

## Committee on Elections, Rules and Jurisdiction Annual Report 2011-2012

Total Meetings: 17	Meeting Frequency: 4-5 per quarter	Average Hours of Committee Work Per Week: 10
Total Bylaw and Regulation proposals (11), formal advice (9), other advice/responses (52), and elections/ballots supervised (6): 78	Total matters deferred from previous year: 11	Total matters deferred to coming academic year: 11

CERJ took the following actions during 2011-2012.

### **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 2011-2012:*

- (1) Davis Division Bylaw 28: Committees of the Davis Division: General Provisions. The amendment specifies procedures for delegation of authority by committees of the Division and also gives explicit authority for administrators who are ex officio members of a committee to delegate their membership to a person who reports to that administrator. This proposal was adopted by the Representative Assembly on June 8, 2012.
- (2) Davis Division Bylaw 31: Special Committees. The amendment allows limited voting rights to members of Divisional special committees who are not members of the Academic Senate. This proposal was adopted by the Representative Assembly on June 8, 2012.
- (3) Davis Division Bylaw 56: Committee on Courses of Instruction. The amendment gives to the Committee on Courses of Instruction the responsibility of oversight of student evaluation of teaching. The proposal was adopted by the Representative Assembly on April 17, 2012.
- (4) Davis Division Bylaws 80: Graduate Council. The amendment gives explicit authority to the Graduate Council for the approval and review of post-baccalaureate certificate programs not offered solely through a University Extension program. This proposal was adopted by the Representative Assembly on June 8, 2012.
- (5) Davis Division Bylaw 88: Committee on Public Service. The amendment gives explicit authority to the Public Service Committee for the approval and review of post-baccalaureate certificate programs offered solely through a University Extension program. It also eliminates from the list of members the title of "Director of the Public Service Research Program." This proposal was adopted by the Representative Assembly on June 8, 2012.
- (6) Davis Division Bylaw 135: Membership of the Faculty. The amendment changes a clause in Davis Division Bylaw 135, which would specify that the limitation of voting rights in Faculties

of schools and colleges to Senate members applies only to final actions on matters for the Academic Senate and to advice given to University officers or other non-Senate agencies in the Senate's name. The proposal was adopted by the Representative Assembly on October 25, 2011.

(7) Davis Division Bylaw 147: Faculty of the School of Veterinary Medicine. The amendment reduces membership in the Faculty to the minimum required by universitywide Bylaws, and it would allow as representatives non-members of the Academic Senate who hold appointments in its departments. The proposal was adopted by the Representative Assembly on April 17, 2012.

(8) Davis Division Regulation A540: Grades. The amendment would eliminate the Enrolled-No Work Submitted notation and substitute for it a grade of F. A provision is added to allow petition to the Grade Changes Committee for removal of the grade in cases where failure to complete work is due to circumstances beyond the student's control. The proposal was adopted by the Representative Assembly on June 8, 2012.

(9) Davis Division Regulation 528: Credit by Examination. The amendment allows students registered in a semester to be eligible for credit by examination. In addition, it would allow students registered in Spring Quarter to earn credit by examination in the immediately succeeding Summer Session. The proposal was adopted by the Representative Assembly on June 8, 2012.

(10) Davis Division Regulation 538: Examinations. Three revisions of Regulation 538 were proposed. The first revision concerns the relation between the accommodations and the academic demands and standards of academic performance of the course. The revision prohibits only fundamental alterations. The second revision concerns the provision of facilities and personnel in making the accommodation. The revision specifies that accommodation would have to cause undue financial and administrative burdens in order to be prohibited. The third revision states that course instructors have a legal obligation to provide recommended academic accommodations. The proposal was adopted by the Representative Assembly on June 8, 2012.

(11) Davis Division Regulation 534: Course Evaluations. The proposed Regulation mandates the use of course evaluations in courses specified by the Committee on Courses of Instruction and requires that the course evaluation process protect the privacy of the students and not compromise the confidentiality of the information with respect to the instructor. The proposal was adopted by the Representative Assembly on April 17, 2012.

## **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) General Education Topical Breadth. CERJ was asked to give advice on the issue of General Education (GE) Topical Breadth courses, specifically whether it is mandatory for all courses, with very few exceptions, to be designated as Topical Breadth courses. The complete Advice, dated October 11, 2011, including background and rationale, is appended to this report.

(2) Undergraduate Senior Residency. CERJ was asked to give advice on the issue of management of the undergraduate senior residency requirement, specifically concerning re-delegation of authority to colleges to waive the senior residency requirement. The complete Advice, dated October 27, 2011, including background and rationale, is appended to this report.

(3) Submission of Written Petitions. CERJ was asked by the Divisional Chair to provide advice regarding procedures for accepting written petitions for a ballot on an issue. The complete formal Advice, dated December 1, 2011, including background and rationale, is appended to this report.

(4) Professional Schools Offering Undergraduate Degrees. CERJ was asked for advice as to whether a professional school can offer a new undergraduate degree without first obtaining approval at the universitywide level. The complete Advice, dated December 19, 2011 is appended to this report.

(5) Ballots on Issues. CERJ was asked for advice as to whether a ballot on issues of the Division may contain more than one separate issue. The complete Advice, dated January 4, 2012 is appended to this report.

