May 5, 2015

Andrè Knoesen, Chair  
Davis Division of the Academic Senate

Re: Voting Rights of Lecturers and Senior Lecturers with Potential for Security of Employment

Dear Chair Knoesen,

Issue

This memorandum addresses whether full-time Senior Lecturers with Potential Security of Employment (SLPSOEs) and Lecturers with Potential Security of Employment (LPSOEs) can be given voting rights equivalent to those of Assistant or Acting Professors.

Brief Conclusion

The memorandum contains two conclusions. First, SLPSOEs and LPSOEs are “voting members” of the Academic Senate and are entitled to vote on “substantial departmental questions” other than personnel matters specified in systemwide Academic Senate Bylaw (ASB) 55(B)(1)-(6) (“Listed Personnel Matters”).

Second, as to Listed Personnel Matters, faculties can grant SLPSOEs and LPSOEs voting rights equivalent to those of Assistant or Acting Professors by a two-thirds vote of the faculty under ASB 55(C).

Background

The Standing Orders of the Regents provide that full-time SLPSOEs and LPSOEs are members of the Academic Senate, but do not directly address the voting rights of Senate members holding these titles.

The Standing Orders specify that employees with certain titles, including “Professors, Associate Professors ... and all Instructors of at least two years’ service” have the right to vote in department meetings. In the same provision, the SOR state that “the several departments of the University, with

1 Those personnel matters include new departmental appointments that confer membership in the Academic Senate (ASB 55(B)(1)); promotion to the ranks of Professor, Professor-in-Residence, Professor of Clinical (e.g., Medicine), and Senior Lecturer with Security of Employment (SLSOE) (ASB 55(B)(2)); promotion to the ranks of Associate Professor, Associate Professor-in-Residence, Associate Professor of Clinical (e.g., Medicine), and Lecturer with Security of Employment (LSOE) (ASB 55(B)(3)); removal of the Acting modifier from one of the ranks previously mentioned (ASB 55(B)(4)); nonreappointment or termination of an Assistant Professor, Assistant Professor-in-Residence, Assistant Professor of Clinical (e.g., Medicine), Lecturer, or Senior Lecturer (ASB 55(B)(5)); and advancement within any rank that confers membership in the Academic Senate (ASB 55(B)(6)).

2 Standing Orders of the Regents (SOR) 105.1(a) (“The Academic Senate shall consist of ... each person giving instruction in any curriculum under the control of the Academic Senate whose academic title is ... full-time Lecturer with Potential for Security of Employment, full-time Senior Lecturer with Security of Employment ...”).

3 SOR 105.2(c) (“[A]ll Professors, Associate Professors, Acting Professors, Acting Associate Professors, and Assistant Professors, and all Instructors of at least two years’ service shall have the right to vote in department meetings.”);
the approval of the President, shall determine their own form of administrative organization." The Standing Orders do not include SLPSOE or LPSOE in the list of titles that confer the right to vote.

Conclusion #1: SLPSOEs and LPSOEs are “voting members” of the Academic Senate and are entitled to vote on “substantial departmental questions” other than personnel matters specified in ASB 55(B)(1)-(6) (“Listed Personnel Matters”)

Our conclusion is supported by Academic Senate Bylaw 55, by the statement of intention of Chair Viswanathan when the Assembly of the Academic Senate voted to extend Academic Senate membership to SLPSOEs/LPSOEs, by existing Davis faculty bylaws, and by administrative documents from other UC campuses.

A. Academic Senate Bylaw 55

Although the Standing Orders do not directly address the voting status of SLPSOEs and LPSOEs, systemwide Academic Senate Bylaw 55 apparently provides that all Senate members are “voting members” and cannot be denied the right to vote on “substantial departmental questions” except for Listed Personnel Matters.

ASB 55(A)(1) provides, “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 105.1(a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw.” The underlined portion seems to indicate that Standing Order 105.1(a) determines who is a “voting member” of the Academic Senate under the Bylaws.

The only restrictions on voting rights to be found in Standing Order 105.1(a) are that “Instructors and Instructors in Residence of less than two years’ service shall not be entitled to vote” and that “[m]embers of the faculties of professional schools offering courses at the graduate level only ... may be excluded from participation in activities of the Senate that relate to curricula of other schools and colleges of the University.”

Thus, it appears that because Standing Order 105.1(a) does not exclude SLPSOEs and LPSOEs from voting, they are “voting members of Academic Senate” and have “the right to vote on substantial departmental questions other than Listed Personnel Matters unless some more specific provision takes away their voting rights. We have located no such provision.

