

Committee on Elections, Rules and Jurisdiction Annual Report 2010-2011

Total Meetings: 13	Meeting Frequency: 4-5 per quarter	Average Hours of Committee Work Per Week: 10
Total Bylaw and Regulation proposals, advice , and elections supervised: 72	Total matters deferred from previous year: 13	Total matters deferred to coming academic year: 11

CERJ took the following actions during 2010-2011.

Systemwide UC R&J Legislative Rulings Issued

The UC Committee on Rules and Jurisdiction issued the following Legislative Ruling during the 2010-2011 academic year at the request of the Davis Division Committee on Elections, Rules and Jurisdiction. Legislative Rulings are binding unless modified by subsequent legislative or Regental action.

Legislative Ruling 6.11.E Relationship of the Academic Senate with the Faculties of schools and colleges offering post baccalaureate, first professional degree programs leading to the award of M.D., D.D.S., D.V.M., D.Pharm., and J.D. degrees:

1. *The statement by the Coordinating Committee on Graduate Affairs, approved by the Academic Council on July 23, 2008, that CCGA “is reinstating its plenary role in the approval of new M.D., D.D.S., D.V.M., Pharm.D., and J.D. programs” while “leav[ing] the discretion of oversight of established degree programs to their campus Graduate Councils or their designees” is consistent with SOR 105.2(a) and (b) and defines the exceptional nature of the Academic Senate authority for these degree programs only. Under normal circumstances, the academic oversight of these degree programs is delegated to the Faculty of the Schools wherein the programs are located, consistent again with the cited CCGA statement (“...CCGA concurs that ongoing oversight is best left to professional schools offering these five degree titles pursuant to Standing Order of the Regents 105.2(b)...”).*
2. *Academic oversight of all other graduate and undergraduate degree programs and courses is governed through the Faculties, Divisions (Graduate and Undergraduate Councils) and Senate by means of the regular Bylaws and Regulations of the Academic Senate as per SOR 105.2(a).*
3. *In circumstances where a School or academic unit operates degree programs included in both Legislative Rulings 6.11.E.1 and 2 above, M.D., D.D.S., D.V.M., Pharm.D., and J.D. degree programs will be governed pursuant to Legislative Ruling 6.11.E.1 and all other degree programs and courses of the School or academic unit will be governed pursuant to Legislative Ruling 6.11.E.2.*

The complete request for the ruling from the Davis Division Committee on Elections, Rules, and Jurisdiction, including background and rationale, is appended to this report.

Proposed Amendments to Bylaws and Regulations

The Committee is authorized “To prepare and report for action by the Representative Assembly such changes and additions to the Bylaws and Regulations as it may deem advisable.” (Davis Division Bylaw 71(B)(1)). The following changes were recommended during the academic year 2010-2011:

- (1) Davis Division Bylaw 48: Committee on Planning and Budget. The amendment changes the title of one of the ex officio members of the Instructional Space Advisory Committee. The title of the ex officio member is changed from the Director of the Teaching Resources Center to the Director of the Center for Excellence in Teaching and Learning. This proposal was adopted by the Representative Assembly on February 24, 2011.
- (2) Davis Division Bylaws 80: Graduate Council. The amendment reduces the total number of members on the Graduate Council to 12 and the number of voting members to 11. This proposal is part of an ongoing effort by the Committee on Committees to reduce the size of standing committees where feasible. This proposal was adopted by the Representative Assembly on February 24, 2011.
- (3) Davis Division Bylaw 121: Undergraduate Council. The amendment changes the title of one of the ex officio members of the Committee on Undergraduate Instruction and Program Review. The title of the ex officio member is changed from the Director of the Teaching Resources Center to the Director of the Center for Excellence in Teaching and Learning. This proposal was adopted by the Representative Assembly on February 24, 2011.
- (4) Davis Division Regulation A540: Grades. The amendment clarifies policies governing the grade Incomplete, which were amended at the June 10, 2010 Representative Assembly meeting. The major change at that time was to place a three-year limit for completion on students who are not “in residence.” If the Incomplete is not made up during this period, it remains permanently on the student’s record unless the student re-takes the course. The revisions would make clear how the policy applies to students who have graduated and to students to have not graduated but have returned to residence after a period out of residence. The three-year limit is restricted by the revision to students who have not yet graduated. Students who have graduated are subject to a three-term limit as with the 2010 policy. The new language also restricts the three-year limit to students who have not returned to residency during the three-year period. For students who have returned to residence at any time during that period, the limit of three terms in residence applies, as with the 2010 policy. There is also a new reference to the definition of ‘residence’ that appears in Regulation C610. The proposal was adopted by the Representative Assembly on February 24, 2011.
- (5) Davis Division Bylaw 71: Committee on Elections, Rules and Jurisdiction. The amendment expands the scope of the kind of changes which are considered “editorial,” allowing changes in name (e.g., of a campus program) or title (e.g., of a position in the administration). The proposal was adopted by the Representative Assembly on June 3, 2011.

(6) Davis Division Bylaw 80: Graduate Council. The amendment changes a clause in Davis Division Bylaw 80(C), by specifying that the Graduate Council has the authority to approve or recommend to the Coordinating Committee on Graduate Affairs (CCGA) the following kinds of changes in graduate programs: transfer, consolidation, disestablishment, and discontinuance. The clause is also re-worded to reflect better the current practices of the Graduate Council. The proposal was adopted by the Representative Assembly on June 3, 2011.

(7) Davis Division Bylaw 99: Committee on Research. The amendment changes the structure of the Committee on Research. In the past, the Committee consisted of two subcommittees: Research Policy and Faculty Grants. The primary duty of the Faculty Grants subcommittee has been to review research grant applications. The proposal consolidates the two subcommittees into a single, smaller, committee, a subcommittee of which would review grant applications. The subcommittee will consist of the voting Senate members of the parent committee. The proposal was adopted by the Representative Assembly on June 3, 2011, with the proviso that the number of committee members will not be reduced until September 1, 2012.

(8) Davis Division Regulation 522: Baccalaureate Degree Requirement in General Education. The amendment is the result of plans for the implementation of the General Education requirement in Fall 2011. It corrects an oversight in the formulation of the Regulation. Previously, the Regulation deemed that any student who completed the Intersegmental General Education Transfer Curriculum (IGETC) was exempt from all General Education requirements. The first revision exempts such students from all General Education requirements that can be met at the lower-division level. It also makes an exception to the prohibition of the use of Advanced Placement and International Baccalaureate credit towards satisfying the General Education requirements. Finally, it allows the Committee on Courses of Instruction to delegate to the deans of the colleges the authority to determine suitability for satisfaction of General Education requirements of courses which are not UC Davis courses. The proposal was adopted by the Representative Assembly on June 3, 2011.

(9) Davis Division Regulation A540: Grades. The amendment changes the policy on the repetition of courses by graduate students. Previously, a graduate student could repeat up to nine units of courses in which he or she had received a grade below B. The revision would allow the repetition of up to three courses. The proposal was adopted by the Representative Assembly on June 3, 2011.

Formal Advice Issued

Most of the work of the Committee involves advising Senate officers, Senate committees, and individual members when questions or conflicts arise. Such advice is not formally binding but suggests the likely outcome should a formal Legislative Ruling be requested. Advice of a recurring nature and/or of general importance is listed below and is also published in CERJ's on-line Archive of Advice.

(1) Graduate Program Bylaws Approval. An issue regarding voting margins required for the approval of new bylaws in a graduate program without any existing bylaws was referred by

the Graduate Council to CERJ. The complete Advice, dated October 13, 2010, including background and rationale, is appended to this report.

(2) ARE Graduate Program Bylaws. CERJ was asked by the Graduate Program in Agricultural and Resource Economics (ARE) about whether program Bylaw amendments can be voted upon electronically, given difficulty in producing a quorum at meetings of its faculty. The complete Advice, dated November 8, 2010, including background and rationale, is appended to this report.

(3) American History and Institutions Requirement. CERJ was asked by the Division whether the universitywide American History and Institutions requirement for undergraduates can be waived in specific cases. The complete formal Advice, dated February 1, 2011, including background and rationale, is appended to this report.

(4) Authority of Public Service Committee and University Extension Courses. CERJ was asked about the authority of the Public Service Committee in regard to approval of University Extension Courses. The complete Advice, dated November 22, 2010 is appended to this report.

(5) Membership on the Library Committee. CERJ was asked several questions by the Library Committee concerning its membership. The complete Advice, dated November 22, 2010 is appended to this report.

(6) CERJ Advice on Approval of Minor Programs. CERJ was asked by the Faculty of the College of Letters and Science for advice concerning procedures for the approval of new minor programs offered by undergraduate colleges. The complete Advice, dated November 24, 2010, is appended to this report.

(7) Davis Division Regulation A540 and Repetition of Courses. CERJ received a request for advice from the Council of Associate Deans regarding repetition of courses. The Council of Associate Deans is concerned that "current practice" allows the circumvention of Davis Division Regulation A540, with respect to the repetition of courses. The complete Advice, dated December 2, 2010, is appended to this report.

(8) Proposed Grade Change Committee Guidelines. CERJ was asked to review the proposed Grade Change Committee Guidelines and made some observations about the proposed changes. The complete Advice, dated December 3, 2010, is appended to this report.

(9) Intramural Letters in Personnel Actions. A department inquired about the use of letters for personnel actions from members of research units to which the subject of the actions belongs. The complete Advice, dated January 7, 2011, is appended to this report.

(10) CAPAC Appeal Process. CERJ was asked by the Division for advice concerning the appeal process for faculty to the Committee on Academic Personnel, Appellate Subcommittee (CAPAC). The complete Advice, dated January 12, 2011, is appended to this report.

