

**COMMITTEE ON RULES AND JURISDICTION  
ANNUAL REPORT TO THE RIVERSIDE DIVISION  
December 5, 2017**

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, 2016 to August 31, 2017.

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 4.1.1 – School of Business Administration**

The proposed change renames the Management Science area to Operations and Supply Chain Management as this change was approved in 2013. This name is included in the university catalog when describing the different academic areas at SoBA.

**Proposed Technical Revisions to APM-190, Appendix G**

The proposed technical revisions are required to align policy for administering summer salary benefits with the new 2016 Retirement Choice Program provisions. The APM technical revisions explicitly name the new retirement plan options that became available to those employed on July 1, 2016 or later. In addition, language is modified to reflect that the summer salary retirement benefit for all faculty will be transferred, prospectively, from UC's Defined Contribution Plan ("DC Plan"), where summer session retirement contributions currently go, to UC's Tax Deferred 403(b) Plan. The changes are applicable to future contributions only, effective November 1, 2016. Prior summer salary benefit contributions and investment earnings will remain in the DC Plan. The existing definition of summer salary and the summer salary retirement contribution amounts are unchanged. 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 SoM Bylaw Change: ME, ME2.1, ME5.2.5.3, ME5.3, ME5.3.1, ME5.4.1, ME5.4.2, ME5.5, ME5.5.1, ME5.8, and ME5.8.3**

The proposed changes provide both clarity and flexibility in addressing a number of issues to accommodate a rapidly growing SoM Faculty and to reflect recent policies that are in place since its original approval in 2014. The Committee on Rules and Jurisdiction reviewed the proposed changes and although these changes do not violate the code of the Academic Senate, the Committee had the following comments/suggestions:

ME - This proposed change looks redundant and unnecessary. The original bylaw already states that the governance of the school of medicine is subject to the bylaws of the Riverside Division and Systemwide Academic Senate at UC, which clearly lay out everyone's roles in shared governance. The committee does not think there is a need for the Administration to further assert its role here.

ME2.1 – The committee can see why the inclusion of a reference to "resource allocations" might be important, but the latter half of the proposed change, e.g. reference to "shared governance" is redundant.

ME5.3.1 - The proposed change is vague. While the committee can see how a case can be made to clarify and broaden the powers of the Medical Education Committee (from advisory role to the faculty executive committee to direct enforcer of the educational policies), the committee

thinks that the language of the change is too vague and wordy. R&J recommends something like: "The duty of this Committee is to take action on all matters pertaining to the educational policies and curriculum of the UCR School of Medicine, in consultation with the Faculty Executive Committee." Otherwise, the committee is inclined to recommend that the original language should stand.

ME 5.4.1 - The reference to "difficult problems" is quite vague. How are "difficult problems" defined?

### **Proposed changes to Bylaw 8.20.1 – Committee on Research**

In keeping with its charge in the Senate Bylaws, the Committee on Research has traditionally restricted its activities to allocating Senate research funds on a competitive basis and occasionally advising the Vice Chancellor for Research and Economic Development on the selection of grant proposals to put forward when an external grant competition accepts only a specified number of applications from UCR. At other UC's, the Committee on Research has been playing a broader and more active role in addressing the many issues that arise related to the research mission of the university. The aim of the proposed changes in wording is to provide a basis in the Committee's Bylaws for the UCR Committee on Research to expand the scope of its activities to cover all "issues regarding policies, practices, and budgetary needs pertaining to the research mission of the UC Riverside Division."

### **Proposed changes to Bylaw 8.26.1 – Committee on Faculty Welfare**

The proposed changes expand its membership from at least seven members to at least 12 members to gain a broader representation of the campus. The CFW would like to make the committee a more active participant in the pursuit of faculty welfare. In the past, the committee has been largely reactive to policies fostered by the Administration, and to various campus crises. The CFW intends to invite senior Administration officials and a few others on campus to provide input when policies are being formulated and to voice committee concerns. The CFW believes it is important to provide faculty input before administrative plans are implemented at UCR. Given the importance of such issues, members believe it is critical to have faculty representation on the committee that is as broad as possible. The Committee reviewed the proposal and found it consistent with all applicable University and Division bylaws and regulations and reminded the committee that Administrators may not serve on Senate committees and can only provide input on agenda items.

