

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Assembly of the Academic Senate, Academic Council  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200

March 5, 2004

**ACADEMIC COUNCIL  
SYSTEMWIDE ACADEMIC SENATE COMMITTEE CHAIRS**

**RE: Proposed Amendments to Academic Senate Bylaws**

Dear Colleagues:

At its March 3 meeting, the Academic Council endorsed a request from the ad hoc Committee on Bylaws to submit to the Division and Systemwide Senate Committees for review and comment the attached proposed amendments to the Academic Senate Bylaws. I am therefore requesting that the Divisional Chairs distribute this proposal to their relevant divisional committees, and that the Systemwide Senate Committee Chairs distribute it to their members.

In order to meet the May 12 Assembly Notice of Meeting publishing deadline, the Divisions and Senate Committees should submit their comments to the Systemwide Senate Office by April 16. Please forward responses to Executive Director Maria Bertero-Barcelo ([mbertero@ucop.edu](mailto:mbertero@ucop.edu)) For your convenience, the proposal has also been posted on the Senate's website at: <http://www.universityofcalifornia.edu/senate/underreview.html>

Cordially,

A handwritten signature in cursive script, appearing to read "Lawrence H. Pitts".

Lawrence H. Pitts, Chair  
Academic Council

Encl: 1

Copy: Divisional Academic Senate Directors  
Academic Senate Analysts



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March 5, 2004

**ACADEMIC COUNCIL**

**RE: Proposed Amendments to Senate Bylaws**

Dear Colleagues:

The proposed Senate Bylaw revisions now before you are an outgrowth of a five-year effort to modernize our Senate Bylaws. Last year, the Academic Assembly enacted a substantial number of amendments to our bylaws. Most of these amendments involved clarifying and modifying the membership, leadership, and charges to standing committees of the Assembly. In addition, we adopted a number of bylaw changes regarding systemwide senate operations, such as allowing electronic distribution of agendas and electronic ballots. These additional changes really involved picking the “low hanging fruit” of bylaw amendments, and we recognized that a number of tough issues remained and promised to address those difficult issues during the 2003-04 academic year.

Toward that end, the Council’s Ad Hoc Committee on Bylaws continued its work this year with members Senate Vice Chair George Blumenthal, UC Merced Task Force Chair and Secretary/Parliamentarian Peter Berck, and UCR&J Chair Jean Olson, and new member Senate Chair Lawrence Pitts, all working collaboratively with Executive Director María Bertero-Barceló. In addition to the known issues left over from last year, we had input from the divisional directors and carefully considered the bylaw changes that they proposed. We now bring before you a number of proposed bylaw amendments and request that these amendments be sent to systemwide senate committees and to the divisions for review. Our hope is to complete this review in time for these amendments to be acted upon by the Academic Assembly at its May meeting.

Let me briefly highlight some of the more significant changes in these proposed bylaw amendments.

- The proposed bylaws explicitly allow for committee meetings, both divisional and systemwide, to be held electronically. This removes any possible ambiguity on this point.

- The proposed amendments address, in a consistent fashion, how to define time periods for systemwide senate operations. Currently, our bylaws use days of term, days of instruction, and calendar days (which are defined in two different ways within the current bylaws). Some of this language is left over from the time when there were just a few campuses in the UC system, all on the same schedule. In a statewide context where some campuses are on the semester system and others are on quarters, and where some, but not all, campuses have state supported summer instruction (which might be regarded as year-round operation), it does not make sense to discuss days of term or days of instruction in a systemwide context. Indeed, days of instruction are not even well defined on many campuses, such as UCLA, which is on the quarter system while some of its professional schools use semesters. To simplify matters, we propose to simply use true calendar days as the unit of time in these bylaws. This will permit the systemwide senate to operate throughout most of the year, and the need for a quorum at Assembly meetings guarantees that such meetings will not be called at wholly inopportune times. We drafted the language so that divisions could choose to operate within different periods of time, when so specified in their bylaws.
- The proposed bylaw amendments allow electronic voting to occur for all elections, both systemwide and divisional.
- The bylaws explicitly add two appendices to the systemwide senate manual. One of these is a glossary of terms used in the bylaws, and the other contains the legislative record of Assembly actions.
- The bylaws eliminate the University Committee on Student Affirmative Action (which has not operated for more than 20 years) and formally includes student diversity issues within the charge to the University Committee on Affirmative Action and Diversity.
- The bylaws clarify that petitions of students must be delivered to the relevant Secretary, who alone has the authority to refer them to a committee or the assembly. Because of that explicit clarification, we retained the item “Petitions of Students” in the agenda for Senate meetings.
- The bylaws regarding divisions are modified to allow the greatest possible autonomy to divisions without compromising systemwide senate principles.

We encourage an active discussion of these bylaws and would be very receptive to suggestions and feedback. At this time, the only action required of Council is approval to send these bylaws out for review.

Respectfully submitted,



George R. Blumenthal  
Chair, Academic Council Ad Hoc Committee on Bylaws

**PROPOSED AMENDMENTS TO THE ACADEMIC SENATE BYLAWS  
SUBMITTED BY THE  
ACADEMIC COUNCIL BYLAW AD HOC COMMITTEE**

**JUSTIFICATION FOR THE BYLAW CHANGES**

**Bylaw 15:** The secretary/parliamentarian is considered an officer of the Assembly, which is why the word “Secretariat” is removed from the title of Title II. The President has agreed that it is unnecessary for him to be consulted on the choice of secretary/parliamentarian, especially since he is not consulted officially on the Assembly chair and vice-chair. The final revision clarifies that only the secretary/parliamentarian is authorized to receive petitions of students, and only this individual can decide to forward such petitions to the Assembly or an Assembly committees.

**Bylaw 20:** This change adds the Academic Council to the list of agencies of the Academic Senate. The Academic Council does effectively act as the executive committee of the Academic Assembly, but it does so much of the work of the systemwide senate that it should be listed as one of our fundamental agencies.

**Bylaw 30:** This bylaw defines the start of an elected term as September 1, and the changes clarify that only these bylaws or divisional bylaws can change that starting date. Campuses on the semester system may choose (in their bylaws) to start their terms before September 1.

**Bylaw 32 (new):** The proposed bylaw explicitly allows meetings of senate agencies, both divisional and systemwide, to be held electronically (e.g. teleconference). This removes any possible ambiguity on this point.

**Bylaw 35: (B)** This clarifies that the terms of all committee members begin September 1 unless explicitly changed by systemwide or divisional bylaws. **(D.5)** This new addition provides an explicit mechanism and authority for *systemwide* senate agencies that appointed committee members (essentially UCOC) to remove these committee members. Such removal requires a 2/3 vote. **(E.2)** For special committees, this changes the starting date, which, by default, allows more than a full year of operation from the first day of the spring term (not a well-defined moment in time even for a campus) to the first day of March.

**Bylaw 40:** This change clarifies that only committees whose establishing bylaws provide for it may render direct advice to the President or a Chancellor without first passing that advice through the appropriate body of its establishing agency. For example, this allows CAP to advise the Chancellor or Chancellor’s designee directly, while the Educational Policy committee must pass its recommendations through the appropriate divisional agency or in the systemwide context, through the Academic Council.

**Bylaw 45:** The term “chief administrative officer” is widely used these days by non-Senate managers. This change clarifies that we mean the chief **academic** administrator.

**Bylaw 50:** **(A)** We need to clarify whether the School of Public Health should still appropriately report directly to the Assembly. This is probably out of date. **(C)** The term

“chief administrative officer” is widely used these days by non-Senate managers. This change clarifies that we mean the chief **academic** administrator.

**Bylaw 80:** We are proposing to add two new appendices to the Manual of the Academic Senate. One is a glossary containing the definitions of terms used in the Code of the Academic Senate. By including definitions of terms, whether defined or not in the bylaws, this should make the manual much more user friendly. The other appendix is an official record of and reference guide that will track all Assembly actions. This will be the official legislative record, showing the reasons and justification of Assembly action on legislation or other matters.

**Bylaw 88 (new):** Currently, our bylaws use days of term, days of instruction, and calendar days (which are defined in two different ways within the current bylaws). Some of this language is left over from the time when there were just a few campuses in the UC system, all on the same schedule. In a statewide context where some campuses are on the semester system and others are on quarters, and where some, but not all, campuses have state supported summer instruction (which might be regarded as year-round operation), it does not make sense to discuss days of term or days of instruction in a systemwide context. Indeed, days of instruction are not even well defined on many campuses, such as UCLA, which is on the quarter system while some of its professional schools use semesters. To simplify matters, we propose to simply use true calendar days as the unit of time in these bylaws. This will permit the systemwide senate to operate throughout most of the year, and the need for a quorum at Assembly meetings guarantees that such meetings will not be called at wholly inopportune times. We drafted the language so that divisions could choose to operate within different periods of time, when so specified in their bylaws.

**Bylaw 90:** (A.4) This section is removed for consistency with regard to the definition of calendar day. Instead we use calendar days as defined in the new bylaw 88.

**Bylaw 95:** (A) This change converts days of instruction to calendar days. (D) This addition conforms with the Assembly’s May 2003 action approving the use of electronic ballots and ensures that electronic ballots may be used in any vote previously reserved for mail ballots.

**Bylaw 110:** The change in title reflects the fact that none of the bylaws address or mention “consultants.” (A.1) This is a clarifying change. The Chair and Vice Chair are automatically members of the Assembly, and therefore, they cannot also act as divisional representatives. (A.3.c) This change provides more flexibility for a division to request of Academic Council the cancellation of a special Assembly meeting originally called for by the division.

**Bylaw 120:** (B) The current bylaws provide a time for sending the call to a regular and emergency meeting of the Assembly but not for a special meeting. This change rectifies that. The deleted B.2 eliminates another definition of calendar days so that proposed bylaw 88 applies here as well. (C.2) The current bylaws provide agenda items for regular and special meetings but not emergency meetings. This proposed change rectifies that. In additions, minutes of regular meetings should not be required for approval at special or emergency meetings. They may not even be prepared yet. (D.6) The current bylaw names

two specific alternative sets of rules of order and allows systemwide agencies to choose between them. This is not a well-defined choice since there are many editions of *Robert's Rules of Order* and the first edition is no longer copyrighted. We propose to allow the Assembly to choose whatever set of rules of order it wishes, by majority vote. **(D.7)** The minutes have not for many years been distributed within 30 days of a meeting. By changing this bylaw to require distribution of the minutes in the call to the next regular meeting, we are bringing the bylaw into conformity with reasonable practice. **(D.8)** Last year, the Assembly approved distribution of calls electronically. When a member of the Senate wishes to be placed on the mailing list, this proposed change allows the senate to provide an electronic copy of the call.

**Bylaw 125:** **(B.1)** This provides the Academic Council with the same authority provided to other standing and special committees of the Assembly. It also more clearly defines the Council's role as the executive committee of the Academic Assembly. **(B.11)** This new section allows the Academic Council to act, in lieu of the Assembly, on any matter (other than a bylaw amendment) when the Assembly has failed to act through lack of quorum and when the matter is noticed in the call of the meeting that failed to achieve quorum. This allows the systemwide academic senate to act in a timely fashion. Presumably, if enough members of the Assembly wanted to participate in a particular matter, they would have attended the relevant Assembly meeting. **(B.12)** Currently other standing committees of the Assembly can establish special or subcommittees. This change explicitly allows Council to establish its own special committees, which report to Council. This practice has occurred frequently over the past few years.

**Bylaw 140:** This change explicitly includes student diversity under the authority of the Affirmative Action and Diversity Committee. This has been their practice, and this change is appropriate given the elimination of the long-defunct Student Affirmative Action Committee (bylaw 210).

**Bylaw 150.B:** This change is for consistency in formatting only.

**Bylaw 155 (renumbered Bylaw 181):** This change is for consistency in the listing of committees in alpha order.

**Bylaw 175.B.2:** This change is for consistency in formatting only.

**Bylaw 210:** The Student Affirmative Action Committee has not been active or staffed since the early 1980's. Its charge has already been subsumed by BOARS, UCEP, and UCAAD. In the proposed bylaws, we explicitly list students now under the UCAAD bylaw 140.

**Bylaw 235:** We are seeking feedback from UCSF and UCB as to whether this bylaw serves a purpose any longer.

**Bylaw 305: (C)** This new addition requires every division to have a Secretary or someone designated as secretary, since the rest of the bylaws frequently reference the divisional secretary. This bylaw clarifies that only the secretary is authorized to receive petitions of students, and only this individual can decide whether to forward such petitions to the appropriate divisional agency.

**Bylaw 315:** (A.2) In practice in the divisions, the vice chair performs the duties of the chair when the chair is unavailable. (B.1.b) This change allows divisions to provide the call electronically if they so wish. (C) This provides the divisions the same flexibility as provided the Assembly in setting the order of the agenda items. (D) This sets the default rules of order as those used by the Assembly, but it allows divisions the freedom to make their own choice. (F) This gives the divisions the same flexibility (including the right to distribute minutes electronically) given to the Assembly.

**Bylaw 325:** The current bylaw is fairly controlling about the types of standing committees a division should have. The proposed bylaw allows divisions to establish their own preferred committee structure, so long as there is a division committee corresponding to each systemwide committee. Any single divisional committee may correspond to more than one systemwide committee.

**Bylaw 330:** (B.3.b) This change simply reflects the current usage of Graduate Students Instructors (GSI's) and Graduate Student Researchers (GSR's).

**Bylaw 340:** These changes conform to the Assembly's May 2003 action allowing electronic voting and explicitly allow divisions to conduct electronic votes for both elections and other mail ballots. The bylaw is intended to allow the maximum possible flexibility for divisions in setting the rules for their voting. The time periods have been changed to bring them into conformity with proposed bylaw 88.

