

To: Representative Assembly  
From: L. Jay Helms, Chair  
Committee on Elections, Rules and Jurisdiction  
Date: December 5, 2005

The Committee on Elections, Rules, and Jurisdiction hereby reports that the following Legislative Ruling was issued on November 14, 2005.

### **Legislative Ruling 11.05**

**Student Petitions to the Division.** All student petitions to the Davis Division are received by the Secretary, who may refer each petition to an appropriate committee in accordance with Davis Division Bylaw 13(E) and consistent with Academic Senate Bylaw 315(G).

The Representative Assembly has the authority to accept, reject, or modify the committee's actions (in accordance with Systemwide Legislative Ruling 8.95B). However, the Assembly is not required to consider or take any action on any given student petition, and a petitioner has no right to review by the Representative Assembly.

The Representative Assembly need not include a student petition on its agenda or meeting call except upon direct referral of the petition by the Secretary, by report of the committee to which it was referred, or by action of the Assembly itself.

### **Background and Rationale**

This Ruling was issued on the basis of a request by Divisional Chair Dan Simmons to clarify the authority and obligations of the Representative Assembly with respect to Student Petitions. There are two matters at hand: what authority the Representative Assembly has with respect to student petitions, and how that authority may be exercised.

#### **(1) Is the Representative Assembly empowered to rule on student petitions?**

CERJ has reviewed this question several times over the past five years, providing detailed but informal advice to the Divisional Chair on October 1, 2001 and on February 12, 2004.

Legislative Ruling 8.95B of the University Committee on Rules and Jurisdiction says in part:

Under SBL 40C each committee of the Academic Senate, including Divisional committees, is responsible to the agency establishing it... The establishing agency retains the right to supercede, amend, or set aside the actions or recommendations of any of its committees.

The establishing agency for standing committees is the Division itself, and the will of the Division is expressed in the Representative Assembly (or by mail ballot). We therefore reaffirm our previous conclusion that the Representative Assembly has the authority to accept, reject, or modify the judgment of any committee with respect to the subject of a student petition.

**(2) What is the proper procedure for handing student petitions presented to the Division?**

On May 12, 2004, the Assembly of the Academic Senate clarified the procedures for student petitions by adopting the following Systemwide Bylaw:

Academic Senate Bylaw 315(G) Unless divisional bylaws specify otherwise, the Division Chair receives petitions of students or other material for presentation to the Division and may refer them to an appropriate committee.

Their stated purpose was to

...clarify that petitions of students must be delivered to the relevant chair (Assembly or divisional), who alone has the authority to refer them to a committee or the assembly. Because of that explicit clarification, we retained the item "Petitions of Students" in the agenda for Senate meetings.

This amendment clarifies how student petitions are handled at the divisional level. Unless otherwise specified in divisional bylaws, the division chair is authorized to receive such petitions (or other material intended for submission to the division) and to determine whether such materials should be referred to an appropriate committee. [May 12, 2004 Assembly Meeting Call, pages 36 and 39.]

This revision clarifies that a specific student's petition need not be placed on the RA agenda as a matter of right under Systemwide Bylaws. Instead, the petition may be referred to an appropriate committee.

There is a closely-related Divisional Bylaw:

Davis Division Bylaw 13(E) The Secretary of the Davis Division is authorized to refer directly to the appropriate standing committee any or all questions placed in his or her hands for presentation to the Davis Division, including petitions of students.

The phrase "in his or her hands" is figurative, and the Bylaw simply says that, at Davis, the Secretary plays the role assigned to the Chair under the default Academic Senate Bylaw 315(G). And, at Davis, the Student Petitions Subcommittee of the Executive Council would be a natural destination of student appeals, although this decision rests with the Secretary alone.