(6) Impacted Majors. CERJ was asked for advice regarding the authority of an undergraduate college to declare a major "impacted" by restricting admissions to the major. The complete Advice, dated February 14, 2012, is appended to this report.

(7) Voting in Special Committees. CERJ was asked for advice regarding the right to vote in a special committee of the Division. The complete Advice, dated April 18, 2012, is appended to this report.

(8) Special Meetings of the Representative Assembly of the Davis Division. CERJ was asked for advice regarding several issues related to special meetings of the Representative Assembly, including timing, order of business, and specific procedures for the conduct of meetings. The complete Advice, dated May 7, 2012, is appended to this report.

(9) Administration of Final Examinations. CERJ was asked to advise a department chair concerning the administration of final examinations in undergraduate courses. The question was whether a final research project in a course would qualify as a take-home final examination, and if not, whether a final examination is required in the course. The complete Advice, dated June 18, 2012, 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.*

Revision of Senate Regulation 610 (Residency). CERJ was asked to comment on a revision to Senate Regulation 610, which clarifies the meaning of “residence” in a regular term, making it “irrespective of physical location or mode of delivery,” as well as stating that it does not apply to the California Residency Requirement or to non-resident supplemental tuition.

Athletics Strategic Audit. A request for consultation was issued by the Divisional office concerning administration planning for the future of UC Davis intercollegiate athletics programs.

Representation of non-Senate members on Senate Committees. The chair of the Academic Federation inquired about the applicability to Senate committees of Davis Division Bylaw 2 (E), allowing by Bylaw provisions a limited right to vote by non-Senate members.

Electronic Voting in Departments. The Divisional office asked CERJ to investigate how new electronic voting procedures in departments affect universitywide Bylaw 55 faculty voting rights.

Course Approval Procedures. CERJ received a request from the chair of the Committee on Courses of Instruction regarding policy for course approvals.

Representation in Representative Assembly. The Divisional office was contacted by a faculty member who wanted to know why a number of departments have no listed representatives to the Representative Assembly.

General Catalog and the Code of the Senate. A member of Undergraduate Council inquired about the authority of statements in the General Catalog that have no basis in the Code of the Senate.

Membership in the Representative Assembly. A member of the Division inquired about whether he is or is not a member of the Representative Assembly.

Abstention on Ballots in Issues. The Divisional office inquired whether a separate ballot category, “abstain,” could be included in an upcoming ballots on issues.

Pro and Con Arguments Concerning Impending Ballots in Issues. A question was sent to CERJ regarding the format for pro and con arguments being posted on the Web and whether arguments from non-Senate members should be posted separately from arguments from Senate members.

Rescission of Petition. CERJ was asked by the Divisional office whether signatories to a petition for a ballot on issues, which has been certified and announced to the Division, could retract the petition.

General Education Catalog Galley Review. The Divisional office asked CERJ to review a section concerning the General Education requirement for the upcoming edition of the *General Catalog*.

General Education Requirements. The Faculty of the College of Engineering proposed exceptions to Davis Division Regulation 522, the General Education requirement for the Bachelor's degree.

Ballot for Divisional Representatives to the UC Assembly. CERJ approved the wording of notification of nominations for Divisional Representatives to the universitywide Assembly. Only one candidate was nominated for the three positions for 2012-2014. CERJ declared him elected and Committee on Committees will make nominations for the remaining positions.

Electronic Voting by Emeriti. An emeritus member of the Division asked to vote on ballot issues outside the framework of the e-voting of the Division.

Legacy General Education Course Designations. The Office of the Registrar consulted the Divisional office regarding the format for information regarding legacy General Education ("GE2") courses in the *General Catalog*.

Quorum at Representative Assembly Meeting. CERJ discussed with the Divisional office how best to proceed when there is a lack of a quorum at Representative Assembly meetings.

Grade Change Committee Guidelines. Given that the *Class Schedule* will not be published in the future, the Office of the Registrar has proposed a new method of distribution of the guidelines for grade changes.

Qualifications for Instructor in a Graduate Course. The chair of the Committee on Courses of Instruction inquired concerning the authority of the committee to inform an instructional program about the qualifications for an instructor in a graduate course.

Teaching Privileges of Emeritus Faculty. A member of the Division inquired about whether emeritus faculty have the right to teach courses without being recalled to service.

Graduate Student Re-taking Course. The Graduate Council asked for an interpretation of Davis Division Regulation A540(F)(2), regarding the conditions for a graduate student to re-take a course.

Conflict of Interest in Graduate Programs. The Graduate Council inquired of CERJ concerning possible conflicts of interest when faculty are enrolled in graduate programs that are staffed by members of the faculty member's home department.

Annotation of Emphasis within Major on Transcript. The Undergraduate Council inquired of CERJ concerning the authority of the Undergraduate Council to direct the Office of the Registrar to annotate student transcripts with the name of an emphasis within the student's major.

Units in a Major. A member of the Division inquired on behalf of his department concerning whether there is a "preferred" number of units in a major.

Notice of Representative Assembly Meetings. The Divisional office requested CERJ advice on whether documents pertaining to a meeting of the Representative Assembly could be handed out at the meeting rather than being submitted with the meeting's agenda.

Memorial to Regents. CERJ conducted a ballot of the Division regarding a proposed universitywide memorial to the Regents.

