

SENATE DIVISION CHAIRS
SENATE COMMITTEE CHAIRS

On behalf of Chair Simmons, I am conveying his request for systemwide review of the report of the Task Force on Senate Membership, which was charged with reviewing Senate membership, deriving a set of principles that should define it, and based on those principles, making recommendations, if any, for changes to Senate membership. The Task Force issued its report last spring, and we now ask you to consider and comment on the report and its recommendations.

The Task Force was asked to examine the essential principles underlying Academic Senate membership and assess the degree to which current practices reflect those principles. After reviewing the evolution of membership in the Academic Senate since its inception and surveying the contemporary range of practices in the University's distinctive academic units, the Task Force made four specific recommendations as detailed in the transmittal letter from Task Force Chair Linda Bisson to Academic Council Chair Harry Powell:

- Do not extend the list of titles conferring membership in the Senate.
- Within the divisions and campuses, review the duties and responsibilities of non-Senate academic appointees and reclassify those who should be appointed in Senate into appropriate series, e.g. from "Clinical Professor" to "Professor of Clinical X".
- Retain the historical separation of curricular authority for undergraduate and professional school education.
- Revise the list of administrative titles that automatically confer Senate membership.

Council received the report in April but elected to postpone the Senate's review until Fall 2010 in order to ensure that all Senate agencies, especially in the divisions, would have ample time to consider its analysis and recommendations. Reviewers are asked to comment specifically on the recommendations in the context of the analysis underlying them.

In order to encourage an deliberative process, especially within the divisions, the review period is longer than customary. Please submit comments to senatereview@ucop.edu by Friday, **March 11, 2011**. This will allow Council to complete its review of this report and make recommendations within the academic year. As always, if you feel it is not in your committee's purview, you may elect not to opine. We would appreciate it if you would inform us should you choose not to opine.



TASK FORCE ON SENATE MEMBERSHIP
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April 15, 2010

**HENRY C. POWELL, CHAIR
ACADEMIC COUNCIL**

RE: Report and Recommendations of the Task Force on Senate Membership

Dear Harry,

The Task Force on Senate Membership met twice by teleconference and thrice in-person between August 2009 and March 2010. The Task Force was charged to review Senate membership by delineating historical criteria used to define Senate membership, deriving of a set of principles underlying Senate membership, and making recommendations, if warranted, for modification of Senate membership. We have attached our report and, as separate attachments, our original charge as well as the historical review of Senate membership and the changes to membership over time. It was possible to define the changes from the historical record, but not always possible to define the reasoning behind those changes. Therefore, we include in this cover letter a more detailed presentation of our deliberations to provide the full context for the recommendations of the Task Force.

The Task Force offers four recommendations based upon our assessment of current use of titles and hiring practices. In brief, we could find no other workable approach to conferring membership other than the current practice of use of specific title codes, given the time and expense of individual membership review. We do not recommend transfer of existing non-Senate titles to Senate membership nor the creation of new Senate titles. We also recommend a review of the administrative titles automatically conferring Senate membership as the professionalization of the administration has led to the creation of non-academic administrative positions for which Senate membership may be inappropriate. Finally, we make a specific recommendation regarding our perceptions that certain faculty performing Senate duties have been hired into inappropriate titles.

Analysis of the increases in Senate and non-Senate positions over time reveals a greater growth in some sectors of the university, especially the Health Sciences, as compared to the undergraduate colleges. This growth seems to largely have occurred in non-Senate titles, with individuals then given duties and responsibilities consistent with Senate membership. However, these practices were not uniform across the system. We therefore recommend a review of faculty in the Health Sciences and transfer of faculty to the appropriate titles based upon the expectations of their positions and actual duties.

There was significant disagreement on this point among members of the task force: Some members were strongly concerned about the potential dilution of representation of undergraduate student interests as the Professional Schools sector grows while undergraduate enrollments—and therefore faculty FTE—are held

constant or shrink. Other task force members concluded that this was not an issue that should prevent appointment of individuals in the appropriate series. Historically, however, the Senate and The Regents have separated undergraduate and professional school curricular responsibilities, and we recommend that this practice continue in order to best serve the interests of both student constituencies.

We also discussed possible changes in Senate representation that could mitigate any problem of imbalance of membership between undergraduate and professional school faculty, should one arise. We were somewhat alarmed by the recent report on administrative growth released by the Office of the President that cites the growth of professional schools, particularly the health sciences and auxiliary enterprises, as the driving force for accelerated growth of the administration as compared to the academic sector. The administration is largely funded by state funds, and this growth represents a net transfer of state resources from the academic sector to the non-academic administrative sector which will continue apace with growth in these areas. This trend will likely further contribute to the imbalance between undergraduate and professional school faculty. Although beyond the scope of our Task Force, we believe this issue of restricting administrative growth needs to be addressed by the Senate.

Another issue of concern to the Task Force is the ability for equitable participation in Senate deliberations. We were concerned that the combination of continued budget cuts with increases in classroom size and instructional demands across the faculty may render some segments of the University, e.g., those unable to obtain release time or funding, unable to participate fully in shared governance. This issue will need to be monitored by the systemwide Academic Senate and steps taken to address workload issues that may severely limit faculty participation in service activities.

We thank you for the opportunity to investigate and report on this important topic. Please do not hesitate to contact us if we can be of further assistance.

On behalf of the Task Force on Senate Membership,

Linda Bisson, Chair

cc: Martha Winnacker, Executive Director, Systemwide Academic Senate
Task Force on Senate Membership

Encl.

Report of the Task Force on Senate Membership April 15, 2010

The main charge to the Academic Council Task Force on Senate Membership was to “delineate what gives and what ought to give Senate membership meaning and significance” and thence to derive a set of principles that should govern membership. The charge to the committee is appended as attachment #1. A historical review of the creation of the Academic Senate, its title codes, assignment of duties and expectations, and modifications to both membership and duties is also attached to this document (attachment #2).