---

see also SOR 105.1(a) (“Instructors and Instructors in Residence of less than two years’ service shall not be entitled to vote.”).
4 SOR 105.2(c).
5 ASB 55(A)(1) (emphasis added).
6 SOR 105.1(a).
7 Id.
B. Statement of Chair Viswanathan

Our conclusion that SLPSOE and LPSOE are voting members of the Academic Senate finds further support in the history of the proposal to amend the Standing Orders to grant SLPSOE and LPSOE membership in the Senate. The Minutes of the October 31, 2001 Regular Meeting of the Assembly of the Academic Senate contain Chair Chand Viswanathan’s justification for the proposal to extend Senate membership to SLPSOE and LPSOE. The justification includes the following:

The Office of the President proposes that Lecturers PSOE be given a status that parallels that of Assistant Professors: Senate membership without tenure (or security of employment). Granting Senate membership to Lecturers PSOE would make the University’s academic personnel policies more internally consistent and would aid departments that seek to recruit these faculty. UCAP and the Academic Council both concur with these UCOP assessments.8

Given that the Standing Orders do not speak directly to SLPSOE and LPSOE’s voting rights, the record indicating the Assembly Chair’s intention to give holders of these titles “a status that parallels that of Assistant Professors” supports our conclusion that SLPSOE and LPSOE are, like Assistant Professors, voting members of the Senate with the right to vote on substantial departmental questions.

C. Existing Davis Faculty Bylaws

Our conclusion finds further support in the fact that the Bylaws of the Faculties of the Davis Division commonly provide for voting rights for Senate members, either without distinction as to Lecturer status or by affirmatively granting voting rights to Lecturers. The Bylaws of the School of Law expressly provide that SLSOE are voting members, with voting privileges coextensive with those of Acting Professors.9 “Acting Professor” is the entry-level ladder rank title in the Law School.10

As explained in more detail in the following paragraphs, the bylaws of the other schools and colleges of the Davis Division do not expressly grant voting rights to lecturers, but they recognize the voting rights of Academic Senate members and do not try to distinguish between Lecturer titles and Professor titles in any way relevant to voting rights on matters other than Listed Personnel Matters.

The Bylaws of the Graduate School of Management provide that the faculty includes “all members of the Academic Senate who are members of the Graduate School of Management”11 and state that

---

9 By-Laws of the Faculty of the School of Law, University of California, Davis, 2.4(C) (“Senior Lectures with Security of Employment, voting privileges to be co-extensive with those of Acting Professors.”).
11 Bylaws of the Graduate School of Management, University of California, Davis, Art. III.1.e.
“[v]oting rights and their extension are governed by Academic Senate Bylaws SBL 55B, 55C, and 55D.” We see no intent to restrict the voting rights of SLPSOE/LPSOE, except as to Listed Personnel Actions.

The Bylaws of the School of Medicine do not mention Lecturers, but refer at a number of points to “Academic Senate Faculty” without distinguishing among titles held by Senate faculty members. The Bylaws indicate that only Senate members holding the rank of Associate Professor or above may hold certain seats on the Executive Committee of the Faculty or the Research Space Allocation Appeals Committee, and that only faculty at the full Professor rank may serve on the Committee on Faculty Affairs, we located no distinctions among ranks or titles relating to voting rights.

The Bylaws of the School of Veterinary Medicine provide that the faculty of the school includes “all members of the Academic Senate who hold appointments in the School of Veterinary Medicine.” The Bylaws instruct the members of the Membership and Elections Committee to “determine and count membership as defined in Part II of these Bylaws.” The Bylaws provide, “When the Faculty vote on any matter for the Academic Senate or advising in the name of the Academic Senate, votes of Academic Senate and non-Academic Senate members ... shall be recorded separately, with the vote of the non-senate members provided as advisory.” The Bylaws do not distinguish among the titles Academic Senate members may hold in connection with voting rights.

The Bylaws of the School of Nursing provide, “Only members of the Academic Senate are voting faculty,” and do not distinguish among Senate faculty with respect to voting rights. The Bylaws

