

**COMMITTEE ON RULES AND JURISDICTION
ANNUAL REPORT TO THE RIVERSIDE DIVISION
December 6, 2016**

To be received and placed on file:

The Committee on Rules and Jurisdiction conducted its work via email. Following is a summary of Committee activities from September 1, 2015 to August 31, 2016.

In keeping with the charge to review legislation submitted for adoption, the Committee considered the Regulations, Bylaws, and Policies below and found the wording to be consistent with the code of the Academic Senate.

Proposed changes to Bylaw 8.15.1 (Membership Charge) - Committee on International Education

The proposed change would remove the Vice Provost for Undergraduate Education as an ex officio member from the committee and be replaced with the Vice Provost for International Affairs. The committee also proposed that the UCR faculty liaison to the University of California Education Abroad Program be added as an ex officio to the Committee to provide valuable consultation to the Committee on study abroad activities at both the System and campus level. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw 8.14 – Committee on Graduate Council

The proposed changes would remove the voting rights of the Graduate Dean as the Committee feels that this position is to facilitate communication and cooperation between the Senate and the Graduate Division rather than acting as a voting member. The Bylaws have also been updated to clarify the purpose, membership and duties of the committee. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw 8.18 – Committee on Planning and Budget

The proposed changes would add a Vice Chair position, which can aid in the organization of the committee and serve as a fill in for the Chair when he/she is unavailable. The proposed changes would also allow the committee to appoint a member, who may be the Chair, to serve on the Service Level Agreement Governance Committee. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw 8.6 – Committee on Diversity and Equal Opportunity

The proposed changes would remove “continuous surveillance” and replace it with “evaluation of data” for evidence of discrimination in employment practices on this campus. Although the Committee is in favor of removing the charge/duty of “continuous surveillance,” as this may seem an impossible goal for any committee, the phrase “Reviewing information on the status of affirmative action, campus climate, and diversity” is so neutral that it fails to convey that the committee's charge is to monitor these areas for any evidence of wrongdoing.

Proposed changes to Bylaw 8.20 – Committee on Research

The proposed changes clarify and broaden the scope of the committee charge so that it is more in line with the committee bylaws from other campuses as well as the Systemwide committee on Research Policy bylaws. These revisions will enable the committee to more effectively advise on the full scope of research activities at UCR.

The Committee on Rules and Jurisdiction reviewed the proposed bylaw changes and although these changes do not violate the code of the Academic Senate, the committee had the following suggestions:

1) The Committee suggests that the language currently present in bylaw 8.20.1 should remain with only a slight modification to read “The committee considers matters pertaining to the research mission of the UC Riverside Campus.” The Committee feels the role of the advisor potentially diminishes the power of the committee and, in turn, the independence of the faculty especially in relation to the administrative units. The Committee is also troubled by the inclusion of administrators in what is essentially an educational and research function. The inclusion of administrative units could be read either as an expansion of the committee’s potential powers or the subjugation of the committee to a reporting mechanism within the administration. Rules and Jurisdiction suggests the Committee on Research revise the language to be more specific, in order to preserve the integrity of the faculty’s role in the university.

2) The Committee on Research noted that the purpose of the proposed bylaw change is to broaden the scope of its charge. However, Rules and Jurisdiction feels that the omission of the language “general policies” would restrict the committee from specifically commenting on matters of policy. Therefore, the Committee recommends this language remain in the bylaw.

Proposed changes to Regulation 6.1 Campus Graduation Requirements – Committee on Educational Policy

The proposed changes suggest that the Writing Across the Curriculum pilot program continue as a permanent alternative to English 1C. The Committee on Educational Policy will review the program every 5 years to ensure that it remains an effective alternate to English 1C. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes Regulation 7.4.2

The proposed changes would allow students to repeat a maximum of 19 units from the current 16. Under the new BANNER system, splitting will no longer be possible, and should the Academic Senate desire to retain the current policy, students who wish to repeat a course that would put them over the current 16 unit limit would get no new GPA credit for that repeated course. For example, a student who had repeated 13 units for GPA improvement would be precluded from repeating a four or five-unit course for new GPA credits, since it would put the student above the 16 unit threshold. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw NR 2.4.5 Major Requirements – College of Natural and Agricultural Sciences

The proposed changes would allow up to 12 units in courses acceptable for each major to be counted towards the upper-division units required for each major. Although the Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate, the committee also finds that this proposed change is properly submitted to the Committee on Educational Policy for purposes of determining the effects of the changes, if any, on academic quality and rigor.