Senate membership is not a privilege attached to delivery of a single course but a pledge to participate broadly in the full spectrum of responsibilities and duties of shared governance. Senate membership accords a pervasive set of functions and obligations. The role of the Academic Senate has been codified in the Regental Standing Orders. Regental Standing Order 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” and thereby delegates authority to the Senate for both admissions and criteria of admission. Standing Order 105.2.b delegates responsibility for the design and delivery of the curriculum to the Senate: “The Academic Senate shall authorize and supervise all courses and curricula offered under the sole or joint jurisdiction of the departments, colleges, schools, graduate divisions, or other University academic agencies approved by the Board”.

Senate organizational authority is also stipulated by the Regental Standing Orders. The authority to organize itself is conferred on the Senate by Standing Order 105.2.c: “The Academic Senate shall determine the membership of the several faculties and councils”. SO 105.2.c reinforces Standing Order 101.1.a delegating to the Senate organizational responsibility for academic programs in departmental or equivalent units and defines them as voting units: “...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”. Standing Order 105.1.b gives authority to define its own compositional and managerial structure to the Senate: “The Academic Senate shall determine its own membership under the above rule, and shall organize, and choose its own officers and committees in such manner as it may determine”.

The Standing Orders also set the expectations for consultation and inclusion in the Senate decision-making process at the department or unit level and specify an advisory role at the campus and systemwide levels. The advisory role of the Senate is delineated in Standing Order 105.2.d “The Academic Senate is authorized to select a committee or committees to advise a Chancellor concerning a campus budget and to select a committee or committees to advise the President concerning the University budget.” Standing Orders 105.2.f and 105.2.g extend the advisory role to the operation of the University of California Press and the administration of the libraries. Finally, Standing Order 105.2.e charges the Senate with the responsibility to memorialize the Board of Regents: “The Academic Senate shall have the right to lay before the

Board, but only through the President, its views on any matter pertaining to the conduct and welfare of the University.”

The duties of Senate members encompass education, research/creative activity, consultation and service. The service responsibility, in addition to participation in the above-mentioned advisory role that the Senate plays in review of administrative functions, policies and procedures, also encompasses the tripartite mission of instruction, research/creative activity and professional service. Under current practices, appointment to a title that confers Senate membership brings the responsibility of both the delegated and advisory functions of the Senate. Criteria for appointment to the ranks of the Senate are codified in the Academic Personnel manual (APM). Senate members are expected to be educators in the broadest sense. Senate operational principles have been codified in the APM and Bylaws of the Academic Senate; these include the specification of the voting and consultation rights of the faculty.

From our analysis of the historical review, we identified the following:

1. Membership in the Senate carries delegated and advisory responsibilities relating to shared governance. Senate members are expected to play an active role in advising the administration on matters pertaining to operation of the institution, not merely those associated with delivery of the curriculum. The duty to memorialize the Board of Regents as a full partner engaged in the enterprise of education should not be taken lightly.
2. Senate members decide preparation requirements for entry to university curricula and have the responsibility for the entire program of study of both undergraduates and graduate students. This delegated authority extends beyond the classroom to creation and organization of programs of study and their periodic review.
3. The authority to organize itself confers an active role to Senate members in both the assessment of potential new appointments to the Senate as well as in performance review at all stages of advancement within the University.
4. Historically, the Regents have made a distinction between academic education and professional education.

In summary the Senate has direct delegated authority for which students are admitted, what is taught, how student performance is evaluated and when degrees requirements have been met. In addition the Senate holds the authority for organizing itself and defining and evaluating Senate membership. Finally, the Senate has been granted an advisory role in the operation of the University. Membership decisions should be made with these responsibilities uppermost in mind.

Evaluation of accordance of principles and current Senate membership

Membership in the Academic Senate is currently granted based upon the title code. The title codes conferring membership in the Senate are specified in Standing Order 105.1:

“The Academic Senate shall consist of the President, Vice Presidents, Chancellors, Vice Chancellors, Deans, Provosts, Directors of academic programs, the chief admissions officer on each campus and in the Office of the President, registrars, the University Librarian on each campus of the University, and each person giving instruction in any curriculum under the control of the Academic Senate whose academic title is Instructor, Instructor in Residence; Assistant Professor, Assistant Professor in Residence, Assistant Professor of Clinical (e.g., Medicine); Associate Professor, Associate Professor in Residence, Associate Professor of Clinical (e.g., Medicine), Acting Associate Professor; Professor, Professor in Residence, Professor of Clinical (e.g., Medicine), or Acting Professor; full-time Lecturer with Potential for Security of Employment, full-time Senior Lecturer with Potential for Security of Employment, full-time Lecturer with Security of Employment, or full-time Senior Lecturer with Security of Employment; however, Instructors and Instructors in Residence of less than two years' service shall not be entitled to vote. Members of the faculties of professional schools offering courses at the graduate level only shall be members also of the Academic Senate, but, in the discretion of the Academic Senate, may be excluded from participation in activities of the Senate that relate to curricula of other schools and colleges of the University.”

Appendix I compiles the APM descriptions for each of these title codes. All confer the spectrum of duties and responsibilities of the Senate to the appointee.

Other title codes touch upon one or more duties of the Senate members but do not carry the responsibility for shared governance per se. However, there appear to be inconsistencies in the use of these title codes within and across the campuses. If Senate membership is to be based on title codes, all individuals with duties and expectations for teaching research and service must be appointed to and promoted in the appropriate series, regardless of resource considerations.

There appears to be no senate-wide uniformity of review of non-Senate titles. Of particular concern in this area are credible reports that many campuses, particularly the medical centers, utilize their title tracks in inconsistent, if not opposite, manners. The alternative method to use of title codes for conferral of Senate membership would be to return to a system of defining membership by duties performed, necessitating a more detailed review of each individual engaged in any aspect of Senate responsibilities at both the time of appointment and of advancement. The task force does not advocate a return to this practice given the current size of the faculties and diversification of duties and titles.

Another issue identified by the committee involves voting rights and the historical separation of control over undergraduate and graduate curricula as opposed to the curricula of the professional schools. Although not central to defining Senate membership, this distinction appears to suggest that faculty curricular responsibilities require focus on the primary students (e.g., undergraduates) being taught and their programmatic needs.