Report of the Special Committee on Athletics. CERJ was asked by the Divisional office to comment on the report of the Special Committee on Athletics. Comments were provided. The report was received by the Representative Assembly and its recommendations endorsed by the Assembly as well.

Election to Committee on Committees. CERJ approved a call for nominations for Committee on Committees. One position was filled by a single nomination, one received no nominations and will be filled by the Committee on Committees, and the third received two nominations, which required an election.

Vice-Chair Appointment. The Divisional office inquired as to whether the appointment of the Vice-Chair for the next academic year requires Representative Assembly approval.

Special Meeting of the Representative Assembly. CERJ gave advice to the Secretary concerning the agenda for the May 9, 2012 Representative Assembly special meeting.

Executive Council Resolution. CERJ gave advice to the Executive Council regarding wording of a proposed resolution.

Faculty Role in Certifying Completion of Major Requirements. On the basis of an inquiry from the College of Letters and Science, the Divisional office requested CERJ advice regarding the Senate faculty's role in certifying completion of major requirements.

General Education FAQ. The Committee on General Education asked CERJ to review a Frequently Asked Questions document that it intended to place on the General Education Web site.

Graduate Admissions Requirement. A faculty member in the School of Veterinary Medicine (SVM) inquired about whether a Bachelor's degree is needed for admission to the University of California graduate degree programs. CERJ advised that policy on this matter is within the jurisdiction of the Graduate Council. SVM will petition the Davis Division Graduate Council to allow admission of such students to Davis Division graduate programs.

Return of Graded Work. The Divisional chair inquired of CERJ about whether students have a right under the Code of the Senate to have their graded work returned to them.

Student Petition. The Divisional office asked CERJ for guidance in handling of a student petition.

Task Force on Self-Supporting Degree Programs. CERJ was asked to clarify the role of Graduate Council regarding credential and certificate graduate programs. Legislation was approved by the Representative Assembly for both the Graduate Council and the Public Service Committee clarifying that the Graduate Council has authority over all certificate programs not offered solely by University Extension.

### **Pending Matters for 2012-2013**

(1) Collegiality as a Criterion in Personnel Actions and Electronic Voting in Departments. A member of the Division inquired whether “collegiality” may be used as a criterion in personnel actions and whether departments using this as a criterion must have it approved by the Committee on Academic Personnel. CAP Oversight Committee has been queried about this matter and has responded. This issue has been taken back to CAP-Oversight in the context of the larger question of electronic voting in departments.

(2) Grade of A+. A proposal was forwarded to CERJ from an ASUCD Senate member to increase the number of grade-points for the grade A+ from 4.0 to 4.3. The ASUCD Senate Member was invited to attend a CERJ meeting, and CERJ has drafted legislation based on the discussion. The proposed legislation will be sent out to Divisional committees for review and comment in the fall 2012 if ASUCD still wishes to proceed with the proposal.

(3) Membership of the Faculty Research Lecture Committee. The Faculty Research Lecture Committee has expressed an interest in expanding its membership. CERJ has drafted a proposed amendment to expand the committee’s membership. The proposal will be discussed with Committee on Committees in Fall 2012 and sent out to Divisional committees for review and comment.

(4) Report of the Special Committee on Athletics. Some recommendations in the Report of the Special Committee on Athletics will require legislative action. Amendments to the Bylaws for the Undergraduate Council and the Committee on Admissions and Enrollment have been drafted and will be sent to those committees for review and comment in Fall 2012.

(5) Right to the Grade Incomplete. The chair of the Grade Changes Committee inquired of CERJ as to whether an instructor may prohibit students in his courses from receiving the grade “Incomplete.” CERJ provided advice, and the chair of the Grade Changes Committee indicated that the Grade Changes Committee wishes CERJ to draft an amendment to DDR A540 to clarify the conditions under which the grade is permitted. Legislation has been

drafted and will be sent to the Grade Changes Committee for review and comment in Fall 2012.

(6) Bylaws of the School of Veterinary Medicine. An amendment to the Bylaws of the Faculty of the School of Veterinary Medicine was received by the Divisional office for review. CERJ advised the Divisional office that a process should be put in place for CERJ review of proposed amendments to school or college Faculty Bylaws and Regulations before they are submitted for approval to the respective Faculty. CERJ has drafted a memo to the Faculty Executive Committee chairs regarding the requirement for CERJ review of proposed amendments to college and school bylaws and regulations. The draft memo will be reviewed and distributed in Fall 2012, and the Divisional office will then implement appropriate procedures.

(7) CA&ES Bylaws Conformity. The CA&ES Executive Committee is looking into making amendments to its Bylaws to conform to Divisional and universitywide Bylaws and Regulations. CERJ prepared a draft of revisions, which was forwarded to the Executive Committee of the college.

(8) Balloting Issues. CERJ drafted a document outlining several issues that came up during the confidence/no-confidence petitions and ballots during the 2011-12 year. CERJ may wish to discuss the document with the Divisional office and advise on future procedures.

(9) Undergraduate Certificate Programs. The chair of Undergraduate Council asked CERJ to draft an amendment to its Bylaw to grant to the committee jurisdiction over undergraduate certificate programs not offered solely by UC Extension. Legislation was drafted and will be sent to Undergraduate Council for review in the fall 2012.