Bylaws of the Academic Senate  
University of California

**Part I. - Membership, Authority and Organization**

**Title I. Membership and Authority of the Academic Senate**

The following abbreviations are used in the Bylaws of the Academic Senate:

Am = Amended  
CC = Conforming Change  
EC = Editorial Change  
En = Enacted  
Rp = Repealed

**5. Membership and Authority**

The membership, duties, powers, and privileges of the Academic Senate are defined by the Standing Orders of The Regents of the University of California. Relevant portions of these Standing Orders are contained in [Appendix I](#), which is declared an integral part of these Bylaws. [See [Legislative Ruling 4.84](#)]

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**Title II. Officers ~~and Secretariat~~**

**10. President and Vice President**

The President of the University is *ex officio* President of the Academic Senate and a member of the Assembly of each Division and Faculty. The Chair of the Assembly is *ex officio* Vice President of the Academic Senate. [See [Bylaw 110](#)]

**15. Secretary/Parliamentarian**

~~In consultation with the President of the Senate, the~~ The Academic Council shall appoint a Secretary/Parliamentarian of the Senate, subject to ratification by the Assembly, for a three-year term. The Secretary/Parliamentarian **receives and** may transmit to an appropriate committee petitions of students or other materials received for presentation to the Assembly. (EC 18 Nov 68; Am 5 May 88)

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**Title III. Organization of the Academic Senate**

## 20. Functions of the Academic Senate

The functions of the Academic Senate are exercised by the following agencies and their committees:

- A. The Assembly of the Academic Senate [see beginning with [Bylaw 105](#)]
- B. ~~Standing and Special Committees of the Assembly~~ [see beginning with ~~Bylaw 125~~ **The Academic Council** {see **Bylaw 125**}
- C. ~~B.~~ Standing and Special Committees of the Assembly [see beginning with ~~Bylaw 125~~ **Bylaw 128**]
- D. ~~C.~~ Divisions of the Academic Senate [see beginning with [Bylaw 305](#)]
- E. ~~D.~~ Standing and Special Committees of the Divisions [see beginning with [Bylaw 320](#)]
- F. ~~E.~~ Faculties of Divisions [see beginning with [Bylaw 45](#)]

The functions of these committees are such as are assigned by these Bylaws or by the agency to which they directly report. Except as may be specifically authorized in the legislation by which it is established, no agency or committee of the Academic Senate may redelegate any authority of the Academic Senate vested in it to a subcommittee or any other agency. (Am 13 May 97)

## 25. The Legislative Assemblies

The legislative agencies of the Academic Senate are the Assembly, the Divisions, and assemblies of those Divisions whose Bylaws provide for a legislative assembly.

## 30. Commencement of Terms of Office

- A. Unless otherwise specified, **in these Bylaws or in the relevant Divisional Bylaws**, the term of office of each person elected to serve in a Senate agency shall begin on September first following election. ~~but~~ **The** length of term shall be determined by the appropriate **Senate** agency.
- B. Initial elections in a newly established legislative agency of the Senate shall occur as soon as possible, and each person elected shall assume office immediately. If at the time of the election the unexpired term of such office is less than four months, the incumbent shall remain in the office until the end of the following term.

## **32. Meetings of Senate Agencies**

**Unless otherwise stated in the Systemwide or Divisional Bylaws, a meeting of any Senate agency may take place either in person or electronically.**

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### **Title IV. Committees**

#### **35. Membership of Committees**

A. Types of Membership. Committees may be composed of appointed, elected, or *ex officio* members, or any combination thereof.

B. Terms of Service. Unless otherwise specified, **in these bylaws or the relevant Divisional bylaws**, members of Standing Committees shall serve two-year terms, where feasible staggered, beginning on September first following their appointment. (Am 28 May 2003)

C. Voting and Other Rights

1. The Vice Chair, if any, shall perform the duties of the Chair in case of temporary absence or disability of the Chair, and such other duties as the committee concerned may determine. (Am 15 Jun 70)
2. Only members of the Academic Senate may vote in Senate agencies and their committees when those agencies or committees are taking final action on any matter for the Academic Senate, or giving advice to University officers or other non-Senate agencies in the name of the Senate. Persons other than Senate members may be given the right to vote on other questions, such as those that involve only recommendations to other Senate agencies, but only by explicit Bylaw provisions. [See [Legislative Ruling 12.75](#)]
3. Except for the provision of Article C.2 of this Bylaw, *ex officio* members have the same powers as other members unless otherwise specified.

D. Method of Appointment

1. Unless otherwise specified, the appropriate Committee on Committees shall select the appointed members of each committee.

2. Except as provided elsewhere in these Bylaws, the appropriate Committee on Committees shall appoint the Chair and Vice Chair, if any, of each committee.
3. The Chair and Vice Chair, if any, of any Standing or Special Committee must be members of the Academic Senate.
4. At the discretion of the appointing agency, a member of a committee temporarily not on duty may be replaced until that regular member returns.

**5. Systemwide Senate agencies by two-third votes, may remove members of agencies that they appointed.**

E. Tenure of Special Committees. A special committee shall serve only until the first meeting of the establishing agency in the ensuing fall term unless:

1. A definite term is specified;
2. Its authorization occurs after the first day of ~~instruction of the spring term~~ **March**, in which case it shall continue for one year beyond the normal expiration date;
3. It is continued by action of the establishing agency. (Am 15 Jun 71)

**40. Authority of Committees [See [Legislative Ruling 8.95-B](#)]**

A. Any agency or committee listed in Bylaw 20 or 25 may report to any agency or committee therein listed, and may be asked by the Assembly, a Division, or a Faculty to describe its procedures and policies.

B. Any committee may submit reports and recommendations to the Assembly on appropriate matters. Divisional committees, including Faculties, are responsible to and normally shall report to their respective Divisions. Universitywide Committees of the Senate shall report in writing to the Assembly, and not less than annually. (Am 28 May 2003)

C. Each committee is responsible to the agency establishing it and must report its actions to that agency. When a committee makes recommendations or renders advice to the President or to a Chancellor, **as provided in these bylaws or relevant Divisional bylaws,** it shall report its recommendations to the establishing agency when this action

is consistent with its charge and does not violate confidence. When a Special or Standing Committee of the Assembly formally advises the President it shall convey its advice through the Academic Council.  
(Am 28 May 2003)

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## **Title V. Faculties**

### **45. Membership**

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.); (Am 4 May 89)
- E. Such other Senate members as are specified in Divisional Bylaws or these Bylaws.

Only voting members of the Senate may vote in Faculties of which they are members.

### **50. Authority**

- A. **Source of Authority.** The government of each college and school is vested in its Faculty, except as limited by the authority of the Divisional Graduate Council and the Coordinating Committee on Graduate Affairs. Each Faculty is directly responsible to the Division of which it is a committee. The Faculty of the School of Public Health (Berkeley-San Francisco) is directly responsible to the Assembly. The Division or the Assembly may impose specific duties on a Faculty.
- B. **Organization.** Except as otherwise provided, each Faculty may organize, select its officers and committees, and adopt rules consistent

with the Code of the Academic Senate (see Bylaw 80). Each Faculty may delegate portions of its authority to its committees or executive officers

C. Officers and Executive Committee. Each Faculty shall elect the Chair of the Faculty and members of its Executive Committee. The chief **academic** administrative officer of the college or school shall be an ex officio member of the Executive Committee but may not serve as Chair of the Faculty or the Executive Committee. (EC Jun 77; Am 28 Feb 01)

D. Reporting Authority. Each Faculty may present to the agency to which it is directly responsible recommendations and proposed modifications of legislation of that agency or the Senate.

## **51. Curricular Authority**

[Protected -- see Bylaw 116.E] No change in the curriculum of any college or school shall be made by any legislative agency of the Academic Senate until the proposed change has been submitted to the formal consideration of the Faculty concerned.

Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in [Bylaw 116.E](#), and ratified by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate.

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## **Title VI. Rights and Authority of Senate Members**

### **55. Departmental Voting Rights**

#### **A. General Provisions**

1. According to the Standing Orders of the Regents, ". . . the several departments of the University, with the approval of the President, shall determine their own form of administrative organization . . ." No department shall be organized in a way that would deny to any of its non-emeritae/i faculty who are voting members of the Academic Senate, as specified in Standing Order 105.l(a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw. [See [Legislative Ruling 5.67](#)] (Am 4 May 95)

2. In all matters other than those specified in paragraphs 1 to 5 of Article B of this Bylaw, the right to vote may be delegated to duly elected committees.

#### B. Designation of Voting Rights

1. All tenured faculty in a department have the right to vote on all new departmental appointments that confer membership in the Academic Senate. Prior to such a vote, all the non-emeritae/i departmental members of the Academic Senate must be afforded an opportunity to make their opinions known to the voters. (Am 4 May 95)

2. Professors have the right to vote on all cases of promotion to the ranks of Professor, Professor-in-Residence, and Professor of Clinical (e.g. Medicine). Professors and Senior Lecturers with Security of Employment (SOE) have the right to vote on all cases of appointment or promotion to the rank of Senior Lecturer (SOE). (Am 5 May 88)

3. Professors and Associate Professors have the right to vote on all cases of promotion to the ranks of Associate Professor, Associate Professor-in-Residence, and Associate Professor of Clinical (e.g. Medicine). Professors, Associate Professors, Senior Lecturers (SOE) and Lecturers (SOE) have the right to vote on all cases of appointment to the rank of Lecturer (SOE). (Am 5 May 88)

4. For voting purposes, all cases that involve the removal of the Acting modifier from the title of a member of the Academic Senate shall be treated as promotions to the rank in question.

5. All cases of nonreappointments or terminations of Assistant Professors, Assistant Professors-in-Residence, and Assistant Professors of Clinical (e.g. Medicine), or Lecturers and Senior Lecturers, shall be voted upon by those faculty eligible to vote on promotions to the ranks of Associate Professor, Associate Professor-in-Residence, Associate Professor of Clinical (e.g. Medicine), or appointments to the titles Lecturer (SOE) and Senior Lecturer (SOE), respectively. (Am 5 May 88)

6. All cases of advancement within any rank that confers membership in the Academic Senate shall be voted upon by those persons entitled to vote on promotion or

nonreappointment to the rank in question under the provisions of Paragraphs 2 to 5 of this Article B. (En 4 May 1995)

7. In none of the instances specified in Paragraphs 1 to 5 of this Article B may the right to vote be delegated to a committee. The actual method of voting shall be determined by the eligible voters; subject, however, to the provision that no voter may be denied the option to require a secret ballot. In cases of advancement within rank, the eligible voters for each rank in question shall either follow the same procedures used for promotions and non-reappointment or may, by two-thirds majority vote and subject to the approval of the divisional Committee on Academic Personnel or its equivalent, delegate the authority for such actions to a duly elected committee or other agency, or adopt some other method acceptable to the divisional Committee on Academic Personnel or its equivalent. Any such method or delegation of authority shall remain in effect for at least one calendar year (twelve months). Thereafter, upon the request of any faculty member entitled to a vote on the cases in question under the provisions of Paragraph 6 of this Article B, the eligible voters shall reconsider the question of how such cases shall be handled. (Am 4 May 1995)

8. The tenured faculty members of a department shall establish the method by which personnel matters other than those listed in Paragraphs 1 to 6 of this Article B are determined. The method adopted must have the approval of the divisional Committee on Academic Personnel or its equivalent.

C. Extension of Voting Privileges to non-Emeritae/i Faculty. Voting privileges on personnel matters within any department may be extended to one or more of the classes of non-Emeritae/i Academic Senate members of that department, as a class, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw, upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. Any extensions of the voting privilege under this Article C must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of voting privileges will be renewed

only upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. (Am 4 May 95) [See [Legislative Ruling 5.67](#)]

D. Rights and Privileges of Emeritae/i Faculty. (En 4 May 95)

1. Emeritae/i members of the Academic Senate retain membership in the departments to which they belonged at the time of their retirement. They do not have the right to vote on departmental matters, except as provided in this Article D.
2. With the exception of personnel actions, Emeritae/i members of the department have the right to receive the same notice of meetings as other Academic Senate members. They have the right of access to materials relevant to those meetings, the privilege of the floor at those meetings, and the right to make their opinions known to the voting members.
3. Emeritae/i, while recalled to service in a department from which they have retired, regain voting rights on all departmental matters, except personnel matters, during the period of such service. They may be accorded voting privileges on personnel matters only as a class consisting of all recalled Emeritae/i and only as specified in paragraph 4.c of this Article D.
4. Additional privileges in a department from which they have retired may be extended, either to all Emeritae/i as a class of the whole, or to all Emeritae/i recalled to active service, during the period of such service, as follows.
  - a. Voting privileges on all non-personnel matters may be extended to all Emeritae/i upon a majority vote by secret ballot of the total non-Emeritae/i Academic Senate membership of that department.
  - b. The privilege of notice of meeting on personnel actions, access to materials, and/or privilege of the floor may be extended to Emeritae/i upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.

- c. Voting privileges on personnel matters may be extended to Emeritae/i upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.

5. Any extensions of privilege to Emeritae/i under paragraph 4 of this Article D must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the question of an extension of privilege under the provisions of paragraph 4 of this Article D may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of privilege will be renewed only under the procedures specified for the initial extension of voting privileges by paragraph 4 of this Article D.

E. Other Units. 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. (Am 2 Dec 81)

## **60. Privilege of the Floor**

Any Senate member may attend and speak at any meeting of the Assembly and any meeting of any Division. [See [Bylaw 315.E](#)]

## **65. Appeals**

Any ten members of the Academic Senate may appeal a curricular decision by a Universitywide Senate Committee empowered to act without subsequent Assembly approval. Except as provided in [Senate Bylaw 206.C](#), such appeal must be filed in writing with the Academic Council within thirty calendar days after the decision. If the Council is unable to effect a settlement, it shall recommend appropriate action to the Assembly. Appeals from the decisions of a Divisional Committee shall be handled as provided in the Divisional Bylaws. (Am 23 May 96)

## **70. Challenges**

Any ten members of the Academic Senate may challenge any action of a Universitywide committee alleged to be contrary to the *Code of the Academic Senate*. Any ten members of a Division, or such greater number

as the Divisional Bylaws may specify, may challenge the actions of a Divisional Committee. Such challenges shall be governed by the provisions of [Senate Bylaw 206.B](#). No challenges can be made to findings on the merits of a particular case by a Committee on Privilege and Tenure or a Divisional Committee on Academic Personnel or its equivalent. (Am 23 May 96)

## **75. Petition for Reconsideration and Referendum**

[Protected -- see [Bylaw 116.E](#)]

A. Upon petition by twenty-five members of the Academic Senate, or by a Division, the Assembly shall reconsider any specific piece of legislation or decision. Such petitions must be submitted not later than twenty-one days [see Bylaw 120.B.2] after the minutes of the Assembly reporting such legislation or decision have been placed in the mail. The President of the Senate may request that the Assembly reconsider any specific piece of legislation or decision. (Am 5 Dec 78)

B. The Secretary/Parliamentarian of the Academic Senate shall conduct a referendum by mail ballot of the entire Senate membership on any specific action of the Assembly if such a referendum is requested:

1. by a Division, or
2. following reconsideration and reaffirmation of an action upon petition under Bylaw 75.A, by a petition signed by fifty members of the Academic Senate. (Am 5 May 88)

The results of such a mail ballot referendum shall be deemed conclusive. The Assembly may not reconsider such action for a period of two years unless authorized to do so by a subsequent referendum on the same subject. Such a second referendum may be initiated by a Division or by petition of fifty members of the Academic Senate. The same time interval shall apply for submitting requests or petitions for referenda as for requests or petitions for reconsideration. The Secretary/Parliamentarian shall circulate with the mail ballot a statement of the reasons for affirming the Assembly's action, to be furnished by the Chair of the Assembly, and a statement of the reasons for reversing the Assembly's action, to be furnished by the initiator of the petition or by the Chair of the Division requesting the referendum. (Am 5 May 88)

A special meeting of a Division may be called for the purpose of considering a request for a referendum on an Assembly action, or

for the purpose of discussing the subject matter of an announced referendum, upon written request of ten members of the Division to the Divisional Secretary.

C. Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in [Bylaw 116.E](#), and ratified by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate.

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## Title VII. Code of the Academic Senate

**80. The Code of the Academic Senate comprises the *Manual of the Academic Senate* and the manuals of its Divisions.**

A. *The Manual of the Academic Senate* includes:

1. The Bylaws of the Academic Senate;
2. Regulations enacted by the Assembly;
3. Bylaws of Faculties directly responsible to the Assembly;
4. Appendix I, containing those Standing Orders of The Regents of primary concern to the Senate;
5. Appendix II, containing those Legislative Rulings issued by the University Committee on Rules and Jurisdiction in accordance with the provisions of [Bylaw 206](#);
6. Appendix III, containing all Assembly approved variances to Senate Regulations in accordance with the provisions of Bylaw 206;
7. Appendix IV, containing University policy on faculty conduct and the administration of discipline;
8. ~~Such other appendices as the Assembly may direct.~~  
**Appendix V, containing the legislative record of all Assembly legislative and non-legislative actions**
9. **Appendix VI, a glossary containing definitions of terms used in the Code of the Academic Senate**

**10. ~~8~~ (Previously 8) Such other appendices as the Assembly may direct**

B. Divisional Manuals shall include:

1. Bylaws of the Division;
2. Regulations enacted by the Division;
3. Those regulations enacted by the Assembly specified by the Division for inclusion in its Divisional Manual. (Each such Regulation must, immediately following its Divisional number, carry in parenthesis the designation "SR" prefixed to its Universitywide number); (EC 18 Nov 68)
4. Appendices specified by the Division;
5. Bylaws of Faculties and Councils directly responsible to the Division.

C. Each Divisional Committee on Rules and Jurisdiction is responsible for preparation of its Divisional Manual, subject to the supervision of the University Committee on Rules and Jurisdiction. [See [Bylaw 206](#) and [Legislative Ruling 12.93-A-B](#)]

D. Variances. Proposed Divisional Regulations that are at variance with Universitywide Regulations must be submitted to the Assembly of the Academic Senate for approval. [See [Bylaw 116.F](#), [206.D](#)] The numbers of such Divisional Regulations shall carry the prefix "A".

**85. Legislation**

The term "legislation" means only Bylaws and Regulations of Senate agencies. The phrase "modification of legislation" means enactment of new legislation and amendment or repeal of existing legislation.

**88. Calendar Days**

**Throughout these bylaws, the term "calendar day" represents any day of the year.**

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**Title VIII. Memorials and Mail Ballots**

**90. Memorials (Am 13 May 97)**

A. Definitions

1. The term "Memorial to the Regents" means a declaration or petition addressed to the President for transmission to The Regents, as provided for in Standing Order of the Regents 105.2.e.

2. The term "Memorial to the President" means a declaration or petition to the President not intended for transmission to The Regents.

3. Memorials are not legislation within the meaning of [Bylaw 311.A](#).

~~4. For the purposes of the Bylaw, a "Calendar Day" is any day between the Start of Instruction and the End of Instruction as announced for the campus in the Academic and Administrative Calendar for each quarter or semester. Days between terms and days during a Summer Term shall not be counted.~~

B. Memorials to the Regents on matters of Universitywide concern to be submitted to The Regents through the President may be initiated by the Assembly or by a Division. Written arguments in favor of and against a proposed Memorial to the Regents shall be submitted to the Assembly or the division at least-seven calendar days prior to the time that either body votes on the proposal.

C. Memorials to the Regents that have been approved by the Assembly shall be voted upon in accordance with the procedure set forth in Article E of this Bylaw.

D. Memorials to the Regents that have been approved by a Division shall be submitted within thirty calendar days to the Chair of the Assembly and the Chairs of all other Divisions.

1. The Memorial shall be accompanied by the count of votes, a brief account of its history, an explanation of its provisions, and a succinct statement of the arguments for and against it specified in Article B of this Bylaw.

2. Each Division shall have ninety calendar days from receipt of the Memorial to vote upon it. The time required to submit the proposal to a mail ballot, if such balloting is required, shall be included within ninety days.

3. Upon receipt of the Memorial the Chair of the Division shall promptly submit it to a vote of the division. The Division may vote to approve, to disapprove, or to decline to act, but may not amend the proposal as submitted. The vote may proceed according to any method authorized by the Bylaws of the Division, including town meetings, representative assembly, or mail ballot. Except as may otherwise be provided in the Divisional Bylaws, the choice of the method of voting shall be determined by the Chair of the Division, in the light of the circumstances, and of advice from any duly constituted advisory bodies the Chair may consult. In no event shall the Chair submit the Memorial at a time that is too late for the division to comply with the ninety-day limitation set forth in paragraph 2 of this Article.

4. The Chair of the division shall within seven calendar days forward to the Chair of the Assembly and to the Chairs of all other Division the results of the Divisional vote on the proposed Memorial.

5. As soon as the ninety-day period set forth in Paragraph 2 of this Article has ended, or as soon as all Divisions have reported the results of their divisional votes, whichever comes first, the Chair of the Assembly shall notify all Divisions of the results. If at least three Divisions representing at least thirty-five percent of the membership of the Academic Senate have notified the Chair of the Assembly that the Memorial has been approved by their Divisions, the proposed Memorial shall be voted upon in accordance with the procedure set forth in Article E of this Bylaw.

6. A Division that has voted upon a proposed Memorial in accordance with the provisions of Paragraph 3 of the Article, may subsequently vote to reconsider its action, provided that any such reconsideration must be completed within the ninety calendar days specified in Paragraph 2 of this Article.

7. If the number of approvals received within the time prescribed by Article D.2 of this Bylaw does not satisfy the requirement set forth in Article D.5 of this Bylaw, the proposed Memorial shall be deemed disapproved and no further action can be taken upon it.

E. Memorials that have been approved in accordance with either Articles C or D of this Bylaw shall, within sixty calendar days of such

approval, be submitted by the Secretary/Parliamentarian of the Senate to mail ballot of all voting member of the Senate.

1. The ballot shall be accompanied by a brief account of its history, an explanation of its provisions, and a succinct statement of the arguments in its favor and against it. The materials shall be compiled by the Chair of the Assembly, who may rely in whole or in part upon the materials originally submitted by the initiating Division.

2. The Chair of the Assembly may appoint an ad hoc committee of Senate members who support the proposed Memorial and an ad hoc committee of Senate members who oppose it to draft arguments for and against the proposal, respectively. Arguments drafted by such committees shall be based on the materials specified in Article B of this Bylaw. Each set of arguments shall consist of no more than 1,000 words. The Chair of the Assembly may direct each ad hoc committee to draft rebuttals to the arguments of its counterpart committee; such rebuttals shall consist of no more than 500 words. Arguments and rebuttals drafted by ad hoc committees shall be submitted to the Chair of the Assembly within 45 calendar days following approval of the proposed Memorial as provided in Article C or in Paragraph 5 of Article D of this Bylaw.

3. The Chair of the Assembly, with the concurrence of the Academic Council, shall retain final authority to make judgments as to the appropriateness of arguments and rebuttals and to revise them accordingly. (Am 5 May 88)

F. A Memorial that has received a majority of the valid ballots cast in the election described in Article E of this Bylaw shall be sent by the Chair of the Assembly to the President for submission to The Regents. A tabulation of the votes cast in this election shall accompany the Memorial. (Am 9 May 84)

G. Either the Assembly or any division may submit Memorials not intended for transmission to the Regents directly to the President.

#### **95. Mail Ballots and/or Electronic Ballots (Am 28 May 2003)**

A. At least ~~ten days of instruction~~ **fourteen calendar days** before the deadline for completion of voting, the appropriate Secretary shall provide to each voter, either through the mail or electronically, either a ballot or instructions for voting electronically, accompanied by all

relevant texts, such background information prepared by the Secretary as the Assembly or Division may direct, a brief summary of arguments pro and con, and a deadline for the return of the ballots or for electronic voting. (Am 28 May 2003)

1. In the case of mail ballots, each voter shall receive a plain envelope in which to enclose a marked ballot, and a second envelope addressed to the appropriate Secretary to be used for the return of the sealed ballot. The envelope addressed to the Secretary shall have a space for the signature of the voter. Ballots lacking this validating signature shall be deemed void. (Am 5 May 88; Am 28 May 2003)
2. For electronic voting, the appropriate Secretary shall utilize a system which verifies each voter's identity and which maintains security. (En 28 May 2003)

B. The appropriate Secretary shall deliver the ballots or the electronically received votes to the agency authorized to count the ballots and to certify the results to the appropriate legislative agency. (Am 28 May 2003)

C. The appropriate Secretary, in certifying the results, shall give the tally of votes, including invalid ballots.

**D. Throughout these bylaws the term "mail ballot" shall denote either a mail or electronic ballot.**

Bylaws of the Academic Senate  
University of California

**Part II. - Universitywide Agencies and Committees**

**Title I. Membership and Authority of the Academic Senate**

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**Title I. Assembly**

**105. Assembly of the Academic Senate**

- A. Membership. The Assembly shall consist of the following members:
1. The President of the University;
  2. The Chair and Vice Chair of the Assembly, who shall serve *ex officio* as Chair and Vice Chair, respectively, of the Academic Council [see [Bylaw 110.A](#)];
  3. All members of the Academic Council shall serve as *ex officio* of the Assembly. In the absence or disability of the Chair of a Division or Standing Committee the Vice Chair of that Division or Standing Committee shall serve on the Assembly with full privileges. In the absence or disability of both the Chair and Vice Chair of the Division or Standing Committee, the appropriate Committee on Committee shall appoint a replacement who shall have full privileges, for the specified meeting(s) of the Assembly. (Am 28 May 2003)
  4. Forty Divisional Representatives chosen from other than chancellors, vice chancellors, deans, chief administrative officers of colleges and schools, and members of the University Committee on Rules and Jurisdiction [see [Bylaw 205.A](#)]. The Academic Council shall annually prorate these among the Divisions in proportion to their membership, but each Division shall have at least one Divisional Representative in the Assembly. Changes in allocation shall become effective on the first day of September following Academic Council action. Each Division shall determine its own method of choosing its Representatives. A Representative may not serve more than two consecutive terms, but is again eligible two years after the conclusion of a second consecutive term. (Am 24 May 68, 29 May 69, 7 May 87; EC 18 Nov 68, 3 Nov 69) [See [Legislative Ruling 4.71](#)]

- B. Alternative Representatives. Under this Bylaw, each Division may select alternates for its Divisional Representatives in the Assembly subject to the following conditions:
1. The selection and use of alternates must be specified in Divisional Bylaws;
  2. Persons ineligible under Article A.4 of this Bylaw to be Representatives may not serve as alternates;
  3. Alternates serve only in the absence or disability of their principals.

## 110. Officers ~~and Consultants~~ of the Assembly

### A. Chair and Vice Chair

1. Election. The Assembly elects a Vice Chair who is a Senate member from a Division other than that of the incoming Chair, to assume office the following September. The Academic Council submits a nomination. Further nominations may be made by the Assembly members from the floor, and on written petition by twenty-five Senate members. The Vice Chair also serves as Vice Chair of the Academic Council. The following year the Vice Chair becomes Chair of the Assembly and the Academic Council. Neither the Chair nor the Vice Chair may serve ~~simultaneously as an ex-officio member and as~~ a Divisional Representative. (Am 3 Dec 80; Am 28 May 2003)
2. Vacancies. If the office of Chair is vacant, the Vice Chair becomes Chair. If the office of Vice Chair is vacant, or if both offices are vacant, the Academic Council shall make *pro tempore* appointments until the corresponding offices are filled by election at the next Assembly meeting. Such elections shall be for the remainder of current terms.
3. Duties
  - a. The Chair, or in the absence or disability of the Chair, the Vice Chair, shall preside at meetings of the Assembly. The Chair may present to any Division or Senate committee any matter within its jurisdiction.
  - b. Prior to July first each year the Chair of the Assembly, in consultation with the President of the Senate and the Academic Council, shall schedule at least three regular meetings of the Assembly for the ensuing academic year. With majority approval by the Academic Council, the Chair may cancel a

regular meeting, but there must be at least one regular meeting in each academic year.

c. Special meetings may be called by the President of the Senate or by the Chair of the Assembly. Such meetings must be called by the Chair, or where appropriate by the Vice Chair, on the written request of a Division, of twenty-five voting members of the Academic Senate, or of seven members of the Assembly. The Academic Council may cancel a special meeting requested by a Division if the Division so asks, ~~not later than five days of instruction before the date set for the meeting.~~

d. With the concurrence of a majority of the Academic Council an emergency meeting of the Assembly may be called by the Chair of the Assembly, or in the Chair's absence or disability, by the Vice Chair.

e. The Chair, in consultation with the Academic Council, shall set the agenda for every Assembly meeting in accordance with the provisions of [Bylaw 120.C](#). On the written request of a Division, of fifteen voting members of the Academic Senate, or of four members of the Assembly, the Chair shall include in the agenda any item of business within the authority of the Assembly.

f. The Chair shall send Memorials to the President for transmission to the Regents, in accordance with the provisions of [Bylaw 90](#).

g. The Chair and Vice Chair shall serve, respectively, *ex officio* as Chair and Vice Chair of the Academic Council [see [Bylaw 125.A](#)]. Both the Chair and the Vice Chair shall ser as *ex officio* members of the, the University Committee on Committees [see [Bylaw 150.A](#)], and as non-voting *ex officio* members of all committees of the Assembly except for the Committee on Rules and Jurisdiction [see [Bylaw 205.A](#)]. (Am 28 May 2003)

## **115. Authority of the Assembly - Part I**

[Protected -- see [Bylaw 116.E](#)]

- A. Subject to such provisions as appear elsewhere in these Bylaws, the Assembly shall have authority to organize, to select its own officers and committees, and to adopt for the conduct of its business rules and regulations not inconsistent with the Bylaws and Regulations of the Academic Senate.
- B. The Assembly is authorized to consider any and all matters of concern to the Senate as a whole, and to receive and consider reports and recommendations from other Senate committees.
- C. Divisional committees shall normally report to their respective Divisions but shall have the right to report concurrently to the Assembly when the latter is the more appropriate body for action.
- D. The Assembly shall have the power to take final action (subject to the provisions for Petition and Referendum as specified in [Bylaw 75](#)) concerning all legislation substantially affecting more than one Division or the statewide University. Such legislation may be:
  - 1. Initiated by the Assembly, or
  - 2. Proposed to the Assembly by a Division or by a Senate committee, or
  - 3. Referred to the Assembly by the Committee on Rules and Jurisdiction, after enactment by a single Division, as substantially affecting more than one Division or the statewide University.
- E. The Assembly shall be ready at all times to advise the President; this function shall normally but not necessarily be exercised through the Academic Council.
- F. Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in [Bylaw 116.E](#), and ratified by two-third of the votes cast in a mail ballot of the voting members of the Academic Senate.