---

12 U.C. Davis School of Medicine, Bylaws and Regulations, Revised Feb. 21, 2014, Bylaw 2.4 (“Academic Senate Faculty of the School of Medicine” are among the groups making up the faculty); 4.2231 (Admissions Committee is to be chaired by an “Academic Senate faculty member”); 4.22314 (Ranking Subcommittee of Admissions Committee to be chaired by an “Academic Senate faculty member”); 4.22316 (Selection Subcommittee shall consist of at least seven Academic Senate members of the Admissions Committee); 4.22324 (only Academic Senate members may vote on changes to admission criteria); 4.22511 (eight voting members of the Committee on Student Promotions must be members of the Academic Senate); 4.22527 (student may be dismissed “only if the majority of Academic Senate members of the Committee on Student Promotions vote to dismiss”); 5.1 (10% of “Academic Senate Faculty” is a quorum for faculty meetings); 4.22611 (2/3 of members of Committee for Research Affairs “shall be members of the Academic Senate”); 4.22711 (three School of Medicine members of Health Sciences Library Committee “shall be members of the Academic Senate”); 4.2281 (Committee on Rules, Jurisdiction, and Organization is composed of “[t]hree or more members of the Academic Senate”); 4.2311 (at least 2/3 of members of the Research Space Advisory Committee “shall be members of the Academic Senate”); 6.1 (bylaws and regulations may be amended by a 2/3 vote of the “Academic Senate Faculty casting ballots”). The School of Medicine also extends voting rights to non-Senate faculty “to the fullest degree permitted by Legislative Ruling 12.75 of the Academic Senate of the University.” Id. 4.214.

13 Id. 4.22111.

14 Id. 4.2321.

15 Id. 4.2301

16 Bylaws of the Faculty of the School of Veterinary Medicine, University of California, Davis, June 8, 2011, Bylaw 6.

17 Id. Bylaw 22.

18 Id.

19 Bylaws of the Betty Irene Moore School of Nursing, University of California, Davis, Bylaw 3. The Bylaws also provide that when the faculty votes on any matter for the Academic Senate or advising in the name of the Academic Senate, “votes of Academic Senate [members] will be counted separately and will be transmitted, together with the overall approval or disapproval of issues by the non-Senate members of the Faculty.” Id. 5.b.
expressly provide, “Policies and procedures related to senate faculty personnel matters governed by the School of Nursing may be added to, amended, or repealed by a two-thirds majority vote of all the voting Academic Senate members of the faculty, as prescribed in ASB 55.” 20 The Bylaws thus seem to contemplate the expansion of voting rights to SLPSOE/LPSOE mentioned in this memorandum.

The Bylaws of the Faculty of the College of Biological Sciences provide that “All members of the Academic Senate who hold appointments in the College of Biological Sciences” are members of the faculty of the College 21 and that “[o]nly a member of the Academic Senate shall be entitled to a vote in the Faculty of the College of Biological Sciences.” 22 The Bylaws do not appear to distinguish among Senate members with respect to voting rights.

The Bylaws of the Faculty of the College of Engineering provide that the Faculty includes “all other 23 members of the Academic Senate who fall within the following classifications: (a) All members of the departments and divisions under the jurisdiction of the College of Engineering; (b) Such other persons as the Faculty may approve on recommendation of the Dean of the College of Engineering by reason of their contribution, in teaching or in research to the field of engineering.” 24

The Bylaws of the Faculty of the College of Letters and Science provide that the faculty includes all “[a]ll members of the Academic Senate who are members of departments in which students in the College of Letters and Science may elect their major work.” 25 The Bylaws state, “Instructors of less than two years’ service shall not be entitled to vote,” 26 but otherwise do not restrict the voting rights of faculty members.

The draft Bylaws of the School of Education provide that the Faculty includes “all members of the Academic Senate who are members of the School of Education” 27 and provides that voting rights are governed by systemwide Bylaw 55, without further restricting voting rights. 28

---

This provision grants non-Senate faculty an advisory role on Senate matters, but does not distinguish among Senate faculty.

20 Id. 6.b.
21 Bylaws, Faculty of the College of Biological Sciences, Bylaw 10.D.
22 Id. 15.
23 The quoted provision is the sixth in a list of the members of the faculty. The preceding five are: (1) the President of the University; (2) the Chancellor of the Davis campus; (3) the Dean of the College of Engineering, the deans, or their designated representatives, of all other colleges and schools at Davis, the Dean of Graduate Studies at Davis, and the Dean of University Extension; (4) the Registrar of the Davis campus; (5) the Librarian of the Davis campus.
24 Faculty of the College of Engineering Bylaws, Bylaw 2(A)(6).
25 Faculty of the College of Letters and Science Bylaws (undated, viewed April 16, 2015 on CERJ website), Bylaw 2(A)(5). The faculty also includes all members of the Academic Senate who are members of the Military Science and University Writing Program. Id. 2(A)(6).
26 Faculty of the College of Letters and Science, Bylaw 2(B). The restriction on Instructors’ voting rights echoes the restriction in SOR 105.1(a), mentioned above.
27 Draft Bylaws of the School of Education, University of California, Davis (undated, viewed April 16, 2015 on CERJ website), Art. III.1.e.
28 Draft Bylaws of the School of Education, University of California, Davis, Art. III.2.
D. Administrative Documents from Other Campuses