Recommended actions to bring principles and membership to accordance

The Task Force on Senate Membership offers the following observations and recommendations on Senate membership. We affirm the view that Senate membership accords not merely rights but responsibilities and the importance of Senate review of its membership, at both the point of hire and advancement.

1. **The Task Force recommends against extending the list of titles according membership in the Senate to existing non-Senate titles.** Shared appointments are currently allowable for those non-Senate members in other titles that engage in the academic mission of the Senate on a regular basis.
2. **The Task Force recommends local review of existing individuals in non-Senate titles and reclassification of those that are clearly in the wrong series based upon duties and responsibilities consistent with membership in the Academic Senate.** This review should be conducted on each campus and be in accord with the current duties as listed for each title code. This review could be conducted as a matter of routine as files are being evaluated. Alternatively faculty members who believe they are in the wrong series could petition for review by their campus Committee on Academic Personnel. Faculty in an existing Senate title with responsibilities consistent with a non-Senate position should likewise be transferred to the appropriate series.

This recommendation arises primarily with respect to the health sciences and the Professor of Clinical X series. The APM defines a limit of 1/6th of the current Senate membership of clinical departments for appointment to the Professor of Clinical X series. However, this is not an absolute cap but a trigger of a review of further appointments to this series. Some campuses have viewed this limit as a cap while others have viewed it as a limit requiring review. As a consequence, there are faculty performing the duties of the Professor of Clinical X series appointed to non-Senate titles. These faculty need to be reviewed and placed into the correct series as dictated by their actual duties. We further recommend that a committee of faculty from the five Health Sciences complexes be formed to evaluate the use of these and related title codes on their campuses and identify the extent to which inappropriate titles have been used at the point of hire, and to develop a consistent practice with respect to use of title codes. Further, the 1/6th cap as a trigger for review appears somewhat arbitrary. Adoption of recommendation #3 (below) would obviate the need for such a “cap”.

The Committee also considered anecdotal information of variability across the ten campuses and within campuses with the use of other titles, such as Adjunct Professor. Determining how non-Senate titles were being used across the system was outside of the purview of the committee, but we suggest that UCAP address how such titles are being used to assure a more consistent use of these titles.

3. The Task Force anticipates that implementation of recommendation #2 will likely lead to the transfer of many members faculty currently in the Clinical Professor series to the Professor of Clinical X title. Growth of the professional schools uncoupled to growth at the undergraduate level is expected to lead to an issue of imbalance of faculty across the curriculum and in representation on local and systemwide committees. After

considerable discussion and debate, **the Task Force recommends retention of the historical practice of separating curricular authority for undergraduate and professional school education.** At the same time, a balance of Senate representation with some relation to the nature of student enrollments should be maintained in order to preserve the value of the Senate in dealing with a broad range of issues. The Task Force is concerned that the increased time demands on undergraduate faculty, coupled with the loss of release time funding, will make it difficult to attain balance of representation across undergraduate and professional school faculty. The Academic Senate should develop models of representation that maintain the balance of undergraduate and professional school faculty.

4. **The Task Force recommends a revision of administrative titles automatically granting Senate membership.** We affirm the importance of academic administrators being fully engaged members of the Academic Senate and having a thorough grounding in understanding the academic mission of the institution and the role of shared governance. However, the professionalization of the administration has resulted in the creation of non-academic administrative positions within academic administrative title codes (e.g., chief admissions officers, registrars, and certain Vice Presidents and Vice Chancellors) and the accompanying appointment of specialists with non-academic backgrounds to titles conferring senate membership. The task force recommends the elimination of this practice.

Respectfully submitted,

Chris Kutz (UCB)
Linda Bisson, Chair (UCD)
William Sirignano (UCI)
Nicholas Brecha (UCLA)
Roland Winston (UCM)
Helen Henry (UCR)
Timothy Paine (UCR)
Steve Plaxe (UCSD)
Robert Newcomer (UCSF)
Stanley Awramik (UCSB)
Michael T. Brown (UCSB)
Lori Kletzer (UCSC)

Revised Charge May 2009:

Task Force on Academic Senate Membership

Charge: To elucidate a set of principles that should govern decisions about who is and who is not a member of the Academic Senate. The Task Force will study the past decisions, including that of [Standing Order 105.1\(a\)](#), and learn whether and how that rationale has changed over time. The Task Force will also delineate what gives and what ought to give Senate membership meaning and significance. The Task Force is expected to consider operational aspects necessary to fulfilling their charge, such as: the informational resources it needs; issues of Senate privilege, responsibilities, and obligations; and practical implications of narrowing or expanding Senate membership. The Task Force will deliver to the Academic Council: 1) a set of derived principles of Senate membership that might be expected to apply; 2) an evaluation of whether such principles are in accord with current membership; and, 3) if not, recommended actions that might bring principles and membership to accord.

Recommended Task Force Membership (13 members, maximum):

- A representative from each division (every campus has a stake):
 - A significant contingent of whom should be division vice chairs (perhaps as many as 5)
- Possible representation from one or more of the following systemwide committees: UCAAD, UCAP, UCFW, UCP&T
- Two at large representatives chosen for expertise: Michael Brown (UCSB) and one other, to be determined

Chair: Linda Bisson, UCD

Duration: Through Academic Year 2009-10

University of California Academic Senate Membership:
An Historical Background*
March 17, 2010

Introduction and Executive Summary of Observations

There are two instruments, the 1868 Organic Act of the University of California and the Standing Orders of the Regents (SOR) 105.1 (a), five known Senate-requested revisions to the Standing Orders (1920, 1924, 1969, 1987, and 2002), and associated circumstances that govern and inform Academic Senate membership considerations. In addition, some other events in the history and organization of the Academic Senate seem to bear on the question of membership. An analysis of these instruments, revisions, circumstances, and events point to guiding principles and considerations concerning Senate membership.

This historical review and analysis shows that the Academic Senate consistently struggled for unity in the midst of increasing size, geographic dispersion, and educational diversity. The latter surfaced in terms of early struggles between “academic” faculty, those significantly engaged in undergraduate education, and “professional” faculty, those engaged chiefly in graduate and professional education.