Proposed changes to Bylaw NR 3.4.3 Minor Requirements – College of Natural and Agricultural Sciences

The proposed changes would allow up to 8 units in courses acceptable for the major and minor to be counted towards the upper-division units required for each. Although the Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate, the committee also finds that this proposed change is properly submitted to the Committee on

Educational Policy for purposes of determining the effects of the changes, if any, on academic quality and rigor. The Committee also expressed concern that the proposed change may relax academic requirements. Such a change would help improve graduation rates, but could also reduce educational breadth and rigor, and ultimately devalue the degree the students are receiving. However, review of the proposed changes with respect to its potential or likely effects on educational standards and quality belongs, in the first instance, to the Committee on Educational Policy (CEP) under Bylaw 8.12.2 and 8.12.3.

Proposed changes to Bylaw 8.24.1 Membership Charge – Committee on Preparatory Education

The proposed changes would remove the Vice chancellor for Student Affairs as an ex officio member of the Committee as consultation from the position is no longer needed at every meeting. If issues arise that need the Vice Chancellor for Student Affairs' consultation, the committee will invite him/her to attend the meeting as a guest. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw GR5-GR5.6 – Graduate Division Regulations

The proposed changes request official bylaws be added to reflect current practices with regards to transfer course work policies for graduate students and backdating. The proposed wording allows any 200-level course, relevant to the graduate degree program, to be applied to the graduate degree if it was not used to complete any unit or degree requirements for the bachelor's degree and was not calculated in the undergraduate GPA. The department Graduate Advisor has the option to approve units/grades be used for the graduate program, or simply waive requirements based on these courses and require the student to complete all unit requirements while in the graduate program. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed revisions to APM 360, Librarian Series and APM 210-4, Instructions to Review Committees

The Proposed revisions update the definition of librarian, criteria for appointment, terms of service, merit increases, promotion, advancement to career status, personnel review procedures, and the new point-based salary scale. The Committee on Rules and Jurisdiction finds nothing objectionable in the proposed revisions and therefore approves their further consideration and/or adoption at the system-wide level.

Proposed changes to Bylaw HS4.1 – College of Humanities, Arts, and Social Sciences

The proposed changes clarify that voting rights on the committee are limited to those members elected by the College's Senate-level faculty. The revisions formalize the longstanding practice that ex officio and student members do not hold voting rights. The Committee feels that their membership is to facilitate communication and cooperation, but that voting rights derive from election by the faculty.

Proposed changes to APM 245 Appendix A: Duties of Department Chairs

The Committee on Diversity & Equal Opportunity has proposed the following change: Point 2 of APM 245 under the section "As leader of the department, the chair has the following duties" currently reads: "The appointee is responsible for maintaining a departmental affirmative action program for faculty and staff personnel, consistent with University affirmative action goals." The Committee on Diversity and Equal Opportunity proposes the following modification to this sentence stating the following: "The appointee is responsible for informing faculty and staff personnel about the departmental affirmative action program and maintaining the program

consistent with the University affirmative action goals.” The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw 8.12.1 Membership Charge – Committee on Educational Policy

The proposed changes would add three additional members to the Committee’s membership to accommodate the increase of workload that is necessary to complete more undergraduate program reviews each year to comply with WASC’s recommendations that each undergraduate program be reviewed every 7 to 10 years. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

Proposed changes to Bylaw R1.3.2 in R1 Grading System – Committee on Graduate Council

The proposed changes clarify that Graduate students may not use undergraduate or graduate courses taken on an S/NC basis to complete their master’s or PhD degree requirements, unless the course is only offered on an S/NC basis. And exceptions must be approved by the Dean of the Graduate Division. The Committee on Rules and Jurisdiction advises Graduate Council to propose an amendment to the bylaws that explicitly grant it the authority to oversee and set general policies governing graduate coursework requirements. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations.

