

## Committee on Elections, Rules and Jurisdiction

May 10, 2006

### Legislative Ruling 5.06

**Senate Appointments to Academic Departments.** All Senate members must be appointed to academic departments (or their equivalent within the meaning of ASB 55). But, pursuant to DDB 141 and 143, a Senate member may not be appointed solely to a unit of the College of Letters and Science or of the College of Agricultural and Environmental Sciences which does not offer a major, except by an explicit provision of the Bylaws.

#### Background

This Ruling was issued on the basis of a request by Divisional Chair Dan Simmons for a formal Legislative Ruling on whether Senate faculty must hold appointments in academic departments, and whether they may be appointed to a position solely in the University Writing Program (UWP).

#### Rationale

##### (1) Must Senate members be appointed to academic departments?

The Standing Orders of the Regents indicate that departments are the basic unit of the Senate:

**SOR 105.2(C).** The Academic Senate shall determine the membership of the several faculties and councils ... provided that the several departments of the University, with the approval of the President, shall determine their own form of administrative organization, and all Professors, Associate Professors, Acting Professors, Acting Associate Professors, and Assistant Professors, and all Instructors of at least two years' service shall have the right to vote in department meetings.

ASB 45 specifically defines Senate membership in Faculties with respect to departments:

**ASB 45.** In accordance with the provisions of this Bylaw, the membership of each Faculty is defined by the bylaws of the Division to which it is responsible, or by the Bylaws of the Senate for those Faculties directly responsible to the Assembly. Membership in a Faculty is limited to the following Senate members:

- A. The President of the University;
- B. The Chancellor;
- C. The chief academic administrative officer of the school or college;
- D. All members of the Academic Senate **who are members of departments assigned to that school or college** (Academic Senate members who have retired and transferred to emeritus/a status retain departmental membership.);
- E. Such other Senate members as are specified in Divisional Bylaws or these Bylaws. [Emphasis added.]

Thus the Senate comprises Faculties, and Faculties are defined by membership in departments. All Senate members must therefore be appointed to academic departments. The use of the word “department” is not critical:

**ASB 55(E).** In Divisions or schools or colleges where the term “department” is not used, this Bylaw refers to those units from which academic appointments and promotions are recommended to administrative officers.

This language accommodates situations where alternative terms are in widespread use (e.g., “sections” in the College of Biological Sciences) or where a school is coextensive with a department (the Schools of Law, Management, and Education). It also accommodates the several programs in the College of Letters and Science – including the cultural studies programs – which function as the equivalent of departments for the purposes of ASB 55.

**(2) May Senate members be appointed solely to an academic unit which does not offer a major (such as the University Writing Program)?**

During extensive discussions on the formation of the University Writing Program differing opinions were offered on the nature of appointments to the UWP. However, the final consensus proposal remains unclear about whether the Senate faculty allocated to the UWP would all have joint appointments in academic departments:

Therefore, it is proposed that one Senate faculty FTE be allocated for a Director of the UWP, that a search for the Director begin as soon as possible, and that four additional Senate faculty FTE be allocated for the UWP. They may have joint appointments in departments and colleges across the campus.

[Final Proposal for a University Writing Program (May 31, 2004), page 5; [http://www.physics.ucdavis.edu/kiskis/ug\\_council/uwp.html](http://www.physics.ucdavis.edu/kiskis/ug_council/uwp.html)]

Membership in the Faculty of the College of Letters and Sciences at Davis is defined by DDB 141:

**DDB 141.** The Faculty of the College of Letters and Science shall consist of (1) the President of the University; (2) the Chief Campus Officer; (3) the Dean of the College; (4) the Librarian and the Registrar of the Davis campus; (5) all members of the Academic Senate **who are members of departments in which students in the College of Letters and Science may elect their major work**; (6) all members of the Academic Senate who are members of the Department of Military Science... [Emphasis added.]

L&S Faculty (and thus Senate) membership therefore requires membership in a department (or its equivalent) “in which students ... may elect their major work.” DDB 143 (defining the Faculty of Agricultural and Environmental Sciences) contains analogous language. Because the UWP does not offer a major, it does not satisfy this requirement, and it is for this reason that a Senate member could not be appointed solely to this program. A joint appointment (in any percentage allocation) with any qualifying department would, however, be permissible.

Conferring Senate membership on faculty in these colleges appointed solely to an academic unit not offering a major requires an explicit Bylaw provision, as is provided in DDB 141 for the Department of Military Science. It would also require a conforming change in the college bylaws.

We note that PPM 200-20(II)(B) (9/23/1991) defines an “academic program” as “a regularized sequence of courses leading to an undergraduate or graduate degree, including those programs sponsored by groups formed by faculty members for the purpose of presenting a graduate or undergraduate degree program that is interdepartmental in nature.” However, the draft Update to this PPM section (dated 4-20-2006) eliminates this language. Whether this Update is implemented or not, it is the Code of the Senate, rather than the specific terminology employed in the PPM, which determines Senate membership.