

June 2, 2015

André Knoesen, Chair
Davis Division of the Academic Senate

Re: Undergraduate Council Authority over Priority Registration

Dear Chair Knoesen,

Question Presented: Does Undergraduate Council have authority to change undergraduate registration priority so that Advanced Placement/International Baccalaureate units are not counted in determining registration priority?

Brief Answer: The Undergraduate Council may well have authority to make this decision, but the matter is not free from all doubt. The specific issue presented to CERJ is now moot because the other committee that may have jurisdiction has unanimously approved the change. In the future, CERJ advises that it would be preferable to submit issues that may be under the jurisdiction of more than one committee to the Senate leadership for assignment.

Analysis:

Based on the facts as we understand them, Undergraduate Council may have authority to make this decision, but the conclusion is not entirely free from doubt.

We have reviewed the Davis Division Bylaws (DDB) and relevant Standing Orders of the Regents (SOR). The most relevant provision appears to be DDB 121(B)(1):

The [Undergraduate Council] shall have the following duties:

1. Consistent with the rights of Faculties under the Standing Orders of the Regents (105.2.b), to establish policy for undergraduate education on the Davis campus and to advise the Chief Campus Officer on all matters pertaining to undergraduate education.

Registration priority seems to be a question of “policy for undergraduate education on the Davis campus,” so the decision in question seems to fall within the textual limits of Undergraduate Council’s authority.

It might be argued, however, that the Committee on Admissions and Enrollment has jurisdiction over registration priority. That committee is charged with “consider[ing] matters involving admission and enrollment at Davis.”¹ Registration falls within some dictionary definitions of “enrollment,”² so there appears to be at least a colorable argument that the Committee on Admissions and Enrollment has jurisdiction over this matter.³

¹ DDB 50(B).

² See, e.g., www.merriam-webster.com/dictionary/enroll (“to insert, register, or enter in a list, catalog, or roll”).

³ It might also be argued that decisions about registration priority are reserved for decision by individual faculties under SOR 105.2.b. But the only subject SOR 105.2.b specifically reserves to faculties, as opposed to the Senate, is “change[s] in the curriculum of a college or professional school.” A change in registration priority seems different from a change in “curriculum.” Moreover, leaving registration priority up to individual faculties seems potentially unworkable, and in any event we are unaware that any faculty actually opposes the change here.

Although existing and past practice might shed light on this matter, we have not investigated practice in depth because the specific question prompting this memorandum is now moot. The Committee on Admissions and Enrollment voted unanimously on April 28, 2015 to approve the change in policy under discussion.

This case illustrates the fact that committee jurisdiction is often unclear. For that reason, CERJ recommends that future changes to registration practice be submitted to the Academic Senate leadership rather than to a particular committee.

Sincerely,

A handwritten signature in dark ink, appearing to read "John P. Hunt", with a stylized flourish at the end.

John Hunt, Chair
Committee on Elections, Rules and Jurisdiction

Cc: Gina Anderson, Executive Director, Davis Division of the Academic Senate