Analysis suggests the following overarching principles and considerations have developed over the history of the University and are now embodied in the standing orders that define Senate membership.

Principle of Commitment

- Inclusion of instructional faculty, defined by participation on a full-time basis, over a longer term, giving instruction in courses under the control of the Academic Senate.

Voting principles

- Distinguishing between those who could vote during Senate deliberations and those who could participate in discussions, but not vote. Over time, those who accorded voting privileges have become a broader and larger group, with those could only “participate” seemingly constituted by short-time faculty (“of less than two years’ service”).
- Circumscribing the exercise of voting rights based on involvement in and commitment to academic (undergraduate) education.

Governance principles

- The Senate has the right and the obligation to organize and govern itself, including the right to determine its membership.

* Prepared for the Task Force on Senate Membership by Task Force member Michael T. Brown with the assistance of Senate Senior Policy Analyst Kenneth Feer.

- Memorials are the process for requesting for changes in SOR 105.1 (a) regarding Senate membership.
- The Senate has the right to review criteria for titles that confer Senate membership.
- Senate membership confers a right and responsibility to review and assure quality in admission standards and instructional programs.
- Senate membership confers a right and responsibility to advise on many areas, including academic personnel issues.

Other Historical Considerations

- Impact on Divisional representation/Assembly Apportionment
- Impact of academic versus professional representation in shared governance contributions by the Senate
- The bargaining unit representing lecturers viewed Senate membership as incompatible with exclusive representation.

This analysis indicates that most Senate requests to the Regents for changes in Senate membership were ahistorical in rationalizing requests, making it difficult to discern operative principles and considerations. Consequently, we suggest caution in interpreting too narrowly the principles enumerated above, and indeed, viewing these considerations in a contemporary light is the purpose of this task force. Additionally, we caution that historical records on this topic are incomplete.

The analysis also shows that Senate membership was assigned to a number of employees holding administrative titles specified in the SOR at a time when such persons were invariably academics. Such is not necessarily the case today.

Finally, this analysis indicates that, over time, for reasons that are presently unclear, the Standing Orders pertaining to Senate membership have substituted listing of qualifying titles for articulating operational principles.

Historical Review

1868 Organic Act of the University of California

The governance of the University of California was established on the principle that its faculty are the best qualified to direct the University's academic enterprise, with administrators being most competent to order its finances and internal administrative organization.¹ Faculty governance is exercised by the Academic Senate, an institution as old as the University itself: the 1868 Organic Act not only gave birth to the University of California but also established the Academic Senate as part of its governance structure.

The Organic Act addressed the membership of the Academic Senate in its section "Government and discipline of colleges":

"Academic Senate. All the Faculties and instructors of the University shall be combined into a body which shall be known as the Academic Senate, which shall have stated meetings at regular intervals and be presided over by the President, or a President pro tempore, and which is created for the purpose of conducting the general administration of the University and memorializing the Board of Regents; regulating, in the first instance, the general and special courses of instruction, and to receive and determine all appeals couched in respectful terms from acts of discipline enforced by the Faculty of any college. Its proceedings shall be conducted according to the rules of order; and every person engaged in instruction in the University, whether resident professors, non-resident professors, lecturers or instructors, shall have permission to participate in its discussions; but the right of voting shall be confined to the President and the resident and non-resident professors."²

The Organic Act conferred Academic Senate membership to all "Faculties and instructors" in the University of California. The Act further specified who had the privilege of participating in discussions: "... every person engaged in instruction in the University ...". However, apparently not every such person had the right to vote "... the right of voting shall be confined to the President and the resident and non-resident professors." The Act indicated that there were 4 classes of persons engaged in University instruction: "resident professors," "non-resident professors," "lecturers," and "instructors." Three of these four classes were not specifically defined in the Organic Act, but "non-resident professors" were: "professors employed for short terms, and for only a portion of each year in their special departments ..." to teach courses of instruction which are "brief and special".³

¹ Academic Senate Task Force on Governance (April 4, 1998). *Report 1: Findings of the Panel on Shared Governance*. University of California: Academic Council.

<http://www.universityofcalifornia.edu/senate/reports/p2final.html>

² Statutes of California, Seventeenth Session, 1867-1868, ch. 244, Sec. 18.

<http://content.cdlib.org/ark:/13030/hb6w100756/>

³ *Ibid.*, Sec. 13.

Analysis: The framers of the Organic Act viewed the Academic Senate as an inclusive body of all persons engaged in instruction in the University. As one writer of the Academic Senate's history observed: "All of the original instructional staff, plus the President, automatically became members of the Senate."⁴ Apparently, participation in instructional activities defined Senate membership.

Further, the Organic Act recognized a distinction between participation in Senate discussions and participation in voting, suggesting two types of Senate membership to the extent that resident and non-resident professors were distinguishable from instructors and lecturers. It is important to note that length of term of appointment did not appear to affect membership status.

1920 Senate-requested Revisions to the Standing Orders of the Regents and the "Great Revolt"

Though the institution of the Academic Senate was codified in the Organic Act of 1868, formal recognition by the Regents became necessary and occurred much later. In response to an authoritarian presidency that had circumvented the Academic Senate and intruded upon its authority, the Academic Senate presented a Memorial to the Regents in October of 1919 requesting specific authorities, including the ability to govern of itself. The Senate specifically requested that: "The privilege of a vote in the Academic Senate should be extended to all instructors after two years' service."⁵

Unprecedented direct negotiations -between the Regents and the Senate led to the adoption of new Standing Orders on June 24, 1920. Under them, the Senate, in addition to the authorities assigned to it by the Organic Act, was given new consultative authorities (e.g., to advise the president on budget matters and on personnel decisions, and to advise the Regents on the choice of new presidents). With respect to membership in the Senate, the Standing Orders stated the following:

"The academic senate shall consist of the president, deans, directors, recorder, librarian and all professors and instructors giving instruction under the control of the academic senate; but instructors of less than two years' service shall not be entitled to vote. The academic senate shall determine its own membership under this rule. It shall choose its own chairman and committees in such manner as it may determine."⁶

Analysis: The 1920 Standing Orders of the Regents continues to accord Senate membership to those "giving instruction, " as did the 1868 Organic Act. Moreover, the 1920 Standing Orders appear to retain the distinction incorporated in the Organic Act between membership and voting privileges. The Organic Acts principle of "inclusion" is evident in that the Orders state that "...all professors and instructors giving instruction under the control of the academic senate." But, just as in the Act, the Standing Orders withhold voting privileges from a subgroup.