## **116. Authority of the Assembly - Part II**

- A. The Assembly shall have sole authority to establish committees of the Assembly and Divisions of the Academic Senate; but Standing Committees and Divisions may be established only by amendment of these Bylaws.
- B. In the absence of a Division of the Academic Senate on a campus, the Assembly is authorized to establish Faculties on that campus and to exercise all other functions of the Academic Senate otherwise vested in the Divisions under these Bylaws. In exercising these functions, the Assembly may delegate all or part of its authority to one or more Faculties established on the campus by the Assembly or to one

or more Standing or Special Committees of the Assembly. (Am 20 Oct 99) [See [Bylaw 230](#)]

C. The Assembly shall consider for approval proposals for the establishment of new graduate degrees received from the Coordinating Committee on Graduate Affairs and requiring approval by the President, to whom The Regents have delegated authority of approval. Proposals approved by the Assembly shall be submitted to the President. [See [SOR 110.1](#) and [Bylaw 180.B.5](#)] (Am 24 May 00)

D. The Assembly is authorized to approve minimum standards for the award of undergraduate honors and for honors at graduation proposed to it by the Divisions.

E. The Assembly is authorized to approve modifications to the University Academic Senate legislation. Written notice of any proposed changes to the legislation shall be distributed as provided for by Senate Bylaw 120.B. The notice for each proposed change must include existing and proposed texts and a statement of the purpose and intended effect of the proposed change. Except for Bylaws marked "[Protected -- see Bylaw 116.E]", modification of Bylaws requires the approval of two-thirds of all voting member of the Assembly present; modification of Regulations requires the approval of a majority of all voting members of the Assembly present. Modification of Bylaws marked "[Protected -- see Bylaw 116.E]" requires approval of two-thirds of all voting members of the Assembly present, followed by ratification by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate. (The mail ballot shall be conducted in accordance with the provisions of [Bylaw 95](#).) Modifications of legislation shall take effect immediately following approval unless a different date is specified or required.

F. The Assembly is authorized to approve proposed Divisional Regulations that have been submitted to it by a Division and which are at variance with Universitywide Regulations. [See Bylaws [80.D](#), [116.F](#), [125.B.5](#), [206.D](#)]

G. Action by the Assembly is subject to petition for Reconsideration and Referendum as provided in [Bylaw 75](#). (EC 18 Nov 68)

H. See also protected [Bylaw 311](#).

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## **Title II. Meetings of the Assembly**

### **120. Meetings of the Assembly**

A. Types of Meetings. The Assembly of the Academic Senate shall be convened at regular meetings [see [Bylaw 110.A.3.b](#)], special meetings [see [Bylaw 110.A.3.c](#)], and emergency meetings [see [Bylaw 110.A.3.d](#)].

B. Notice of Meetings

1. The call to regular **and special** meetings of the Assembly shall be sent to the Academic Senate Office of each Division such that distribution to offices of all academic units shall occur at least ten calendar days before the Assembly is convened. [See [Bylaw 110.A.3.b](#)] The call for an emergency meeting of the Assembly shall be sent to the Academic Senate office of each Division such that distribution to offices of all academic units shall occur at least five calendar days before that meeting is convened. The call to ~~both~~ regular, **special**, and emergency meetings of the Assembly shall be sent either electronically or through the mail. (Am 4 Jun 91; Am 28 May 2003)

~~2. For these notices, all calendar days from the beginning of the fall term to the end of the spring term are counted; however, after a holiday or academic recess, only emergency meetings of a legislative agency may occur before the third day of instruction. (Am 24 May 78)~~

~~3.~~ **2.** The call for each regular or special Assembly meeting shall include all pertinent documents and the text of any proposed change in Senate legislation with a statement of its purposes and intended effects.

~~4.~~ **3.** The call for a special or emergency Assembly meeting shall include the reasons for the meeting.

C. Order of Business

1. Regular Meetings. The Academic Council shall set the order of business of the Assembly meeting. This order of business may be suspended by a two-thirds vote of the voting members present. Business shall include the following: (Am 28 May 2003):

Roll Call  
Minutes  
Announcements by the President  
Other announcements

Special Orders  
Reports of Special Committees  
Reports of Standing Committees  
Petitions of Students  
Unfinished business  
University and faculty welfare  
New business

**2.** **Special Meetings and Emergency Meetings.** The order of business is:

Roll call  
~~Minutes (may be omitted by approval of two-thirds of the voting members present)~~  
Business stated in the call  
Other matters authorized by unanimous consent of the voting members present

D. Conduct of Business

1. Quorum. Two-thirds of the members of the Assembly shall constitute a quorum. (EC 18 Nov 68)
2. Consent Calendar. Agenda items deemed non-controversial by the Chair of the Assembly, in consultation with the Academic Council, may be placed on a Consent Calendar under Special Orders. Approval of all business on the Consent Calendar requires a single unanimous vote. At the request of any Assembly member, any such Calendar item must be deferred until consideration of new business.
3. Reports. Annual reports of Standing Committees of the Academic Senate constitute a Special Order for the first regular Assembly meeting in each academic year.
4. New Business. Except for modification of Legislation, which must be enacted in accordance with the provisions of [Bylaw 311.C](#), any member of the Assembly may introduce for discussion any item of business within the authority of the Assembly. The Assembly may act finally on matters not included in the Call of the Meeting only by unanimous consent of the members present.
5. Privilege of the Floor. Any Senate member may attend and speak at Assembly meetings in accordance with the provisions of [Bylaw 60](#), but only members of the Assembly may make or

second motions, or vote; however, members of a Standing or Special Committee of the Senate may move, but not second, the acceptance of reports or recommendations, or amendments thereto, presented by their committees. In the absence of members of a committee reporting to the Assembly the Secretary/Parliamentarian is authorized to move that the report be received and placed on file. (Am 5 May 88)

~~6. Parliamentary Authority. Questions of order not covered by legislation are governed by *Robert's Rules of Order* or *Sturgis Standard Code of Parliamentary Procedure*, at the option of the agency involved. (EC Nov 68; Am 10 Mar 69)~~

**Parliamentary Authority. The Assembly shall, by majority vote, adopt a set of rules of order to govern questions of order not covered by legislation. This choice of rules of order may be changed by majority vote of the Assembly, with such change becoming effective at the next meeting of the Assembly.**

7. Minutes. The Secretary/Parliamentarian shall ~~send~~ **provide** minutes of each Assembly meeting to the Academic Senate office of each Division, **no later than the distribution of the Call to the next regular meeting.** ~~such that distribution to the offices of all academic units shall occur within thirty calendar days after each meeting.~~ (Am 5 May 88; Am 4 June 91)

8. Any member of the Senate may ask to be ~~placed on the mailing list~~ **provided with a copy of the** for calls and minutes. (En 4 Jun 91)

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### Title III. Academic Council

#### 125. Academic Council

A. Membership. The Academic Council shall consist of the following members:

1. The Chair of the Assembly, who is the Chair of the Academic Council;
2. The Vice Chair of the Assembly, who is the Vice Chair of the Academic Council;
3. The Chairs of the Divisions; (Am 4 May 89)

4. The Chairs of the following University Standing Committees:

Academic Personnel  
Board of Admissions and Relations with Schools  
Educational Policy  
Faculty Welfare  
Graduate Affairs  
Planning and Budget  
Research Policy (Am 28 May 2003)

In the absence or disability of the Chair of a Division or Standing Committee the Vice Chair of that Division or Standing Committee shall serve on the Council with full privileges. In the absence or disability of both the Chair and Vice Chair of a Division or Standing Committee, the appropriate Committee on Committees shall appoint a replacement, who shall have full privileges, for the specified meeting(s) of the Council. (Am 2 Dec 81; Am 4 May 89)

B. Authority and Duties [See [Legislative Ruling 2.86](#)]

1. The Academic Council shall ~~have only the authority enumerated by these Bylaws~~ **serve as the Executive Committee of the Assembly.**
2. The Academic Council normally shall advise the President of the University on behalf of the Assembly. [See [Bylaw 115.E](#)]
3. The Academic Council shall have the continuing responsibility to request committees of the Senate to investigate and report to the Council or to the Assembly on matters of Universitywide concern.
4. The Academic Council shall appoint two Senate members to serve on the Advisory Board of the University of California Retirement System. (En 4 May 89; CC 28 May 2003)
5. If a proposed Divisional Regulation, which has been submitted to the Assembly of the Academic Senate for approval, is at variance with Universitywide Regulations and cannot be included in the agenda of a regular Assembly meeting to be held within sixty calendar days after Divisional action, the Academic Council, with the advice of the appropriate University Senate committees, is authorized to approve provisionally such proposed Regulations. Such

approval is effective until the end of the next following term in which a regular Assembly meeting is held. Such approval must be reported to the Assembly. [See [Bylaw 115.F](#) and [Bylaw 206.D](#)]

6. The Coordinating Committee on Graduate Affairs shall submit to the Academic Council for final action on behalf of the Assembly proposals for the establishment of new graduate degrees submitted in accordance with [Bylaw 180.B.5](#) when such proposals cannot be included in the agenda of a regular Assembly meeting to be held within sixty calendar days after Committee action. (Am 7 Jun 72)

7. In accordance with [Bylaw 65](#) the Academic Council shall act upon appeals of curricular decisions by Universitywide Senate committees.

8. In accordance with [Bylaws 110.A.3.b](#) and [110.A.3.e](#) the Academic Council shall be consulted by the Chair of the Assembly concerning the schedule of, the setting of agendas for, and the cancellation of regular meetings of the Assembly.

9. With the concurrence of a majority of the Academic Council an emergency meeting of the Assembly may be called by the Chair of the Assembly or, in the Chair's absence or disability, by the Vice Chair, as specified in [Bylaw 110.A.3.d](#).

10. Special meetings may be called as specified in [Bylaw 110.A.3.c](#).

**11. Any action item, other than a Bylaw amendment, noticed for a meeting of the Assembly that does not achieve quorum, may be acted upon by the Academic Council.**

**12. The Academic Council is empowered to establish Special Committees.**

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#### **Title IV. Standing Committees of the Academic Senate**

##### **128. Membership of Standing Committees of the Assembly (En 28 May 2003)**

Unless otherwise specified in the establishing bylaws for a committee, the following shall govern the membership of all Assembly committees except the Academic Council.

- A. The Chair and Vice Chair of the Assembly shall serve as *ex officio* members of the University Committee on Committees and as non-voting *ex officio* members of all committees except for the Committee on Rules and Jurisdiction.
- B. Each Division of the Academic Senate shall nominate to UCOC one Division member to be appointed to the following committees to serve a two-year term. [See Bylaw 150]. This member shall normally be the chair or a member of the corresponding Divisional committee; otherwise, the Assembly committee member shall serve as an *ex officio* non-voting member of the corresponding Divisional committee.

Academic Freedom  
 Academic Personnel  
 Affirmative Action and Diversity  
 Board of Admissions and Relations with Schools  
 Committees  
 Educational Policy  
 Information Technology and Telecommunication Policy  
 International Education  
 Faculty Welfare  
 Graduate Affairs, Coordinating Committee on  
 Library  
 Planning and Budget  
 Privilege and Tenure  
 Research Policy  
 Preparatory Education

- C. The Chair of each of the above committees shall be an at-large member, who is a former, but not a present member of the corresponding Divisional committee. The Chair shall normally serve a one-year term.

D. Vice Chairs

- 1. For the University Committee on Committees and for committees represented on the Academic Council, the Vice Chair shall be an at-large member who has experience as a member of the corresponding Divisional committee. The Vice Chair shall normally succeed the Chair subject to the approval of UCOC. [See Table 1]
- 2. For committees not represented on the Academic Council, with the exception of the University Committee on Committees, the Vice Chair shall be appointed from among the Divisional

appointees. The Vice Chair shall normally succeed the Chair subject to the approval of UCOC. [See Table 2]

3. The Vice Chair must be a Senate member from a Division other than that of the Chair.

E. Students who sit with standing committees, as provided in these bylaws, are non-voting representatives and shall be nominated by the student organization recognized by the Academic Council for that purpose and appointed by the University Committee on Committees.

F. Term: In no case shall members serve for more than four consecutive years with the exception of the Chair and Vice Chair who may serve no more than six years. A member is again eligible one year after leaving the committee. A partial term is counted as a full term.

G. Quorum. Fifty percent of the voting members of the Committee shall constitute a quorum.

H. Members holding an administrative position higher than department chair may not serve as members of Assembly committees. However, Department Chairs may serve on Assembly Committees, with the exception of the Committee on Academic Personnel, the Committee on Academic Freedom and the University Committee on Privilege and Tenure.

### **130. Academic Freedom**

A. Membership shall be determined in accordance with Bylaw 128. One undergraduate and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128. D. and 3. (Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)

Study and report to the Assembly upon any condition within or outside the University that, in the committee's judgment, may affect the academic freedom of the University and its academic community. (Am 15 Jun 71; Am 23 May 1996; Am 28 May 2003)

### **135. Academic Personnel**

A. Membership shall be determined in accordance with Bylaw 128. The Vice Chair shall be chosen in accordance with Bylaw 128. D. 1. and 3. (Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 03)

1. Confer with the President on general policy on academic personnel, including salary scales, appointments and promotions, and related matters.

2. Review standards and policies applied by Divisional Committees on Academic Personnel, advise the President, and inform the Division CAPs thereon. (Am 29 Oct 98)

**140. Affirmative Action and Diversity** (Am 13 May 97)

A. Membership shall be determined in accordance with Bylaw 128. One undergraduate and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128.D. 2. and 3. (Am 4 Jun 91; Am 28 May 03)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 03)

1. Confer with the President on general policies bearing on affirmative action and diversity for academic personnel, students, and academic programs. (Am 28 May 2003)

2. Establish basic policy and procedures for coordinating the work of the Divisional Committees concerned with affirmative action and diversity. (Am 28 May 2003)

3. Report annually to the Assembly the state of affirmative action and diversity in the University. This report shall include a review of the annual reports of the Divisional Committees on Affirmative Action and Diversity (or equivalent committees). (Am 28 May 2003).

