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Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
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March 5, 2024

RICHARD LEIB, CHAIR
UNIVERSITY OF CALIFORNIA BOARD OF REGENTS

LARK PARK, CHAIR
REGENTS ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Dear Regents Leib and Park:

Pursuant to the January 10, 2024 letter communicating the Board of Regents' authority to treat Senate Regulation (SR) 630.E as a recommendation for the establishment of a systemwide campus experience requirement for the conferral of undergraduate degrees, and the February 14, 2024 Board consideration of SR 630.E and action to disapprove the item, we write to update the Board on the Academic Senate's next steps on this matter and to confirm our understanding of the Board's action.

The motion articulated by General Counsel Robinson comprised two components: 1) disapproval of SR 630.E; and 2) reaffirmation of campus autonomy to determine requirements for undergraduate degree programs.

Board determination of SR 630.E as a recommendation from the Academic Senate and subsequent disapproval of the proposed regulation change is tantamount to an annulment. SR 630.E was never active and ultimately rejected. The Senate has communicated this understanding to all ten divisions and has removed 630.E from systemwide Senate Regulations.

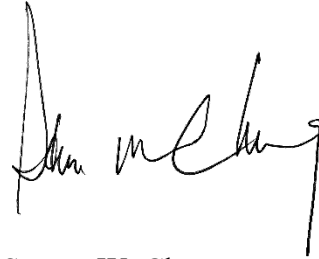
We believe that Board reaffirmation of campus autonomy, as formulated in the motion, does not require Senate action. It merely points to joint Senate-Administration processes as outlined in the Compendium. Specifically, it is not standard practice for the systemwide Senate to review newly proposed undergraduate degree programs, except in special circumstances specified in section II.A.2, such as, creation of an undergraduate degree title unique to the campus. However, we would like to remind the Board that there is a single Academic Senate and that its regulations extend to all divisions, unless a variance has been vetted and approved at the systemwide level. If the Board envisions a broader assertion of campus autonomy beyond the current restricted case of undergraduate degree approval, the Senate would strenuously object.

We look forward to your response and the opportunity to shape a constructive partnership with the Board in the spirit of shared governance at the University.

Sincerely,

A handwritten signature in purple ink, appearing to read 'J. Steintrager'.

James A. Steintrager
Chair, Academic Council

A handwritten signature in black ink, appearing to read 'Steven W. Cheung'.

Steven W. Cheung
Vice Chair, Academic Council

Enclosure

Cc: Vice Chair Elliott
President Drake
Provost and Executive Vice President for Academic Affairs Newman



THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

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January 10, 2024

Academic Council Chair James Steintrager
Academic Council Vice Chair Steven Cheung

Dear Chair Steintrager and Vice Chair Cheung:

We are writing to clarify an issue that has recently been under discussion with the Academic Senate concerning the authority over the conditions for conferral of degrees.

Under Article IX, section 9 of the California Constitution, the Board of Regents has "full powers of organization and governance" over the University. As described in Regents Bylaw 22.1, the Board may delegate portions of its authority as it determines to be in the best interest of the University. The Board has expressed its strong commitment to shared governance in Bylaw 40.1, which recognizes "that faculty participation in the shared governance of the University of California through the agency of the Academic Senate ensures the quality of instruction, research and public service at the University and protects academic freedom." However, shared governance does not mean independent authority as the Board always has the right to review and approve/disapprove the recommendations of entities that have delegated powers.

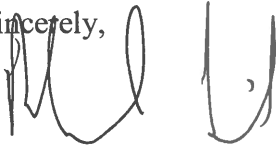
Indeed, in the interest of collaboration and out of respect for the special expertise of the faculty, the Regents have delegated substantial responsibility to the Senate to oversee academic matters. The Regents, however, have reserved authority over certain subjects, one of which is the conditions for the conferral of undergraduate degrees, which includes any requirement that is universal (applies to all students). Bylaw 22.2(b), states, "Upon recommendation of the Academic Senate, approving criteria for University admissions and conferral of certificates and degrees" is an area that has been reserved to the Board. Similarly, Regents Bylaw 40.1 states that the "Academic Senate, subject to the approval of the Board, shall determine the conditions for admission and for certificates and degrees. . ." Even with the Board's reservation of authority over this area, the Senate plays an essential role in making recommendations to the Regents and seeking approval of proposed policies in this area. But it is not tantamount to an independent right to legislate in this domain since "subject to the approval of the board," is an important power.

In February 2023, the Senate revised its regulations to add Senate Regulation 630.E, which seeks to establish a systemwide in-person "campus experience" requirement for the conferral of undergraduate degrees. As such, it addresses a subject within the reserved authority of the

Regents which should have been brought to the Board for approval. The Regents view the regulation to be the equivalent of a recommendation to the Regents rather than a ratified policy. Accordingly, the Board has placed the item on the agenda of the upcoming meeting of the full Board, to be considered on Thursday, January 25. The office of the Board Secretary and Chief of Staff will contact you shortly to provide additional details.

On a separate but related note, the Board appreciates learning that the President has asked a special task force to develop recommendations for quality standards and necessary resources to support online programs of the caliber we can all be proud of. We commend the faculty and the administration for taking this step which will undoubtedly be to the benefit of all of our students.

Sincerely,



Richard Leib
Chair, Board of Regents



Lark Park
Chair, Academic and Student Affairs Committee

cc: Vice Chair Elliott
President Drake
Provost and Executive Vice President for Academic Affairs Newman