⁴ Russell H. Fitzgibbon, *The Academic Senate of the University of California* (University of California Office of the President, 1968), p. 17.

⁵ Angus E. Taylor, *The Academic Senate of the University of California: Its Role in the Shared Governance and Operation of the University of California* (Berkeley: Institute of Governmental Studies Press, 1998), Appendix.

⁶ *Ibid.*, pp. 3-4.

However, whereas in the Act, voting privileges are apparently withheld from those who are not professors, independent of duration of service, the Orders withhold those privileges only to a subgroup of instructors, those "...of less than two years' service." The intent and effect of the Senate's request has been interpreted properly as an expansion of voting privileges.⁷ Indeed, the specific language of the relevant proposition was in the Memorial was: "The privilege of a vote in the Academic Senate should be extended to all instructors after two years' service." Though unexplained in any commentary currently available, apparently length of service mattered to the Senate in according voting privileges.

The 1920 Standing Orders appears to expand the categories of administrators accorded Academic Senate membership and raises the question of whether the expansion is consistent with the very notion of an "academic" Senate and with the founding principle of academic governance of the University. It may be helpful to note that the 1920 Orders predates the rise of professional academic administrators – persons charged with running aspect of the academic enterprise who may not be or have been, themselves, academics.⁸ Thus, though those Orders accord Senate membership to persons holding a named list of administrator positions, such persons would have been and would have been seen as academic faculty in 1920. Today, however, there is a trend, at least among American universities and colleges, "for administrators and professionals with important technical skills and knowledge...to assume greater responsibility for making decisions in areas such as admissions, financial aid, and personnel."⁹ Therefore, a question arises whether those currently granted Senate membership due merely to their employment in formerly "academic" positions, ought to continue to have such membership so granted.

In addition, the 1920 Orders expressly gave the Senate the right to "...determine its own membership" but it should be noted that this right was a qualified one, "under this rule." This suggests that the Academic Senate could make its own membership determinations as long as those determinations were consistent with the principles and considerations embodied in the negotiated Orders.

Finally, it should be noted that the 1919 Memorial¹⁰ to the Regents makes no direct appeal to the Organic Act as forming a basis for the Senate's request and it is unclear to what extent the Act and its rules regarding the Senate informed the nature of the requests. It is clear, however, that the 1920 Standing Orders and the Memorial on which the Orders were based are consistent with the Acts specifications. It should also be noted that at this time there was a national effort to standardize instruction in the Medical Sciences and to more clearly define degree requirements.

Post-1920, Pre-1969 Versions of the Standing Orders

⁷ Ibid., p. 2.

⁸ John A. Douglass, *Shared Governance at the University of California: An Historical Review* (Berkeley: Center for the Study of Higher Education, March 1998).

⁹ Academic Senate Task Force on Governance, op. cit., p. 7.

¹⁰ Angus E. Taylor, op. cit., Appendix.

It appears that there were changes to the 1920 Standing Orders of the Regents concerning the Academic Senate but little documentation of what those changes were, who requested or initiated them, and why they were effected.¹¹ As will be discussed in detail later, there was a verifiable version in place just prior to the changes requested by the Academic Senate in 1969 to specifically extend membership to persons holding titles in the “in-Residence” series and Lecturers and Senior Lecturers with Security of Employment who have full-time teaching responsibilities. At the time, the relevant Standing Order was then known as “Section 105.1 (a) of the Standing Orders of the Regents” and, prior to approved changes, read as follows:

Organization of the Academic Senate

The Academic Senate shall consist of the President, Vice Presidents, Chancellors, Vice Chancellors, Deans, Provosts, Directors of Academic programs, chief admissions officer on each campus and in the Office of the President, registrars, the University Librarian on each campus of the University, and each person giving instruction in any curriculum under the control of the Academic Senate whose academic title is Instructor, Assistant Professor, Associate Professor or Acting Associate Professor, Professor or Acting Professor; however, Instructors of less than two (2) years’ service shall not be entitled to vote. Members of the faculties of professional schools offering courses at the graduate level only shall be members also of the Academic Senate, but, in the discretion of the Academic Senate, may be excluded from participation in the activities of the Senate that relate to curricula of other schools and colleges of the University. Membership in the Senate shall not lapse because of leave of absence or by virtue of transference to emeritus status.

It is currently unclear when this version of the Standing Orders was approved, but it is clear it differs significantly from the 1920 version in a number of ways:

1. It appears to reflect the thinking that an academic position or title was required to be specified in the Orders in order for the person holding them to be accorded membership status.
2. Point 1 is accentuated by the modification of the 1920 Standing Orders statement to now accord Senate membership to “...each person giving instruction in any curriculum under the control of the Academic Senate whose academic title is ...” (underline added for emphasis).
3. Apparently, it was important to add classes of academic administrators (Vice Presidents, Chancellors, Vice Chancellors, Provosts, and chief admissions officers, and registrars) to the 1920’s list.
4. The title “directors” in the 1920 list was changed to “Directors of Academic Programs.”

¹¹ The historical records available are incomplete. While it is well known that the Regents re-organized at the end of the 1950s and into the early 1960s, the records of the deliberations leading up to the re-organization have not survived. Similarly, Senate records from the era do not include task force or special committee findings, but only general reports to standing bodies.

5. The title “librarian” in the 1920 list was changed to “University Librarian on each campus of the University.”
6. The title “recorder” in the 1920 list was dropped; perhaps “registrars” was added in its place.
7. The professorship ranks were listed (assistant, associate or acting associate, and professor or acting professor).
8. Members of Professional schools offering courses at the graduate level only were expressly included as Senate members but their participation could be limited to those concerning their professional schools “in the discretion of the Academic Senate.”
9. The cases of members taking leaves of absence or transferring to emeritus status were specifically addressed; in both cases, Senate membership would not lapse.

