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March 4, 2014

**SENATE DIVISION CHAIRS
SENATE COMMITTEE CHAIRS**

Re: Systemwide Review of Proposal to Amend Senate Bylaw 55 - Round 2

Dear Colleagues:

As you know, the San Diego division has proposed an amendment to Bylaw 55 that would permit the Senate members of an academic department in the health sciences to extend voting rights on personnel cases to specified classes of non-Senate faculty colleagues in that department. You reviewed the original version of this proposal last fall, and Council discussed the responses in January. Council then asked the San Diego division to revise its [proposed amendment to Bylaw 55](#) to address concerns raised in the systemwide Senate review, and to resubmit a revision for Council's consideration and a second review. Council considered a revised proposal at its February 26 meeting. After an extended discussion, Council agreed to send two versions of the revised submission for a simultaneous second review, believing that the revision had addressed many of the original concerns, so that a second review would be appropriate. Both alternatives are attached to this memo. They maintain track changes to clarify how the original proposal has been modified.

San Diego's original proposed amendment would allow a department or school in the health sciences to extend voting privileges on personnel matters, including rank and step, to non-Academic Senate members of the department upon a two-thirds vote of the department's Senate faculty, and would require reconsideration after a year if requested by a Senate member of the department. San Diego's revision maintains those basic provisions, but clarifies that the vote to extend privileges would be limited to faculty with the rank of Associate Professor and higher, and that the votes of Senate and non-Senate faculty would be reported separately to CAPs.

A major revision, which was requested by Council in January, is a new requirement that the relevant Division or its Legislative Assembly must first act to allow departments or schools to determine whether to extend voting rights. The intent is to transfer the initial authority to the divisional level, recognizing that some divisions may not want to extend voting rights but do not object allowing other divisions this option.

The two versions being sent to you are identical except for the scope of their applicability. By deleting the three words "in health sciences," the second version would make the proposed amendment applicable to departments and schools in any discipline. Only one of these alternative versions of the amendment could be enacted as legislation. Council asks you to opine as to whether

you would support enactment of one of the alternatives, both, or neither. Both alternatives are attached to this memo.

San Diego and other supporters maintain that the Bylaw amendment can help address the disenfranchisement felt by a large and growing number of contingent faculty who support UC's teaching mission substantially, but lack the privileges and protections of Senate membership. Council's second alternative recognizes that because the growth of contingent faculty is not limited to the health sciences but extends throughout UC's academic enterprise, it may be logical to extend the voting provision to non-Senate members more broadly. Council is aware that its alternative represents a significant difference from the original proposal and needs to be discussed further by Senate divisions and committees. Council will not determine whether to propose legislation to the Assembly until it receives and is able to deliberate on the next round of comments.

In the Council discussion it was noted that strictly speaking, all votes sent to CAP are "advisory" (as are CAP's recommendations to the Chancellor), and the possibility of reporting a separate non-Senate member "advisory vote" to CAP is already available to schools or departments. Nothing in the proposed revision would change the ability of schools or departments to take and report separate votes on personnel actions. Proponents believe that enacting this change will clarify the availability of recording non-Senate votes in documents sent to CAP and will signal that CAPs must consider such advice when departments or schools elect to offer it.

I ask that you distribute these materials for review and that you submit responses to SenateReview@ucop.edu by **Friday, April 25, 2014** so that Council can discuss the responses at its meeting on April 30. 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

Encl (1)

Cc: Senate Executive Directors
Senate Committee Analysts

Bylaw 55 Proposed Amendment Version 1

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

- Subject to prior approval by a Division or its Legislative Assembly, 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, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. This requires at least a two-thirds majority vote by secret ballot of all Senate faculty who have achieved the Associate Professor rank or its equivalent to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.
- The extension of voting privileges to each class of non-Senate faculty should be considered separately. Voting privileges with regard to rank and step would apply equally to Senate faculty and non-Senate faculty. In departments that have adopted these voting privileges, the Chair shall report separately the votes of Senate and non-Senate faculty.
- Any extensions of the voting privilege under this Article E must remain in effect for at least one calendar year (twelve months); thereafter, any Senate faculty member who has achieved the Associate Professor rank or its equivalent may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on personnel matters, the Chair or other appropriate departmental officer shall put the question of renewal of voting privileges to a vote. In this case, an extension of voting privileges will be renewed only upon at least a two-thirds majority vote by secret ballot of all Senate faculty who have achieved the Associate Professor rank or its equivalent.

Bylaw 55 Proposed Amendment Version 2

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

Deleted: in Health Sciences

- Subject to prior approval by a Division or its Legislative Assembly, voting privileges on personnel matters within any department or school may be extended to one or more of the classes of career (i.e. >50% effort) non-Academic Senate members of that department, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. This requires at least a two-thirds majority vote by secret ballot of all Senate faculty who have achieved the Associate Professor rank or its equivalent to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.
- The extension of voting privileges to each class of non-Senate faculty should be considered separately. Voting privileges with regard to rank and step would apply equally to Senate faculty and non-Senate faculty. In departments that have adopted these voting privileges, the Chair shall report separately the votes of Senate and non-Senate faculty.
- Any extensions of the voting privilege under this Article E must remain in effect for at least one calendar year (twelve months); thereafter, any Senate faculty member who has achieved the Associate Professor rank or its equivalent may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on personnel matters, the Chair or other appropriate departmental officer shall put the question of renewal of voting privileges to a vote. In this case, an extension of voting privileges will be renewed only upon at least a two-thirds majority vote by secret ballot of all Senate faculty who have achieved the Associate Professor rank or its equivalent.

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