4. Review the information on affirmative action and diversity provided by the campus and University administrations and report said findings to the Academic Council. The information shall consist of data and analyses of working conditions, salaries, advancement, and separation for women and ethnic minorities. (Am 28 May 2003)

5. Undertake studies of policies and practices affecting affirmative action and diversity and make recommendations to appropriate University bodies. (Am 28 May 2003)

#### **145. Board of Admissions and Relations with Schools**

- A. Membership shall be determined in accordance with Bylaw 128 except that the Chair and Vice Chair, shall normally serve two-year concurrent terms. The Vice Chair shall be chosen in accordance with Bylaw 128.D. 1. and 3. One undergraduate and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] (Am 4 May 1995; Am 28 May 2003)
- B. Duties. Consistent with Bylaw 40 the Committee shall: (Am 28 May 2003)
1. Advise the President and appropriate agencies of the Senate on matters relating to admissions of undergraduate students.
  2. Recommend to the Assembly the admissions criteria for undergraduate status. (En 28 May 2003)
  3. Regulate the examination and classification of all applicants for admission to undergraduate status, and report thereon to the Assembly, including the authority, in exceptional case, to admit applicants with minor deficiencies. (Am 26 May 82; Am 28 May 2003)
  4. Maintain the standard of preparation required of students who enter the University directly from California secondary schools in the course of passing on applications for advanced standing from other colleges and universities. Advanced standing credit is granted for work of quality comparable to that required of students in this University.
  5. Require secondary schools in California whose graduates are to be admitted on a transcript to submit for approval a list of those courses certified by the school as fulfilling the subject requirements for admission. The committee shall review these courses annually. If the studies outlined in 145.B.6 below indicate that such action is advisable, it may require that applicants from certain schools take examinations established by the Board as a condition for admission. (Am 26 May 82)
  6. Require secondary schools in California whose graduates are to be admitted on a transcript to submit for approval a list of those courses certified by the school as honors level courses

in history, English, advanced mathematics, laboratory science, and foreign language. The committee shall review these courses annually. (En 26 May 82)

7. Compile information on curricula and scholarship standards in California secondary schools. On authorization by the President, the committee shall confer with representatives of schools and colleges on appropriate scholastic matters. It shall annually report to the Assembly statistical information about applicants admitted to advanced standing, and about the scholastic achievements of students admitted as freshmen; and at appropriate intervals it shall report on its policies and practices regarding admissions, specifying exceptions to Senate Regulations that have been permitted. (Am 15 Jun 71, 28 May 80, 26 May 82)

## **150. Committees**

### **A. Membership**

1. Membership shall be determined in accordance with Bylaw 128 and include two members-at-large. The members at large are to be named by the Assembly for two-year staggered terms. Each at large member will serve as Vice Chair in the first year and shall normally succeed as Chair in the second year. In addition, there shall be one member appointed by each Divisional Committee on Committees from its current membership to serve on the University Committee on Committees for a maximum two-year term, with the exception of the Chair and Vice Chair who may serve a maximum of four years. (Am 2 Dec 71; Am 12 May 94; Am 28 May 2003)

2. Vacancies. In the absence or disability of both the Chair and Vice Chair, the Academic Council shall appoint a Chair *pro tempore* appointment from among the committee membership until the next meeting of the Assembly, at which time the Assembly shall elect a chair. If a vacancy occurs in an at-large membership, the Academic Council shall nominate to the Assembly at its next meeting a candidate to fill the unexpired term, at which time the Assembly shall hold an election. (Am 4 Mar 76; Am 28 May 2003)

**B. Duties.** Consistent with Bylaw 40 the Committee shall: (Am 28 May 2003)

1. Appoint the Chairs and, where specified in the Bylaws, the Vice Chairs. (Am 7 Dec 76: Am 28 May 2003)

2. Appointed all other members of all Senate committees that report to the Assembly, while ensuring conformity with the Senate Bylaws [see [Bylaw 35](#)] and in consultation with the outgoing and incoming chairs of Senate committees. ~~The Committee shall send a letter of appointment to every appointee specifying the term of the appointment, the charge, and the duties of the appointee's committee.~~ (Am 2 Dec 71: Am 28 May 2003)

**3. Send a letter of appointment to every appointee specifying the term of the appointment, the charge, and the duties of the appointee's committee.**

4. Upon the President's request, confer, or nominate a committee to confer, with the President concerning the appointment of a chief campus officer or a University administrative officer. (Am 2 Dec 71: Am 28 May 2003)

#### **155. 181. Information Technology and Telecommunications Policy [formerly Computer Policy]**

- A. Membership shall be determined in accordance with Bylaw 128 and shall include the Chair of the Library Committee who shall serve as *ex officio* member. One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with the Bylaw 128.D.2. and 3. (Am 7 May 87; Am 28 May 2003)
- B. Duties: The Committee shall represent the Senate in all matters of instruction and research policy involving the use of information technology and telecommunications and shall advise the President, consistent with Bylaw 40, concerning the acquisition and use of information and telecommunications technology at the University either at its own initiative or at the President's request. (Am 7 May 87; Am 28 May 2003)

#### **160. Editorial**

- A. Membership shall consist of: twenty members, with at least one, but not more than four, from each Division, Divisional representation not otherwise being a criterion for appointment. A Chair and a Vice Chair, normally one from a northern Division and one from a southern Division, shall be appointed to serve one year terms. The Vice Chair shall normally succeed the Chair subject to the approval of the

University Committee on Committees. The Committee on Committees shall annually consult with the current Chair, Vice Chair, and the Director of the University of California Press in regard to appointment of members of the Editorial Committee. The term of service of members of this committee normally shall be from July 1 to June 30 of the following year, five years of continuous service being the maximum. The Director of the University of California Press shall be *ex officio* Secretary without a vote. (Am 20 Nov 90: Am 28 May 2003)

B. Duties. The Committee shall (EC 28 May 2003)

- Review manuscripts as well as associated documents bearing on the quality and significance of material proposed for publication. (EC 28 May 2003)
- Be consulted on policies governing the UC Press consistent with Bylaw 40. (En 28 May 2003)
- Have the sole authority to allow use of the University imprints, "University of California Press, Berkeley, Los Angeles, and London." (Am 16 Mar 70, 4 Mar 86; EC 28 May 2003)

**165. Education Abroad Program** (renumbered and renamed – 182 International Education) (CC 28 May 2003)

### **170. Educational Policy**

A. Membership shall be determined in accordance with Bylaw 128. One undergraduate and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen according with Bylaw 128.D.1. and 3. (Am 29 Nov 72, 7 Dec 76: Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)

- Consider and report on matters referred to it by the President of the University, the Assembly, a Division, or any Senate committee.
- Initiate appropriate studies and make reports thereon to the President, the Assembly, or any Division, on the establishment or disestablishment of curricula, colleges, schools, departments, institutes, bureaus, and the like, and on legislation or administrative policies of a fundamental character involving questions of educational policy. (Am 15 Jun 71)

### **175. Faculty Welfare**

A. Membership: (Am 9 May 84; Am 6 May 93; Am 23 May 96; Am 28 May 2003)

1. Except as noted below, membership shall be determined in accordance with Bylaw 128. The Vice Chair shall be chosen in accordance with Bylaw 128.D.1. and 3. (Am 28 May 2003)

2. One Academic Senate member of the Advisory Board of the UC Retirement System, who may be a member already included on the committee and who will normally serve a two-year term. (Am 28 May 2003)

3. The Chair of the Council of Emeriti Associations (CUCEA), shall serve *ex officio*. (Am 28 May 2003)

4. Up to two at-large members, appointed for one-year renewable terms, and in Consultation with the Chair of the Committee, to supplement the expertise of divisional members in areas of special relevance to the current business of the committee. (Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)

1. Report to the Academic Council and other agencies of the Senate and confer with and advise the President and agencies of the University Administration on matters concerning the economic welfare of the faculty, such as salaries, benefits, insurance, retirement, housing, and conditions of employment.

**2. Develop along with the chairs of the relevant committees and in consultation with the Chair of the Academic Council, procedures for treating issues with a major welfare component.** ~~Procedures for treating issues with a major welfare component that are also the concern of other committees shall be developed by the chairs of the committees involved, in consultation with the Chair of the Academic Council.~~ (Am 2 Dec 81; EC 28 May 2003)

## **181 Information Technology and Telecommunications Policy**~~[formerly Computer Policy]~~ **(Formerly 155)**

A. Membership shall be determined in accordance with Bylaw 128 and shall include the Chair of the Library Committee who shall serve as *ex officio* member. One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice

Chair shall be chosen in accordance with the Bylaw 128.D.2. and 3. (Am 7 May 87; Am 28 May 2003)

B. Duties: The Committee shall represent the Senate in all matters of instruction and research policy involving the use of information technology and telecommunications and shall advise the President, consistent with Bylaw 40, concerning the acquisition and use of information and telecommunications technology at the University either at its own initiative or at the President's request. (Am 7 May 87; Am 28 May 2003)

### **180. Graduate Affairs, Coordinating Committee on**

- A. Membership shall be determined in accordance with Bylaw 128. Two graduate students shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128.D.1. and 3. (Am 6 Jun 79; Am 28 May 2003)
- B. Duties. Consistent with the Bylaw 40, the Committee shall: (Am 28 May 2003)
- Advise the President of the University and all agencies of the Senate regarding the promotion of research and learning related to graduate affairs.
  - Establish basic policies and procedures for coordinating the work of the various Graduate Councils and Divisions.
  - Recommend to the Assembly minimum standards of admission for graduate students [see [Bylaw 311.C.1.](#)].
  - Act for the Academic Senate in the approval of new programs for established graduate degrees, including the joint doctoral degrees with campuses of the California State University.
  - Review proposals from Graduate Councils for the establishment of new graduate degrees that require approval of the President, to whom The Regents have delegated authority of approval, and submit recommendations thereon to the Assembly [see [SOR 110.1](#) and [Bylaw 116.C.](#)]. (Am 24 May 00)
  - Review standards and policies applied by Graduate Councils, and policies concerning relations with educational and research agencies.

### **182. International Education** (Formerly 165 Education Abroad Program) (Am 28 May 2003)

- A. Membership shall be determined in accordance with Bylaw 128, except that the Chair shall normally serve a two-year term. One undergraduate student and one graduate student shall sit with the

Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128.D.2. and 3. On a campus that has no equivalent committee, a member shall be an at-large Senate member. (Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)

1. Consider and report on matters of international education referred to the Committee by the President of the University, the Academic Council, the Assembly, a Divisional or any Senate Committee. (Am 28 May 2003)

2. Provide Continuing review of the Education Abroad Program and its policies. (EC 28 May 2003)

3. Consult with the University Office of Education Abroad Program on future program development, including modification of the programs of existing Study Centers, establishment of new Study Centers, and disestablishment of EAP Programs. (Am 28 May 2003)

4. Represent the Senate in the selection of Study Center Directors. (Am 28 May 2003)

5. Maintain liaison with the Council of Campus Directors. (Am 28 May 2003)

6. Advise the University Office of Education Abroad Program Director on all matters of international education. (Am 28 May 2003)

7. Have the responsibility for the final academic review of new Study Centers and Programs after the first three years, and for regular reviews of all centers and programs every ten years or as conditions may require. (En 4 May 89; Am 4 Jun 91; Am 28 May 2003)

8. Authorize and supervise all courses and curricula in the Education Abroad Program (Am 2 Dec 71; Am 4 May 89; Am 28 May 2003)

## **185. Library**

A. Membership shall be determined in accordance with Bylaw 128. One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be

chosen in accordance with Bylaw 128.D.2. and 3. A University librarian and the Chair of the Committee on Information Technology and Telecommunications Policy shall serve *ex officio*. (Am 7 May 87; Am 28 May 2003)

B. Duties. Consistent with Bylaw 40, the Committee shall: (Am 28 May 2003)

1. Advise the President concerning the administration of the libraries of the University in accordance with the Standing Orders of The Regents.

2. Perform such other appropriate duties as may be committed to the Academic Senate by proper authority.

### **190. Planning and Budget**

A. Membership shall be determined in accordance with Bylaw 128. One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128 D 1 and 3. (Am 28 May 2003):

B. Duties. Consistent with Bylaw 40 the Committee shall: (Am 28 May 2003)

1. Confer with and advise the President and agencies of the University Administration on policy regarding planning and budget matters and resource allocations.

2. Initiate studies in planning and budget matters. (Am 28 May 2003)

### **192. Preparatory Education** (Formerly numbered 215) (Am 4 June 91; CC 28 May 2003)

A. Membership shall be determined in accordance with Bylaw 128 and include one member appointed from the Board of Admissions and Relations with Schools (BOARS). One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128.D.2. and 3. (Am 28 May 2003)

B. Duties. Consistent with Bylaw 40 the Committee shall: (Am 28 May 2003)

1. Advise the President and appropriate agencies of the Senate on matters relating to preparatory and remedial education,

including the language needs of students from diverse linguistic backgrounds. (Am 28 May 2003)

2. Monitor and conduct periodic reviews and evaluations of preparatory and remedial education.
3. Supervise the Subject A requirement with special emphasis on establishing appropriate and uniform Universitywide standards for the Subject A examination.
4. Monitor the development and use of placement examinations in mathematics.
5. Work with BOARS to communicate these standards to all high schools and colleges in the State of California.
6. Monitor campuses' implementation of [Senate Regulation 761](#).
7. Facilitate the establishment of Divisional committees with comparable responsibilities, and promote communication between them.
8. Report on preparatory and remedial education to the Academic Council, the Assembly, and the other appropriate Senate agencies. (Am 30 Nov 83)

## **195. Privilege and Tenure**

- A. Membership shall be determined in accordance with Bylaw 128. The Vice Chair shall be chosen in accordance with Bylaw 128.D. and 3. (Am 28 May 2003)
- B. Duties. Consistent with Bylaw 40 the committee shall: (Am 23 May 01; Am 28 May 2003)
  1. Advise the President, the Academic Senate and its Divisions, and the Divisional Privilege and Tenure Committees on general policies involving academic privileges and tenure [see [Bylaw 334](#)]. (Am 25 May 76; EC 28 May 2003)
  2. Constitute special Hearing Committees as provided for in [Bylaw 336.A](#). (EC 28 May 2003)
  3. Maintain statistical records of the grievance, disciplinary, and early termination cases taking place on each of the campuses, as specified in [Bylaw 334.B](#). (EC 28 May 2003)

## **200. Research Policy**

- A. Membership shall be determined in accordance with Bylaw 128. One undergraduate student and one graduate student shall sit with the Committee. [See [Bylaw 128.E.](#)] The Vice Chair shall be chosen in accordance with Bylaw 128.D.1. and 3. (Am 26 May 82; Am 6 May 86; Am 4 May 89; Am 28 May 2003)
- B. Duties. Consistent with Bylaw 40, the Committee shall consider matters pertaining to: (Am 28 May 2003)
  - 1. Fostering research;
  - 2. Formulating, coordinating, and revising general research policies and procedures;
  - 3. Advising the President on research. Questions of policy and their implementation may be initiated by this committee, referred to it by the President, or brought to its attention by Divisions. (Am 15 Jun 72, 25 May 82)

## **205. Rules and Jurisdiction - Part I** [See [Legislative Ruling 12.93.A-B](#)] [Protected -- see [Bylaw 116.E](#)]

### A. Membership

The committee shall consist of five members, two chosen from the Chairs of the Divisional Committees on Rules and Jurisdiction and three members at large. Members at large shall serve for three years, other members for three years or until they cease to hold the office of Chair of the Divisional Committees on Rules and Jurisdiction, whichever is less. The Chair shall be chosen from the members at large. No member shall be simultaneously a member of the Assembly.

