

MEETING CALL  
REGULAR MEETING OF THE REPRESENTATIVE ASSEMBLY  
OF THE DAVIS DIVISION OF THE ACADEMIC SENATE

Monday, April 14, 2008  
2:10 – 4:00 p.m.  
Memorial Union, MU II

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|---|--------------|
| 1. Transcript of the February 26, 2008 Meeting  | 2            |
| 2. Announcements by the President - None  |              |
| 3. Announcements by the Vice Presidents - None  |              |
| 4. Announcements by the Chancellor - None   |              |
| 5. Announcements by the Deans, Directors or other Executive Officers – None   |              |
| 6. Special Orders   |              |
| a. Remarks by the Divisional Chair - Linda Bisson   |              |
| b. Announcement of the Call for Nominations of Committee on Committee membership  |              |
| 7. Reports of standing committees   |              |
| a. Committee on Elections, Rules & Jurisdiction:  |              |
| i. Legislative Rulings and Annual Report of the Committee on Elections, Rules and Jurisdiction (to be distributed at meeting) | Handout<br>4 |
| ii. Proposed Revisions of DDR A552 & 538  | 4            |
| b. Executive Council:   |              |
| i. Proposed Revision of DDB 73 & 87   | 6            |
| 8. Petitions of Students  |              |
| 9. Unfinished Business  |              |
| 10. University and Faculty Welfare  |              |
| 11. New Business  |              |
| a. Resolution for Administrative Leadership Recruitments  | 8            |
| 12. Informational Items   |              |

Susan Kauzlarich, Secretary  
Representative Assembly of the  
Davis Division of the Academic Senate

\*Consent Calendar. Items will be removed from the Consent Calendar on the request of any member of the Representative Assembly.

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.

TRANSCRIPT  
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1. Transcript of the October 23, 2007 Meeting

**Action: Unanimously Approved.**

2. Announcements by the President - None
3. Announcements by the Vice Presidents - None
4. Announcements by the Chancellor
- a. State of the Campus – Chancellor Larry N. Vanderhoef
5. Announcements by the Deans, Directors or other Executive Officers – None
6. Special Orders
- a. Remarks by the Divisional Chair - Linda Bisson
- b. Remarks by Kim Elsbach
7. Reports of standing committees
- a. CAP - Oversight Committee
- i. Pending Policy Discussion - Proposed changes to APM 220-18.b(4):  
Criteria for Professor Step VI and Above Scale

**Action: Chair Reynolds updated the assembly regarding the most recent activity associated with the review of APM 220-18. In summary, Davis Division CAPOC believes there will be no impact on current process. In particular, an increase in workload for the staff preparing faculty packages for review or faculty members going up for review. The revised policy will be sent back to Academic Senate Divisions (on each campus), by the Universitywide Committee on Academic Personnel (UCAP) for additional review and response in the future.**

- b. Committee on Committees
- i. Notice of the 2008-2010 Davis Division Chair

**Motion: To appoint Bob Powell 2008-2010 Davis Divisional Chair of the Academic Senate.**

**Action: Unanimously Approved.**

- c. Faculty Research Lecture
- i. Nomination of recipient for vote  
Nominee: Susan Mann, History

**Motion: To accept the recommendation of the Faculty Research Lecture Committee.**

**Action: Unanimously Approved.**

- d. Undergraduate Council Committee on General Education
- i. General Education Proposal – General Discussion

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**Action: Co-Chairs of the Davis Division General Education Committee (Professors Radke and Constable) along with the Chair of the General Education Task Force, Professor Mechling, provided an update concerning revisions made to the General Education Proposal. There were many questions addressed and additional feedback the Undergraduate Council, General Education Committee and General**

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**Education Task Force will consider and return the item for review by the Representative Assembly during the April 14, 2008 meeting for a vote.**

8. Petitions of Students

9. Unfinished Business

a. Graduate Council

i. DDR 520C, D & E: Clarification of Regulation Language

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**Motion: To accept the clarification of regulation language in DDR 520C, D & E.**

**Action: Unanimously Approved.**

10. University and Faculty Welfare

11. New Business

12. Informational Items

a. School of Medicine Bylaw and Regulation Revisions

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b. College of Biological Sciences Regulation Revisions

29

c. College of Letters and Science Bylaw Revisions

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Patricia Harrison, Secretary  
Representative Assembly of the  
Davis Division of the Academic Senate

**PROPOSED REVISION OF DAVIS DIVISION REGULATIONS A552 and 538:  
ACCOMMODATIONS FOR STUDENTS WITH DOCUMENTED DISABILITIES**

March 20, 2008

Submitted by the Committee on Elections, Rules and Jurisdiction.

Endorsed by the Executive Council.

