

## Brothers, Sheila C

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**From:** Jones, Davy  
**Sent:** Tuesday, November 08, 2011 3:35 PM  
**To:** Mullen, Michael D; Swanson, Hollie; Witt, Don; Skees, Susan M  
**Cc:** Brothers, Sheila C  
**Subject:** SREC Minutes re: Duplicate Credit

### Senate Rules and Elections Committee Minutes Meeting November 2, 2011

**Present: Davy Jones (Chair), Robert Grossman, Lee Blonder, David Pienkowski, Connie Wood, Jacquie Hager**

The Senate Rules and Elections Committee met to continue determination of the various Senate Rule issues requiring attention. The entire meeting was spent on the issue of Rule 5.3.1.2 (Prohibition of Duplicate Credit) and the proposal for amending of that rule that had been forwarded by Associate Provost Dr. Mike Mullen.

The SREC contemplated the meaning of the present wording of the rule, as might be inferred from its previous and present language, and as might be inferred from the substantive effect of alternative interpretations of the current wording. In brief, from minutes of previous Senate Council and SREC meetings that were provided for the current SREC meeting, it was seen that the wording of the second sentence used prior to 2008 was “the course is *successfully* completed” (italics added here). The SREC Chair at the time, Dr. Doug Michael, argued at that time that the meaning of that phrase is such that the word “successfully” is redundant to the word “completed.” Dr. Michael argued the viewpoint that because official regulatory language is not supposed to include redundant language, and therefore the word “successfully” ought be removed. He prevailed in obtaining the Senate Council and Senate to remove the word “successfully” in 2008.

The following year (2009), further discussion at the Senate Council revealed that removal of the word “successfully” had created confusion rather than clarity. It was described to the Senate Council that there was a view by some University offices that the word “successfully” was an adverb that originally caused the phrase “successfully completed” to mean more narrowly “obtained the kind of letter grade that is a passing grade; and hence when the narrowing adverb “successfully” was removed, the meaning of the SR 5.3.1.2 on “the course is completed” became broadened to mean only “obtained a letter grade” (including an “E”).

Very intense discussion by the SREC ensued on perceptions of various persons and University offices on the meaning, intent, and effect of previous and present language.

At the culmination of that discussion, the SREC confirmed that its role is not to evaluate the substantive merit of what Dr. Mullen’s proposal wants to have Rule 5.3.1.2 mean, but rather the SREC’s role is to assist Dr. Mullen in formulating whatever wording would most clearly have the effect Dr. Mullen intends, so that the Senate Council would then have the most effective basis on which to deliberate the substantive merits of what Dr. Mullen wants to SR 5.3.1.2 mean. The SREC determined that the most effective course to accomplish the SREC’s role was therefore to (1) first render an interpretation of the meaning of the current wording, and (2) from the basis of that interpretation, then evaluate whether the proposed amendment to that wording proposed by Dr. Mullen best accomplishes his intended substantive outcome.

(1) The SREC then rendered the following interpretation of SR 5.3.1.2, with the instruction that it be inserted as soon as possible as an “ \* ” into the Senate Rules just following SR 5.3.1.2:

*\*SR 5.3.1.2 only applies when a student has completed a course, i.e., by earning a passing grade; for what constitutes a passing grade, see SR 5.1.9.C.*

(2) In the SREC's opinion, the SREC interpretation above renders unnecessary Dr. Mullen's amendments: (a) to insert the word "successfully" into the second sentence of SR 5.3.1.2, (b) to strike "associated quality points" from the first two sentences of SR 5.3.1.2, and (c) to strike the end of the second sentence of SR 5.3.1.2 that refers to Repeat Option rule SR 5.3.1.1. In the SREC's opinion, given the SREC interpretation of the actual meaning of the current wording of SR 5.3.1.2, and hence the retention of the current wording under that interpretation, the last two sentences proposed by Dr. Mullen for new inclusion in SR 5.3.1.2 are unnecessary or address a different issue.

The SREC recommends that if the interpretation provided by the SREC does not have the effect of causing SR 5.3.1.2 to mean what Dr. Mullen proposes that it ought to mean, that Dr. Mullen propose, with completely fresh language, a new SR 5.3.1.2 (i.e., rather than trying to repair current language, instead rewrite a draft SR 5.3.1.2 without the fettering framework of the current sentence structures). Provide that fresh rewrite to the SREC with fresh rationale, and the SREC will immediately assist to confirm that its wording accomplishes its intended effect, so that it can promptly proceed to the Senate Council. Or, if the current interpretation is the effect sought by Dr. Mullen, but he believes SR 5.3.1.2 can be revised to make that meaning more plainly visible, he is invited to submit to the SREC a fresh rewording that is unfettered by the grammatical structure of the present wording.