Analysis: At present, insufficient information exists to know what was intended by this post-1920, pre-1969 version of the Standing Orders pertaining to the Academic Senate, or who initiated it, and how it was justified. In particular, it would be helpful to know how and in what ways this version of the Standing Orders was rationalized against the 1920 or some other version of the Standing Orders and against the 1868 Organic Act.

Notwithstanding, it is clear that, however intentionally or unintentionally, the former principle of “inclusion” in Senate, incorporated in the 1868 Organic Act and in the 1920 Standing Orders, was muted. Instead of according Senate membership to “all professors and instructors giving instruction under the control of the academic senate” as did the 1920 version, the relevant section was rewritten at some point after 1920 to accord membership to “each person giving instruction in any curriculum under the control of the Academic Senate whose academic title is¹²” followed by a listing of titles. Such a change would contribute to the perception that, rather than being an inclusive organization of all those giving instruction at UC, the Senate was an exclusive body: you cannot be a Senate member unless your position title is listed in the Standing Order.

The distinction between voting privileges and membership, observed in both the Organic Act and the 1920 Standing Orders concerning Academic Senate membership, continued in this version.

This version of the Standing Orders sets forth another distinction: apparently participation in Senate activities could then be circumscribed on the basis of level of involvement in graduate/professional education (“Members of the faculties of professional schools offering courses at the graduate level ... may be excluded from participation in the activities of the Senate that relate to curricula of other schools and colleges of the University.” What the Senate meant by “participation” is unclear, particularly given the distinction in the Standing Orders between voting and participation in discussions.

The post-1920, pre-1969 version of the Standing Orders recognized that it was important that academics holding administrative positions, however temporarily, be able to have or maintain Senate status. The thinking behind this innovation in the Standing Orders would be helpful.

¹² Underline added for emphasis.

Significantly, the post-1920, pre-1969 Standing Orders allowed faculty to maintain Senate status who either took leaves of absence or transferred to emeritus status.

1924 Senate-requested Revisions to 1920 Standing Orders of the Regents

Further investigation has uncovered that on November 17, 1924, the Academic Senate appears to have endorsed the October 30, 1924, recommendation of the Committee on Membership to the Academic Senate (“The Foote Report”) requesting that the Board of Regents modify Standing Orders so as to make professors emeriti members of the Senate.

No information is currently available explaining the rationale behind the request but apparently two independent Senate committees had made recommendations pertinent to the membership of emeriti professors. Records show that during the November 17th meeting of the Academic Senate, the Committee on Educational policy recommended that no change to Regents’ Orders was necessary and that the Senate simply adopt a “...working rule which should provide that professors shall not lose membership in the Academic Senate by virtue of transfer to emeritus status.”^{13, 14} Minutes of the December 19, 1924, Meeting of the Academic Senate include a report by the President that the Regents met on December 9, 1924, and approved the request of the Academic Senate regarding the membership status of emeriti professors.

The requested change was not codified until over 20 years later. On March 12, 1945, it was recognized that the requested and approved change had not been incorporated into then current drafts of the Standing Orders due to clerical error. The original 1924 wording was resubmitted and reaffirmed by the Regents.

Analysis: Again, insufficient information exists to know the precise reasons behind the 1924 request to add emeriti to the Senate. It is clear, however, that the Senate considered and rejected the notion that emeriti needed to be added as members, deciding that those already granted that membership do not lose it due to leave of absences or emeritus status. It is unfortunate that we do not know why the Senate’s Committee on Membership, which no longer exists in that form, and a special committee of the Senate’s Committee on Educational Policy came to take up the matter independently and simultaneously. It would have also been useful to know the reasoning behind the ultimate Senate recommendation.

1969 Senate-requested Revisions to Standing Order 105.1 (a)

On July 11, 1969, the Regents approved modifications of their Standing Orders in response to a request from the Academic Senate in the form of a Memorial to the Regents on March 21, 1969, to extend Senate membership to “persons holding academic titles in the “in-Residence” series,

¹³ Letter from James Sutton, Recorder of the Faculties (Secretary) to F. S. Foote, Chairman of the Committee on Membership, November 13, 1924.

¹⁴ Apparently, The Committee on Education Policy had a Special Committee on Composition of Faculties that was chaired by the chair of the Committee on Education Policy that had taken up the issue.

and as to Lecturers and Senior Lecturers with Security of Employment who have full-time teaching responsibilities.” The Memorial was somewhat complex and requested three actions of the Regents:

1. To direct the President to change the Administrative Manual to modify the conditions of employment of persons in the “in-Residence” series.
2. To amend the Standing Orders of the Regents to “confer Senate membership upon each person giving instruction under the jurisdiction of the Academic Senate and holding an appointment as Instructor in Residence or Professor in Residence of any rank, provided that instructors in Residence of less than two years’ service shall not be entitled to vote.”
3. To create the “Adjunct Professor” series for the appointment of persons who do not qualify for the modified “in Residence” series.
4. To recognize that persons in the new series do not acquire tenure or security of employment nor are they eligible for sabbatical leave.

The Senate’s request to add Lecturers and Senior Lecturers with Security of Employment who have full-time teaching responsibilities was postponed by the administration because it went to the Regents by action of the Academic Assembly (and had elicited a petition for reconsideration), not by action of a Memorial, as had the 1919 request of the Senate and the request regarding the “in Residence” series.

The Senate provided justifications in support of each request. Among the reasons given for according Senate membership to those in the to-be-modified “in-Residence” series was because:

- Those persons would have the same qualifications and duties as regular faculty members and to the criteria and review procedures for appointment and advancement;
- Those persons were an important asset to the University, had interest in Senate membership, and the granting of membership would make the positions attractive.
- It was important that the University do “everything possible” to make its “in Residence” appointments, which rely on extramural funds and do not carry tenure, as nearly equivalent to regular appointments as possible.
- Persons in the modified series would have similar interests and loyalties as regular faculty and would be helpful in all phases of Senate activity.