(10) Authority to Rescind Degrees. The Divisional office has requested advice from CERJ regarding the manner in which a Davis Master's degree in Law may be rescinded when a student enters the Davis J.D. Program. The School of Law is asking for a blanket authority to rescind the LL.M. degree in such cases. CERJ will discuss and provide advice in the fall 2012.

(11) CERJ Web Site. CERJ will be adding links on the web pages for Divisional Bylaws and Regulations to Legislative Rulings and Formal Advice issued by CERJ. Existing web pages for Legislative Rulings and Formal Advice will also be indexed.

Respectfully Submitted,

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

**General Education Topical Breadth Courses  
Committee on Elections, Rules and Jurisdiction  
October 11, 2011**

CERJ was asked to give advice on the issue of General Education (GE) Topical Breadth courses, specifically whether it is mandatory for all courses, with very few exceptions, to be designated as Topical Breadth courses.

CERJ advises that there is no course which has a mandatory GE designation.

**Analysis**

Davis Division Regulation 523 specifies criteria for GE certification. The last sentence of sentence (A) states:

Where appropriate, a course may be assigned to more than one Topical Breadth area, and *most courses are expected to be assigned to one or more areas.* (Emphasis added.)

One way of reading the italicized phrase is that there is a kind of obligation for courses to be assigned to one or more area, as in the phrase “you are expected to remain quiet during class.”

However, there is no evidence that the phrase should be taken in this way and substantial evidence that it should be taken in the sense of a prediction, as in “it is expected that more than 100,000 spectators will attend the game.”

There are several documents that support the latter reading. One is the Rationale of the legislation, which states as a difference from the previous iteration of General Education (GE2):

“The number of topical breadth GE courses is greatly increased because *most undergraduate courses will be assigned to a topical breadth area.*” (Emphasis added.)

Similar language is found in a document entitled “GE Topical Breadth – Course Approval Description – Draft 11-17-07”:

“The department or program listing courses in the catalog *should recommend* which of the above three subject matter areas is most appropriate for each course that takes a critical, analytical perspective on knowledge, considering how knowledge has been acquired, and the assumptions, theories, or paradigms that guide its interpretation. *Most undergraduate courses should be appropriate for assignment to an area of GE Topical Breadth.*” (Emphasis added.)

Here the the word “should” may be thought to indicate a mandate. However, a more plausible reading is that the department or program should recommend certain courses as appropriate *if* they wish to make the course a General Education Breadth course. The last sentence can be read as before, that it is an expectation that the most courses will be appropriate.

Thus it seems that the intention of these declarations was that there was an expectation that most courses would qualify for GE Breadth, but also that it is up to the department or program offering the courses to apply for this standing.

However, there is a document favoring the claim of a mandate, and it seems to emanate from the following language in a document entitled "Revised General Education Requirement" and posted on the GE Web page.

“The GE requirement is defined in terms of units, not courses. The units of every course at UCD (with very few exceptions) are assigned to one of the three Topical Breadth Areas or are certified as interdisciplinary. *Unless otherwise restricted, every course unit that a student takes, including courses for major and minor requirements, will be counted toward the required minimum number of units in each Topical Breadth Area.*” (Emphasis added.)

This seems to be the basis for the claim that all GE3 courses proposed for the Revised General Education Requirement *must* be assigned to a Topical Breadth Area. The language here seems to state that a restriction is required for a course *not* to count toward Topical Breadth. However, one could read that the “restriction” would be that the department or program did not apply for the course to have Topical Breadth designation. On this reading there is nothing that says that any course *must* be so designated.

The final piece of evidence is that the chair of COCI has stated that the requirement of application for designation was the working assumption of COCI and the GE Implementation Task Force all along. As there was no mandate for application, there is no mandate for designation.

## **Conclusion**

CERJ believes that the preponderance of evidence is that there is an *expectation* that *most* courses will count for Topical Breadth. There are a number of documents from various phases of the planning process are posted on the GE Web site, some of which lend some support to the interpretation of mandatory designation. However, only the Regulation is definitive, and the committee which brought the Regulation forward is in the best position to convey its intent. Along with that committee, CERJ concludes that there is no necessity for any course to have Topical Breadth standing.

**Undergraduate Senior Residency**  
**Committee on Elections, Rules and Jurisdiction**  
**October 27, 2011**

CERJ was asked to give advice on the issue of management of the undergraduate senior residency requirement specifically concerning re-delegation of authority to colleges to waive the senior residency requirement.

The legislative basis of suspension (or “waiver”) of the systemwide Residence Requirement (Regulation 630) lies in Davis Division Bylaw 73(C)(6), which authorizes the Executive Council:

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.

The Bylaw requires that the appropriate college Faculty (in the case of the undergraduate Residence Requirement) approve any petition for suspension before the Executive Council may recommend suspension. It does not impose any conditions on such approval. Presumably, each college Faculty has in its Bylaws provisions for the handling of student petitions, e.g., by referring them to one of its committees. It is then up to the committee to decide upon its procedures, e.g., the automatic approval of waivers falling within a certain range of units. (Of course, these “approvals” are only necessary and not sufficient for a waiver to take effect—this is beyond the power even of the Executive Council, which only recommends candidates to the President.)