Rationale:

UC Davis is legally required to make reasonable accommodations for students with documented disabilities, and is fully committed to doing so. In some cases a student's disability might be such as to make it unreasonable for him or her to carry a class load of at least 13 units per quarter as required under the Minimum Progress Requirement.

One accommodation that can be used in these situations is to reclassify the student as part-time, which allows him or her to take a maximum of 10 units per quarter. However, a student who, due to his or her disability, is unable to take 13 units every quarter but who may be capable of taking more than 10 units is limited to taking a maximum of 10 units while on part-time status, which defeats the purpose of the Minimum Progress Requirement.

Another response available under current regulations is for the Associate Dean to exercise his or her discretion under Davis Division Regulation A552(C)(4) to grant an exception to disqualification for failure to meet minimum progress. But a student who, due to his or her long-term disability, is unable to meet the Minimum Progress Requirement could continuously be placed on academic probation or designated as "subject to disqualification for quantitative reasons," and would need repeatedly to petition for an exception to disqualification.

Moreover, current Regulations provide no guidance to the Dean ensuring that the legally-required accommodation is made while at the same time continuing to enforce the Minimum Progress Requirement to the extent applicable. Since the minimum progress calculation is cumulative "over all quarters of enrollment" a single quarter of disability could have continuing effects. And, in the absence of a clear criterion for the deans to apply, there is the risk that a single quarter of disability could be used to excuse a continuing failure to achieve minimum progress long after the period of disability.

This proposal – which was crafted with the participation of representatives from the Undergraduate Council, the Student Disability Center, and the Council of Associate Deans as well as the Divisional Chair and the Registrar – provides a well-defined and appropriately limited prospective *accommodation* rather than discretionary and after-the-fact *exceptions* to the Minimum Progress Requirement.

Under the proposal, quarters of document disability are simply disregarded for purposes of defining minimum progress, but the minimum progress expectation remains fully intact and enforceable for quarters unaffected by disability. That is, the cumulative ratio of quarters passed to quarters of enrollment is calculated for every student, except that for the period of documented disability the courses taken and the quarters enrolled are removed from the numerator and the denominator, respectively. This simple system gives the student a clear picture of the University's expectation of progress for quarters unaffected by the disability, substantially eliminates the need for the deans to make ad-hoc exceptions to the Minimum Progress Requirement, and is compliant with applicable legal requirements.

Proposed Revision: The following amendments to the Davis Division Regulations are hereby proposed. (Deletions are indicated by ~~strikeout type~~; additions are in **bold type**.)

#### **Proposed Regulation A552(D): Accommodations for Students with Documented Disabilities**

- (1) A student seeking an accommodation for a documented disability with respect to the minimum progress requirement shall provide his or her Dean's office with a letter from the campus Student Disability Center (SDC) including a recommendation for either a transfer to part-time status or a waiver of the minimum progress requirement for full-time students (for a specific period not to exceed one year). It is the student's responsibility to request accommodations as soon as possible, and 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 accommodation is subject to extension and modification, and it is the student's responsibility to submit subsequent requests as the need arises.
- (2) The faculty of a college (or its authorized agent) may authorize either a transfer to part-time status (as described in Davis Division Regulations C560-C562) or a waiver of the minimum progress requirement for specific quarters (not to extend to quarters beyond those recommended by the SDC) for a student for whom the SDC has determined that an accommodation is required. In either case the units earned and the quarters attended during the period of the accommodation shall not be used in determining whether a student has satisfied the minimum progress requirement. No accommodation shall alter the nature of the academic demands made of the student nor decrease the standards and types of academic performance.
- (3) If the faculty (or its authorized agent) and the SDC cannot arrive at a mutually agreeable accommodation, the matter shall be resolved by a committee convened the Vice-Chancellor-Student Affairs that includes a representative from the SDC and the authorized agent of the faculty of the college (or, in the absence of such agent, the chair of the faculty).
- (4) Colleges shall report to the Undergraduate Council on an annual basis in the fall quarter the numbers, types, and duration of accommodations granted.

#### **Proposed Amendment to Regulation 538(H): In-Class Accommodations**

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 Disability Resource Center (~~DRC~~) **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. No accommodations shall alter the nature of the academic demands made of the student nor decrease the standards and types of academic performance. No accommodation shall require facilities or personnel that cannot reasonably be provided. The instructor should consult with the student and the ~~DRC~~ **SDC** if there are any questions or concerns. If the instructor and the ~~DRC~~ **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 members of the Vice-Chancellor's Administrative Advisory Committee.~~ **and a representative from the SDC.**

**PROPOSED REVISION OF DAVIS DIVISION BYLAWS 73 and 87:  
SPECIAL REVIEW COMMITTEE**

March 20, 2008

Submitted by the Executive Council.