### B. Duties

- 1. It shall be the duty of this committee, immediately prior to the preparation of the call for every regular meeting of the Assembly, to examine all Divisional legislation of which it has received notice since its last examination. If the committee judges that any Divisional legislation substantially affects more than one Division or the statewide University, it shall refer such Divisional action to the Assembly with a statement of its opinion concerning jurisdiction over the matter [see [Bylaw 311.A](#)]; this opinion shall be included in the call for the next meeting of the Assembly. Such a decision by the Committee on

Rules and Jurisdiction shall be subject to the provisions for referendum only as specified in [Bylaw 75](#); the final date for filing a request or petition shall be twenty-one days after the call for the meeting is put in the mail.

2. It shall be the duty of this committee to prepare and to report to the Assembly or to any of the Divisions such changes and additions to the Bylaws and Regulations as may seem to it advisable.

3. This committee is further charged with the formal supervision of all changes in Bylaws and Regulation proposed to the Assembly by other committees or by individuals, and with the editorship of the publication, at such intervals as may seem expedient, of the *Manual of the Academic Senate*.

4. It is authorized to make editorial and conforming non-substantive changes in the Bylaws and Regulations with regard to numbering, headings, cross-references, organizational titles, details of style, and similar items. It shall report such changes to the organizations directly concerned, and publish them in the call for the next meeting of the Assembly.

5. It is authorized to submit to all Faculties and Councils such amendments to their Bylaws as may seem advisable.

6. Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in [Bylaw 116.E](#), and ratified by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate.

## **206. Rules and Jurisdiction - Part II**

[See [Legislative Ruling 12.93.A-B](#)]

- A. Legislative Rulings. The committee shall issue Legislative Rulings interpreting the *Code of the Academic Senate* at the request of a member of the Academic Council, a chair of a University Committee, or a chair of a Divisional Committee on Rules and Jurisdiction. Prior to issuance of a ruling, the position of the committee as to what such ruling should be shall be submitted to the Academic Council for consideration and comment. After considering such comment, the committee shall issue its ruling and report it to the Assembly for its information. Rulings shall be included in an Appendix to the *Code of the Academic Senate* and

shall have the status of Senate legislation until modified by legislative or Divisional action. [see [Bylaw 80.A.5](#)]

- B. Challenges. The committee shall hear and decide challenges to any action of a University committee alleged to be contrary to the *Code of the Academic Senate*. Challenges must be submitted to the committee in writing signed by no fewer than ten Senate members, and may be made without time limitations. Challenges to the actions of a Divisional Committee of the Academic Senate shall be heard and decided by the Divisional Committee on Rules and Jurisdiction, or such other agency as the Divisional Bylaws may designate, subject to appeal to the University Committee on Rules and Jurisdiction. No challenges can be made to findings on the merits of a particular case by a Committee on Privilege and Tenure or a Divisional Committee on Academic Personnel or its equivalent. The committee shall issue its decisions on challenges and appeals either in the form of Legislative Rulings or by such other methods as the Committee may deem appropriate to the circumstances. Legislative Rulings shall be issued in accordance with the procedures set forth in Senate Bylaw 206.A. Decisions rendered other than in the form of Legislative Rulings may be appealed to the Academic Council, whose decision shall be final. (Am 7 Mar 72; EC Jun 78; Am 23 May 96)
- C. Requests. The committee shall respond to informal requests from Senate members for information concerning the *Code of the Academic Senate*, and shall file with the Secretary/Parliamentarian of the Senate, and summarize in its annual committee report, all correspondence containing committee response to such requests.
- D. Manual Supervision. The committee shall supervise: (a) the inclusion of all Assembly-approved variances to Senate Regulations in an Appendix to the *Manual of the Academic Senate*, and (b) the preparation of Divisional manuals in accordance with [Bylaw 80.C](#).

#### ~~210. Student Affirmative Action~~

~~A. Membership shall consist of one member from each Division and a Chair appointed by the Committee on Committees. When a Division has a committee concerned principally with student affirmative action, the member will normally be its chair, or a member of the committee recommended by the chair. When no such Divisional committee exists, the member shall be appointed by the Divisional Committee on Committees in consultation with the chair.~~

~~B. Duties. The committee shall:~~

~~1. Facilitate the development on all University of California campuses of Divisional committees on student affirmative action; facilitate efforts concerned with (a) identifying undergraduate, graduate, and professional programs in which there are disproportionately few students from groups defined by ethnicity or sex who enter, perform at a strong academic level, or graduate from these program, and (b) working with faculty in each such program to increase the number of students from the underrepresented groups who enter, perform with academic strength, and successfully complete the program.~~

~~2. Seek to increase the effectiveness and efforts of corresponding Divisional committees by promoting and facilitating communication among them, and between them and the Office of the President.~~

~~3. Undertake, on its own initiative, studies and/or evaluation of administration and faculty policies and endeavors related to or affecting student affirmative action, and make recommendations to the Academic Senate and the Office of the President concerning these; the committee may, with the approval of the Academic Council, speak for the Senate on student affirmative action matters in specific contexts.~~

~~4. Report to the Assembly on progress and problems in connection with its duties.~~

**215. Preparatory Education** (Renumbered to 192) (Am 4 Jun 91; Am 28 May 2003)

**220. Undergraduate Scholarships, Honors, and Prizes**

[Abolished by action of the Assembly, 20 Nov 85]

**225. University Extension**

[Abolished by action of the Assembly, 20 Nov 85]

## TABLE 1

### BYLAW 128. D 1. VICE CHAIRS

The Vice Chair of the following Committees shall be an at-large member, who has experience as a member of the corresponding Divisional Committee

Academic Personnel  
Board of Admissions and Relations with Schools Committees  
Educational Policy  
Faculty Welfare  
Graduate Affairs, Coordinating Committee on  
Planning and Budget  
Research Policy

## TABLE 2

### BYLAW 128. D 2. VICE CHAIRS

The Vice Chair of the following Committees shall be appointed from among the Divisional Appointees.

Academic Freedom  
Affirmative Action and Diversity  
Committee on Committees  
Information Technology and Telecommunications Policy  
International Education  
Library  
Privilege and Tenure  
Preparatory Education

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### Title V. Faculties Directly Subject to the Jurisdiction of the Assembly

#### 230. General Provisions

Faculties established by the Assembly of the Academic Senate in the absence of a Division on a campus are directly subject to the jurisdiction of the Assembly until a Division is established. [See [Bylaw 116.B](#)]

#### 235. School of Public Health (Berkeley - San Francisco) (See [Bylaw 50.A](#))

Membership. The Faculty of the School of Public Health (Berkeley - San Francisco) shall consist of:

1. The President of the University;
2. The Chancellors at Berkeley and San Francisco;
3. The Provost, Professional Schools and Colleges (Berkeley);
4. All members of the Department of Biomedical and Environmental Health Sciences and the Department of Social

and Administrative Health Sciences of the School of Public Health (Berkeley - San Francisco) who are members of the Academic Senate;

5. Members of the Academic Senate selected from the Faculty concerned, as specified below:

- a. Two representatives each from the College of Natural Resources (Berkeley), the College of Letters and Science (Berkeley), and the School of Medicine (San Francisco);
- b. One representative each from the College of Chemistry (Berkeley), College of Engineering (Berkeley), College of Environmental Design (Berkeley), School of Business Administration (Berkeley), School of Dentistry (San Francisco), School of Education (Berkeley), School of Nursing (San Francisco), School of Pharmacy (San Francisco), School of Social Welfare (Berkeley), and School of Veterinary Medicine (Davis). (Am 21 Jan 74, 6 May 76; CC 11 Nov 74; EC 7 Dec 76)

Bylaws of the Academic Senate  
University of California  
**Part III. - Divisions of the Academic Senate**

**Title I. Membership and Authority of the Academic Senate**

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**Title I. Membership and Authority**

**305. Divisions**

The Academic Senate has nine Divisions: Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz.

A. Membership

Each Division shall determine its membership in accordance with this section of the Bylaws and with the Standing Orders of The Regents. The membership of each Division shall consist of:

1. The President of the University;
2. Each Senate member whose appointment is at the campus of the Division and who has not transferred voting rights to another Division in accordance with the provisions of Article B.2 of this Bylaw [see SOR 105.1(a)];
3. Each emeritus Senate member whose appointment at the time of retirement was at the campus of that Division;
4. Each Senate member with a Universitywide appointment who chooses to enroll in that Division.

B. Voting Rights

1. Each member of a Division whose voting rights have not been transferred in accordance with the provisions of Article B.2 of this Bylaw has the right to vote in that Division.
2. The voting right of a member temporarily assigned to another University campus may be transferred, upon the member's request, to that Division for the period of the temporary assignment.

**C. Each Division shall designate one member for the purpose of these bylaws, who shall act as Secretary. Among the Secretary's duties, the Secretary receives and may transmit to an appropriate**

**committee petitions of students or other materials received for presentation to the Division.**

**310. Authority of Divisions - Part I**

[Protected -- see [Bylaw 116.E](#)]

A. General Provisions

1. Subject to such provisions as appear elsewhere in these Bylaws, each Division shall have authority to organize, to select its own officers and committees, and to adopt for the conduct of its business rules and regulations not inconsistent with the Bylaws and Regulations of the Academic Senate.

2. Each Division is authorized to receive and consider reports and recommendations from the Faculties of colleges and schools located wholly or partly on the campus which it represents, from its Divisional committees, from local administrative officers, and from other Divisions.

3. It is authorized to originate and take final action on legislation substantially affecting only the Division; to establish Faculties in schools and colleges located wholly on the campus which it represents; to transmit directly to the President resolutions on any matter of University concern, subject to the provisions of Bylaw 311; and to submit reports and recommendations to the Senate or to the Assembly concerning changes in Senate legislation and such other matters as it may deem appropriate.

4. All powers of the Academic Senate not specifically delegated to the Assembly or to the Standing Committees of the Academic Senate are reserved to the Divisions.

5. Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in [Bylaw 116.E](#), and ratified by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate.

**311. Authority of Divisions - Part II. Jurisdiction**

[Protected -- see [Bylaw 116.E](#)]

A. Legislation

Legislation substantially affecting only one Division shall be subject to final approval by the Division. Legislation substantially affecting more than one Division or the statewide University shall become effective only upon approval by the Assembly, subject to Petition and Referendum [see Bylaw 75]. Resolutions and memorials are not legislation within the meaning of this Bylaw.

#### B. Resolutions; Memorials

1. Each Division may transmit resolutions on any matter of University concern directly to the President, with copies to the Assembly. Such resolutions may also be transmitted to the Assembly for its consideration and concurrence; or the Assembly may originate and transmit such resolutions.
2. Memorials to The Regents on any matter of University concern may be originated either by a Division or by the Assembly but no memorial shall be transmitted to the President to be laid before The Regents unless it has been approved by a mail ballot submitted to the voting members of the Senate.

#### C. Assembly Jurisdiction

The following shall be considered matters of such general concern as to come within the jurisdiction of the Academic Senate, through the mechanism of the Assembly.

1. Requirements for admission to undergraduate status and minimum requirements for admission to graduate status.
2. General regulations such as those concerning registration, residence, minimum unit requirements for degrees and certificates; general requirements for the Bachelor's degree (including military training and Subject A); general regulations concerning the grade-point system, credit for courses and examinations; University Extension policy; general regulations concerning disqualification and reinstatement of delinquent students.
3. Matters, other than 1 and 2 above, involving interrelationships of parallel schools or colleges in two or more Divisions.
4. Changes in academic government.

#### D. Divisional Jurisdiction

The following shall be considered as among the matters requiring action only by a Division:

1. Matters, other than those mentioned under C above, which concern colleges or schools situated within the jurisdiction of only one Division.
2. Matters concerning curricula offered within the jurisdiction of only one Division of the Academic Senate.
3. The chair of the appropriate Division shall determine initially what legislation is solely of Divisional concern. Such decision may be appealed to the Division or to the Assembly of the Division, if there be one. [See [Bylaw 205.B](#)]

E. Changes

Neither this Bylaw as a whole nor any part of it shall be added to, amended, or repealed except by action of the Assembly as specified in Bylaw 116.E, and ratified by two-thirds of the votes cast in a mail ballot of the voting members of the Academic Senate.

**312. Authority of Divisions - Part III**

A. General Provisions

1. Each Division shall approve and supervise all courses of instruction and curricula in the colleges and schools of the Division, except as otherwise provided in these Bylaws or the Standing Orders of The Regents [See [Bylaw 51.](#)] In the discharge of this duty the Division shall provide for appropriate consultation with the Chancellor or a designated representative.
2. Each Division shall recommend to the President all candidates for degrees in a college, school, or Graduate Division under its jurisdiction.
3. Each Division shall recommend, in its discretion, candidates under suspension of the regulations, provided that such candidates have been approved by the appropriate Faculty or Graduate Council.
4. See also protected Bylaws 310.A and 311.

B. Legislation

See protected Bylaws 311.A and 311.D and [Legislative Ruling 5.65](#).

#### C. Modification of Legislation

1. Subject to the provisions of [Bylaw 51](#), and except as may otherwise be provided for in the Bylaws of the Division, Divisional legislation may be modified at any meeting of a Division or its Assembly if at least five calendar days' written notice has been given to all Divisional members. (Am 23 May 1996)
2. All proposed legislation presented to a Division or its legislative agency must be accompanied by a statement of its purpose and intended effect and must include the text of the legislation to be modified.
3. Modification of Divisional Bylaws shall require the approval of two-thirds of all voting members present; modification of Divisional Regulations shall require the approval of a majority of all voting members present.
4. Modifications of legislation shall take effect immediately following approval by the legislative agency empowered to act finally for the Senate, unless a different date is specified or required by Divisional Bylaw.

#### D. Other Authority

1. Each Division may petition the Assembly for reconsideration or request a referendum in accordance with the provisions of [Bylaw 75](#).
2. See protected [Bylaw 311.B](#).

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## Title II. Meetings of the Divisions

### 315. Meetings

#### A. Right to Call

1. In addition to provision established by each Division for calling meetings, the President of the Senate may call special meetings of a Division during the academic year.

2. The Chair of the Division or, in the absence or disability of the Chair, ~~the Secretary~~ **the Vice Chair** must call a special meeting on written request of a minimum number of Divisional members to be determined by the Division.