Subsequent to the issuance of the Advice, the Division, in collaboration with CERJ, formulated a flow-chart indicating the routing of appeals requests.

(11) Voting Rights in Graduate Programs. CERJ was asked by the Graduate Council whether non-members of the Academic Senate may have voting rights in graduate programs of which they are members. The complete Advice, dated January 28, 2011, is appended to this report.

(12) Grade Changes after Graduation. CERJ was asked by the Division for advice regarding whether a student's grade could be changed after the student had graduated. The complete Advice, dated February 2, 2011, is appended to this report.

(13) Voting Rights and Zero-Level Departmental Members. CERJ offered formal advice on September 5, 2002, according to which zero-level appointments in departments have full universitywide Bylaw 55 voting rights. CERJ was asked for further advice by the Committee on Academic Personnel regarding voting rights and zero-level appointments. The complete Advice, dated March 7, 2011, is appended to this report.

(14) UC Davis Extension Credit for Graduate Level Courses. CERJ was asked by the Division for advice concerning how to record and manage UC Davis Extension course offerings for credit at the graduate level. The complete Advice, dated May 19, 2011, including answers to three questions, is appended to this report.

Other Advice/Responses Provided

The following advice relates to matters which are of a one-time nature or of less general applicability than the formal advice listed above. Only selected matters are reported here.

School of Medicine Bylaw Revisions. The Chair of the Faculty of the School of Medicine submitted Bylaw changes for CERJ review.

School of Veterinary Medicine Electronic Voting. The Chair of the Faculty of the School of the School of Veterinary Medicine sent to CERJ for review proposed changes to the Bylaws that would allow electronic voting.

Executive Council Voting Rights. The Division queried CERJ regarding the rights of representatives to vote in the Executive Council.

School of Education Bylaws. The chair of Faculty of the School of Education asked CERJ for advice in revising its Bylaws.

Academic Council and UCLA Resolutions (Downsizing). CERJ was asked by the Division to respond to a request for consultation from the systemwide Academic Senate. The item was two resolutions: (1) A resolution from Academic Council, and (2) A resolution from UCLA addressing downsizing at UC.

Meetings of the Representative Assembly. The Division inquired of CERJ and the Divisional Parliamentarian concerning the possibility of reducing the number of meetings of the Representative Assembly and of converting it to a General Assembly.

Self-Supporting Part-Time Professional Degree Programs. CERJ received from the Division a request for comments on a proposed revision to the policy on self-supporting part-time graduate professional degree programs.

Committee on Planning and Budget Approval of TOE and POP Proposals. The Committee on Planning and Budget consulted CERJ on potential Target of Opportunity for Excellence (TOE) and Partner Opportunity Program (POP) appointments.

Suspension of Admissions to Majors. A major program inquired of the Divisional office concerning the effects of suspending the major for “new admits” of continuing students.

Sustainable Agriculture Major Proposal. CERJ reviewed for conformity with the Code of the Senate a request for a new major in Sustainable Agriculture.

Avian Science Major: Discontinuation Proposal. CERJ reviewed a proposal from the College of Agricultural and Environmental Sciences requesting that the major in Avian Sciences be discontinued.

UC Senate Membership Task Force Report. CERJ was asked by the Division to review a report by a universitywide task force concerning membership in the Academic Senate.

Executive Council Subcommittee on Student Petitions. The Divisional Chair held a meeting with the chairs of the Faculty Executive Committees, the chair of the Grade Change Committee, and the CERJ chair to discuss the operations of the Subcommittee on Student Petitions.

Committees on Academic Freedom and Privilege and Tenure. A case arose in which a Senate member informed the Divisional Office of an academic freedom complaint. The member was referred to the Committee on Academic Freedom (CAF). Subsequently, the member filed a grievance with the Committee on Privilege and Tenure (P&T). CAF wished to continue its investigation. The Divisional Office inquired as to whether the filing with P&T should require suspension of the CAF investigation.

Departmental Organization. A member of a department queried CERJ about procedures for setting up departmental committees.

Student Petition to the Academic Senate. The Division asked CERJ for guidance in the handling of a student petition.

General Education Catalog Galley. CERJ was asked by the Division to review the first incorporation of the description of the new General Education requirement (GE3) into the *General Catalog*.

Graduate Studies Reorganization. CERJ was asked by the Division to review a proposal for splitting Graduate Studies into an academic and an administrative unit.

School of Veterinary Medicine Semester Conversion. The Division requested CERJ advice concerning the conversion to semesters of the Doctor of Veterinary Medicine program in the School of Veterinary Medicine.

Provisions for Undergraduate Majors. An inquiry was received from a faculty member concerning the administration of a major program whose budget allocation was ended.

Polling System. CERJ was asked by the Division to comment on a conceptual proposal to develop in the School of Law an in-house Web-based polling system which could be extended to provide services such as secure voting and RSVP to the general campus.

Divisional Representatives to the Assembly. CERJ was asked by the Division to review the call for nominations for the 2011-2013 Divisional representatives to the universitywide Assembly. The call was made and the election was held under CERJ supervision.

School of Veterinary Medicine Admissions Requirement. The Faculty of the School of Veterinary Medicine requested advice as to whether students may be admitted to the Doctor of Veterinary Medicine (DVM) program without a Bachelor's degree. CERJ advised that the question should be addressed at the universitywide level.

Departmental Representatives to the Representative Assembly. CERJ reviewed and approved the Divisional office's call for the election of departmental and constituent group representatives to the RA. The call was made and the election was held under CERJ supervision

General Education Implementation Guidelines. The Divisional office requested that CERJ review a proposed set of guidelines for implementation of the new General Education (GE3) requirements. CERJ was asked to assure that the guidelines comply with the GE3 Regulations.

Information Technology Consolidation. CERJ was asked by the Division to review a response to a "white paper" proposing consolidation of a number of information technology systems on the campus.

UC Draft Privacy Policy. CERJ was asked by the Division to comment on a universitywide draft policy requiring knowledge and consent of individuals in certain situations or activities in which their privacy might be compromised.

Nominations for Committee on Committees. CERJ reviewed and approved a draft of the annual call for nominations to the Committee on Committees. The call was made and the election was held under CERJ supervision.

Consultation with Department in Chair Appointment. A department asked CERJ to examine the Academic Personnel Manual (APM), Section 245, to determine whether the requirement

for department consultation by the dean in the appointment of department chair should be revised.

Delegation of Committee Responsibilities. The Division requested that CERJ consider some mechanism for oversight of committees' delegations of their authority to administrative units.

"Catalog Rights." CERJ investigated the practice of allowing students to choose which year's General Catalog governs their General Education requirements.

Pending Matters for 2011-2012

(1) School of Education Bylaw Amendments. The Faculty of the School of Education asked CERJ for advice in revising its Bylaws. The revised Bylaws have been sent to CERJ for review. The revised Bylaws will be reviewed by CERJ in Fall 2011 to ensure conformity with the Code of the Senate. The revised School of Education Bylaws will be included as an informational item on the Fall 2011 Representative Assembly agenda.

(2) School of Veterinary Medicine Bylaw Amendments. The School of Veterinary Medicine Faculty asked CERJ for advice in revising its Bylaws. The revised Bylaws have been sent to CERJ for review. The revised Bylaws will be reviewed by CERJ in Fall 2011 to ensure conformity with the Code of the Senate. The revised School of Veterinary Medicine Bylaws will be included as an informational item on the Fall 2011 Representative Assembly agenda.

(3) Graduate School of Management Bylaw Amendments. The Graduate School of Management Faculty asked CERJ for advice in revising its Bylaws. The revised Bylaws have been sent to CERJ for review. The revised Bylaws will be reviewed by CERJ in Fall 2011 to ensure conformity with the Code of the Senate. The revised Graduate School of Management Bylaws will be included as an informational item on the Fall 2011 Representative Assembly agenda.

(4) Review of College and School Bylaws. The Division has requested that CERJ provide advice on how to handle in a systematic way conformity of Bylaws and Regulations of Schools and Colleges to the Code of the Senate.

(5) Delegation of Committee Responsibilities. The Division requested that CERJ consider the establishment of some form of oversight of committees' delegations of their authority to administrative units. The issue that gave rise to the request was the authority of college deans to waive the universitywide Senior Residence Requirement (ASR 630). Some preliminary work on this issue has been done by CERJ and the Divisional Chair.

(6) Academic Senate Regulation 538(H). The Division has requested that CERJ provide advice on revising Senate Regulation 538(H), which relates to faculty responsibilities for providing accommodations to students with disabilities.

(7) Student Evaluation of Teaching. In response to the report of the Special Committee on Student Evaluation of Teaching, the Division has requested that CERJ consider development of a Regulation governing student evaluation of teaching.

(8) Faculty Voting Rights. CERJ will propose an amendment to Davis Division Bylaw 135 in 2011-2012 concerning voting rights by non-members of the Senate in the Faculties of the colleges and schools. The amendment has already been endorsed by the Executive Council.

(9) Certificates and Credential Programs. A question was raised in connection with the work of the Task Force on Self-Supporting Degree Programs about whether Graduate Council has authority over programs of study leading to a credential. CERJ will investigate and may propose an appropriate Bylaw amendment in 2011-2012.

(10) P&T Hearings Chair Recusal. The Division has requested advice from CERJ regarding recusal of the P&T Hearings Chair. A case has been referred to the P&T Hearings Subcommittee and the Chair has informed the Executive Director that he was involved in the case as a Faculty Privilege and Academic Personnel Adviser and will recuse himself from the case. The question is whether COC has the authority to appoint an interim Chair for the P&T Hearings Subcommittee.