It is instructive that the justification provided by the Academic Assembly for including Lecturers and Senior Lecturers with Security of Employment who have full-time teaching responsibilities was because:

- such “appointees are career members of the faculty”
- with “full and lasting commitment to teaching courses” under control of the Senate
- and appointments to these titles are made only after careful Senate review of qualifications and importance of their contributions to University instructional programs.

It is also instructive that the justification provided by the Senate for establishing the “Adjunct Professor” series for persons who otherwise meet the criteria for the modified “in Residence” series was because such persons:

- lacked full-time commitment to the University, and
- had lesser participation in teaching.

Analysis: The request by the Senate and its agencies to extend membership to persons holding titles in the “in Residence” series, as would be modified, and to lecturers with security of employment seems based, first and foremost, on extensiveness of commitment to and involvement in University teaching. Though no appeal was explicitly made to the Organic Act or the history of the Standing Orders pertaining to the Academic Senate, the overall thrust of the justifications in terms of instruction are consistent with those documents and history of the Senate to that point.

Also, the Senate’s requests seem consistent with the principle of inclusion and ones sees no changes to the former distinctions between participation and voting, or to the possibility that participation would or could be circumscribed for members of the faculties of professional schools teaching only graduate courses.

Notwithstanding, there is a new consideration that appears in the Senate’s rationale for its requests: the importance placed on Senate review of qualifications of persons holding academic titles and the similarity of qualifications and review processes for persons to whom membership was to be granted.

Finally, the actions of the administration in 1969 seemed to underscore the importance of the Memorial process in requesting changes to the Standing Orders, at least as pertains to Senate membership. This was the process used at least in 1919 by the Senate. In retrospect, it may be that the administration was merely being cautious given that the Assembly’s actions with respect to lecturers with security of employment were not yet settled.

1970 Senate-requested Revisions to Standing Order 105.1 (a)

On July 17, 1970, the Regents approved modifications of their Standing Orders in response to a request from the Academic Senate in the form of a Memorial to the Regents on November 3, 1969, to extend Senate membership to “Lecturers and Senior Lecturers with Security of Employment who have full-time teaching responsibilities.” The rationale given for the request was the same one given in March of 1969 when the request was first made:

“such appointees are career members of the faculty, with full and lasting commitment to teaching courses, which are authorized and supervised by the Senate. Appointees to these titles are carefully reviewed by the Senate before appointment, with respect to their qualifications and their potential contributions to the instructional programs of the University.”

However, instead of simply adding the relevant academic titles to the growing list already in SOR 105.1 (a), the following language was inserted after the treatment of University Librarians and before its treatment of those “giving instruction in any curriculum under the control of the Academic Senate whose academic title is ...:”

“each lecturer who has full time teaching responsibilities in any curriculum under the control of the Academic Senate and whose academic title is Senior Lecturer with Security of Employment or Lecturer with Security of Employment,”

Analysis: The Senate’s request and justification, again, seems consistent with the principle of “inclusion” and places stress on full-time employment in teaching responsibilities, Senate review of qualifications, and the importance of the potential contributions of those holding the title.

No mention was made of “similarity of interests and loyalties” that was made accompanying the request to include persons holding titles in the “in Residence” series but it might have been implied by the stress placed on full-time teaching involvement and the fact that these were career members of the faculty.

Interesting, no reference was explicitly made to the request made eight months earlier to include these lecturers. And, continuing a pattern, no appeal is made explicitly to past historical documents or events in the history of the Academic Senate to support the request.

However, it is clear that the President supported the request this time given that it came from the Senate as a result of a Memorial (which passed overwhelmingly, 2182 to 1239 on a total voting membership of 6835).

1987 Senate-requested Revisions to Standing Order 105.1 (a)

On March 20, 1987, the Regents approved modifications of their Standing Orders in response to a request from the Academic Senate in the form of a Memorial to the Regents on November 26, 1986, to extend Senate membership to “Professor of Clinical (e.g., Medicine) series.” The specifics of what was requested by the Senate is illuminating: the Senate requested that the Regents “effect appropriate changes in the Standing Orders ... and to direct the President to effect changes in the Academic Personnel Manual in order to accomplish the following:”

1. provide titles in the “Professor of Clinical (e.g., Medicine) series, “academically qualified persons who are full-time in the service of the University with predominant responsibilities in teaching and clinical service ... ;”
2. confer Academic Senate membership upon each person holding an academic title in this series;
3. provide limitation on the number of appointments in this series to maintain an appropriate balance in the Health Sciences between research, education, and clinical service;
4. provide criteria for appointment, promotion, and appraisal procedures that ”stipulates that persons in this series are to be evaluated in relation to the nature and time commitments

of their University assignments; they will normally carry greater responsibility in teaching and/or clinical service” than regular or “in Residence” faculty;

5. recognize that persons in the new series do not acquire tenure or security of employment nor are they eligible for sabbatical leave.

The nature of these requests simultaneously indicates the rationales for them; no other specific justification was presented, though the degree to which Divisional membership would be numerically affected was articulated as an important consideration. That impact was estimated on the basis of a possible cap of one-sixth of all Senate members in the Health Sciences on a campus (APM 275.16 and ‘86 memorial para 4). It is important to note, however, that the proposed cap, as described in the Regents item, did not prohibit appointments but was to trigger a Senate review of whether the appropriate balance was maintained.

The changes to the Standing Orders simply inserted the appropriate academic titles in the new series in appropriate places after “giving instruction in any curriculum under the control of the Academic Senate whose academic title is”.

Analysis: Again, in requesting the changes in the Standing Orders, neither the Senate nor the administration made explicit appeals to earlier changes to the Standing Order or to the Organic Act for requesting changes. It may have been enough for the Regents that the Memorial passed (1891 to 1619 out of a total voting membership of 9952) and that the current Standing Orders give the Senate the right to determine its own membership.