Finally, we have reviewed documents from other campuses that address the status of Lecturers with Potential Security of Employment. The UCSD Policy and Procedure Manual provides that “Lecturer PSOE and Senior Lecturer PSOE positions are ‘security of employment – track’ positions in the same way that the Assistant Professor position is a ‘tenure-track’ position. Upon promotion, a Lecturer PSOE normally becomes a Lecturer SOE, and a Senior Lecturer PSOE becomes a Senior Lecturer SOE. A Lecturer SOE may also be promoted to Senior Lecturer SOE.” An unnamed document from UCSB labeled I-56 provides that “[s]alaries for Lecturers with Potential Security of Employment will normally begin at a close equivalent to the salaries for Assistant Professors” but does not address voting rights. Although these are administrative and not Senate documents, they provide some measure of support for the conclusion that SLPSOEs and LPSOEs have in fact been given some measures of status parallel to that of Assistant Professors.

The text and structure of the Standing Orders and systemwide Bylaws, the expressed intent of the Assembly Chair at the relevant systemwide Assembly vote, the existing Bylaws of Davis faculties, and administrative documents from other campuses all support the conclusion that SLPSOEs and LPSOEs are voting members of the Senate and have the right to vote on “substantial departmental questions” other than Listed Personnel Matters.

Conclusion #2: Faculties can grant SLPSOEs and LPSOEs voting rights equivalent to those of Assistant or Acting Professors by a two-thirds vote of the faculty under ASB 55(C).

ASB 55(C) permits faculties to extend voting privileges on Listed Personnel Matters to classes of non-Emeritae/i Academic Senate members of that department, as a class, who are not otherwise entitled to vote on Listed Personnel Matters, upon a two-thirds vote of eligible faculty by secret ballot.

The School of Law faculty apparently has extended voting privileges in this manner. SLSOEs in the School of Law may vote on appointment of Acting Professors and Professors. Appointments to these positions require not less than a two-thirds vote by secret ballot of the faculty members present and voting.

\[\text{---}
\]

29 UCSD PPM 230-20, 7(b).
30 I-56, Part III.
31 ASB 55(C) (“Voting privileges on personnel matters within any department may be extended to one or more of the classes of non-Emeritae/i Academic Senate members of that department, as a class, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw, upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.”).
32 By-Laws of the Faculty of the School of Law, University of California, Davis, Bylaw 2.4 (SLSOE voting privileges are “co-extensive with those of Acting Professors”); id. 3.4 (“Appointment of acting professor or professor ... shall require not less than a two-thirds vote by secret ballot of the faculty members present and voting.”); id. (both tenured and untenured faculty votes on such matters are reported to faculty and reflected in the minutes). Both Acting Professors and SLSOEs vote on appointments of Acting Professors and Professors in the School of Law.
titles are Listed Personnel Matters and ASB 55 does not authorize SLSOEs to vote on them, at least without a special extension of voting rights. Thus, it appears that the School of Law has extended voting privileges on certain Listed Personnel Matters to lecturers not otherwise entitled to vote.

We express no opinion on whether SLPSOEs and LPSOEs could have voting rights on Listed Personnel Matters through some means other than a vote under ASB 55(C). For example, the decision to grant SLPSOEs and LPSOEs membership in the Senate, coupled with the expression of intent to give them “status that parallels that of Assistant Professors,” could be an independent basis for finding that SLPSOEs and LPSOEs have the right to vote on Listed Personnel Matters. We expressly reserve judgment on that question.

Although we do not address whether an ASB 55(C) vote is necessary to extend voting rights on Listed Personnel Matters to SLPSOEs and LPSOEs, finding that such a vote is sufficient seems to be a straightforward application of the language of the Bylaw. We have found no contrary language in the systemwide or Davis Division Bylaws or Regulations.

Sincerely,

John Hunt, Chair
Committee on Elections, Rules and Jurisdiction

Cc: Gina Anderson, Executive Director, Davis Division of the Academic Senate

33 ASB 55(B)(1) (“All tenured faculty in a department have the right to vote on new departmental appointments that confer membership in the Academic Senate.”).
34 ASB 55(B) grants SLSOEs the right to vote on appointments or promotions to SLSOE, ASB 55(B)(2) and LSOE, ASB 55(B)(3), as well as on nonreappointments or terminations of Lecturers or Senior Lecturers. ASB 55(B)(5).