In consequence, the Executive Council has no legislative authority to impose constraints on the college waiver-approval process. Moreover, the Executive Council cannot “delegate” authority to the college Faculties; the basis of their authority is found in DDB 73(C)(6) itself. In turn, the Faculties cannot “delegate” authority to the deans of the colleges, unless by explicit Bylaw provisions.

There are some practical consequences of this advice for the goal of achieving more uniformity in the processing of waivers. The Executive Council can set parameters for automatic waivers if it so chooses. (However, according to its Bylaw, every such waiver still must be recorded and kept in the Divisional office.) It is also in the power of the Executive Council to refuse to consider waivers beyond a fixed number of units, though this might have the consequence of excluding from consideration some special hardship cases. The appropriate Faculty committees may also take such actions (if they have not done so already). Beyond this, the only way to improve the uniformity of the process is through communication between the Executive Council and the Faculties of the colleges.

In some cases, agreements with students that the requirement will be waived may be desirable. Such agreements should not be made until after Executive Council approval of the waiver. Agreements should not be made at the college level, since college “approval” is only a necessary and not a sufficient condition for Divisional endorsement of the waiver. Students should be made aware that even at the Divisional level, the endorsement is only a recommendation to the President of the University.

**CERJ Advice on Submission of Written Petitions**  
**December 1, 2011**

Davis Division Bylaw 17, last amended in 1971, defines the conditions for a ballot on issues. It reads, in part:

Any issue must be submitted to a ballot of the Division at the request of (1) the President of the Academic Senate or (2) the Chief Campus Officer, acting through the Chair of the Division with the consent of the Executive Council (3) the Executive Council, (4) the Representative Assembly by resolution adopted at a duly called meeting or (5) 50 voting members of the Division presented in a written petition. Upon receiving a petition or other request, the Secretary shall promptly verify the validity of the request, immediately notify the members of the Division of the nature of the impending ballot, and prepare the ballot.

The Bylaw does not specify the form of a “written petition,” and in particular how the request of the fifty voting members of the Division is to be embodied in it. In practice, the procedure followed by the Divisional office for requiring signatures on any “written petition” conforms to another Bylaw. Davis Division Bylaw 16(E), “Provisions Applicable When Candidates Are Standing For Election,” last amended in 2007, states in part that:

Each nomination shall be in writing, shall contain a statement that the nominee will accept the nomination and a brief biography of 120 words or less, and shall be signed by five members of the Davis Division.

The practice until the present for petitions has been to require handwritten signatures, as this is how it has been done traditionally, and the Divisional office has a protocol for processing them. (The language “shall be signed by five members of the Davis Division” dates at least to 1985, when handwritten signatures were the norm.) This method was last used in a ballot on an issue in 2006.

The Divisional office will accept signatures in facsimile form. In the past, this has been done using FAX. However, budgetary constraints in the Divisional office no longer make this possible, so scanned images of signatures are being accepted. For the uniformity required for “a” written petition, the original signatures must be affixed to documents that are otherwise identical except for the signatures themselves. The Divisional office may require additional information such as department and/or title and rank.

Suggestions have been made very recently about means of petitioning without handwritten signatures, original or reproduced, CERJ believes that such proposals must be fully evaluated before being implemented and therefore advises that the current system be kept in place at the present time.

**Professional Schools Offering Undergraduate Degrees**  
**Committee on Elections, Rules and Jurisdiction**  
**December 19, 2011**

CERJ was asked for advice as to whether a professional school can offer a new undergraduate degree without first obtaining approval at the universitywide level. The advice is that unless a degree title unique to the Davis campus (such as “Bachelor of Business”) would be used, no universitywide review is required.

**Rationale**

The establishment of degree programs is governed by the universitywide “Compendium: Universitywide Review Processes for Academic Programs, Academic Units, & Research Units”:

[http://www.ucop.edu/ucophome/coordrev/ucpolicies/documents/compendium\\_jan2011.pdf](http://www.ucop.edu/ucophome/coordrev/ucpolicies/documents/compendium_jan2011.pdf),

which states,

With the exception of undergraduate degree programs involving a title unique to the campus, all actions involving undergraduate degree programs are carried out on the nine established campuses. That is, creating a new undergraduate degree program, changing the name of an existing undergraduate degree program, and consolidating, transferring, or discontinuing an existing undergraduate degree program are campus decisions and *there is no universitywide review of them*. If approved by the responsible divisional Academic Senate committee and supported by the campus administration, a proposed action involving an undergraduate degree program is implemented. (p. 9, emphasis added).

The Compendium defines a degree title through examples such as Bachelor of Science or Master of Fine Arts (p. 13). Unless the proposal for a new major would have a new title unique to the campus (e.g., “Bachelor of Business”), there is no universitywide review of the proposal.

Also, PPM 200-25, Exhibit A, contains a flow-chart according to which only proposals for establishing graduate programs are routed to universitywide beyond the campus.

There is a more fundamental question as to whether a professional school can offer an undergraduate degree at all. There is nothing in the “Compendium” or in the Code of the Senate which prohibits a professional school from offering an undergraduate degree. In fact, the School of Veterinary Medicine on the Davis campus offers a Bachelor of Science degree.

**Ballots on Issues**  
**Committee on Elections, Rules and Jurisdiction**  
**January 4, 2012**

CERJ was asked for advice as to whether a ballot on issues of the Division (Davis Division Bylaw 17) may contain more than one separate issues. CERJ advises that the form of resolutions in a ballot on issues is determined solely by the petitioners, whether or not it contains separate issues.

