March 5, 2015

To: Judi Smith  
    Dean/Vice Provost (on recall)  
    Los Angeles Division

From: Linda Bourque, Chair  
    Rules & Jurisdiction

Re: Proposed School of Music and Reconfigured SOAA, Addendum

The Committee on Rules and Jurisdiction received your email sent on Tuesday, March 3, 2015, and realizes that we erred in determining the time line and set of approvals that must apply for both the proposed School of Music and the reconfigured School of the Arts and Architecture.

The Committee failed to realize that if the School of the Arts and Architecture was approved before the proposed School of Music two departments, Music and Ethnomusicology, would be left homeless for some period time. This is not acceptable from anybody’s point of view.

Thus, the Committee on Rules and Jurisdiction revises its ruling of February 28, 2015, to specify that neither the proposed school of music nor the reconfigured School of the Arts and Architecture are final until both proposals are approved by the Board of Regents. New bylaws, regulations, and other elections can be conducted by the two proposed schools after they are approved by the Board of Regents.

cc: Jason Throop, Committee on Rules & Jurisdiction  
    James Crall, Committee on Rules & Jurisdiction  
    Joel Aberbach, Chair, Academic Senate  
    Leobardo Estrada, Vice Chair, Academic Senate  
    Jan Reiff, Immediate Past Chair, Academic Senate  
    Linda Mohr, CAO, Academic Senate  
    Serge Chenkerian, MSO, Academic Senate  
    Marian Olivas, Committee Analyst, Academic Senate
Dear Linda,

Thank you for your letter and the Committee’s thoughtful response. I am in NYC until March 14, but when I return, I would like to discuss the ruling with you. It seems to me that the vote for the SOAA bylaws cannot occur until the Regents ruling on the proposed School of Music. If the SOAA bylaw vote occurred earlier, faculty in Musicology and Ethnomusicology would be left ‘homeless’ without a vote or school governance. This would not be a problem for Musicology because they would still be part of the College until the Regents approved the establishment of the new School.

Based on my understanding of the situation, it appears that no vote could be scheduled until after the Regent’s action.

Best, Judi

On Mar 2, 2015, at 11:11 PM, Linda Bourque <lbourque@ucla.edu> wrote:

Attached is the Committee on Rules and Jurisdiction’s response to your inquiry dated January 8, 2015.
Linda Bourque
<r&j SOM February 28, 2015 FINAL.docx>
<1-30-03AcadPrgReviewProposal.pdf>
To: Judi Smith  
Dean/Vice Provost (on recall)  
Los Angeles Division

From: Linda Bourque, Chair  
Rules & Jurisdiction

Re: Proposed School of Music and Reconfigured SOAA

The Committee on Rules and Jurisdiction reviewed your memo of January 8, 2015.

The Committee notes that the Pre-Proposal phase describing the development of a new School of Music and a reconfigured School of the Arts and Architecture has been completed. We interpret your memo to be a formal submission to the Executive Board of the Academic Senate. Two proposals were submitted, one for a new School of Music and one for a restructured School of the Arts and Architecture. At this time the Executive Board needs to:

- Determine whether an Appendix V review will be initiated;
- Notify the University of California Academic Senate that an Appendix V review has been initiated; and
- Establish the designated committee or committees; Appendix V states that both the Undergraduate Council and the Graduate Council would be the designated committees.

While a number of issues are raised in the memo, only one appears to be relevant for the Committee on Rules and Jurisdiction. This is the following.

When is the faculty of a new school or restructured school formally constituted and thereby authorized to ratify documents such as the Bylaws and Regulations?

To answer this question, we reviewed six documents.

- Bylaws of the Academic Senate, University of California;
- The Bylaws of the Los Angeles Division of the Academic Senate;
- Appendix V, Procedures for Transfer, Consolidation, Disestablishment, and Discontinuance (TCDD) of Academic Programs and Units, from the Los Angeles Division, Amended May 28, 1996;
- Procedural Manual for the Review of Proposals for Academic Programs and Units, dated January 30, 2003; and
- Standing Orders 105.1, 105.2, and 110.1 of the Regents.
In SB 80 (B)(5) the UC Bylaws specify that “Divisional Manuals shall include Bylaws of Faculties and Councils directly responsible to the Division.” They are silent as to when Bylaws should be developed relative to the timeline for establishing Faculties (e.g., schools and colleges) and Councils. But, SB 30 (B) states the following.

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.

In UCLA Bylaw 50 (A), it states “The membership of each Faculty is determined by the Bylaws of the Los Angeles Division . . . [and] (4) All members of the Division who are members of departments assigned to the college or school (5) Such other members of the Senate as are specified in Divisional Bylaws 160 through 184 (Membership of Faculties).” [And] 50 (D) The government and supervision of each college and school at Los Angeles is vested in the Faculty concerned . . . “ The UCLA Manual is silent as to when Bylaws should be developed relative to the timeline for establishing Faculties (e.g., schools and colleges) and Councils.

Appendix V is silent regarding when bylaws are written and approved.

“Steps in the Process” states “The proposal should outline plans for establishing departmental bylaws and standing committees, and should as far as possible address larger governance issues such as FEC representation or the new unit’s membership in a constituency of the Committee on Committees.” But it goes on and states:

Note: An Appendix V action is considered final ONLY after the Legislative Assembly vote. Until then, the programs/units in question should avoid circulating any materials or memoranda, or taking any actions, that assume the outcome of the vote (p. 4).

“Steps in the Process” states and Appendix V implies that an Appendix V action is complete when it has been approved by the Legislative Assembly in the Los Angeles Division and transmitted to the “proper administrative officials.”

In contrast, Regents’ Standing Order 110.1 (amended March 15, 1996) makes it clear that academic units must be approved by the Regents.

The Board has established the colleges, schools, graduate divisions, certain other major academic units, affiliated institutions, and related activities at the several campuses and facilities of the University of California and, upon the recommendation of the President of the University, with the advice of the Academic Senate, has established the degrees awarded by the several academic units of the University. The Board shall approve the establishment and disestablishment of colleges, schools, graduate divisions, and organized multicampus research units, upon the recommendation of the President with the advice of the Academic Senate . . . . (Emphasis added.)

The Procedural Manual confirms that the Regents have final authority for establishing a new school or college. See pages 33-34 in the attached document. In contrast, information presented on page 2 of the Procedure Manual appears to contradict the information presented on
pages 37-38. The *Procedural Manual* is silent on when bylaws are written relative to establishing a new school or reconfiguring a school or college.

**Committee Summary**

After reviewing all of these materials, the Committee on Rules and Jurisdiction concludes that the Regents must approve the proposed school of music before the faculty can vote on new bylaws and regulations, but that faculty in the reconfigured School of the Arts and Architecture can vote on new bylaws and regulations when an approved proposal leaves the Los Angeles Division. SB 30 (B) supports this interpretation when it states that “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.”

In spite of statements in “Steps in the Process,” the Committee sees no reason why the faculties of the two proposed schools cannot be developing new bylaws and regulations while the proposals are going through the Appendix V review.

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