(11) Davis Division Regulation 523: General Education. The Division has requested advice from CERJ regarding interpretation of Davis Division Regulation 523, concerning assignment of undergraduate courses to a Topical Breadth area. CERJ will review the issue and propose an appropriate Regulation amendment in 2011-2012 if necessary.

Respectfully Submitted,

G.J. Matthey, Chair
James Fadel
Mark Grismer
Kimberly Pulliam, Analyst

CERJ Advice on Graduate Program Bylaws Approval
October 13, 2010

"In the event that an existing graduate program does not have approved bylaws, should the approval of the new bylaws be via a simple [majority] or 2/3 vote?"

CERJ advises that the program may report to the Graduate Council that the proposed Bylaws are approved if a simple majority votes in favor of the new Bylaws. Specific information about the number of votes for and against should be reported both on the overall Bylaws package and on any components of the Bylaws on which a vote is taken. After the votes are reported, it would be up to the Graduate Council to determine whether the level of support is sufficient for Council approval of the Bylaws.

CERJ also advises that the Graduate Council amend its Bylaws guidelines to specify the voting margin needed for approval of new Bylaws and possibly for approval for Bylaws changes. It might well wish to do so before receiving proposed Bylaws from the program in question.

Rationale:

Academic Senate Bylaw 310(A)(1) states: "Subject to such provisions as appear elsewhere in these Bylaws, each Division shall have authority to organize, to select its own officers and committees, and to adopt for the conduct of its business rules and regulations not inconsistent with the Bylaws and Regulations of the Academic Senate." CERJ finds nothing in the Bylaws of the Academic Senate that requires a 2/3 majority for the initial approval of Bylaws. It is in fact standard practice for Bylaws changes to require a 2/3 vote, and there is an expectation on the part of the Graduate Council that changes to program Bylaws will require a 2/3 vote (as is seen from suggested language in its Bylaws template documents, described below). But expectations do not have the force of requirements.

Since the proposed Bylaws are new, there are no program Bylaw provisions regarding voting on their establishment. The only restrictions on voting on Bylaws, besides consistency with the Code of the Senate, would have to be established by the Graduate Council, which, in its capacity as an agency of the Davis Division, has mandated that graduate programs institute Bylaws, subject to Graduate Council approval.

It appears that there is there is only one voting rule that would apply to the initial submission of Bylaws to the Graduate Council. CERJ has reviewed the documents "Bylaws Guidelines for Graduate Groups and Departmentally-based Graduate Programs," "Bylaws Template for Graduate Groups," "Bylaws Template for Departmentally Based Graduate Programs," and "UC Davis Graduate Council Procedures for Establishing a New Graduate Degree Program" and knows of no further relevant documents.

In "Bylaws Guidelines," there is a description of a "cover memo" which should include "The date and manner in which the program approved the proposed bylaws changes, (e.g., in a program meeting or by an e-mail ballot), including the vote." Nothing is stated about the nature of the vote. Later on in that document, a minimum voting requirement is stated.

"The Graduate Council has defined a minimum quorum (see page 9). It specifies that all issues that require a vote must be:

-- voted on by 50+% of the eligible members--

-- passage requires a 50+% supporting vote of the members voting.

The program may set more stringent quorum requirements, if it wishes."

This language suggests that there is no 2/3 vote restriction placed by the Graduate Council with respect to voting on Bylaws. The apparent lack of a 2/3 vote restriction is reinforced by the fact that the only restriction placed on Bylaws amendments on the template for departmentally based programs is:

Amendments to these Bylaws may be made in accordance with program's quorum policy.

(Although the template just cited concerns departmentally based programs and not graduate groups, it is cited only as a general indicator of Graduate Council policy.)

The Graduate Council would have to approve the voting policies of a graduate program and could require a 2/3 vote for changes to them, but this does not cover the case of the initiation of the Bylaws.

As far as expectations are concerned, the template for Bylaws for graduate groups gives the following "example" in the case of amendments to the Bylaws.

Amendments to the By-Laws shall be circulated to the membership by mail or e-mail and at least two-thirds of those votes, assuming a quorum as defined above, received within 10 working days of distribution shall be required for an amendment to pass.

A similar example is given for the template for departmentally based graduate programs.

However, an example does not constitute a requirement. Further, the

"Bylaws Guidelines" state that: "If specific wording is required, it is noted under the appropriate article." There is no notation that specific wording requiring a 2/3 majority is required for Bylaws changes.

In summary, absent a specific Graduate Council requirement that a 2/3 majority is needed to approve (or amend) program Bylaws, the only condition for approval of new Bylaws is that 50% of the members of the program vote and 50+% of the members voting approve.

CERJ Advice on ARE Graduate Program Bylaws
November 8, 2010

CERJ has been asked by the Chair of the Graduate Program in Agricultural and Resource Economics (ARE) about voting procedures within the program. Specifically, the question was whether program Bylaw amendments can be voted upon electronically, given difficulty in producing a quorum at meetings of its faculty. A related issue that was referred to CERJ was whether a 2/3 vote is needed to amend the program Bylaws.

The Graduate Council has adopted a policy whereby every graduate program in the Division must adopt a set of Bylaws, and those Bylaws must be approved by the Council. According to the document "Bylaws Guidelines for Graduate Groups and Departmentally-Based Graduate Programs," October 8, 2005, "All graduate programs must have approved bylaws. Graduate programs may not operate under bylaws that have not been reviewed and approved by the Graduate Council."

Authority for this requirement derives from two sections of Davis Division Bylaw 80. DDB 80(B) lists among the duties of the Graduate Council with respect to the Davis campus: "4. To regulate the conduct of graduate work of the Division with a view to the promotion of research and learning," and 8. "To coordinate the procedures of the various departments and schools on the campus insofar as they relate to the conferring of degrees higher than the Bachelor's degree."

The Bylaws of the ARE graduate program have never been approved by the Graduate Council. Thus, according to Graduate Council policy, they may not operate under the existing Bylaws.

CERJ advises that the faculty making up the ARE graduate program submit Bylaws for approval by the Graduate Council as soon as possible. Included in the Bylaws should be provisions for electronic ballot (if desired) as well as procedures for amending the Bylaws. (Provisions for voting procedures are in fact required in all program Bylaws by the Graduate Council.)

Since it is not operating under approved Bylaws, and the unapproved Bylaws do not contain provisions regarding voting procedures, some other procedure will have to be employed in order to obtain approval for the Bylaws to be sent to the Graduate Council for approval. CERJ advises that the Graduate Council be consulted for guidance on this matter. As other graduate programs were required to develop Bylaws a few years ago, presumably the ARE program should follow the same procedures as they have followed in submitting Bylaws for approval.

CERJ Advice on the American History and Institutions Requirement
Informal Advice Issued: November 18, 2010 and January 12, 2011
Formal Advice Issued: February 1, 2011

The Davis Division Committee on Elections, Rules and Jurisdiction has been asked by the Division whether the universitywide American History and Institutions requirement for undergraduates can be waived in specific cases.

Advice

CERJ advises that the Executive Council may recommend to the President for graduation a student who has not completed the American History and Institutions requirement. Such a recommendation requires approval from the Faculty of the school or college of the student's major. Procedures for approval by a Faculty should be based on the Bylaws of that Faculty.

Rationale

The American History and Institutions requirement is stated in universitywide Regulation 638:

A knowledge of American history and of the principles of American institutions under the federal and state constitutions is required of all candidates for the degree of A.B., B.Arch., and B.S. This requirement may be met by passing an examination or examinations under the direction of the appropriate committee, or by passing any course or courses of instruction that may be accepted as satisfactory by that committee. The papers submitted in the examination shall be rated "passed" or "not passed."

The policy of the Davis Division has been that students may satisfy this requirement in a number of ways, a list of which is published in the *General Catalog*. There is at present no designated "appropriate committee" to administer an examination which would allow the requirement to be met.

The recommendation for graduation of a student who has not satisfied the American History and Institutions requirement would be under suspension of Senate Regulations. Since the Regulation applies only to undergraduate students, DDB 73(C)(6) requires that a recommendation by the Executive Council requires the approval by the "appropriate faculty." It seems clear that the appropriate faculty would be a faculty in a college or school in which the student is majoring.

Davis Division Bylaw 73(C)(6) states one of the charges of the Executive Council of the Division as follows:

To act on behalf of the Davis Division in recommending to the President of the University candidates for degrees and honors in a school, college or graduate division subject to the jurisdiction of the Davis Division. At its discretion, the Executive Council may recommend candidates under suspension of Divisional and Senate Regulations, provided that each such petition submitted by a candidate has been approved by the appropriate faculty or the Graduate Council. Such petitions may include those for the awarding of posthumous degrees. The committee, after forwarding its recommendations to the President, shall maintain in the Academic Senate Office a record of its actions, including separate lists of the names of candidates recommended under suspension of the Regulations.

**CERJ Advice on Authority of Public Service Committee and
University Extension Courses
November 22, 2010**

CERJ advises that the Public Service Committee is not charged by the Code of the Senate with approving University Extension courses for credit. If the members of the Committee believe that they are so charged, as indicated in Chair Samaniego's letter, they are mistaken.

For the record, systemwide Regulation 792(A) states: "All lower division, "100" series upper division, and "200" series graduate courses bearing the prefixes "X," "XB," "XD," "XL," "XR," "XSB," "XSF," etc. [see SR 790] shall be approved by the Dean of University Extension (or the Dean's authorized representative) and the department concerned, and then **submitted for approval to the Committee on Courses of Instruction (or other committee having jurisdiction over the corresponding regular courses) in the Division of the Academic Senate on the campus where the courses received departmental approval.** Complete approval must be received before any public announcement of such courses is made."