**Rationale**

Davis Division Bylaw 16(A) establishes the role of the Committee on Elections, Rules and Jurisdiction (CERJ) with respect to all elections:

When elections by ballot are required by the Bylaws or ordered by other action of the Davis Division (except for the election of Departmental Representatives to the Representative Assembly), they shall be conducted by the Secretary of the Davis Division under the supervision of the Committee on Elections, Rules and Jurisdiction.

The traditional supervisory role of CERJ in the case of ballots on issues has been to: (1) advise on the notification of the Division of an impending ballot, (2) check the proposed ballot for conformity to the Code of the Senate, (3) certify election returns.

Nothing in the Code of the Senate requires that ballot resolutions be divided when they contain separate issues. CERJ is not empowered by the Code of the Senate to make such divisions; a specific provision in the Divisional Bylaws would be required to endow it with such power. CERJ will consider whether to propose such an amendment to the Bylaws.

There are two reasons that have been advanced in favor of CERJ's authority to divide the ballot. CERJ does not find either of them to be cogent.

(1) *Robert's Rules of Order* (Section 27, "Division of a Question") states that in an assembly, where "a series of independent resolutions or main motions dealing with different subjects is offered in one action," the request of a single member of the assembly is sufficient to separate the issues.

And Davis Division Bylaw 170 states:

The rules contained in Robert's Rules of Order shall govern the Division in all cases to which they are applicable.

But *Robert's* itself states that its rules are intended to apply to "meeting bodies" which have certain distinguishing characteristics (pp. 2-3). Thus, it applies to the Representative Assembly, to the Faculties and various committees of the Davis Division, and to special meetings of the whole Division. However, in the case of a ballot on issues of the Division, there is no "meeting" or "deliberative" body, and hence *Robert's Rules* does not apply.

(2) The California constitution prohibits statewide initiatives covering more than a single issue (Article 2, Section 8(d)). However, a ballot on issues of the Division is not a statewide initiative, and hence this provision of the state constitution does not apply to it.

**Impacted Majors**  
**Committee on Elections, Rules and Jurisdiction**  
**February 14, 2012**

CERJ was asked for advice regarding the authority of an undergraduate college to declare a major “impacted” by restricting admissions to the major. CERJ advises that any decision to declare a major impacted must be approved by the Faculty of the college and reported to the Undergraduate Council.

**Rationale**

Restriction of admission of students to impacted majors is accomplished by establishing requirements for admission to the major. These requirements ordinarily take the form of a series of courses to be completed, with a minimum grade-point average over those courses. Establishment of admissions requirements by such means as requiring courses for admission to the major (or by other means) constitutes a change in major requirements.

Changes in major requirements historically have been the province of the colleges. There is nothing in the charge to the Undergraduate Council or in the “Universitywide Review Policies for Academic Programs, Academic Units, and Research Units” (commonly known as the Compendium), that requires or suggests the need for Undergraduate Council approval of such changes, as they are neither creations of, suspensions of admissions to, or dissolutions of majors. However, because they have a campus-wide effect, declarations of impacted majors should be reported to the Undergraduate Council, given its broad charge to “establish policy for undergraduate education” (Davis Division Bylaw 121(B)(1)).

Because it is a change in major requirements, a declaration of impacted status requires approval by an agency of the Senate. Standing Order of the Regents 105.2(A) states, “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.” Requiring completion of courses for admission to a major is a condition for a degree. Therefore, authority to declare impacted status does not rest with the dean of the college housing the major, but rather with its Faculty. College Faculty Bylaws should state the locus of the authority within the governing structure of the Faculty. But in lieu of Bylaw provisions, CERJ advises that approval by the Faculty Executive Committee would constitute approval by the Faculty.

**Voting in Special Committees**  
**Committee on Elections, Rules and Jurisdiction**  
**April 18, 2012**

CERJ was asked for advice regarding the right to vote in a special committee of the Division. CERJ advises that only members of the special committee who are members of the Academic Senate may vote.

**Rationale**

Davis Division Bylaw 28(A) states: “Committees of the Davis Division include the Representative Assembly, the Committee on Committees, regular standing committees (including the Committee on Academic Personnel, the Faculty Personnel Committees, and the Committee of Academic Personnel Advisers), joint standing committees, special committees, task-forces, and the Faculties of colleges and schools.” Thus, a special committee is a committee of the Davis Division.

Bylaw 28(E) specifies the conditions for voting in committees of the Division. “Only members of the Academic Senate may vote in divisional 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 Davis Division. 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.”

There are no explicit Bylaw provisions allowing persons other than Senate members to have the right to vote on any special committee. In particular, Bylaw 31, Special Committees, makes no mention of voting rights. Therefore, only members of the Academic Senate may vote in special committees.

**Special Meetings of the Representative Assembly of the Davis Division  
Committee on Elections, Rules and Jurisdiction  
May 7, 2012**

Special meetings of the Academic Senate are distinguished from regular meetings. Regular meetings are governed by Davis Division Bylaws 18 and 19. Special meetings are governed by Bylaw 20.