### **Proposed changes to Bylaw 8.26.1 – Committee on Faculty Welfare (Second Review)**

After the Committee on Faculty Welfare received comments from the first review, the following was added to the proposed changes. "The committee shall have a broad and diverse representation from across campus". The Committee on Rules and Jurisdiction reviewed the proposed changes and although these changes do not violate the code of the Academic Senate, the Committee had the following comments/suggestions: Faculty Welfare may want to be more specific with respect to the make-up of the committee. For example, "at least one representative from each college or school".

### **Proposed draft revised Presidential Policy on Nondiscrimination and Affirmative Action Regarding Academic and Staff Employment**

The proposed revisions are intended to address the Office of Federal Contract Compliance Programs' (OFCCP) Pay Transparency Rule as well as amendments to the California Fair Employment and Housing Act (FEHA). The proposed changes to the policy that are prompted by the new state and federal requirements are described below.

Fair Employment and Housing Act (FEHA). New requirements under FEHA include:

- *Employer's Duty to Prevent and Correct Discriminatory and Harassing Conduct:* California employers must develop and distribute anti-harassment and discrimination policies with certain required elements and create formal complaint processes to address employee concerns.
- *Protections for Unpaid Interns and Volunteers:* California state law prohibits employers from engaging in discrimination and harassment against individuals applying for or engaged in position as "volunteers, unpaid interns, and trainees" on account of specified characteristics.

In addition to new legal requirements, the Policy has been revised to include language describing free speech and academic freedom protections. This language has already been approved for the Presidential Policy on Sexual Violence and Sexual Harassment. 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 Degree Supplemental Tuition (PDST) Policy**

The proposed revised policy would incorporate Regents Policy 3104: Principles Underlying the Determination of Fees for Students of Professional Degree Programs into a revision of Regents Policy 3103: Policy on Professional Degree Supplemental Tuition. The policy revision is intended to achieve the following: reaffirm the principles guiding the PDST, viz. excellence, access, inclusion, and affordability; increase the predictability of PDST levels from year to year; support "right sizing" of the PDST levels from year to year; engage Regents in meaningful consideration of PDST levels for each graduate professional degree program charging the PDST; establish policy that works well without resorting to frequent approvals of exceptions to policy; focus on policy, not implementation; assign policy implementation to the UC Provost; and establish policy and its implementation that are both effective and efficient for the campuses, the Office of the President, and the Regents. 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 G E4.3 and E4.4 – Graduate School of Education**

The proposed changes allow for limited student participation on certain GSOE Committees. They define the scope, time, and means for student participation. They also specify that, as much as possible, each of the Area Groups in the GSOE be represented on some committees so as to ensure fairness and equal representation. Regarding Area Groups, note that the GSOE is one unit, similar to a department of the whole. The unit is broken into disciplinary subunits or Area Groups, as follows: Education, Society and Culture; Higher Education Administration and Policy; Educational Policy Analysis and Leadership; Learning and Behavioral Sciences (Formerly, Education Psychology, Special Education and School Psychology). Appropriate representatives of Area groups are Senate faculty. The Committee on Rules and Jurisdiction reviewed the proposed changes and although these changes do not violate the code of the Academic Senate, the Committee has the following comments/suggestions:

E4.3 – approved as written.

E4.4 – 'This may include ex-officio members, e.g.' is too vague. The designation of "ex-officio" should be specified, and language like 'e.g.' should not be used.

The committee notes that bylaw E4.1.2.2 specifies that the Executive Committee is responsible for appointing the chairs of all standing committees, but there is no language for filling the rest of the committee members of the standing committees.

The committee also recommends that there should be a minimum as well as maximum limit for the number of committee members.