The Committee on Rules and Jurisdiction considered the following Regulations, Bylaws, and Policies and found the wording not to be consistent with the code of the Academic Senate and provided advice and/or suggestions for further revisions.

Bylaw 55 concerning voting rights for Non participating faculty

The Committee on Rules and Jurisdiction received an inquiry as to whether or not a department must include individuals who refuse to participate in faculty meetings in the denominator when calculating the 2/3 vote required to extend voting privileges within the department and in determining whether a quorum of voting members is present when faculty personnel files are considered at upcoming faculty meetings.

The Committee on Rules and Jurisdiction considered the inquiry and advised that all eligible voting faculty are to be included in the denominator when calculating the required 2/3 majority vote to extend bylaw 55 voting privileges within the department and in determining whether a quorum of voting members is present when faculty personnel files are considered at faculty meetings. Excluding such members is a violation of Bylaw 55 which states “No department shall be organized in a way that would deny to any of its non-emeritae/i faculty who are voting members of the Academic Senate, as specified in Standing Order 105.I (a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw”. The standard process for situations in which a faculty member refuses to participate in departmental business or attend meetings is to include him/her in the total number of faculty eligible to vote and then record the individual as “unavailable”.

Proposed changes to APM Policy Sections 278, 210-6, 279, 112 and New APM-350

The proposed changes are overall appropriate and reflect a real need to address the formal designation and status of clinicians in UC and UC-affiliated medical facilities. The proposed revisions also properly distinguish between Senate faculty and non-Senate teaching and clinical personnel. However, we also have identified some gaps and areas of ambiguity in the proposed revisions. Such textual wrinkles are perhaps inevitable in a complex and multifaceted revision,

but they should be addressed to the degree possible prior to adoption. First, there is the issue of when a clinician would have to be reclassified—and what the consequences would be. The proposal states at pg. 6: Clinical Associates are 1) paid staff clinicians and 2) clinicians who are employed by satellite facilities, health system networks, and other affiliated clinical entities and engaged 100% time in patient care, with no UC salary, and no teaching, research/creative activity, or University and/or public service responsibilities. To be paid by UC and/or engage in teaching, research/creative activity, or University and/or public service, the individual must be placed in an appropriate title following a competitive search. It is not clear to us what happens under APM 278(c) and 350-20.c if a Clinical Associate, who is hired and classified as such, takes on some research on occasion, as clinicians sometimes do. (Taking on clinical teaching presumably would be addressed by classifying the person as a Volunteer Clinical Professor.) Would that person have to be re-classified as faculty, as I interpret APM 279-0 to require? Would the person have to re-apply for the position as part of a “competitive search”? We find a similar ambiguity in the proposed APM-279-20a. The proposed revisions not clearly set out the required procedure or the options and the means of selecting among them when transferring the appointment of a Volunteer Clinical Professor. Second, while we agree that the review criteria for these various classifications need to be flexible, we think there needs to be more clarity and precision in describing the review process. The flexibility of substantive criteria is necessary in order to tailor them to different professional functions (teaching, research, clinical practice). However, the following portion of the proposal leaves too much unspecified: “Clinical Associates are appointed and reviewed by their peers at their place of employment based on achieving acceptable quality standards for clinical care based on the employer’s review.” The proposal should specify who is to perform the evaluation and the standards and procedures to be employed. Who are these “peers”? How are they defined and who makes the determination of who is a “peer”? Do all “peers” participate in the evaluation or only a committee of them? If the latter, who appoints the committee? What substantive and procedural rules or standards govern this peer review? If the rules and procedures of an affiliated facility govern the review and evaluation of one of its employees, who is also a Clinical Associate, the text of the APM should state this explicitly.

J. Cioffi, Chair
L. Lalami
S. See, Secretary Parliamentarian