A special meeting of the Representative Assembly may be called by the Chair of the Senate, by the Chief Campus Officer, or by the Chair of the Division at any time during the academic year. Upon written request of five members of the Representative Assembly during the academic year, a special meeting must be called within two weeks by the Chair or, in case of his or her absence or disability, by the Secretary. Such meetings do not permit passage of formal legislation.

*Timing*

A special meeting may be called by the Chair of the Senate or Division, or the Chancellor at any time of the academic year. However, Bylaw 19 requires that all meetings of the Senate take place only after a notification period of at least five instructional days. This limit also applies to meetings called by five members of the Representative Assembly, but there is the further restriction that the meeting must be held within ten instructional days after the written request for the meeting is received.

*Order of Business*

The order of business in a special meeting is governed by Divisional Bylaw 65, "Order of Business at Special Meetings":

The order of business at special meetings of the Representative Assembly of the Davis Division shall be as follows:

- A. Minutes. The reading of the minutes at any special meeting may be dispensed with by a two-thirds vote of the voting members present.
- B. The special business for which the meeting was called.
- C. Any other business that the Representative Assembly may, by the unanimous consent of the voting members present, decide to take up.

The agenda of any special meeting should be formulated according to Bylaw 65.

- A. Minutes
- B. Special Business [specify]
- C. Other Business (by unanimous consent of voting members present)

Resolutions deemed by the Chair to be germane to the special business may be moved, seconded and voted upon during the special business portion of the agenda. Any business falling under the heading of other business, including the proposal of resolutions, must, by Bylaw 65, receive unanimous consent of the voting members of the Assembly present at the meeting to be taken up. "Formal legislation" may not be passed. Bylaw 175(A) defines legislation as follows: "In these Bylaws the term

‘legislation’ shall comprise only Bylaws and Regulations of the Academic Senate and of the agencies of the Academic Senate.”

Resolutions may be moved or seconded only by members of the Assembly, according to Bylaw 36(A).

All voting members of the Academic Senate (and others, on the ruling of the Chair shall have the privilege of attendance and the privilege of the floor at meetings of the Representative Assembly, but only members of the Representative Assembly may make or second motions or vote. However, the chair (or his or her designated representative) of a standing or special committee of the Division may move or second action on reports of this committee.

Standard rules governing the passage of resolutions apply after unanimous consent has been given to take them up, and such resolutions do not require unanimous consent to be passed.

### *Specific Procedures for Conduct of Meeting*

The Chair shall call the meeting to order.

The Chair may ask for a two-thirds vote to dispense with reading of minutes, if there are minutes.

The Chair shall take up the special business for which the meeting is called.

After the special business is concluded, the chair may call for other business.

If other business is proposed, the chair shall ask, “Is there any member of the Representative Assembly who does not consent to take up this item of business?”

- ⤴ If an identified member does not consent, then the item may not be taken up.
- ⤴ If no member does not consent, then the Chair shall rule that the item be taken up.
- ⤴ There is no abstention. Non-consent must be indicated actively. [The Chair] then pauses, and if no member calls out, ‘I object,’ the chair announces, ‘Since there is one objection . . . ,’ the motion is decided upon” (*Robert’s Rules of Order*, 10<sup>th</sup> Edition, page 52).

If a member of the Assembly rises to make a motion, the Chair shall confirm the membership (by asking for display of the voting card or the name and department of the person). The same procedure holds for seconding a motion.

Debate on the motion takes place as usual. Robert’s Rules of Order allows the following procedures:

- ⤴ A time-limit on debate or the previous question (“calling the question”) may be moved and seconded by members of the Assembly, and if approved by a two-thirds majority shall limit or end debate on a motion, respectively.
- ⤴ Voting by ballot (“secret ballot”) may be moved and seconded by members of the Assembly, and if approved by a majority, voting shall be by ballot.

At the conclusion of other business, as the result of a majority vote for adjournment, or at the scheduled adjournment time, the Chair shall adjourn the meeting.

**Administration of Final Examinations**  
**Committee on Elections, Rules and Jurisdiction**  
**June 18, 2012**

CERJ has been asked to advise a department chair concerning the administration of final examinations in undergraduate courses. The question is whether a final research project in a course would qualify as a take-home final examination, and if not, whether a final examination is required in the course.

CERJ advises that a final research project may be deemed by the instructor as being a take-home final examination. If it is so deemed, then the due date and time for submission of the project is ordinarily that published in the *Class Schedule*, but in any case no earlier than the first day of finals week. If the project is not deemed a take-home final, then a separate final examination is required for the course, subject to the same time constraints. The only exceptions are courses which the Committee on Courses of Instruction has approved as being exempt from the UC Academic Senate Regulation (SR) requirement that a final examination be administered in all undergraduate courses.

The Regulations of the Academic Senate govern the administration of final examinations on all campuses, including the Davis campus. The relevant Regulations are 770 and 772 (<http://www.universityofcalifornia.edu/senate/manual/rpart3.html#r770>).

**770.**

No student shall be excused from assigned final examinations, except as provided in SR 772(D).

