

Martha Kendall Winnacker, J.D.
Telephone: (510) 987-9458
Fax: (510) 763-0309
Email: martha.winnacker@ucop.edu

Executive Director
Universitywide Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

September 7, 2011

**SENATE DIVISION CHAIRS
SYSTEMWIDE COMMITTEE CHAIRS
UNIVERSITY OF CALIFORNIA**

**Re: Request for systemwide review of proposed amendments to Senate Regulation 610
(residency)**

Dear Division and Committee Chairs:

I am writing on behalf of Academic Council Chair Anderson to invite comment on proposed legislation put forward by the University Committee on Educational Policy (UCEP) to amend Senate Regulation 610, defining “residency.” The 2010-11 Academic Council approved distribution of this proposal for fall systemwide review at its June 2011 meeting. This review is intended to engage the Academic Senate in discussion of any issues that may need to be resolved before this proposal is submitted to the Assembly.

UCEP’s proposed amendments follow a legislative ruling by the University Committee on Rules and Jurisdiction (UCR&J) that the existing language of SR 610 is ambiguous as to whether a student must be physically present on a University campus to fulfill residency requirements for a degree. UCR&J recommended that the Assembly adopt legislation to resolve the ambiguity. UCEP proposes language that would expressly permit students to be recognized as “resident” on the basis of their enrollment in an approved University of California program of study without regard to their physical location. Additional language would clarify that the definition of “resident” for degree completion purposes is not related to the term “residency” when used to determine whether a student shall be charged tuition as a California resident.

610.

Residence in any regular term is validated by a program of courses or other exercises approved by the Faculty of a student’s college or school, irrespective of physical location or mode of delivery. For undergraduates this shall be at least six units of resident courses of instruction. Graduate students validate residence with programs of instruction or research approved by the appropriate graduate council. This regulation does not address the California Residency Requirement or questions of non-resident supplemental tuition. [See SR 688-690] (Am 9 Mar 83; Am 6 Mar 85)

UCEP's memo explaining its reasoning and the UCR&J legislative ruling are attached as reference. UCR&J has advised that the proposed legislative language is consistent with the Bylaws and Regulations of the Academic Senate and responsive to its Legislative Ruling.

Please submit comments to senatereview@ucop.edu by **Friday, January 13** so that Council can discuss the issue at its meeting on January 25 and determine whether to submit legislation to the Assembly for action in early 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Martha Kendall Winnacker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Martha Kendall Winnacker, J.D.
Executive Director, Academic Senate

UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP)
David G. Kay, Chair
kay@UCI.EDU

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

Dan Simmons, CHAIR
ACADEMIC COUNCIL

Re: RULES AND JURISDICTION RULING ON RESIDENCY

Dear Dan,

In May 2010, UCEP requested an interpretation from the University Committee on Rules and Jurisdiction of SR 610, which defines “residence” as used in various undergraduate and graduate degree requirements (e.g., a requirement that the final 45 quarter units for a bachelor’s degree be earned in residence).

On March 2, 2011, UCRJ issued a ruling that for these purposes, residence is “determined by course approval by the relevant Faculty and Senate governing entities of the University of California, and not linked to the physical presence of a student on campus.”

During its meeting on April 4, UCEP reviewed the UCRJ ruling. UCEP notes that this ruling is consistent with the current practice of permitting a student to participate in UCDC or EAP during the required-residence period and that it would enable students in the same circumstances to use online courses offered by UC. UCEP is in full agreement with this ruling.

UCEP emphasizes that the off-campus or online courses under discussion here are courses offered by UC faculty or otherwise approved by Senate bodies; they do not extend to other courses, offered by other institutions, that may have been approved for transfer credit to UC.

Because UCRJ ruled on a split vote, it recommended, and UCEP concurs, that SR 610 be revised to remove any uncertainty.

- The regulation should explicitly apply to courses approved and offered by the UC campus that will award the degree, or to UC systemwide courses, irrespective of physical location or mode of delivery.
- The regulation should make it explicit that “residence” in this case is not connected to the California Residency Requirement or questions of non-resident supplemental tuition.

UCEP proposes the following language changes for SR 610:

610.

