

**COMMITTEE ON RULES AND ELECTIONS
ANNUAL REPORT
2010-2011**

TO THE MERCED DIVISION OF THE ACADEMIC SENATE:

I. GENERAL PROCEDURES

The Committee on Rules and Elections (CRE) issues formal Legislative Rulings to resolve disputes or clear up ambiguities regarding Senate authority, procedures, or jurisdiction. Legislative Rulings are binding unless modified by subsequent legislative or Regental action. CRE also prepares and reports to the Division, or to any of its Faculties, such changes and additions to their Bylaws and Regulations as it deems advisable; formally supervises all changes and additions to the Bylaws and Regulations proposed by other committees or by individuals; edits and publishes the Manual of the Merced Division at such intervals as it deems expedient; and determines whether a person meets the conditions for membership in the Division.

In academic year 2010-2011, the CRE conducted business via teleconference, e-mail and in person.

II. FORMAL LEGISLATIVE RULINGS ISSUED

None.

III. PROPOSED AMENDMENTS TO BYLAWS AND REGULATIONS

UC Merced Bylaw Revisions 2009-2010-

After extensive revisions and feedback through the course of the 2009-2010 Academic Year, the proposed revisions to the Bylaws were approved by a two-thirds majority of voting Senate members in May 2010. Following standard procedure, the revised Bylaws were electronically submitted to the University Committee on Rules & Jurisdiction (UCR&J) for approval. The Senate's request for Bylaw approval was not placed on the Fall R&J agenda therefore, the expected implementation date of January 1, 2011 was not met. All Senate appointments and standing Senate committees remained as constituted during AY 2010-2011, with the regular transition to new members occurring on the first day of classes, Fall 2010. Multiple-year committee appointments stood until terms are completed as stated in the current Bylaws. The new Bylaws were approved by UCR&J on March 3, 2011 and took effect March 15, 2011.

UC Merced Bylaw Revisions 2011

In 2010-11 CRE took on the task of cleaning up language and making some minor edits to the UCM Bylaws. Each committee was asked to review their sections and submit edits. The following substantive changes were made: the start date for Senate committee members was changed from the first day of instruction in the fall term to the first day of the fall semester; language was clarified giving GRC authority over approving graduate programs; DivCo was given authority over ORU approval; we added a statement that the COC can change the term of a member in order to even out the number of COC members elected each year (right now the elections are unbalanced with 5 members elected this year, 3 next); and we changed the lead time for the notice of election in the spring (from 30 days to 21), and the time required for voters to have the list of nominees before the election (from 14 days to 7). Suggested edits were approved by the Division Council in August. The next step is for the changes to be put before the faculty at the fall 2011 meeting of the Division.

Regulations-

In the Fall of 2010, CRE followed up on a request made in Spring 2010 and solicited each School's undergraduate policies to add to the UCM Regulations. The School of Natural Sciences, School of Engineering and School of Social Sciences, Humanities and Arts submitted their revised undergraduate policies. The School revisions were reviewed by CRE and sent to the Divisional Council for approval. After additional review, CRE rescinded its recommendation to adding that further review was needed. Currently one minor issue with the Regulations remains unresolved and therefore is on the agenda for 2011-12.

School of Social Sciences, Humanities and Arts Bylaws and Executive Committee

In response to a request from SSHA faculty to clarify who is allowed membership on the School of Social Sciences, Humanities and Arts (SSHA)'s Executive Committee, it was determined that the School's method of constituting its Executive Committee is inconsistent with systemwide bylaws. Chairs appointed by the Dean cannot serve on the Executive Committee; voting members of the Executive Committee must be elected by the faculty. SSHA's current Executive Committee is in essence a hybrid Executive Committee / Chairs Council. CRE issued a memo with DivCo endorsement stating that the SSHA Bylaws must be revised. CRE advised that SSHA faculty decide on the number and rank of faculty to elect to an Executive Committee and revise its Bylaws accordingly. CRE noted that there is nothing to prevent a Chairs Council and Executive Committee from meeting in tandem. The memo was sent to the Dean and Faculty Chair of SSHA.

School of Social Sciences, Humanities and Arts Bylaw 55 Units

The School of Social Sciences, Humanities and Arts (SSHA) voted by a two-thirds majority on June 16, 2010 to develop four (4) separate Bylaw 55 Units including: Cognitive and Information Sciences, Psychological Sciences, History and World Cultures, and Social Sciences and Management. The CRE discussed each proposal and submitted feedback for minimal modifications to each Unit. The groups revised and resubmitted their proposals, and on November 30, 2010, CRE sent a memo to Divisional Council stating that all four Bylaw Units had made the requested changes. The proposals were fully consistent with UC Merced and UC systemwide policies, and therefore CRE recommended approval. The Chancellor endorsed the formation of the four (4) Bylaw 55 Units on February 17, 2011.