3. Each Division may enact legislation governing emergency meetings of the Division and its agencies.

## B. Notice of Meetings

### 1. Regular Meetings

- a. At least five calendar days before any meeting of a Division or Divisional Assembly, the appropriate Secretary shall ~~send~~ **provide** the call for the meeting to the President and Vice President of the Academic Senate, to Divisional offices, to the Secretary/Parliamentarian of the Senate, and to members of the University Committee on Rules and Jurisdiction. The call must contain the text of proposed legislation and a statement of the purposes and intended effects of the proposal. (Am 23 May 1996)
- b. Except as may otherwise be provided for in the Bylaws of the Division, a copy of the call shall be ~~sent~~ **provided** to each member of the Division at least five calendar days before any meeting. (Am 23 May 1996)

2. Special Meetings. The call for a special meeting shall include the reasons for the meeting.

## C. Order of Business

1. Regular Meetings. ~~Unless suspended by a two-thirds vote of the voting members present, the order of business shall be:~~ .  
**Unless otherwise specified in divisional bylaws. This order of business may be suspended by a two-thirds vote of the voting members present. Business shall include the following:**

- Roll call (in Assemblies only)
- Minutes
- Announcements by the President
- Other announcements
- Special orders

Reports of Special Committees  
Reports of Standing Committees  
Petitions of students  
Unfinished business  
University and faculty welfare  
New business

2. Special Meetings. The order of business shall be as provided:

Roll call (in Assemblies only)  
~~Minutes (may be omitted by approval of two-thirds of the voting members present)~~  
Business stated in the call  
Other matters authorized by unanimous consent of the voting members present

D. Rules of Order. **Unless otherwise specified by Divisional Bylaws questions** of order not covered by legislation shall be governed by **the rules of the Assembly (See Bylaw 120D.6)** ~~Robert's Rules of Order, or Sturgis Standard Code of Parliamentary Procedure, at the option of the agency involved.~~ (EC 18 Nov 68; Am 10 Mar 69).

E. Privilege of the Floor. Any Senate member may attend and speak at any meeting of any Division [see [Bylaw 60](#)]. Voting privileges at meetings of the Division or its Assembly must be established by the Division in accordance with the provisions of Bylaw 305.B.

F. Minutes. ~~Within thirty calendar days a~~ After every meeting of a Division or Divisional Assembly, the Secretary shall ~~send~~ **provide** the minutes to the President and Vice President of the Academic Senate, to Divisional offices, to the Secretary/Parliamentarian of the Senate, and to the members of the University Committee on Rules and Jurisdiction, **not later than the distribution of the Call to the next regular meeting.** (Am 23 May 96).

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### Title III. Divisional Committees and Faculties

**320. Authority of Committees.** [See protected [Bylaw 115.C](#)]

**325. Committees of Divisions. Standing Committees.**

Each Division may establish appropriate standing committees, ~~to deal with matters in the following general areas:~~ **For every Standing Committee**

**of the Assembly (except for the Editorial Committee) each Division shall designate a corresponding Divisional Committee (See Bylaw 128B)**

~~Academic Freedom [see [Bylaw 130](#)]~~  
~~Academic Personnel [see [Bylaw 135](#)]~~  
~~Admissions and Relations with Schools [see [Bylaw 145](#)]~~  
~~Affirmative Action [see [Bylaw 140](#)]~~  
~~Committees [see [Bylaw 150](#)]~~  
~~Computer Policy [see [Bylaw 155](#)]~~  
~~Courses of Instruction~~  
~~Education Abroad Program [see [Bylaw 165](#)]~~  
~~Educational Policy [see [Bylaw 170](#)]~~  
~~Elections~~  
~~Faculty Welfare [see [Bylaw 175](#)]~~  
~~Graduate Affairs [see [Bylaw 180](#) and [Bylaw 330](#)]~~  
~~Library [see [Bylaw 185](#)]~~  
~~Planning and Budget [see [Bylaw 190](#)]~~  
~~Privilege and Tenure [see [Bylaw 195](#) and [335](#)]~~  
~~Research [see [Bylaw 200](#)]~~  
~~Rules and Jurisdiction [see [Bylaws 205 / 206](#) and [80.C](#)]~~  
~~Student Welfare [see [Bylaw 210](#)]~~  
~~Undergraduate Preparatory and Remedial Education [see [Bylaw 215](#)]~~  
~~Undergraduate Scholarships, Honors, and Prizes~~  
~~University Extension~~

### **330. Graduate Councils**

A. General Provisions. Regulative and coordinative functions in a campus Graduate Division shall be exercised in accordance with Bylaw 180 by a Graduate Council of the Division concerned. The Dean of the campus Graduate Division is *ex officio* a member of the Council but shall not be Chair or Vice Chair.

B. Duties. Graduate Councils shall:

1. Make recommendations to the Coordinating Committee on Graduate Affairs, according to procedures adopted by the Division concerning:
  - a. Qualifications of departments and groups of departments for initiating new programs leading to existing graduate degrees, and
  - b. New graduate degrees.

2. Coordinate the procedure of various departments and schools on the campus concerned, as it relates to degrees higher than the Bachelor's degree.
3. Set policy and standards for:
  - a. Admission to graduate status in accordance with the provisions of Bylaw 311.C.1;
  - b. Appointment of graduate students as ~~Teaching Assistants~~ **Graduate Student Instructors**, Teaching Fellows, ~~Research Assistants~~ **Graduate Student Researchers**, and recipients of University Fellowships; (Am 8 Mar 72)
  - c. Appointment of postdoctoral scholars or their academic equivalent and for their enrollment by the Graduate Division.<sup>1</sup>

<sup>1</sup> For purposes of this legislation a postdoctoral scholar is one who:

1. Has been awarded, or has completed requirements for, a doctoral degree or foreign equivalent where at least three years of undergraduate study are prerequisite to admission to the graduate degree program, and
2. Has been awarded a Fellowship or Traineeship or equivalent support for studies at the postdoctoral level and
3. Will pursue a program of research and training approved by a department or research unit and by the Dean of the Graduate Division.

The term "academic equivalent" refers to such appointments as Postgraduate Research-category who are in training status but not to interns and residents. Enrollment as a postdoctoral scholar is limited to a period not to exceed five years. (Am 29 Nov 72, 5 May 88)

4. At its discretion, limit the study lists of graduate students who are employed.
5. Recommend the award of fellowships and graduate scholarships, including honorary traveling fellowships, according to the terms of the various foundations.

6. Appoint committees in charge of candidates' studies, who shall certify for every candidate, before recommendation for a higher degree, that the candidate has fulfilled the requirements for that degree; supervise the conduct of examinations for higher degrees; admit qualified students to candidacy for higher degrees.
7. Make rules governing the form of presentation and the disposal of dissertations.
8. Make final reports to the Division concerning the conferring of graduate degrees.
9. Report and make recommendations to the Division on matters pertaining to graduate work.
10. Advise the Chancellor concerning relations with educational and research foundations.
11. Regulate in other ways the graduate work of the Division with a view to the promotion of research and learning, especially through its regular reviews of current graduate programs for their quality and appropriateness. (Am 7 Dec 76)

c. In accordance with the provisions of [Senate Bylaw 20](#), a divisional graduate Council may redelegate any of the authority vested in it only as may be provided by the divisional bylaws.

**334. Privilege and Tenure: Divisional Committees -- Jurisdiction (En 23 May 01)\***

[See Legislative Rulings [3.73](#), [12.80](#), [3.93.A-B](#), [4.94](#)]

A. Divisional Privilege and Tenure Committees shall have jurisdiction to deal with three distinct categories of cases:

1. grievance cases (SBL335), where a member of the Senate claims injury through the violation of his/her rights and privileges;
2. disciplinary cases (SBL 336), where a member of the Senate is accused of having violated the Faculty Code of Conduct; and
3. early termination cases (SBL 337), where a Senate or non-Senate faculty member challenges whether there is good cause for his/her early termination.

Such committees may also be called upon by the campus administration of their Division to render advice on campus policies or local regulations that may affect academic privileges and tenure. [[See Legislative Ruling 12.80](#)]

- B. At the end of every year, the Divisional Committee will supply a summary of its cases to the University Committee on Privilege and Tenure, to be used for statistical purposes only. This summary shall not include the name of any individual involved in a case before the Divisional Committee. For any matter held over from the previous year, the Committee shall report the final disposition of the case. The Divisional Committee shall also report any final disagreements with their Chancellor.
- C. Resolution of Disagreements with the Chancellor. After any formal hearing on grievance, discipline, or early termination, upon notice of the Chancellor's tentative decision to disagree with the Privilege and Tenure findings or recommendations, the Chair of the Divisional Privilege and Tenure Committee should either meet with the Chancellor or arrange for the full Divisional Privilege and Tenure Committee to meet with the Chancellor. The Committee is obliged to report the existence of agreement or disagreement with the Chancellor annually to the Division of the Senate, without divulging confidential information.

*\*In May 2001, Bylaws 334-337 replaced the former Senate Bylaw governing all divisional Privilege and Tenure activities, Bylaw 335.*

### **335. Privilege and Tenure: Divisional Committees -- Grievance Cases (En 23 May 01)**

#### A. Scope

1. Any member of the Academic Senate may grieve to the Divisional Privilege and Tenure Committee (hereafter, the Committee) that the member's rights or privileges have been violated. Before considering the grievance and determining whether a formal evidentiary hearing is warranted, the Committee may require that the grievant shall first exhaust all appropriate administrative avenues of redress. Administrative avenues of redress include, but are not limited to, presentation of the grievance along with a request for an administrative remedy to the department chair, dean, or other appropriate academic administrator with authority to investigate and offer a remedy.

2. In cases of personnel review involving tenure, promotion, or reappointment, such grievances may be based only on allegations: (a) that the procedures were not in consonance with the applicable rules and requirements of the University or any of its Divisions, and/or (b) that the challenged decision was reached on the basis of impermissible criteria, including (but not limited to) race, sex, or political conviction. The committee shall be empowered to determine the validity of the grievances under (a) or (b) but shall not be empowered to reevaluate the academic qualifications or professional competence of the grievant.

#### B. Preliminary Procedure in Grievance Cases

A. For the purpose of advising Senate members on the available relief in case of a potential grievance, each Division, in accordance with specifications to be determined by such Division, shall appoint an individual or panel (preferably former members of the Privilege and Tenure Committee, but not current members) who shall be available to each grievant to discuss the claim of violation of rights and privileges and to provide advice on the appropriate procedure to be followed. Such individuals or panel members shall not serve as representatives of any grievant, and they shall maintain full confidentiality to the extent allowable by law. An aggrieved Senate member may consult with the individuals appointed under this provision with the understanding that the grievance will not be disclosed and that the consultation shall not constitute notice of the grievance to the campus or University administration.

2. Upon receipt of a written grievance, the Privilege and Tenure Committee shall first determine whether or not the grieving Senate member has made out a *prima facie* case. This determination shall be limited to a review of the written grievance only. A *prima facie* case shall be deemed established if the Committee concludes that the allegations as stated in the written grievance, if true, would constitute a violation of the faculty member's rights and privileges.

3. If it finds that there is a *prima facie* case, the Committee may conduct a preliminary review of the evidence to determine whether there is sufficient reason to believe that a right or privilege of the grievant may have been violated. In the course of its preliminary review, the Committee shall provide the grievant with an opportunity to discuss his or her allegations

with the Committee, either orally or in writing. Upon an appropriate showing of need by any party or on its own initiative, the Committee may request files and documents under the control of the administration, including the grievant's personnel files and confidential documents contained therein. Such confidential documents shall remain confidential within the committee unless disclosure is required by law. At this stage, the Committee may also give the administrator with authority to offer a remedy notice of the grievance and an opportunity to respond. To further facilitate its review, the Committee may also ask other persons involved in the events that gave rise to the grievance, including the department chair, to appear before or provide information to the Committee.

4. If the committee determines either that the grievant has not made out a *prima facie* case or that after a preliminary review, there is not sufficient reason to believe that the grievant's rights and privileges may have been violated, it shall advise the grievant to that effect in a written communication stating the reasons for its conclusion.

5. If the Committee determines that the grievant has made out a *prima facie* case of violation of a right or privilege, and that there is sufficient reason to believe that the grievant's rights and privileges may have been violated, the Committee shall advise the Chancellor's designee of the grievance and the *prima facie* determination. The Committee shall make an attempt to promote a resolution of the controversy between the grievant and the administrative officer, officers, or other persons concerned. If no resolution can be reached, the Committee shall conduct a formal hearing in accordance with the provisions set forth below.

6. No grievance may be considered by the Committee if more than three years have passed between the time the grievant knew or should have known about the violation of his/her rights and privileges and the resulting injury therefrom, and the filing of a grievance with the Committee.

### C. Early Resolution

1. Any party may attempt to resolve the grievance informally through negotiations. Such negotiations may proceed with the assistance of impartial third parties, including one or more members of the Committee. A negotiated resolution is permissible and appropriate at any stage of these grievance

procedures. If a negotiated resolution is reached after a written grievance is filed, then the Privilege and Tenure Committee should be given notice that the matter has been resolved.

2. The grievance may also be resolved through mediation in cases where such mediation is acceptable to the administration and the grievant. With the consent of the administration and the grievant, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.

#### D. Hearing and Posthearing Procedures

1. The Privilege and Tenure Committee shall appoint a Hearing Committee for each grievance case that is not resolved through a negotiated resolution or mediation. The Hearing Committee should consist of at least three Division members. At least two of the members shall be members of the Committee on Privilege and Tenure, one of whom shall chair the Hearing Committee. The committee may not appoint a member of the department or equivalent administrative unit of any of the parties to the Hearing Committee. Hearing Committee members shall disclose to the Hearing Committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate. A quorum for the conduct of the hearing shall consist of at least half but not less than three members of the Hearing Committee, including at least one member of the Committee on Privilege and Tenure.

2. Prior to the formal hearing, the chair of the Hearing Committee shall schedule a conference with the parties and/or their representatives. This conference should attempt to:

- a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.
- b. Define the issues to be decided by the hearing committee.
- c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to

that which is relevant to the issues before the hearing committee.

- d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.
- e. Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the grievant, and their representatives may be present during all or part of the hearing. In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.

3. The Chancellor's designee, the grievant, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. All confidential information introduced into evidence, including the identity of confidential sources of personnel evaluations, shall remain so within the Hearing Committee. The Hearing Committee may call witnesses or make evidentiary requests on its own volition. The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.

5. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that the Hearing Committee may take notice of any judicially noticeable facts that are commonly known. Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to object to the Hearing Committee's notice of such matters.

6. The Divisional Committee on Privilege and Tenure may, at its discretion, request the appointment of a qualified person or

persons, designated by the Chair of the University Committee on Privilege and Tenure, to provide legal advice and/or to assist in the organization and conduct of the hearing.

7. At the hearing, the grievant shall bear the burden of proving the validity of the grievance by a preponderance of the evidence.

8. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, the Chancellor, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential to the extent allowed by law and UC policy. The Hearing Committee may, however, with the consent of the grievant, authorize release of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.