Rationale: The Committee on Privilege and Tenure has the duty to conduct investigations and hearings related to grievances filed by individual faculty members who allege that their rights or privileges have been violated. The reports of the Committee are strictly confidential. If during the course of the investigation it is determined that there are larger issues which might adversely affect the functioning of campus agencies (including departments, schools, and colleges) there is no mechanism by which the Committee may conduct or call for a broader examination or report publicly on these matters.

Additionally, both the Undergraduate Council and the Graduate Council conduct program reviews which might reveal issues of concern which transcend the scope of a normal undergraduate or graduate program review. Again, there is no mechanism by which these larger concerns may be explored.

As a result, the Academic Senate may find it unduly difficult to fulfill its obligation to supervise courses and curricula (Standing Order of the Regents 105.2(b)) or to ensure that campus agencies are functioning effectively under the principles of shared governance.

This proposal allows a hearings panel of the Committee on Privilege and Tenure, the Undergraduate Council, or the Graduate Council to petition the Executive Council to establish a Special Review Committee to examine these matters, with a public report to be made directly to the Representative Assembly. It also allows the School and College Executive Committees or the Divisional Chair to petition for the establishment of the Review Committee, and other faculty members or Senate agencies (including the Faculty Privilege and Academic Personnel Advisers and the Committee on Privilege and Tenure Investigative Subcommittee) may express their concerns through the Divisional Chair. Finally, the Representative Assembly (by resolution) and the Division (by ballot) would retain their overriding authority to establish the Review Committee directly.

Senate authority to establish such a committee is firmly rooted in Standing Order of the Regents 105.2(b) and the principles of shared governance. The proposed mechanism is consistent with Systemwide Legislative Ruling 12.80 regarding the exclusive authority of the Committee on Privilege and Tenure to adjudicate individual grievances while recognizing that "other Senate agencies may consider and make recommendations about the general conditions out of which complaints arise." It is also consistent with Academic Senate Bylaw 335(B)(8) which ensures the confidentiality of reports of the Committee on Privilege and Tenure unless the grievant waives confidentiality.

Proposed Revision: The following amendments to the Davis Division Bylaws are hereby proposed, to become effective immediately upon adoption by the Representative Assembly. (Deletions are indicated by ~~strikeout type~~; additions are in **bold type**.)

Proposed New Bylaw 73(C)(9) for the Executive Council:

C. The primary responsibility of the Executive Council is to coordinate the actions and affairs of the Davis Division. It shall serve as liaison between committees of the Division and between the Division and its representatives on University Senate organizations. The Executive Council, although not a policy-making body, is to advise the Division and its officers and representatives on matters of policy, propose to the Representative Assembly legislation it deems necessary, serve as liaison between the Division and the Davis campus Administration, and be available to members of the Administration for consulting and advice when it is not expedient to convene a meeting of the Representative Assembly, especially in cases of emergency. Some responsibilities are:

...

**9. Upon formal petition from a hearings panel of the Committee on Privilege and Tenure, the Undergraduate Council, the Graduate Council, the Executive Committee of any School or College, or the Chair of the Division, to establish, if it determines that there is sufficient need, a Special Review Committee to examine matters which might adversely affect the delivery of courses and curricula or the functioning of campus agencies (including departments, schools, and colleges) under the principles of shared governance. A Special Review Committee may also be established directly by vote of the Representative Assembly or of the Division by ballot. If a Committee is established it shall consist of no fewer than three and no more than five members appointed by the Committee on Committees and, except as provided in this paragraph, shall be subject to the provisions of Bylaw 31. It shall have no authority to adjudicate individual cases within the jurisdiction of the Committee on Privilege and Tenure; however, it may consider and make recommendations about the general conditions out of which a grievance may arise. The Committee shall report its findings directly to the Representative Assembly.**

Proposed New Bylaw 87(E)(8) for the Committee on Privilege and Tenure (with the current paragraph (8) being renumbered as paragraph (9)):

**8. The hearings panel may, by separate report to the Executive Council, petition for the establishment of a Special Review Committee as provided for in Bylaw 73(C)(9). Any such petition shall disclose the hearing panel's findings, conclusions and recommendations only with the consent of the grievant and only to the extent allowed by law. The petition may extend beyond the scope of the individual grievance to include the general conditions out of which the grievance arose.**

"In the spirit of shared governance, we the faculty of the University of California at Davis request that all searches for positions of leadership in the administration require formal applications by all candidates who must be fully evaluated by search committees comprising representative ladder faculty recommended by the academic senate."

Endorsed by:

J. Clark Lagarias

Tilahun Yilma

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M.M. Green

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