**772.**

- A. Final examinations are required in all undergraduate courses, except as provided elsewhere in this Regulation. Whenever practicable each such examination shall be written and must be completed by all participants within a previously announced time limit. Examinations in non-laboratory courses may not exceed three hours' duration.
- B. Examinations are normally not required in laboratory courses or their equivalent, as individually determined by the appropriate Committee on Courses. At its option, the department concerned may require a final examination in any laboratory course, subject to prior announcement in the schedule of classes for the term in question.
- C. With the approval of the appropriate Committee on Courses and upon recommendation of the department concerned, the final examination may be omitted in any undergraduate course or sets of courses either once or for a longer period.
- D. At the end of the term in which a student is expected to be graduated, the student's major department may examine the student in the field of the major, may excuse the student from final examinations in courses offered by the department during that term, and, with the approval of the appropriate Committee on Courses, may assign a credit value to such general examination.

SR 770 requires all students to complete all "assigned" final examinations, except in cases where a student takes a general examination in the major during the last term of study. SR 772 clarifies which final examinations are "assigned." In general, they are assigned to all undergraduate courses except where the Divisional Committee on Courses of Instruction has exempted the course from the requirement of a final examination.

Davis Division Regulation (DDR) 538 imposes specific requirements on the administration of final examinations on the Davis campus.

### 538. Examinations

(A) Except under certain specified circumstances, Senate Regulation (SR) 772 requires that final examinations be given in all undergraduate courses. Final examinations may be given in graduate courses. (Am. 4/26/82)

(B) At the instructor's option, a final examination in any course other than an on-line course may be wholly or in part of the take-home type. All examinations for on-line courses must be proctored to ensure that the person taking the examination is the student receiving credit. In accordance with SR 772(A), in undergraduate courses, the writing time of a take-home final examination and an in-class final examination together may not exceed three hours. (Am. 5/4/04)

(C) In each course for which a final examination is required, each student shall have the right to take a final examination (or, when the instructor has so opted, to submit a take-home examination) at the time and on the date published in the Class Schedule. For on-line courses, the University Registrar will offer to the instructor of each on-line class the option to have the final in the last time slot on the last day of finals or at a time on dead day to be negotiated between the University Registrar and the instructor. Students shall be notified of the time and place of the final on or before the first day of instruction. (Am. 5/4/04)

(D) In each course (other than in an on-line course) for which a midterm examination is required, each student shall have the right to take a midterm examination (or, when the instructor has so opted, to submit a take-home examination) during one of the scheduled meetings of the class published in the Class Schedule. (Am. 4/26/82; 5/4/04)

(E) Holding a final or midterm examination (or setting a deadline for submission of a take-home examination) at a time not specified in (C) or (D) requires the mutual consent of the instructor and all students involved in the change (other than in an on-line course). Any student who does not consent in writing to the different time must be permitted to take an examination (and/or submit a take-home examination) at the officially scheduled time. A student who consents in writing to the change of examination time waives the right cited in (C) or (D). (Am. 3/13/95 and effective 9/1/95; 5/4/04)

(F) Any departures from the published examination schedule should be carried out so as not to disadvantage students who are unable to accept the alternative examination schedule. An in-class final examination may not be rescheduled for a date earlier than the first day of final week. The due date for a take-home final examination may not be rescheduled for a date earlier than the first day of finals week. In the case of on-line courses, the published examination schedule is that announced no later than the first day of class in accordance with 538(C), and finals may be scheduled or rescheduled to occur on dead day. (Am. 10/26/87 and effective 9/1/88) (Am. 3/13/95 and effective 9/1/95; 5/4/04)

(G) A student who is improperly denied the right cited in (C) or (D) may file a petition with the Executive Council by the end of the next regular term, for appropriate action.

(H) In accordance with current law, students with documented disabilities may be entitled to in-class accommodations. The student shall provide a letter from the campus Student Disability Center (SDC) with a recommendation for those academic accommodations that the instructor is responsible for

providing. It is the student's responsibility to request accommodations as soon as possible; this notification must be made within a period of time which allows the university a reasonable opportunity to evaluate the request and offer necessary adjustments. The instructor has a legal obligation to provide recommended academic accommodations, unless the instructor can demonstrate that the accommodations will fundamentally alter the nature of the academic demands made of the student, or decrease the standards and types of academic performance. It is the responsibility of the University to provide recommended physical accommodations. No accommodation shall require facilities or personnel that can be demonstrated to result in undue financial and administrative burdens to the University. The instructor should consult with the student and the SDC if there are any questions or concerns. If the instructor and the SDC cannot arrive at a mutually agreeable accommodation, the matter shall be resolved by a committee convened by the Vice Chancellor - Student Affairs that includes the instructor, the department chair, and a representative from the SDC. (En. 6/8/87; Am 11/25/96; Am 4/14/08) (Am. 6/8/2012)

(I) An instructor may release to individual students their original final examinations (or copies thereof) at any time. Otherwise the instructor shall retain final examination materials, or a copy thereof, until the end of the next regular term, during which period students shall have access to their examinations. (En. 5/25/77; Renum. 6/8/87)

(J) Paragraphs (A) through (I) of this Regulation shall be printed in the General Catalog. (En. 5/24/76; Am. and renum. 5/25/77; 6/8/87)

As required by DDR 538(J) the remainder of the Regulation is reproduced in the *General Catalog* and thus is readily available to all faculty and students.

DDR 538(F) clearly states that final examinations may not be administered before the beginning of finals week, and that take-home final examinations may not be made due before that time.

CERJ adds that in any course in which a final project is thought by the unit offering the course to be pedagogically preferable to a final examination, the unit should request from the Committee on Courses of Instruction an exemption from the final examination requirement.