Residence in any regular term is validated by a program of courses or other exercises approved by the Faculty of a student's college or school, irrespective of physical location or mode of delivery. For undergraduates this shall be at least six units of resident courses of instruction. Graduate students validate residence with programs of instruction or research approved by the appropriate graduate council. This regulation does not address the California Residency Requirement or questions of non-resident supplemental tuition. [See SR 688-690] (Am 9 Mar 83; Am 6 Mar 85)

UCEP also recommends that as the number of approved UC online courses increases, metrics be employed to determine what proportion of students' courses of study, particularly in the upper division, are satisfied using online courses. Given the measured adoption of online courses, we believe that simply monitoring their usage is sufficient at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "D G Kay", with a stylized flourish at the end.

David G. Kay, Chair
UCEP

A request for Legislative Rulings was received from Chair Williams of the University Committee on Educational Policy (UCEP) of the Academic Senate of the University of California in regard to the interpretation of Senate Regulation 610, which defines “residence” for purposes of degree program requirements for both undergraduate and graduate students. Chair Williams had the required standing to make this request as a member of the Academic Council of the Academic Senate of the University of California. After due deliberation and consideration of background materials (available on request), the Committee on Rules and Jurisdiction of the Academic Senate of the University of California (UCR&J) rendered a decision and now publishes the following Legislative Rulings. As per Senate Bylaw 206.II.A, these Legislative Rulings were presented previously to the Academic Council of the Academic Senate of the University of California for consideration and comment, and to the Assembly of the Academic Senate of the University of California for information.

Robin Fisher (Chair, UCR&J 2010-11)

UCR&J Legislative Rulings of 3/2/11 (Item 1)

The Committee on Rules and Jurisdiction of the Academic Senate of the University of California renders the following Legislative Rulings in regard to the interpretation of “residence” as defined by Senate Regulation 610 (SR 610, “Residence in any regular term is validated by a program of courses or other exercises approved by the Faculty of a student’s college or school. For undergraduates this shall be at least six units of resident courses of instruction. Graduate Students validate residence with programs of instruction or research approved by the appropriate Graduate Council.”(EC 15 Apr 74)(Am 9 Mar 83; Am 6 Mar 85)). At issue are requirements for physical presence and close interactions between faculty and students on sites of campus and approved off-campus instruction and research.

1) By a vote of three ayes and two nays, UCR&J determined that the definition of “residence” endorsed by the Academic Senate Special Committee on Remote and Online Instruction and Residency (residency determined by course approval by the relevant Faculty and Senate governing entities of the University of California, not linked to the physical presence of a student on campus) is consistent with SR 610. The majority opinion was based on a liberal interpretation of SR 610, which may permit on-line, off-campus instruction when courses have been duly reviewed and approved by Faculty and Senate governing entities. The minority opinion was based on a literal interpretation of SR 610, where a requirement for the physical presence of a student at on- and off-campus sites may limit or even exclude on-line, off-campus instruction regardless of review and approval by Faculty and Senate governing entities.

2) By a vote of five ayes and zero nays, UCR&J determined that the interpretation of “residence” employed by SR 610 in its present form is sufficiently ambiguous,

and of such significant consequences, that the issue should be taken under consideration by the Assembly of the Academic Senate of the University of California. The issue should be resolved finally by legislative amendment of SR 610 to reflect explicitly either, but not both, of the liberal or literal interpretations of “residence” proffered by the preceding Legislative Ruling. This recommendation is consistent with Academic Senate Bylaw 205.B.2, whereby it is the duty of UCR&J “to prepare and to report to the Assembly or to any of the Divisions such changes and additions to the Bylaws and Regulations as may seem to it advisable”.

Dissenting Opinion for Legislative Ruling 1:

SR 610 states that residence for undergraduates will require "at least six units of resident courses of instruction". Senate Regulations do not define the term "resident courses" anywhere, but I believe it was intended to mean courses where a student is physically present at a campus of the University. While definitions can adapt in the presence of new technology, allowing "any course approved by the appropriate Divisional Committee, regardless of the mode or location of delivery" is too big a change to be accommodated by the wording of SR 610.

Such an interpretation would also render meaningless SR 694 which places strong restrictions on "off-campus graduate instruction", including SR 694.2 "No more than one-half of the total unit and residence requirements for the degree of Master of Arts or Master of Science may be satisfied by off-campus graduate study." How can online courses approved by the appropriate Divisional Committee be less restricted than off-campus courses (including those that are approved by the appropriate Divisional Committee)?