9. The hearing shall be recorded. The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose, and the parties and their representatives shall have the right to a copy of the recording or transcript. The cost of the copy shall be assumed by the requesting party.

10. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision and that were not reasonably discoverable at the time of the hearing.

#### E. Grievance Cases Related to Disciplinary Cases

1. There are circumstances in which the same set of facts and allegations lead to both a disciplinary matter and a grievance before the Committee. Under these circumstances, when a single hearing is held, the Committee shall make separate reports of findings, conclusions, and recommendations for the grievance and for the disciplinary matter.

- a. When a grievance involves the same set of facts that are the subject of a disciplinary matter, the

Committee on Privilege and Tenure may, at its discretion, hold either matter in abeyance while it proceeds with the other. Alternatively, the Committee may, with the consent of the grievant, the accused in the disciplinary matter, and the Chancellor's designee, consider both matters within a single hearing.

- b. When a Senate member facing disciplinary charges files a grievance involving the same set of facts and circumstances as the disciplinary matter, the Committee on Privilege and Tenure has the discretion to consider both matters within a single hearing.

2. When a Senate member files a grievance which is based upon the same facts and incidents involved in a prior disciplinary hearing at which the same Senate member was accused of violating the Code of Conduct, the findings and conclusions of the prior disciplinary hearing shall be conclusive.

### **336. Privilege and Tenure: Divisional Committees -- Disciplinary Cases (En 23 May 01)**

#### **A. Right to a Hearing**

In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I), proceedings shall be conducted before a Divisional Privilege and Tenure Committee (hereafter, the Committee). Under extraordinary circumstances and for good cause shown, on petition of any of the parties and with concurrence of the other parties, the University Privilege and Tenure Committee may constitute a Special Committee composed of Senate members from any Division to carry out the proceedings.

#### **B. Prehearing Procedure in Disciplinary Cases**

1. In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of The Regents, proceedings shall be initiated by the appropriate

Chancellor or Chancellor's designee, once probable cause has been established. Procedures regarding the establishment of probable cause are determined by APM 015/016 and Divisional policies. The charges shall be in writing and shall contain notice of proposed disciplinary action and a full statement of the facts underlying the charges. Upon receipt of the charges, the Chair of the Divisional Privilege and Tenure Committee shall promptly deliver a copy to the accused faculty member or send it by registered mail to the accused's last known place of residence.

2. The accused shall have twenty-one calendar days from the date of the receipt in which to file an answer in writing with the Committee. The Committee shall provide a copy of the answer to the Chancellor or Chancellor's designee. Upon receipt of a written application, the chair of the Committee may grant a reasonable extension of time for filing of an answer.

3. The Privilege and Tenure committee shall consider the matter within 21 calendar days after receipt of an answer or, if no answer is received, after the deadline for receipt of an answer. The Committee shall evaluate the case and establish time frames for all subsequent procedures. The committee may refer the case to mediation (SBL 336.C) or appoint a hearing committee (SBL 336.D). As a general guide, a prehearing conference (SBL 336.D.2) shall be scheduled within 30 calendar days and a hearing (SBL 336.D) shall be scheduled within 90 calendar days of the appointment of a hearing committee. The accused shall be given, either personally or by registered mail, at least ten calendar days' notice of the time and place of the hearing. The Chancellor, Chancellor's designee, or Chair of the Privilege and Tenure Committee may for good reason grant an extension of any of these time limits.

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action.

### C. Early Resolution

1. The Chancellor or Chancellor's designee and the accused may attempt to resolve the disciplinary charges informally through negotiations. Such negotiations may proceed with the assistance of impartial third parties, including one or more

members of the Committee. A negotiated resolution is permissible and appropriate at any stage of these disciplinary procedures. If a negotiated resolution is reached after written charges are filed, then the Privilege and Tenure Committee should be given notice that the matter has been resolved.

2. The disciplinary charges may also be resolved through mediation in cases where such mediation is acceptable to the administration and the accused. With the consent of the administration and the accused, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.

3. Once charges have been filed with the Committee, the Chair of the Divisional Privilege and Tenure Committee should request that the Chancellor or Chancellor's designee consult with the Committee or its chair prior to the completion of any early resolution.

#### D. Hearing and Posthearing Procedures

1. The Privilege and Tenure Committee shall appoint a Hearing Committee for each disciplinary case that is not resolved through a negotiated resolution or mediation. The Hearing Committee should consist of at least three Division members. At least two of the members shall be members of the Committee on Privilege and Tenure, one of whom shall chair the Hearing Committee. The Committee may not appoint a member of the department or equivalent administrative unit of any of the parties to the Hearing Committee. Hearing Committee members shall disclose to the Hearing Committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate. A quorum for the conduct of the hearing shall consist of at least half but not less than three members of the Hearing Committee, including at least one member of the Committee on Privilege and Tenure.

2. Prior to the formal hearing, the chair of the Hearing Committee shall schedule a conference with the accused, the Chancellor or the Chancellor's designee, and/or their representatives. This conference should attempt to:

- a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.
- b. Define the issues to be decided by the Hearing Committee.
- c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to that which is relevant to the issues before the Hearing Committee.
- d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.
- e. Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the accused, and their representatives may be present during all or part of the hearing. In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.

3. The Chancellor's designee, the accused, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

4. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. All confidential information introduced into evidence shall remain so within the Hearing Committee. The Hearing Committee may call witnesses or make evidentiary requests on its own volition. The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.

5. Prior discipline involving the same accused faculty member may be admitted into evidence if the prior conduct for which

the faculty member was disciplined is relevant to the acts alleged in the current disciplinary matter. Under these conditions, prior hearing reports are always admissible.

6. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that the Hearing Committee may take notice of any judicially noticeable facts that are commonly known. Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to object to the Hearing Committee's notice of such matters.

7. The Divisional Committee on Privilege and Tenure may, at its discretion, request the appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, to provide legal advice and/or to assist in the organization and conduct of the hearing.

8. At the hearing, the Chancellor or Chancellor's designee has the burden of proving the allegations by clear and convincing evidence.

9. The Hearing Committee shall not have power to recommend the imposition of a sanction more severe than that proposed in the notice of proposed disciplinary action. In determining the appropriate sanction to recommend, the Hearing Committee may choose to consider previous charges against the accused if those charges led to prior sanctions either after a disciplinary hearing or pursuant to a negotiated or mediated resolution.

10. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, the Chancellor, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential to the extent allowed by law and UC policy. The Hearing Committee may, however, with the consent of the accused, authorize release of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.

11. The hearing shall be recorded. The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose, and the parties and their representatives shall have the right to a copy of the recording or transcript. The cost of the copy shall be assumed by the requesting party.

12. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision and that were not reasonably discoverable at the time of the hearing.

#### E. Relation to Prior Grievance Cases

A disciplinary Hearing Committee shall not be bound by the recommendation of another hearing body, including the findings of the Divisional Committee on Privilege and Tenure in a grievance case involving the same set of incidents. However, the Hearing Committee may accept into evidence the findings of another hearing body or investigative agency. The weight to be accorded evidence of this nature is at the discretion of the Hearing Committee and should take account of the nature of the other forum. In any case, the accused faculty member must be given full opportunity to challenge the findings of the other body.

### **337. Privilege and Tenure: Divisional Committees -- Early Termination Cases (En 23 May 01)**

#### A. Jurisdiction

In cases of proposed termination of a Senate or non-Senate faculty member before the expiration of the faculty member's appointment, or in cases where a tenured faculty member faces termination for incompetent performance, or for other faculty members whose right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I) (hereafter collectively referred to as early termination), the faculty member may request a hearing before a Divisional Privilege and Tenure Committee. The committee shall then conduct a hearing on the case to determine whether, in its judgment, the proposed early termination is for good cause and has been recommended in accordance with a procedure that does not violate the privileges of the faculty member. Resolution of the dispute, either through negotiation or mediation, is permissible and appropriate at any stage of these proceedings.

No Senate or non-Senate faculty member may be terminated prior to the expiration of an appointment without having an opportunity for a hearing before the Divisional Privilege and Tenure Committee. If the hearing has not commenced by the end of the faculty member's term of appointment, the faculty member no longer has a right to an early termination hearing pursuant to this bylaw. Instead, the faculty member may seek a grievance hearing by grieving the non-reappointment pursuant to Senate Bylaw 335 in the case of Senate faculty or the Academic Personnel Manual in the case of non-Senate faculty.

## B. Hearing and Posthearing Procedures

1. The Privilege and Tenure Committee shall appoint a Hearing Committee for each early termination case for which a hearing is requested by a faculty member. The Hearing Committee should consist of at least three Division members. At least two of the members shall be members of the Committee on Privilege and Tenure, one of whom shall chair the Hearing Committee. The committee may not appoint a member of the department or equivalent administrative unit of the faculty member facing early termination to the Hearing Committee. Hearing Committee members shall disclose to the Hearing Committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate. A quorum for the conduct of the hearing shall consist of at least half but not less than three members of the Hearing Committee, including at least one member of the Committee on Privilege and Tenure.

2. Prior to the formal hearing, the Chair of the Hearing Committee shall schedule a conference with both the faculty member and the Chancellor's designee, and/or their representatives. This conference should attempt to:

- a. Determine the facts about which there is no dispute. At the hearing, these facts may be established by stipulation.
- b. Define the issues to be decided by the Hearing Committee.
- c. Set a time for both sides to exchange a list of witnesses and copies of exhibits to be presented at the hearing. The Hearing Committee has the discretion to limit each party to those witnesses whose names were disclosed to the other party prior to the hearing and to otherwise limit evidence to

that which is relevant to the issues before the Hearing Committee.

- d. Specify whether prehearing and post-hearing briefs will be submitted by the parties as well as the deadlines for those briefs.
- e. Attain agreement about whether any person other than the Chancellor, the Chancellor's designee, the faculty member, and their representatives may be present during all or part of the hearing. In order to preserve the confidentiality of the hearing, persons whose presence is not essential to a determination of the facts shall, as a general rule, be excluded from the hearing.

2. The Chancellor's designee and the faculty member and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received and to select a representative who may act as counsel. Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

3. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Hearing Committee may, upon an appropriate showing of need by any party or on its own initiative, request files and documents under the control of the administration. All confidential information introduced into evidence, including the identity of confidential sources of personnel evaluations, shall remain so within the Hearing Committee. The Hearing Committee may call witnesses or make evidentiary requests on its own volition. The Hearing Committee also has the discretion to require that all witnesses affirm the veracity of their testimony.

4. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that the Hearing Committee may take notice of any judicially noticeable facts that are commonly known. Parties present at the hearing shall be informed of matters thus noticed, and each party shall be given a reasonable opportunity to object to the Hearing Committee's notice of such matters.

5. The Divisional Committee on Privilege and Tenure may, at its discretion, request the appointment of a qualified person or persons, designated by the Chair of the University Committee on Privilege and Tenure, to provide legal advice and/or to assist in the organization and conduct of the hearing.

6. At the hearing, the Chancellor's designee has the burden of proving, by clear and convincing evidence, that there is good cause for early termination. In assessing the evidence for good cause, the Hearing Committee may consider evidence regarding whether correct procedures were followed in the case.

7. At the conclusion of the hearing, the Hearing Committee shall promptly make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation, and forward these to the parties in the case, the Chancellor, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure. The findings, conclusions, recommendations, and record of the proceedings shall be confidential to the extent allowed by law and UC policy. The Hearing Committee may, however, with the consent of the faculty member, authorize release of the findings, conclusions, and recommendations to other individuals or entities, to the extent allowed by law.

8. The hearing shall be recorded. The Hearing Committee has the discretion to use a certified court reporter (whose cost is borne by the administration) for this purpose, and the parties and their representatives shall have the right to a copy of the recording or transcript. The cost of the copy shall be assumed by the requesting party.

9. The Hearing Committee may reconsider a case if either party presents, within a reasonable time after the decision, newly discovered facts or circumstances that might significantly affect the previous decision and that were not reasonably discoverable at the time of the hearing.

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#### **Title IV. Divisional Manuals**

[See [Bylaws 80.B](#), [80.C](#), and [80.D](#) concerning the content and preparation of Divisional Manuals]

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## **Title V. Mail Ballots/Electronic Ballots**

### **340. Mail Ballots and/or Electronic Ballots**

A. Election by Mail Ballot **and/or Electronic Ballot**. Election by mail **or electronic** ballot in Divisions of the Academic Senate shall be conducted as follows:

1. Notice of Election. ~~Not less than thirty~~ **At least forty** days of ~~instruction~~ **or any other period specified in the divisional bylaws**, prior to any such election, the appropriate Secretary shall mail **or provide electronically** to each voting member of the agency concerned a notice of the election.

2. Nominations. Nominating petitions shall be filed with the appropriate Secretary within ~~ten days of instruction~~ **fourteen days, or any other period specified in the divisional bylaws**, following the mailing **or electronic distribution** of the Notice of Election. Willingness to serve must be certified by each nominee.

**3. Choice of Ballot method. Unless limited by divisional bylaws, divisions may conduct elections using mail ballots, electronic voting, or both methods in a single election.**

~~3. a. Mailing of Ballots. At least ten days of instruction~~ **For mail ballots, at least fourteen calendar days** before the date of election, the appropriate secretary shall mail to each voter a ballot listing alphabetically the names of all persons nominated and including a notification that all ballots must be returned to the Secretary no later than the date of election. Each voter shall receive a plain envelope in which to enclose a marked ballot, and a further envelope addressed to the appropriate Secretary to be used for the return of the sealed ballot. The envelope addressed to the Secretary shall provide a space for the signature of the voter. Ballots lacking this validating signature shall be deemed void.

**b. For electronic voting, the appropriate division shall utilize a system which verifies each voter's identity and which maintains security. Each Voter shall be provided with access to this system at least fourteen divisional calendar days before the date of election. The electronic voting system shall list alphabetically the names of all**

**persons nominated and shall include a notification that all ballots must be cast no later than the date of the election.**

4. ~~Counting of Ballots.~~ The appropriate Secretary shall deliver the ballots **and the electronically** received **votes** to the agency authorized to count the ballots. ~~and to certify the results to the appropriate legislative agency.~~

5. Number of Votes Required for Election. Each Division of the Academic Senate shall determine whether a majority or a plurality of the votes cast is required for election.

6. Certification. The appropriate Secretary in certifying election results shall give the tally of the votes including invalid ballots, **to the appropriate legislative agency.**

B. Other Mail Ballots

Mail **and/or electronic** ballots on matters other than elections shall be conducted in accordance with ~~the procedures specified in Article A of this Bylaw, so far as applicable. The ballots shall be accompanied by all relevant texts, such background information prepared by the appropriate Secretary as the legislative agency concerned may direct, and a brief summary of arguments pro and con.~~ **Bylaw 95**(Am 16 Mar 71)