Thus, COCI is charged with approving Extension courses. It is implied in Chair Samaniego's letter to CERJ that this authority has been delegated to the Public Service Committee. If this is the case, such delegation is not proper. COCI is the committee having jurisdiction over corresponding regular courses in the Davis Division, so that DDR 792(A) applies to it, and there is no provision in the Davis Division Bylaws for delegation of COCI's authority.

The role the Public Service Committee has in the approval process UNEX courses is to advise the Dean of UNEX regarding criteria for approval of UNEX courses (DDB 88(B)(5)(a)) and "To review new offerings and the approval process for courses carrying University Extension credit" (DDB 88(B)(3)).

Chair Samaniego's letter states that "members understand review of Extension course proposals does not include suggested revisions to improve quality." CERJ advises that the review process must allow for the suggestion of revisions to improve quality; otherwise the review process is pointless or "merely cosmetic," as described in Chair Samaniego's letter. It is implicit in the notion of a review process that comments on the outcome of the review are to be received by the agency for whom the review is done (in this case, that agency should be COCI). If the review process does not allow for suggestions for revisions, the process must be changed.

Finally, if the Public Service Committee wishes to be excluded from the review process altogether, or if COCI wishes to exclude it, the relevant committee should propose a Bylaws amendment. CERJ would be happy to assist with the execution of such a proposal.

CERJ Advice on Membership on the Library Committee
November 22, 2010

This is in response to several questions concerning membership on the Library Committee.

First, a point of clarification. In DDB 83, the chairs of college library committees are not listed as ex-officio (only the University Librarian is). All regular members of a committee are entitled to vote. So, the chair of a college library committee is eligible to vote. In fact, even ex-officio Senate members of committees have voting privileges except where noted in the Bylaws (i.e., administrators). Formal advice provided by CERJ on this matter can be found here:

<http://academicsenate.ucdavis.edu/cerj/advice/Ex-Officio-Voting-Redacted.pdf>

Responsibility for determining whether an individual is a non-appointed committee member, as would be the chair of a college library committee, falls to the Committee on Committees, under DDB 40(B):

"The Committee on Committees shall ascertain who are the members ex officio of standing committees and **who are the members and chairpersons of standing committees not subject to appointment by the Committee on Committees** and shall report these names to the Representative Assembly" (emphasis added).

Therefore, if there is some question about the status of a college library committee chair, the question should be referred to the Committee on Committees.

CERJ Advice on Approval of Minor Programs
November 24, 2010

CERJ has been asked by the Chair of the Faculty of the College of Letters and Science for advice concerning procedures for the approval of new minor programs offered by undergraduate colleges. The following advice should be taken to apply not only to the colleges, but also to any professional school which offers a minor. Any mention of colleges should be taken to apply to professional schools.

CERJ advises that any new minor program on the Davis campus must be approved by the Undergraduate Council of the Davis Division. Therefore, final approval may not be given by the Faculty of the college proposing to offer the minor.

This advice is based on Davis Division Bylaw 121(B)(2), which states as one of the duties of the Undergraduate Council: "Consistent with the rights of the Faculties under the Standing Orders of the Regents (105.2.b), to approve or decline to approve the establishment and discontinuation of undergraduate programs." Standing Order of the Regents 105.2(b) confers the following right on the Faculties: "No change in the curriculum of a college or professional school shall be made by the Academic Senate until such change shall have been submitted to the formal consideration of the faculty concerned." So, the Undergraduate Council is to approve or disapprove the establishment of undergraduate programs only after formal consideration by the Faculty of the college proposing it.

It is the view of CERJ that the phrase "undergraduate program" includes minor programs as well as major programs. There is no qualification in DDB 121(B)(2) which restricts approval authority to major programs.

It is true that it has been standard practice for colleges to approve new minors without Divisional approval. On the other hand, at least one college, the College of Engineering, has been submitting its proposals for new minors to the Undergraduate Council.

The primary argument against Divisional approval authority is based on a reading of Policy and Procedures Manual 200-25. This document describes the steps needed to establish "academic degree programs," which are defined as sequences of courses leading to a degree. But minors do not in fact lead to degrees, and so PPM 200-25 apparently does not apply to the approval of new minors.

CERJ agrees that PPM 200-25 does not contain a basis for any claim of authority by the Division. However, it finds that there is a basis for a claim of Divisional authority in DDB 121(B)(2).

A further argument is that a college-based approval process seems consistent with the principles of faculty governance and responsibility for the curriculum, since it the approving body is the college Executive Committee. CERJ grants that approval by the college Faculty is consistent with the principles of faculty governance and responsibility for the curriculum. Indeed, as noted above, SOR 105.2(b) requires that the faculty of the college be formally consulted. However, this right does not vest the sole power of approval at the college level. Moreover, the Davis Division, as well as a college Faculty, is a governing body of the faculty and is also responsible for the curriculum.

If the Faculty of the College of Letters and Science wishes to retain its traditional autonomy in the approval of new minor programs, CERJ suggests the the Faculty bring to the Representative Assembly a Bylaws amendment adding the word 'major' before 'programs' in DDB 121(B)(2).

If the Davis Division ultimately retains the authority CERJ opines that it has, it should seek to amend PPM 200-25 appropriately, so that it explicitly states that its procedures apply to minor programs.

CERJ Advice on Davis Division Regulation A540 and Repetition of Courses
December 2, 2010

The Council of Associated Deans is concerned that "current practice" allows the circumvention of Davis Division Regulation 540, with respect to the repetition of courses. They are quite right that the three current practices they mention, repetition of a course with a grade of C- or better, lack of permission from the Dean to repeat a course a second time, and enrollment even when permission has been denied by the Dean, do not conform to DDR 540. The Council suggests re-wording of the relevant section of DDR 540 to exclude these cases explicitly.

CERJ believes that no amendment to DDR 540 is necessary, as the language is clear and unambiguous. What needs to change is "current practice." It seems that this practice is based on programming considerations in the SISWeb system used for registration. The Council suggests, along with its proposed amendments, a series of changes to the system which would prevent the circumvention of DDR 540.

CERJ endorses the proposal to re-program SISWeb and urges that the Division press the Office of the Registrar to make these changes as soon as is practicable. It is unacceptable for the Division's Regulations to be flouted for any reason.

**CERJ Advice on the Proposed Grade Change Committee Guidelines
December 3, 2010**

CERJ has some observations about the proposed changes to the Grade Change Committee Guidelines.

1. p. 3. A new category "Financial Need" has been added to the list of justifications for retroactive drops and withdrawals that might be given by petitioners. "Financial Need" is not defined, and it seems indistinguishable from the category "Financial Hardship" listed as item 1. The problem is that in some cases petitions based on "Financial Hardship" will be approved, but in no case is a petition based on "Financial Need" to be approved. (Reference to financial need is also made in item 11.)

2. p. 3. "NS" is a notation, rather than a grade. The list of grades is given in DDR A540(A).

3. p. 1. This refers to existing language, 4) **Clerical or Procedural Errors**. "The Grade Change Deputy may approve all petitions that involve clerical and procedural errors. The word 'all' might best be replaced by 'any.'

4. pp. 1, 4. Again referring to existing language. "'Clerical or Procedural Error' is generally interpreted by the Committee to mean an error made by someone other than the student (e.g. instructor or staff adviser)" (p. 1). "The Committee, like the instructor, has no authority to reassess or re-evaluate student work; only if it can be documented that a clerical or procedural error was made will the Committee have authority to alter the grade" (p. 4). The use of the word 'mean' on p. 1 seems to imply that *any* error made by someone other than the student is a clerical or procedural error, but the statement on p. 4 states that some such errors are not grounds for grade change. CERJ suggests that the language of p. 1 be amended, perhaps as follows: "'Clerical or Procedural Error' is generally interpreted by the Committee to **imply that an error has been made** by someone other than the student."

5. CERJ believes that the charge of the Grade Change Committee is broad enough that it has the power to add the requirements in proposed clause 15) #2. for petitions based on discrimination or arbitrary treatment.

Grade Change Committee Guidelines

<http://academicsenate.ucdavis.edu/GCC/>

PREAMBLE: The Grade Change Committee (hereafter, “the Committee”), reviews all retroactive and grade change requests not unambiguously justified by the Regulations of the Academic Senate and of the Davis Division; the Committee is governed by Davis Division Bylaw 79. The Committee is dedicated to the academic standards, educational mission, and Principles of Community of UC Davis (<http://principles.ucdavis.edu>), and will review all petitions on a case-by-case basis to determine appropriate action. Petitioners to the Committee should understand that even in cases when the Committee may be sympathetic, the Committee is still required to abide by their own published Guidelines (below) and the Regulations of the Academic Senate. Approval authority to make certain determinations on the behalf of the Committee is delegated to the Deputy to the Committee in the Office of the University Registrar (hereafter, “Grade Change Deputy”), as noted below. The Committee reserves the right to determine when a petition warrants an exception to the below Guidelines.

Questions regarding the Committee or the Retroactive/Grade Change process should be directed to the Grade Change Deputy in the Office of the University Registrar, who may be contacted at GradeChanges@ucdavis.edu.