### **Proposed revisions to APM 278, Health Sciences Clinical Professor Series and APM 210-6, Instructions to Review Committees which advise on Actions Concerning the Health Sciences Clinical Professor Series (Second Review)**

Substantive feedback related to APM - 278 and APM - 279 was submitted during the first Systemwide Review, thus prompting a second Systemwide Review. Common themes emerging from consultation during the first Systemwide Review are summarized here. There were requests for the policy to describe more fully the context and principles underlying proposed revisions to the policies; there were concerns that the "research and/or creative activity" review criteria would add new responsibilities for Health Sciences Clinical Professor series faculty; and, there were remarks that the "new" criteria are vague and indistinguishable from the criteria for reviewing faculty appointed in the Professor of Clinical (e.g., *Medicine*) series. The Committee on Rules and Jurisdiction reviewed the proposed changes and although these changes do not violate the code of the Academic Senate, the Committee has the following comments/suggestions:

Page 35: In the section "Advancement to Above Scale Status," the committee notes the vague reference to "work." There is no reference to any specific category, e.g. research, teaching, service. One can presume "work" refers to research, creative (?) and/or clinical work; but perhaps this should be explained. The committee suggests replacing "work" with "scholarly work" or their "research, teaching and service work".

The descending member felt that the proposed changes to the policy drafts violate APM-015, which quotes the following:

"The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom."

"The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members."

And further suggests to have an explicit reference to 'research' alongside 'scholarship' since some kinds of clinical research cooperation are important but might not fall under the rubric of 'scholarship'.

### **Proposed changes to Bylaws 8.6.1 and 8.6.2 – Committee on Diversity and Equal Opportunity (CoDEO)**

The proposed changes will add to its membership the Associate Vice Chancellor for Diversity and Inclusion as a non-voting ex-officio member to keep the committee apprised of current issues on campus. CoDEO is concerned with the inability to conduct continuous surveillance for evidence of discrimination in employment practices on this campus. Members noted that the campus does not have a mechanism to conduct continuous surveillance and therefore proposed a slight modification to the current language. In reviewing all other UC campus equivalent committee bylaws, CoDEO proposes such language to become more in line with its sister campuses. The Committee on Rules and Jurisdiction reviewed the proposed changes and although these changes do not violate the code of the Academic Senate, the Committee has the following comments/suggestions:

Replace 'experiencing' with 'who complain of' as noted below:

“It further serves as a liaison between individuals ~~experiencing~~ who complain of problems related to affirmative action at UCR and the Division, providing, at its discretion, advice and guidance when requested.”

#### **Proposed addition to Riverside Divisional Bylaw 1.2.1**

The proposed changes state: “Committee members with administrative appointments at or above the Associate Dean level shall be non-voting members of the committee”. In the interest of Shared Governance, the Senate values and encourages membership and participation by administrators on Senate committees. Bestowing voting rights on committee members holding administrative appointments, however, presents a fundamental conflict of interest that abrogates the Senate’s integrity. It is important to selectively allow administrators or their proxies to sit as ex-officio members of Senate committees. However, they should not be allowed to vote as full Senate committee members. In the case of contentious matters, with split votes, a voting Administrator(s) could potentially cast the decisive vote.

#### **Proposed changes to Appendix 6.5.4.3 – Graduate Academic Integrity Committee**

The proposed changes increase the term from one to three years. The GAIC committee only meet when there is a case (very infrequently, a 3-year term makes Committee on Committees’ staffing of the committee more practical. Changing the term from one to three years makes staffing the committee more feasible so that it can be staffed and ready to act at all times.