It is very clear, however, that the predominant basis for extending Senate membership to persons holding academic titles in the series was their full-time responsibilities in teaching; persons holding title in this series would not have similar qualifications and review criteria as regular faculty or those in the “in Residence” series.

Also, the extension was consistent with the previously established principle of “inclusion”. How the extension would impact Divisional membership was a consideration but the proposed “trigger” (appointing more than one-sixth of all Senate members in the Health Sciences on a campus) offered no remedy other than a required review of the balance of faculty in research, education and clinical. Perhaps it was thought that the Standing Order provided adequate remedy where the Senate could exercise its discretion to circumscribe the Senate participation of members of the faculties of professional schools offering courses only at the graduate level.

2002 Senate-requested Revisions to Standing Order 105.1 (a)

On July 17, 2002, the Regents repealed amendments made in 1970¹⁵ approved modifications of their Standing Orders in response to a request from the Academic Assembly, approved on May 29, 2002, to extend Senate membership to full-time Lecturers and Senior Lecturers with Potential for Security of Employment, “whose responsibilities are primarily teaching.” Relevant language was merely added to the long string of academic titles. The rationale was three-fold:

¹⁵ For clarity’s sake.

1. these persons constituted a very small group (seven in 2001);
2. these persons are on track for security of employment “in a manner similar to that of Assistant Professors are on track to tenure;” and
3. “Granting Senate membership ... would make the University’s academic personnel policies more internally consistent because all full-time members of the series would be members of the Academic Senate and this would aid departments that seek to recruit long-term Lecturers.”

It is noteworthy that the American Federation of Teachers agreed to the removal of these persons from the bargaining unit (Unit 18) to which they formally belonged in order for these persons to be granted membership in the Academic Senate, a separate bargaining unit. It is also worthy of note that the Chair of the Senate, in presenting the request to the Regents, observed that “(r)evue procedures for these faculty parallel procedures in UC’s Professorial Series.”

Analysis: Interestingly, the administration supported this request of the Academic Assembly absent a Memorial. Aspects of the request seem suggestive that the desire to award Senate membership to these persons might have originated from the administration, particularly the Office of Academic Personnel.

In any case, the request seems consistent with the principle of inclusion and of full-time involvement in teaching courses under the control of the Academic Senate.

It may also be important that persons granted Senate membership are also persons that are required to undergo regular review of their qualifications.

Other Historical Senate Efforts: Coping with Increasing Size and Diversity:

Since its founding in 1868, the Academic Senate has had to restructure its activities and the way it conducts itself as an effective and unified governance entity. Some of these past attempts had direct and indirect implications for Senate membership.

Early Conflict between “Academic” and “Professional” Faculty. In the beginning the University was governed from (and by) Berkeley, and the same was true for faculty governance. In 1873-74 however, academic staff was intentionally organized into three distinct groups: College of Letters, the sciences, and the medical school in San Francisco.¹⁶ Members of all three were members of the Academic Senate but “the geographic and academic separation of the San Francisco members” restricted their impact on general University policy. Friction between Berkeley and San Francisco became more pronounced in the mid-1880s and led Berkeley faculty members to organize the “Academic Council” in 1885, a committee of the Academic Senate, to address the affairs of academic faculty. In 1887, a “Professional Council” was created by the

¹⁶ Russell H. Fitzgibbon, op. cit., p. 18.

Senate to address matters that the professional schools shared. Divided, the Senate did not function very well.¹⁷

Managing Differences between Northern and Southern Campuses. Between 1933 and 1963, the Academic Senate organized itself to respond to the geographic spread of UC across the state and the growth in the number of campuses. The Northern consisted of faculty members resident at Berkeley, Davis, San Francisco; and the Southern branch consisted of those at Los Angeles, Riverside, and La Jolla). Northern section met at Berkeley, Southern section met at Los Angeles. Each met as a faculty of the whole but changes to Bylaws and Regulations by one section required the approval by the other. Parallel committee structures were established between the Branches and the Senate operated this way for almost 30 years. But as the University continued to grow, this structure accentuated rivalries and faculty at the new campuses found they were not regarded as Academic Senate members.¹⁸

Divisional Status – the Early Days. The history of divisional status and Senate membership is quite interesting.¹⁹ In 1950, the Davis and San Francisco Divisions were formally established but they were initially regarded as committees of the Northern Section of the Senate – and of Berkeley. This changed in 1956 when Berkeley, itself, became a division of the Senate in 1956. It is noteworthy, though, that Davis had been an UC campus as early as 1920 and the faculty at Davis held membership in the Senate at Berkeley. Santa Barbara, though, became part of UC in 1944 but did not acquire divisional status and Senate membership for its faculty until 1958. In the case of San Diego, however, Senate members were present at La Jolla *before* that Division was established. And in the cases of Santa Cruz, Irvine and Merced, the Divisions were established soon after the campuses were opened.

Wards. The new campus Senates tried to organize by wards, representing disciplines, and the Academic Council resolved conflicts as they arose. This process worked well enough until the new divisions of UC became, themselves, good-size universities.

The 1963 Reorganization of the Academic Senate. Fearing disorder and ineffectiveness, the Northern and Southern organization of the Academic Senate was replaced by a new “Federated” model in 1963 that continues today and was reaffirmed as the optimal structure in 1998.²⁰ The notion of one Academic Senate for common policies and uniform standards was maintained, but now each campus could be a Division of the Senate (once approved as such). Faculty on each campus with an approved Division would be recognized as members of the Academic Senate, according to the rules of the Standing Orders of the Regents. A new, systemwide legislative body, called the Academic Assembly, was established that attempts to solve the problem of UC size and diversity, in part, by proportional representation. Divisional representatives are chosen that the Divisions are represented in proportion to their membership, but each Division is guaranteed at least one Divisional Representative in the Assembly. Yet, the Senate established an executive body where each campus, in some sense, is placed on equal footing with one campus representative each.

¹⁷ Ibid.

¹⁸ John A. Douglass, op. cit., p. 8.

¹⁹ Russell H. Fitzgibbon, op. cit., p. 1.

²⁰ Academic Senate Task Force on Governance, op. cit., p. 7-10.