George J. Matthey, Chair (UCD)  
Jonathan Glater, Member At Large (UCI)  
Jae-Woo Lee, Member At Large (UCSF)  
Joel Sobel, Ex Officio, Divisional R&J Chair (UCSD)  
Jason Nielsen, Ex Officio, Divisional R&J Chair (UCSC)