#### **Proposed change to Membership Bylaw 8.23.1 – Committee on Undergraduate Admissions**

The proposed change removes the Vice Chancellor for Student Affairs from its membership and adds the Associate Vice Chancellor for Student Affairs and Enrollment Services. The AVC is closer to all the relevant admissions data, while the VC's charge is considerably broader and makes regular attendance more challenging. When the Undergraduate Admissions Committee was reconstituted from Undergraduate Council in 2009, we were uncertain whether the VC, AVC or Admissions Director would be the most effective *ex officio* member. Experience since 2009 reveals that the AVC now has the portfolio that aligns most closely with our shared responsibilities for monitoring and governing the undergraduate admissions process. The proposed change to the charge would codify the current workings of the committee and spare us the need for repeatedly inviting the AVC as a guest. The Admissions Director would continue to be a frequent invited guest. We retain the 2009 opinion of the Academic Senate that only one of the three administrators with responsibilities for admissions should be an *ex officio* member.

#### **Proposed change to Bylaws 1.1 to 5.1.1 – Graduate School of Education**

The proposed changes are to incorporate the new Undergraduate Education Major by establishing a standing committee in the GSoE, the Undergraduate Education Committee. Other minor changes included wording to bring the bylaws up to date and to establish connections between the Teacher Education Committee and the Graduate Advisory Committee. Ex-officio members were also removed from committees to streamline committee operations. 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 has the following comments/suggestions:

3.1.5 The minutes of every meeting of the Faculty shall be recorded by a staff member, reviewed and edited by the secretary of the Faculty and Faculty Chair, and sent to every member of the Faculty one week prior to the following Faculty Meeting. (Am May 2005)

R&J recommends that a time be given for when the minutes will be made available to the faculty (example: two weeks from the date of the meeting).

4.2 There shall be a standing teacher education committee, consisting of a Chair and two other ladder faculty members, along with the following: at least one member

representing the teacher credential program;

R&J notes that it may be implied that the Chair must be ladder, however, this should be stated explicitly as is in 4.4.

4.2 This committee also works in conjunction with the GAC with regard to the M.Ed. degree, which is closely aligned with teacher education. (En 25 Jan 72)(Am may 2005) (Am 29 May 12) (Am 2 Dec 14)

R&J recommends that GAC should be spelled out (Graduate Advisory Committee) as the acronym "GAC" has not been defined in the bylaw.

4.4 There shall be a standing undergraduate education committee. The members of the committee will consist of a Chair and a minimum of four members of the GSOE; the Chair plus two members must be ladder faculty. The Associate Dean of Undergraduate Education shall be ex-officio. The duty of this committee is to advise on the operation of all program that pertain to undergraduate education in the school. (En 5 May 2005) (Am 2 Dec 14)

R&J recommends the correction of the following typos: "officio" not "offico"; "duty" not "duly"; and "programs" not "program."

**Proposed changes to Bylaws N1.1 N2.1 N3 N3.1 N3.1.1 N3.1.3 N3.1.4 N3.1.5 N4.1 N4.1.1 N4.1.1.1 N4.1.1.3 N4.1.2.2 N4.1.2.7 N4.1.2.8 – College of Natural and Agricultural Sciences**

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 has the following concerns:

Per Senate bylaw 4.4, the UCR Division uses "The Standard Code of Parliamentary Procedure by Alice Sturgis, 4th ed, published in 2000". Please note that if R&J is asked to make a ruling on matters pertaining to the CNAS Executive Committee, this will be the book used during its review.

While the committee finds that elimination of the library committee by CNAS does not violate Senate code, we would like to register our concern about it in our response. Although books and journals are increasingly published electronically rather than on paper, they do not seem to have gotten much cheaper as a result. Therefore, to the extent that a library committee is concerned with allocation of acquisition and subscription resources, the committee believes it's still needed.

In addition to the above, the Committee is often asked to respond to informal requests from members, officers, or committees of the Division for information regarding the Code of the Academic Senate or the legislation of the Division. To that end, the Committee responded to the following requests for advice or ruling:

**Voting Rights and Privileges of Emeritae/i Faculty – School of Business Administration**

The Committee on Rules and Jurisdiction considered the inquiry and replied as follows:

UCR Senate bylaw 55 states that emeritae/i "do not have the right to vote on departmental matters, except as provided in this Article D." However, UCR Senate bylaw 1.2, which defines the membership of the Riverside division, and [UCR Standing Order 105](#), which defines the organization of the Senate both state: "Membership does not lapse because of leave of absence or transfer to emeritus status. (Am 24 May 2005)."