- 1) Any retroactive petition must be submitted within 3 academic quarters in residence. Petitions submitted after this time period must explain and document why the retroactive action being sought was delayed.
- 2) If a petition is denied by the Committee, a student may appeal one time, **within one academic quarter of residence**, with **substantial** and **new** information. A second appeal will ordinarily not be considered by the Committee.
 1. Bona fide appeals of final decisions made by the Committee may be referred to the Student Petitions Subcommittee of the Executive Council of the Academic Senate. However, appeals are limited to confirming that the Committee did not act in an arbitrary or capricious manner in making its determination and that the final decision was based on substantial evidence. The Student Petitions Subcommittee will not substitute its judgment on the substantive merits of the case for the judgment of the Committee.
- 3) After a **degree has been awarded to a student**, his or her record is closed. The Committee will consider requests only when they concern clerical or procedural error. The Committee will not consider retroactive drops or withdrawals after a degree has been awarded. Petitions made outside of the timeline specified in paragraph 1 will not be considered.
- 4) **Clerical or Procedural Errors.** The Grade Change Deputy may approve all petitions that involve clerical or procedural errors. Such petitions must meet all other standards set forth by the Committee and the Academic Senate.
 1. “Clerical or Procedural Error” is generally interpreted by the Committee to mean an error made by someone other than the student (e.g. instructor or staff adviser).

- 5) Petitions to change grade modes retroactively (i.e., to or from P/NP or S/U grading) will not be approved by the Committee except in cases of clerical or procedural error, even if based on academic need.
- 6) All grades except Incomplete or In Progress are final when filed by the instructor in the end-of-term course report (see DD Regulation A540E, http://academicsenate.ucdavis.edu/cej/manual/dd_regs.htm#A540). The Committee, like the instructor, has no authority to reassess or re-evaluate student work; only if it can be documented that a clerical or procedural error was made will the Committee have authority to alter the grade.
1. All requests for a change of grade involving Incomplete must be accompanied by a copy of the Incomplete form filed with the original grade report, or documentation that the Incomplete grade agreement was made during the term. An instructor may not assign an Incomplete grade after a grade has been submitted, except in cases in which the Incomplete grade was not assigned due to clerical or procedural error.
- 7) If a student petitions to drop or withdraw retroactively because of a **disability**, the Committee will consider the disability aspect of the petition only if the student has first contacted the Student Disability Center (“SDC,” <http://sdc.ucdavis.edu>) and the SDC has determined that the student has a qualifying disability and is eligible to receive reasonable accommodations. The Committee will consider only the time period (generally, no more than one quarter) before the SDC disability determination. Once SDC has determined that a student is eligible to receive reasonable accommodation, the Committee assumes that such accommodations have been sought by the student and provided through SDC. **Retroactive action requested by the student of the Committee is not considered reasonable accommodation.** However, the Committee will work with SDC and a student to implement any reasonable accommodations that are necessary to allow the student equitable opportunity to participate in the petition process.
- 8) The Grade Change Deputy may approve the following petitions to add courses retroactively, without referring the petition to the Committee:
1. If the student was on the waitlist for the course and this can be documented; if the student was issued a Permission-to-Add (“PTA”) number for the course; if it can be reasonably verified that the student intended to add the course to his or her schedule during the quarter. Such petitions must meet all other standards set forth by the Committee and the Academic Senate.
 2. For the following courses, even if the conditions above are not met: PE Activity courses (PHE 1 and 6); music rehearsal courses; internship units; and research units. Such petitions must meet all other standards set forth by the Committee and the Academic Senate.
- 9) Petitions to drop or withdraw retroactively are the most difficult cases for the Committee to evaluate. In general, the Committee will be very reluctant to grant any retroactive action for more than one quarter. All petitions to drop or withdraw retroactively must show evidence that a hardship occurred at a crucial time in the academic calendar (e.g., the week of final examinations), extended over a significant period, or offer sufficient justification as to why action was not taken to drop petitioned course during the quarter.

The majority of requests for retroactive drops and withdrawals will offer as justification one of the following reasons:

1. **Financial Hardship.** Ordinarily the Committee will grant such a petition only if there has been a sudden change in the student's financial situation during the quarter. The student must provide documentation of the financial hardship, and/or documentation that his or her employer **required** an increase in work hours.
2. **Health problems**, including mental illness. These must be well documented. If a student believes that he or she may have a disability and is need of auxiliary aids or services in order to have an equal opportunity to participate in the Committee's petition process, the student must contact the Student Disability Center in order to determine eligibility for reasonable accommodation. See paragraph 7, above.
3. **Family Hardship.** The death or severe illness of an immediate family member may be considered grounds for retroactive drop or withdrawal.
4. **Problems with drugs, alcohol, or violent behavior.** Generally, these are not considered sufficient justification for a retroactive drop or withdrawal.
5. **Sexual Trauma.** Events such as rape or abortion may justify a retroactive drop or withdrawal.
6. **Personal Problems.** Breaking up with a romantic partner will not generally be considered sufficient justification for a retroactive drop or withdrawal. Difficulties with landlords or roommates will not generally be considered sufficient justification for a retroactive drop or withdrawal. The Committee will consider legal entanglements or other time consuming procedures that may arise from such problems, but these must be well documented.
7. **Academic Need.** Retroactive drops or withdrawals for reasons of academic need will not be approved.
8. **Financial Need.** Retroactive drops or withdrawals for reasons of financial need will not be approved.

10) Requests to retroactively drop one or two courses, but not the entire quarter, will ordinarily be regarded as "selective" and will not be granted. The Committee will consider the possibility that one particular course was adversely affected more than other courses by situations as described in paragraph 9, but the Committee will require strong evidence.

1. **Incomplete Grades.** A course in which a student has received an Incomplete grade notation will not normally be dropped, except in situations outlined in paragraph 9. In accepting the Incomplete grade, the student obligates herself or himself to complete the work.
2. **NS grades.** The Enrolled – No Work Submitted ("NS") grade cannot be dropped unless a documented clerical or procedural error has occurred. The NS grade will not be dropped for the reason of refunding a student's fees for a past term.

11) Retroactive action will not be taken by the Committee for reasons of academic or financial need. The Committee will not make decisions relating to fee refunds, admission, readmission, or dismissal/reinstatement; statements regarding these matters should not be made in petitions to the Committee.

- 12) If a petition to add a course retroactively is approved by the Committee for a course in the regular quarter or during summer session, the student will be required to pay all necessary fees.
- 13) For retroactive petitions that concern the Education Abroad Program (EAP), a recommendation from the Committee on International Studies and Exchanges may be sought. In most situations the Grade Change Committee will support those recommendations. Because of the time involved for routing EAP petitions, said petitions are first on the agenda.
- 14) The Committee will review all retroactive petitions, also including grade changes for UC Davis Extension students enrolled in UC Davis classes. The UC Davis Extension student should provide a copy of her or his Extension transcript along with the petition.
- 15) **Grade Disputes, Discrimination, and Arbitrary Treatment:**
1. **Challenging an instructor's grade.** If the **Committee** finds that a clerical or procedural error has resulted in a student receiving an incorrect grade, it may authorize a change even if the faculty member who awarded the grade is opposed, if an appropriate grade can be determined. Generally, the **Committee** will require the student to have discussed the matter with the faculty member and the department chairperson. The Committee, like the instructor, has no authority to reassess or re-evaluate student work; only if it can be documented that a clerical or procedural error was made will the Committee have authority to alter the grade. The student will be expected to bear the burden of proving that a clerical or procedural error occurred and caused the incorrect grade to be assigned.
 2. **Discrimination or Arbitrary Treatment.** If a student petitions for a retroactive change due to alleged **discrimination** or **arbitrary treatment** (as defined by Policy and Procedural Manual chapter 280, section 5 <http://manuals.ucdavis.edu/ppm/280/280-05.htm>), the Committee will consider this aspect of the petition only after the student has first contacted the Office of Student Judicial Affairs ("SJA," <http://sja.ucdavis.edu>) and a finding has been made by SJA. If the Committee determines that discrimination or arbitrary treatment was the cause of or motivation behind the assignment of an incorrect grade, it may authorize a change if an appropriate grade can be determined. The Committee may also determine if discrimination or arbitrary treatment rises to the level of a retroactive drop of the affected course. If in reviewing a petition the Committee determines that discrimination or arbitrary treatment may have occurred, the Committee will refer said petition to SJA for review.
- 16) If a student cites an advising error by a university staff or faculty adviser in his or her petition to the Committee, the student should provide documentation of the advising error with the petition. The Committee cannot make a determination regarding advising errors without appropriate documentation. Even in cases of documented advising errors, the Committee may deem it more appropriate that an exception be made by the adviser than for retroactive action to be taken by the Committee.
- 17) The Committee reserves the right to deny a petition, even if good cause for granting such a petition exists, if it determines that the petition represents a likely abuse of the

retroactive petition process or attempt to circumvent other university rules and procedures.

Revised GCC 4-14-2010; dg

CERJ Advice on Intramural Letters in Personnel Actions
January 7, 2011

A department inquired about the use of letters for personnel actions from members of research units to which the subject of the actions belongs. Three questions were asked, and they will be addressed separately.

Question 1. Are such supplementary letters appropriate for inclusion in the merit or promotion files?

The letters in question are classified as intramural letters, whose role is described in APM UCD-220(IV)(F)(3)(f):

f. Intramural letters

The only intramural letters accepted are those solicited by the department chair for providing:

- 1) Peer evaluation of teaching performance.
- 2) Evaluation of clinical activities, if applicable.
- 3) Input on the specific role of the candidate in collaborative research.
- 4) Evaluation of graduate group chair service.
- 5) Evaluation of Academic Senate committee service, if requested by candidate.

Letters from departmental colleagues or from colleagues in other departments on campus (others than those above) should not be included in the candidate's file.

Clause 3) is the key clause. It allows the letters to be included *if solicited by the department chair*.