School of Natural Sciences Bylaw 55 Units

In March, the School of Natural Sciences submitted proposals to create four (4) new Bylaw 55 units in Chemistry, Physics, Applied Mathematics, and Molecular Cell Biology. All remaining faculty would function as a separate unit under the current School of Natural Sciences Bylaws until the group opts to create a formal proposal or new unit. The Bylaw proposals were disseminated to the standing committees of the Academic Senate for review.

In May, CRE suggested minor edits for the Applied Math and Chemistry Bylaw Unit proposals for items not in accordance with UC policy. Faculty revised the proposals and resubmitted them to the Divisional Council in May.

CRE requested a major revision to the Physics proposal as it did not follow the guidelines described in UC Merced's Policy on the Establishment or Revision of Academic Units. Specifically, the document must include Unit bylaws, an organizational chart, and a discussion of the Unit's administrative structure. The revised proposal had to be voted on by the Unit faculty before resubmitting to Executive Committee members and the Dean.

The Molecular Cell Biology Unit was asked to revise their proposal in April. CRE was concerned that the proposal did not lay out a plan for how the biologists in two separate Bylaw Units would manage the biology major. The proposal suggested that one group be given control over the upper division classes in the major, however, all faculty involved in delivering the biology major must be allowed to vote on all matters concerning the major. Per UC Bylaw 55: "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 105.1(a), the right to vote on substantial departmental questions..." Thus, control over the major cannot be divided with one group controlling upper division courses and the other lower division, or one group controlling certain tracks within the major and the other controlling other tracks. The Unit was charged with developing an agreement regarding management and delivery of the major, and required to remove any references to dividing control of particular parts of the Biology major within the proposal. CRE requested that the group submit a document along with their revised proposal providing details on how the undergraduate Biology major would be managed.

The Molecular Cell Biology faculty submitted a revised proposal in June. Although they had made most of the requested changes, the biology faculty failed to approve the proposed plan for administering the major (with a vote of 9 against, 8 for). While the faculty's failure to come to an agreement does not violate a specific UC policy or bylaw, CRE still viewed it as cause for concern and therefore recommended that the School of Natural Sciences hold authority over governing the Biology major until the involved faculty have reached an agreement. CRE sent this suggestion back to the School along with requests for two minor changes that were previously requested but unchanged. The SNS Dean's Office agreed that the School would oversee the Molecular Cell Biology major, and a final proposal was submitted in July.

In June, the Divisional Council received the revised Physics Bylaw 55 Unit proposal. The proposal still did not include all required information and was not well organized, therefore CRE requested additional specific revisions from the School. Another faculty vote was required before resubmitting the Physics proposal to the Senate. Physics faculty submitted a final proposal in late June.

CRE reviewed the final revisions for Applied Mathematics, Chemistry, Molecular Cell Biology and Physics and in August recommended approval from Divisional Council. The Council reviewed and approved the final versions of the four (4) SNS Bylaw 55 Unit proposals at the August 9 meeting.

IV. OTHER BUSINESS

A. GRC request to divide into two separate councils

In early March 2011, the GRC requested to split into two separate committees; Graduate Council and Research Council where the current GRC would populate the Research Council and the Graduate Council would be comprised of the School Graduate Chairs. The CRE did not see any issues with the formation of a separate Graduate Council and Research Council. However, the Committee did find that the suggestion to populate the committee with Graduate Chairs was counter to UCM Bylaws and inconsistent with practice across the system, because Graduate Chairs are appointed by unit Chairs rather than the Committee on Committees. The CRE felt strongly that the CoC should populate Senate committees. It was noted that splitting GRC would need to be approved by DivCo and would require changes to the Bylaws, which in turn would need approval by the faculty with a two-thirds majority vote.

B. Merritt Writing Program Transfer from School of Social Sciences, Humanities and Arts to College One

The Writing Program requested the General Education courses; Writing 01, 10 and Core One, be transferred to College One. The Writing Minor would stay housed under SSHA. CRE determined this to be an administrative request that should be reviewed by SSHA faculty before being addressed by the Senate. CRE recommended the Writing Program refer to the current policy for establishing/disestablishing academic degree programs. Senate Chair Heit wrote a memorandum to Writing Program director Robert Ochsner stating that the proposal request mainly encompassed administrative issues, while having some academic implications. Although Merced does not have an exact written policy to address this request, the situation arguably falls within the scope of the policy on Establishment of Academic Programs (which includes transfer of programs). Under this policy, there must be written consultation with affected faculty and Dean(s) before it is considered by the Academic Senate. In addition, there should be a written recommendation from the Dean(s) involved.

In response, Merritt Writing Program Director Robert Ochsner stated that he would submit a proposal to transfer WRI 1, 10 and Core One after the Writing Program's academic program review in Spring 2011. Director Ochsner noted the proposed transfer might also need to undergo Substantive Change review by WASC. If the external review is required, and if the proposed change is approved internally as well as externally, the change would probably not be implemented until Academic Year 2012-13.