R&J's interpretation is that Emeritae/i faculty are allowed to vote on any motion regarding the division as a whole, e.g. at the division meetings and also in SOBA's executive committee. But there are limits on their voting when it comes to departmental matters, especially personnel.

#### Addendum 6/28/17

A faculty member is seeking further explanation of the ruling in order to gain fuller understanding of the rationale. They are also wondering how voting rights in matters concerning SoBA's Exec Committee constitutes matters that involve the Division "as a whole." Finally, the faculty member is asking for confirmation that emeritae/i faculty are eligible to vote on membership of Exec Committee's in all of the Schools/Colleges at UCR.

The Committee on Rules and Jurisdiction considered your inquiry and replies as follows:

Please note that UCR Senate bylaw 55 states that emeritae/i "do not have the right to vote on departmental matters, except as provided in this Article D." Please note that the divisional matters reference was for comparison and contrast only. Each unit decides voting rights for itself. The committee does not conflate the matter of voting rights for the division as a whole with the matter of voting rights within departments & units. It should be noted that our committee interprets the rules and bylaws; we neither make nor rationalize them.

**In reference to [CNAS Bylaw N4.1.1](#) (pasted below), may the Executive Committee Chair appoint to the Committee temporary members with voting privileges while elections are conducted to fill Committee vacancies that will be longer than seven months? – College of Natural and Agricultural Sciences**

The Committee on Rules and Jurisdiction considered the inquiry and replied as follows:

R&J agrees that having vacancies in a committee can make its work slow and any progress difficult, and so are in favor of allowing the chair to fill the vacancies temporarily. While R&J had some reservations with giving these temporary appointments voting privileges, they do not see any conflict with the Senate bylaws.

Please note that CNAS bylaw N4.1 does limit eligibility for election, e.g. preventing the immediate re-election of members. And with these temporary reappointments, R&J suggests that that it might be advisable to follow the letter and spirit of this bylaw (noted below).

*"There is an Executive Committee consisting of the Chair of the Faculty, ex officio; the Dean of the college, ex officio; the Associate Dean of Undergraduate Advising (or equivalent title), ex officio; thirteen members of the Faculty as provided in N4.1.1.; and student representatives as provided in N4.1.1.4. Student representatives and all other Associate and Divisional Deans of CNAS are advisory (nonvoting) members. An elected member of the executive committee is not eligible for immediate reelection unless he/she has completed a term of fewer than 18 months. Eligibility is reestablished after one year of non-service, with the following exception; if the member is elected to the position of chair of the faculty, the member may also be reelected to the executive committee. The Chair, Vice Chair, and Secretary-Parliamentarian of the faculty occupy corresponding offices in the Executive Committee. (Am 3 Feb 83) (Am 27 May 93) (Am 18 Nov 03) (Am 30 May 06) (Am 30 Nov.10)"*

#### **New proposals – School of Business Administration**

SoBA's bylaw says the new program proposal needs to be supported by the faculty. Over the past, many many years, new program proposals came to the EC first, and if they got blessed, then they went to the full faculty. There is a proposal now which was voted down by the EC. A

faculty member argues that the EC's vote is not relevant, and the proposal must be voted by the faculty. If it is voted yes, the argument is that then it should go to the Senate for the next steps. Can you clarify what is the right interpretation?

The Committee on Rules and Jurisdiction considered the inquiry and replied as follows:

R&J's interpretation is that a new proposal (absent an explicit requirement for EC approval) should be brought to the entire faculty. SoBA bylaw 4.2.4 states, "All new programs must be approved by the faculty of the School of Business Administration".

It is also recommended that SoBA amend their bylaws to remove any ambiguity.

K. Vafai, Chair

Z. Ran

S. See, Secretary Parliamentarian