Question 2. Does the department Chair have the right to decide whether or not to include such letters in the file if they are received?

APM UCD-220(IV)(F)(3)(c) applies to *extramural* letters:

- 1) All solicited letters must be included in the file.

Since there is no corresponding clause in (3)(f) regarding *intramural* letters, there is no requirement that all solicited letters must be included.

Question 3. Sometimes, the director's letter will include a vote of the faculty within the faculty member's residence unit. Is it appropriate for such non-departmental votes on the merit or promotion action to be included in the merit file?

Because there is no reference in UCD-220 to votes other than departmental votes, and only mention of the solicitation of letters, reporting such votes might be inappropriate. On the other hand, if such a vote is part of the content of a solicited letter, then removing reference to it would amount to censorship. Of course, the department chair's solicitation of the letter might state that a vote should not be reported or that it should be reported.

CERJ Advice on the CAPAC Appeal Process
January 12, 2011

CERJ has been asked by the Chair of the Davis Division for advice concerning the appeal process for faculty to the Committee on Academic Personnel, Appellate Subcommittee (CAPAC).

The appeals function of CAPAC is specified in Davis Division Bylaw 42(C)(1): “To provide advice independent of the Oversight Subcommittee to the Chief Campus Officer on any review of a personnel action beyond the original review conducted by the Oversight Subcommittee or the Faculty Personnel Committee [CAPOC] subject to the requirements of Davis Division Bylaw 45.” This advice offers an interpretation of Bylaw 45.

A fundamental distinction is made in Bylaw 45 between two kinds of review by Senate personnel committees: reconsideration and appeal.

The necessary condition for reconsideration is that “a Senate member wishes to supply additional substantial or contextual information relevant to a personnel action.” That is, the only way that reconsideration may take place appropriately is when new information would be supplied. Reconsideration is done by the committee that made the original evaluation. While DDB 45(A) only makes the submission of additional information a necessary condition for reconsideration, it was clearly the intent of the authors of the legislation that it be a sufficient condition as well. The following quotation is from the Final Report of the Academic Senate Committee on Procedures for Appealing Recommendation of CAP (PARC), which accompanied the legislation establishing CAPAC. “This [appeals] procedure would not apply to ‘reconsiderations’ based on new information, which would continue to be considered by CAPOC or a faculty personnel committee.” Thus, reconsideration is appropriate if and only if new information would be submitted to the appropriate committee.

The necessary condition for the appropriateness of an appeal is “when a Senate member believes that a personnel committee has failed to apply established standards of merit or has failed to follow established procedures.” A member of the Division who so believes is to consult with an Academic Personnel Adviser, who “shall review the relevant information in light of the established standards and procedures and consult with the Senate member.” DDB 45(D) states that “the recommendations of committees duly constituted to consider appeals are the definitive advice of the Senate to the Chief Campus Officer on personnel actions, except in those cases in which the Committee on Privilege and Tenure makes a recommendation on particular matters within the scope of its authority.”

CERJ advises that CAPAC should only receive cases which are based on a perceived failure to apply established standards of merit or to follow established procedures. All other cases should either be referred to the relevant committee if reconsideration is appropriate or not heard. It should be the prerogative of CAPAC to determine whether the case is in fact of this kind.

If a case is accepted by CAPAC, new information may become relevant if it is determined that it was excluded from the case due to a failure to apply established standards of merit or to follow established procedures. Most likely, the reason for introducing new information would be that it had been excluded from the record due to a failure to follow established procedures. Any other information would be the basis for reconsideration, and reconsideration should take place before the appeal proceeds. The appeals process is clearly intended to exist as a means to correct procedural errors and not as means for re-evaluation except insofar as it is determined that established standards of merit were not correctly applied. The PARC report makes this clear: “The proposed procedure and By-law 45, permits a candidate to appeal on the basis of failure to follow ‘established’ standards of merit or defects in procedure. This practice is desirable because CAP (through CAPAC) should have an opportunity to remedy defects in its own recommendations, if the administration desires to seek the advice of the Senate concerning the appeal.” Clearly the “defects” cited here concern standards and procedure.

The advice given by CAPAC should be of one of two kinds. Either it finds that there has been no defect in the

evaluation of the case by the relevant committee, or it finds defects. If no defects are found, the advice of the relevant committee should be sustained by CAPAC. If defects are found, then the case should be re-evaluated on the basis of the standards or procedures that CAPAC deems to be correct. CAPAC should be sensitive to the evaluations made by the relevant committee which are correctly based and should reverse the recommendations of the committee only if those parts of the record on which the appeal is based, when weighed against those that have been handled correctly, are compelling enough to override the latter.

CERJ Advice on Voting Rights in Graduate Programs January 28, 2011

The Davis Division Committee on Elections, Rules and Jurisdiction has been asked by the Graduate Council of the Division whether non-members of the Academic Senate may have voting rights in graduate programs of which they are members.

Advice

CERJ advises that nothing in the Code of the Senate prohibits non-members of the Senate having voting rights, though any such rights must be granted through explicit provisions of the Bylaws of the graduate program. Approval of graduate program Bylaws is the prerogative of the Graduate Council, which may at its discretion approve or deny proposed program Bylaws provisions which restrict the voting rights of non-members of the Senate.

Rationale

Davis Division Bylaw 80(B) gives broad powers to the Graduate Council of the Division. In particular, it has the power to “regulate the conduct of graduate work of the Division” and to “coordinate the procedures of the various departments and schools on the campus insofar as they relate to the conferring of degrees higher than the Bachelor's degree.” Implicit in these powers is the right to establish graduate programs and to approve or disapprove the Bylaws of such programs.

In addition to the two powers just mentioned, the Graduate Council has the authority to “determine for the Division and to make recommendations to the statewide Coordinating Committee on Graduate Affairs concerning the qualifications of departments and graduate groups for initiating new programs and for making changes in established programs leading to existing graduate degrees.” The Graduate Council, then, has the power to make final decisions on graduate matters on behalf of the Davis Division of the Academic Senate. Graduate programs, which are themselves established by the Graduate Council, do not have final say in administering their programs, but only make recommendations to the Graduate Council. In a number of situations, the Graduate Council itself only makes recommendations, such as to the Committee on Courses of Instruction (for course approval) or the Executive Council (for recommendations for graduation) and does not take final action.

Academic Senate Bylaw 35(C)(2) states that “Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate.” Since graduate program committees are not taking final action for the Academic Senate, the prohibition against voting by non-members of the Senate does not apply in the case of votes taken within the program.

However, ASB 35(C)(2) requires that if non-members of the Senate are to have the right to vote, then they must be granted that right by explicit Bylaws provisions. The Bylaws of a graduate program are appropriate for granting the right to vote to non-Senate members.

Given the authority of the Graduate Council over Bylaws, any proposal Bylaws from a graduate program either granting or restricting the right to vote of non-members of the Senate is subject to Graduate Council approval.

Relevant Portions of the Code of the Senate

Academic Senate Bylaw 35(C)(2). Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions

UCR&J Legislative Ruling 12.75. Only members of the Academic Senate may vote in Senate agencies when those agencies are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions.

Davis Division Bylaw 80(B). It shall be the duty of the Graduate Council with respect to the Davis campus:

...

4. To regulate the conduct of graduate work of the Division with a view to the promotion of research and learning.

...

8. To coordinate the procedures of the various departments and schools on the campus insofar as they relate to the conferring of degrees higher than the Bachelor's degree.

...

10. To determine for the Division and to make recommendations to the statewide Coordinating Committee on Graduate Affairs concerning the qualifications of departments and graduate groups for initiating new programs and for making changes in established programs leading to existing graduate degrees.

CERJ Advice on Grade Changes After Graduation February 2, 2011

Advice

CERJ advises that under the Guidelines of the Grade Change Committee (GCC) published in the Spring Quarter, 2011 *Class Schedule and Registration Guide*, page 139, no student's grade may be changed after the student has graduated. This advice applies to any student who has graduated since 2002 and any student who graduates in the future when the language of the current Guidelines, "once a student has graduated, the individual record is closed and no changes can be made to the record," remains in place.

Rationale

The advice is based on the binding Legislative Ruling 7.07, which states:

The Grade Change Committee (GCC) has exclusive jurisdiction over all grade change requests. In exercising this authority it is fully bound by the Guidelines which it is required to issue on behalf of the Division. And it has no authority to change a grade on the basis of a reassessment of the quality of a student's work, even with the concurrence of the student and the faculty member involved.

As noted in the Ruling, GCC "is fully bound by the Guidelines which it is required to issue on behalf of the Division." (These Guidelines do not require approval by the Representative Assembly.) One of these published Guidelines states that "once a student has graduated, the individual record is closed and no changes can be made to the record." CERJ has determined that the current Guidelines are consistent with the Bylaws and Regulations of the Academic Senate and the Standing Orders of the Regents. (While it is true that grades of "I" and "Y" may be changed after graduation, these changes are not made by action of GCC and are therefore not subject to this rule.)

The language precluding changes after a student's graduation has appeared in the Class Schedule and Registration Guide's section on Grade Change Guidelines since at least 2002. It also appears in the Faculty Guide. (Both documents are posted on the Registrar's web site at registrar.ucdavis.edu.) There are many practical and equitable principles which provide a rational basis for this published rule, and students have a right to rely upon it.

These Grade Change Guidelines are not to be confused with the "guidelines" which previously appeared in the Senate manual and which were converted into Regulations by action of the Representative Assembly on June 3, 2004. They are also not to be confused with a committee's informal "ground rules" from which the committee could choose to deviate, or standard procedural rules which may be suspended under the provisions of Robert's Rules of Order.