C. General Education and College One

DivCo requested UGC create a standing committee on General Education, specifically to review Core 100 in its current structure. The Writing Program teaches a revised version of Core 100 which does not include many of the original course principals. UGC created a subcommittee to explore ways to fulfill the intention of the original Core 100 course and formally voted to remove the course as a requirement for upper division General Education beginning with the 2009 catalog year. The long term issue is the role of College One in the delivery of General Education; College One needs to be established or a different structure for General Education delivery needs to be put in place. CRE discussed establishing procedures for evaluating College One, recognizing that it cannot perform self-governance. The Committee decided to postpone any further action until UGC finishes its review.

D. Academic Degree Program Policy

As a result of discussion by Divisional Council in AY2009-2010, CRE revised the flowchart and procedure for establishing or revising Academic Degree Programs. The UCM Divisional Council continued discussions with the Administration regarding revisions throughout the summer, 2010. CRE edited content to ensure consistency and revised the flowchart. The revised policy was presented to the Division Council and sent to the Administration for inclusion in the UCM Policy and Procedure Manual.

E. Campus Naming Policy

The CRE reviewed the Draft Policy on Naming University Properties, Academic and Non-Academic Programs, and Facilities. CRE found the proposal was consistent with UC system policy (specifically the December 2002 Policy on Naming), but the proposed UCM additions to the systemwide policy had implications for Senate involvement.

Because the Standing Orders of the Regents assign authority over academic programs to the Senate faculty, the CRE recommended that the Senate and appropriate Senate subcommittees be given the opportunity to review proposals for naming academic programs. Second, the precedent for naming at UC Merced had thus far involved Senate consultation that was not outlined in the draft proposal. Thus, CRE suggested point 3.b.i. be further modified to explicitly mention Senate involvement beyond that of the Senate Chair. In April, the Campus Physical Planning Committee agreed to change their revised naming policy to exclude the naming of academic programs and to include further Senate consultation.

F. Technical Revisions to the APM.

UCOP circulated a systemwide review for proposed technical revisions to the Academic Personnel Manual, all of which were suggested to correct improper references or typographical errors, or to ensure uniformity between existing policies. CRE opined on the request and found no issues.

G. School Of Engineering Academic Personnel Chair Change

The School Of Engineering requested to change the conduct for their Academic Personnel Committee to streamline its process. The proposed changes were two-fold:

1) Every faculty member is required to update his/her digital measures (DM) database each year and will meet with the Dean to discuss his/her performance during the previous year.

2) When deemed appropriate by the Dean and in concurrence with the Candidate, the Dean will ask the APC to prepare a merit case analysis based on DM material and the annual Dean's evaluations, and will be posted on the web for comments from eligible faculty. The finalized case analysis plus one prepared by the Dean would then be submitted to CAP. In case of disagreement between faculty member and Dean, the faculty member would retain the right to carry his/her case to the APC, which will then form an evaluation committee to prepare the case analysis, which would then be voted on by eligible faculty.

The Committee on Rules and Elections reviewed the changes proposed by the School of Engineering regarding APC Conduct, and determined that the proposed changes are in opposition to systemwide policy. Bylaw 55 of the Academic Senate Bylaws assigns all personnel matters to the faculty in the Unit. Therefore, it would be a violation of UC policy to have the Dean perform annual faculty evaluations and to have the Dean initiate merit reviews. The APM specifically assigns initiation of merit reviews to the Unit Chairs.

V. ELECTIONS

The call for nominations for five (5) positions on the Committee on Committees and one (1) At-large member of the Divisional Council was distributed to the Senate membership on March 28, 2011. All positions for both committees were for two (2) year terms. Nominating petitions required five (5) signatures including the signature of the candidate showing willingness to serve and were due to the Senate office on April 11, 2011. An electronic election ballot was created on UCM CROPS and sent to all Senate members on April 15. The last day of the election was April 29. The ballot included three (3) nominees for CoC and no nominees for the DivCo At-Large vacancy. The electorate was asked to submit write-in candidates for both committees. All three CoC candidates were voted into office. Once write-in nominees were confirmed as willing to serve, an electronic ballot was created for a Special Election. Ballots were open for voting from May 5 through May 13, 2011. Both committees had two write-in candidates. Both candidates for

CoC were elected. After the Special Election ballot was distributed, the remaining DivCo At-Large member resigned due to a sabbatical in AY2011-12. Therefore, rather than electing just one at large member of DivCo, the two (2) candidates on the ballot were elected. The candidate receiving the most votes will hold the two (2) year term and the other candidate will hold a one (1) year term to replace the resigned DivCo member.

VI. NEXT YEAR'S BUSINESS

- A. Add revised School Regulations to the UC Merced Regulations.
- B. Add Multiple Major Policy to the UC Merced Regulations.
- C. Present revised UCM Bylaws at the December Meeting of Division for faculty vote.
- D. Anticipate formal request for the Merritt Writing Program transfer to College One - through the Establishment of Academic Unit process.

Respectfully submitted,
Nella Van Dyke, Chair (SSHA)
Ruth Mostern, Vice Chair (SSHA)
Arnold Kim (NS)
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Ex-Officio:

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