

CERJ Advice on Academic Senate Bylaw 55
May 26, 2010

Background

The Committee on Elections, Rules and Jurisdiction received a query from Vice Provost Horwitz regarding Academic Senate Bylaw 55(D)(2) regarding rights and privileges of Emeritae/I Faculty. The specific question was whether the rights to which Bylaw 55(D)(2) and 55(D)(4) refer to are to be provided (or can be provided) to emeriti faculty who were not Senate members prior to their retirement – e.g., Adjunct professors or Unit 18 lecturers for whom emeritus status has been approved. In other words, does Bylaw 55(D) speak only to the rights and privileges of Senate emeriti faculty, with such rights not being extendable to non-Senate emeriti faculty?

Advice

CERJ advises that no part of Academic Senate Bylaw 55 is applicable to any non-member of the Senate, and no rights granted by it may be extended to non-Senate Emeritae/i.

Bylaw 55 is the first clause under Title VI, "Rights and Authority of Senate Members." So any right granted through Bylaw 55 is a right of a Senate member, and no right is granted to a non-member of the Senate.

ASB 55(D)(1) refers explicitly to "Emeritae/i Members of the Academic Senate" as retaining membership in the department of which they were members upon retirement. 55(D)(2), which was specifically asked about, states: "Emeritae/i members of the department have the right to receive the same notice of meetings as **other** Academic Senate members" (emphasis added). This implies that the reference is to Emeritae/i Senate members. While 55(D)(4), the other clause in question, does refer to "all Emeritae/i as a class of the whole, or to all Emeritae/i recalled to active service," there can be no doubt that in this context it is a shorthand for all Emeritae/i Senate Members. There would be no reason to extend the privileges described therein to non-members of the Senate when the other clauses extend them only to members of the Senate.