Instead, Davis Division Regulation 549(D) specifies that GCC decisions "shall be governed" by those Guidelines, and the Legislative Ruling therefore concludes that the Guidelines are fully binding on GCC itself and may not be waived on a case-by-case basis.

As a result—even if grade changes were made in violation of Senate legislation at that time—the student's grade cannot at this point be changed.

Voting Rights and Zero-Level Departmental Members
Committee on Elections, Rules and Jurisdiction
March 7, 2011

The Committee on Elections, Rules and Jurisdiction offered [formal advice](#) on September 5, 2002, according to which zero-level appointments in departments have full systemwide Bylaw 55 voting rights. Reciprocally, CERJ concludes presently that all eligible members of a department must be considered to have full Bylaw 55 voting rights with respect to any member with a zero-level appointment.

Academic Senate Bylaw 55(A) 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 105.1(a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw.”

It follows from ASB 55(A) that no agreement may be made that may remove the right of a zero-level member of a department from voting on personnel actions specified in ASB 55(B) or that may remove the right of department members eligible by ASB 55(B) to vote on the zero-level faculty member. In general no faculty member may lose voting rights by agreement.

The zero-level faculty member (or candidate for zero-level appointment) may certainly make an explicit agreement not to exercise his or her Bylaw 55 right to vote. However, such an agreement does not abrogate that member’s fundamental right to vote, and the agreement may be rescinded if the member were to choose to exercise that right.

The other eligible department members may also make explicit agreements not to exercise their right to vote on the zero-level member. Again, such an agreement does not abrogate that member’s fundamental right to vote, and the agreement may be rescinded if the member were to choose to exercise that right.

Any agreement not to vote must be made by each individual separately. There can be no “departmental” agreement not to vote, even if the members of the department unanimously desire at any point in time not to vote. Such an agreement would constitute the department’s being organized in such a way as to deny an eligible member the right to vote, which would violate ASB 55(A).

It should be added that any agreement not to vote should be made completely voluntarily, without any pressure applied by any party. The rights granted by ASB 55 are fundamental to Senate membership.

**CERJ Advice on UC Davis Extension Credit
for Graduate Level Course Work
May 19, 2011**

CERJ was asked by the Division for advice concerning how to record and manage UC Davis Extension course offerings for credit at the graduate level.

Is it appropriate to apply regulation language governing undergraduate education to graduate education?

CERJ advises that it is not appropriate to apply Regulation language governing undergraduate education to graduate education. In many cases, there are separate rules for undergraduates and graduates, which indicates to CERJ that each is governed by its own set of rules.

Is there a limit to the number of credits a student may earn via UC Davis Extension coursework toward a graduate degree?

CERJ advises that there is no statutory limit on the number of units a student may earn Via UC Davis Extension coursework toward a graduate degree. However, we note that ASR 810(B) states: "Credit for University of California Extension courses including concurrent courses toward a higher degree is subject to the approval and regulations of the campus Graduate Council concerned." Thus Graduate Council is empowered to enact restrictions on the number of Extension units may be counted toward graduate degrees.

Is the XDC category valid given the designation is not listed in Senate Regulation 810?

CERJ finds no reason that the category should not be valid, despite the fact that it is not listed in ASR 810. Courses beginning with "XD" are permitted, and we regard the "C" index to be merely a convenient way to indicate concurrent courses. We note that in many cases one or more suffixes are used for various purposes, such as to designate new courses with the same number (N), courses abroad (S), etc. CoCI has the power to approve these Extension courses by ASR 800(C)(1), and there is no explicit prohibition against the numbering scheme they use. Perhaps an alphabetic suffix or even a new number would be more appropriate, but we believe that this is for CoCI to decide.



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January 4, 2011

I am writing on behalf of the Davis Division Committee on Elections, Rules and Jurisdiction (CERJ), requesting a Legislative Ruling from UCR&J concerning Senate authority over professional schools. We request the answers to the following questions. The questions concern Standing Order of the Regents 105.2, which reads in part:

105.2(a) "The Academic Senate, subject to the approval of the Board, shall determine the conditions for admission, for certificates, and for degrees other than honorary degrees."

105.2(b) "The Academic Senate shall authorize and supervise all courses and curricula offered under the sole or joint jurisdiction of the departments, colleges, schools, graduate divisions, or other University academic agencies approved by the Board, except that the Senate shall have no authority over courses in the Hastings College of the Law, San Francisco Art Institute, in professional schools offering work at the graduate level only."

Question 1. What criteria determine whether a professional school offers work at the graduate level only? The answer to this question should make clear whether a professional school offering an undergraduate major or minor falls under the category of offering work at the graduate level only.

Question 2. If a professional school meets the criteria for offering work at the graduate level only, does it have sole jurisdiction, without Senate approval beyond that of the faculty of the professional school, over its courses, grading policies, and/or degree programs?

Question 3. If a professional school does not meet the criteria for offering work at the graduate level only, how does this fact affect the sole jurisdiction that it has? Does only the portion of the curriculum involving non-graduate level work fall under broad Senate authority, or does such authority extend to all matters, so that the exception in SOR 105.2(b) does not apply to it at all?

Background

The broad question of Senate authority over professional schools has been a subject of contention between the Davis Division and the professional schools at UC Davis for at least 33 years. At present, there are important jurisdictional issues pending between the Division and two of the professional schools. To end the on-going dispute over jurisdiction, the Davis Division believes that a Ruling is necessary because it has the force of legislation.

UCR&J has issued advice on the matter on at least two occasions, but this advice has not been codified as a Legislative Ruling. UCR&J has opined on the two occasions that authority over grading and courses rests with the professional schools, while authority over curriculum rests with the Senate. The most recent advice of which we are aware is the following: “In general, UCR&J has taken the position that the graduate professional schools retain their own authority over course-approvals and grading policies, but are otherwise subject to the same Senate oversight as any other graduate program” (Letter from Alden Mosshammer, Chair of UCR&J to David Bogy, Chair of CCGA, January 5, 1995, cited by CCGA).

If this is indeed the position of UCR&J, the Davis Division believes it should be codified in precise language. Most importantly, it should be made clear whether this ruling applies to all graduate professional schools or only to some. Standing Order of the Regents 105.2(b) makes reference to professional schools offering instruction at the graduate level only. UCR&J has in the past advised that professional schools offering only a few undergraduate courses should be construed as offering instruction at the graduate level only.

SOR 105.2(b) was interpreted loosely by UCR&J in a 1977 letter from UCR&J Chair Robert S. Gerstein to the Davis Division. Schools that only occasionally offer undergraduate work were not taken to lose their exemptions thereby. Before that, General Counsel Reidhaar, on whose opinion UCR&J’s was based stated, “The intent of the Standing Order provision is to preserve the traditional autonomy of the faculty of those schools, such as law and medicine, which are limited to graduate professional training” He further notes that there might be “examples of confusion as to whether particular schools offer work limited to graduate instruction” and offers to consider such cases in themselves. That offer was never taken up by the Davis Division, but the Division now seeks a clear line of demarcation.

Of special importance to the Division is the fact that one professional school (the School of Veterinary Medicine on the Davis campus) offers an undergraduate degree (Bachelor of Science). Another (the School of Education) offers an undergraduate minor, and it is possible that other professional schools will wish to offer undergraduate majors or minors. The fundamental question regarding these programs is whether this significant engagement in undergraduate education should exclude their autonomy respect to course-approvals and grading policies in general, or perhaps at least with respect to its undergraduate courses.

Another issue has come up in the discussions over the year. Academic Senate Regulation 740(2) states that, “Graduate courses must be approved by the Graduate Council concerned and, if appropriate, by the Divisional Committee on Courses of Instruction.” There is no mention of any exception for courses offered by professional schools. If the exemption applies to graduate courses, then this should be made clear in the Regulations.

Supporting Arguments

The following arguments have been compiled from the various documents that have circulated over the years.

Arguments for Autonomy

Arguments for Autonomy of Professional Schools in General

Argument 1. Traditional Autonomy. Reidhaar to UCR&J: “The intent of the Standing Order Provision is to preserve the traditional autonomy of those schools, such as law and medicine, which are limited to graduate professional training.” UCR&J letter to CERJ dated May 19, 1977. “[G]eneral practice . . . has been to accord professional schools autonomy over grading in one form or another.” Professional schools have in fact had control over courses, grading, and degree requirements for a long enough period of time that such autonomy has become well-established. (Cited by CERJ in a letter of February 18, 1994 to the Chair of the Davis Division) as the basis of “opinions issued by the University Rules and Jurisdiction Committee chaired by Alden Mosshammer at U.C.S.D.”) Reidhaar to UCLA reiterated this view in 1980. “The Regents did not intend to create a situation where a professional school would lose its independence over its own courses merely by reason of its faculty cooperating in courses for undergraduate students. . . . Based upon the foregoing, it is my view that the words ‘professional schools offering work at the graduate level only’ in Standing Order 105.2(b) are not intended to be read literally to deprive a professional school of authority over its courses simply because its faculty might occasionally teach undergraduates but are intended to describe a certain type of professional school, such as law or medicine.”

Argument 2. Accreditation of Graduates. From the May 19, 1977 letter from UCR&J to CERJ. “The exception surely rests on a desire to allow professional schools to function effectively as accrediting agencies for their respective professions. This policy is best served if control over grades as well as courses is given over to the professional schools.”

Argument 3. Accreditation of Professional Schools. Professional schools require autonomy over their courses in order to accommodate the requirements of accrediting agencies. This was cited by Smith in his 1994 letter to Hedrick as a reason for the original amendments to SOR 105.2(b), “to ensure that the accreditation of the then newly established UCLA Law School by the American Bar Association (which, for accreditation, requires an unspecified degree of autonomy) and to ensure that the accreditation of Berkeley’s Law School (granted without the autonomy from the Senate that was being sought for the UCLA law school) would not be jeopardized.”

Arguments for Authority over Grading

SOR 150.2(b) does not mention grading policies. UCR&J has taken the position that the exception applies to grading policies as well.

Arguments 1, 2, and 3 above may be applied to grading as well as course approval.

Argument 4. Derived Authority. From the first opinion of Reidhaar. “It is my opinion that the authority of the Academic Senate over grading derived from this authority over courses as well as from the traditional authority and unique competence of individual faculty members to judge academic performance. Since the Standing Order specifically deprives the Academic Senate of authority over courses in professional schools offering work only at the graduate level, it is my opinion that authority over grading rests with the faculty of such school.”

Argument for Exceptions to “Only”

Argument 5. The reason for the existence of the professional schools is to provide professional training. For this they require autonomy and in fact have traditionally had autonomy. This reason is not dispelled by the offering of some undergraduate courses, as these are insignificant in relation to the schools’ essential mission.

From UCR&J 1977. “The language is to be taken literally in that it exempts graduate level professional schools from jurisdiction. It is not to be taken so literally, however, as to mean that a medical or law school which occasionally opens courses to undergraduates loses the exemption.”

Arguments for Autonomy over Degree Programs

Arguments 1, 2 and 3 above apply to degree programs. Whatever the language of SOR 105.2(a), professional schools have long had control over their graduate programs and degree requirements.

Arguments for Senate Control

Arguments for Control over Courses

Argument A. Literal Reading. Although some professional schools offer work at the graduate level only, many do not. Because the wording of SOR 105.2(b) is explicit and should be taken literally, those schools that offer work not at the graduate level are subject to Senate control. It should be noted that General Counsel Reidhaar in his first memo opined that “As far as I know, the words ‘offering work at the graduate level only’ mean what they say.” It was UCR&J that introduced a spurious category of being “taken literally” but “not so literally” (are there degrees of literalness?). And even if UCR&J’s vague language is accepted, there is no well-defined criterion for what constitutes and “occasional” offering of undergraduate work. Counsel Reidhaar in fact recognized that there may be cases of confusion and offered to examine any such cases, an offer which unfortunately was not taken up.

Argument B. Original Intention. The original intention of amending SOR 105.2(b) to exclude professional schools was to preserve the autonomy of law schools. “Its purpose was to ensure accreditation of the then newly established UCLA Law School by the American Bar Association (which, for accreditation, requires an unspecified measure of autonomy) and to ensure that the accreditation of Berkeley’s Law School (granted without the autonomy from the Senate that was being sought for the UCLA Law School) would not be jeopardized” (Smith to Hedrick, 1994). The original wording proposed for amendment of SOR 105.2(b) exempted by name “the Schools of Law at Berkeley and Los Angeles.” The wording was then changed to exempt professional schools that offer *courses* at the graduate level only. This avoided singling out the two schools, but it achieved the result of excluding only them because they were the only schools that did offer courses at the graduate level only. The wording was changed to “offer *work* at the graduate level only,” which masked the intention to exclude only the law schools. “Our own reading of the transcripts of the Regents meetings in 1952 at which these issues were discussed convinces us that this system-wide ruling [by UCR&J] is not consistent with the original intent of S.O.R. 105.2(b) which was then regarded not to cover medical schools specifically because they did teach one or a few 100-level courses” (Smith to Hedrick, 1994).

Argument C. ASR 740(2). Since the Regulations of the Senate give authority over approval of graduate courses, without exception, to the Graduate Councils. Given that the Senate has this authority, it applies *a fortiori* to undergraduate courses.

Argument for Control over Degree Programs

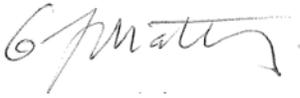
Argument D. Literal Reading. Unlike the case with SOR 105.2(b) here is no ambiguity whatsoever in SOR 105.2(a).

Argument E. Curricula. SOR 105.2(b) asserts Senate control over all “courses and curricula” with the exception of “courses” offered by professional schools offering work at the graduate level only. The exemption does not apply to curricula.

Argument F. Original Intention. The intention of the exception in SOR 105.2(b) was to protect the schools of law from accreditation problems they might have if they lacked autonomy over their *courses*. No such potential problem exists as far as degree requirements are concerned.

Argument G. Limited Autonomy. Even if the professional schools were to have autonomy over its graduate degrees, this authority should not apply to a Bachelor’s degree offered by the school or even a minor that the school offers. None of the alleged original intention to treat professional schools differently because the offer “professional training” or act “as accrediting agencies for their respective professions” applies to undergraduate programs.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. J. Matthey".

G. J. Matthey, Chair
Davis Division Committee on Elections, Rules and Jurisdiction

References

University Counsel Donald L. Reidhaar to UCR&J Chair Robert S. Gerstein, April 14, 1977.

UCR&J Chair Robert S. Gerstein to CERJ Chair R. D. Cramer, May 19, 1977.

University Counsel Donald L. Reidhaar to UCLA School of Medicine Professor David H. Solomon, March 10, 1980.

CERJ Chair David Glenn Smith to Graduate Council Chair Jerry L. Hedrick, February 17, 1994.

CERJ Chair David Glenn Smith to Davis Division Chair Karl Romstad, February 18, 1994.

Report of the CCGA Subcommittee on Professional School Oversight, July 18, 1995.

CCGA Chair David B. Bogey to Academic Council Chair Daniel L. Simmons, August 15, 1995.

MOU: Davis Division of the Academic Senate and Faculty of the School of Veterinary Medicine
August 3, 2010
Amended January 20, 2011

Background

During the 2009-2010 academic year, the Faculty of the School of Veterinary Medicine (SVM) adopted a change to its Regulations, specifically by adding Regulation 80, "Student Performance Standards for the Doctor of Veterinary Medicine." Regulation 80 allows for the Faculty to establish and amend its own performance standards for the DVM. A set of performance standards was adopted in conjunction with Regulation 80.

The performance standards include instructions on grading, and a D grade is not given as an option for instructors. This grading policy conflicts with the grading policies of the Davis Division. More broadly, Regulation 80 itself allows the adoption of other standards which might conflict with grading policies specified in Davis Division Regulation A540. The revised Regulations were presented at the June, 2010 Representative Assembly meeting, but the RA voted to defer consideration of them.

To resolve these actual and potential conflicts, DDR A540 could be amended to provide an exemption, as is currently provided for Regulation 70 of the Faculty of the School of Medicine. Such an amendment cannot, however, be adopted before the Fall 2010 Representative Assembly meeting, which would preclude the application of the performance standards to the 2010-2011 entering class.

It has been a long-standing belief on the part of the Faculty of SVM that its Regulations are not subject to the authority of the Davis Division of the Academic Senate. There is support for this position in advice provided by in 1977 and again in 1995 by the universitywide Committee on Rules and Jurisdiction (UCR&J). This advice was disputed in 1994 by the Davis Division Committee on Elections, Rules and Jurisdiction (CERJ), but no action was taken at that time.

At issue is the interpretation of Standing Order of the Regents 105.2(b), which states that "the Senate shall have no authority over courses in . . . professional schools offering work at the graduate level only." Although UCR&J has issued advice concerning this interpretation, it has not issued a Legislative Ruling, which by ASB 206(A) has "the status of Senate legislation." Concerning the status of advice, Legislative Ruling 12-93B states, in part, "Unless issued as a Legislative Ruling and in accordance with the appropriate procedures, such advice or finding does not have the status of legislation and is therefore not formally binding on the Senate officers and agencies to whom rendered. The advice, opinions, and findings of UCRJ and its counterpart agencies within the Divisions should nevertheless be considered authoritative in the sense in which that term is defined in *Webster's New Collegiate Dictionary*—'entitled to obedience, credit or acceptance.' They represent the considered judgment of a committee charged with preserving the integrity of the Code of the Academic Senate. In addition, they suggest the likely outcome should an action taken contrary to this advice be challenged before the Divisional Committee on Rules and Jurisdiction or before UCR&J, or should a Legislative Ruling be requested on the issues involved."

It is the position of the Davis Division that because the SVM offers a Bachelor of Science degree, the Senate has authority over its courses. The Division intends to ask UCR&J for a Legislative Ruling on the matter. In the interim, the Division shall consider as "authoritative" the advice given by UCR&J.

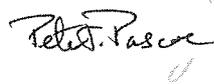
It is the position of the Faculty of the School of Veterinary Medicine that the Division does not have authority over its grading policies because of its status as a professional school.

Agreement

The Davis Division of the Academic Senate and the Faculty of the School of Veterinary Medicine hereby agree to allow the implementation of Regulation 80, as revised (described above), consistent with the following terms.

This agreement shall remain in effect until (1) the authority of the Faculty of SVM to implement Regulation 80 has been confirmed by a Legislative Ruling from UCR&J concerning Regents' Standing Order 105.2(b), or an amendment to DDR A540, or (2) conclusion of the 2011-12 academic year, whichever occurs first. This time period is provided to permit appropriate consideration of this matter by the Academic Senate and so as not to unduly disrupt the administration of the DVM academic performance standards. Should both parties agree that an extension is desired or necessary, an addendum to this agreement must be created.


Robert Powell, Chair
Davis Division Academic Senate


Peter Pascoe
2011.03.04
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Peter Pascoe, Chair
School of Veterinary Medicine Faculty Executive Committee