

COMMITTEE ON RULES AND ELECTIONS (CRE)

MEETING MINUTES

Monday, May 5, 2025

1:00pm – 2:20pm

ZOOM

Pursuant to call, the Committee on Rules and Elections met at 1:00pm on May 5, 2025. Chair Jeff Yoshimi presiding.

I. Consent Calendar

- A. Today's Agenda
- B. [April 21 Meeting Minutes](#)

Action: The Consent Calendar was approved as presented.

II. Chair's Report – Jeff Yoshimi

- A. Updates from [Divisional Council](#) Meeting (April 22)

UC Merced will still proceed with its 5% budget reduction due to the campus's structural deficit. Budget reductions will continue over the next few years, but the number of these reductions will depend on various factors, including enrollment numbers.

There was an issue with the allocation of funds to the current CoR annual Senate faculty grants program. Executive Director Paul noted that a solution was found, and the issue has since been resolved.

Divisional Council (DivCo) members discussed the Interim Policy on Withdrawal of Consent to Remain on University Property. Following the discussion, DivCo members unanimously approved sending comments to the Office of the Chancellor and Risk Services with the recommendation to include a statement on the principles of free speech.

DivCo members discussed the proposed revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements) and transmitted their comments to Academic Council.

DivCo members discussed the Academic Planning Council's Systemwide Academic Calendar Workgroup Draft Report. It was noted that in terms of transfer, articulation, etc. the sheer amount of effort and cost to implement the change appeared prohibitive. Additionally, because of the current budget constraints and a strong opposition by most UC campuses, this proposal would most likely not move forward.

DivCo members discussed the proposed revisions to APM-500, Recruitment-General and agreed that clarity is needed for the definition of misconduct. Also, concerns were raised pertaining to confidentiality and the individuals who would have access to the misconduct information.

DivCo members held a consultation with Professor Roger Bales and discussed carbon reduction plans and the Living Laboratory for Climate Solutions. Part of the UC Merced Fossil-Free Plan is to

replace the natural gas central plant with heat recovery chillers and air source heat pumps. The upfront cost would be substantial; however, the projected savings would be \$5 million per year in operating costs. Also, as part of the UC Merced Fossil-Free Plan, climate action and justice would be embedded into both operations and academics by creating a Living Laboratory. As part of the Living Laboratory students would be provided with the opportunity to learn and engage in the direct application of skills as well as learn to develop a sustainable campus and apply knowledge and skills gained from classroom learning to real world setting projects or research.

B. Upcoming:

- Town Hall: May 7 from 2:30-3:30pm in ADMIN 306
The Town Hall will address recent federal actions taken by the administration.
- [Meeting of the Division](#): May 7 from 3:30-5:00pm in ADMIN 306

Action:

- Chair Yoshimi encouraged members to attend the Faculty Town Hall and Spring Meeting of the Division on May 7, 2025.

III. Reminder: Review of the Merced Division Bylaws and Regulations – Chair Yoshimi

At the January 27, 2025 CRE meeting, members agreed to review the UCM Bylaws and Regulations per item B.1. of the [CRE Duties](#).

Following the meeting, [assignments](#) were distributed to CRE members via email. CRE members were to review their assigned sections of the Merced Division Bylaws and Regulations and propose any amendments in tracked changes to the following Word documents:

- [Bylaws of the Merced Division](#)
- [Regulations of the Merced Division](#)

Chair Yoshimi noted that all members submitted comments for their assigned sections of the Merced Division Bylaws and Regulations. He added that he planned to meet with members one-on-one over the summer to go over their comments.

Action:

- CRE will continue its review of the Merced Division Bylaws and Regulations during the summer.

IV. [Memo from the Undergraduate Council \(UGC\): Non-Senate Faculty Voting Rights on Academic Senate Committees](#) – Chair Yoshimi

On April 11, 2025, UGC issued a memo to CRE seeking clarification on non-Senate faculty voting rights on Academic Senate committees. In reviewing Systemwide Senate Bylaw 35, which governs membership and rights within Senate committees, UGC acknowledges that non-Senate members do not currently possess voting rights on Senate Committees. However, UGC would like to seek further clarification on the following highlighted statement from [Systemwide Senate Bylaw 35](#):

35. Membership of Committees

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](#)]

UGC seeks clarification on whether it is possible to amend the Merced Divisional Bylaws to include language that would grant non-Senate faculty voting rights on undergraduate student-related issues. Currently, the Merced Division [Bylaw Part I. Title II. Membership](#) does not include provisions for non-Senate faculty to vote on such matters, therefore, UGC is requesting a ruling.

If granting voting rights to non-Senate members is not feasible, UGC wonders if it would be possible to amend the Divisional Bylaws to add an additional Unit 18 Lecturer or ex-officio, non-voting member to represent the interests of undergraduate students. One Unit 18 Lecturer currently attends all UGC meetings as an observer.

For more information, please refer to the [email](#) from the Fatima to the UGC Chair, sent on April 2, 2025.

At their April 21, 2025 meeting, CRE members reviewed UGC's request along with supplemental information gathered from other UC campuses regarding non-Senate faculty membership and voting rights. Following the discussion, CRE members requested additional information from some of the UC campuses as well as information pertaining to the Unit 18 Lecturer Memorandum of Understanding (MOU).

The supplemental information gathered from other UC campuses regarding non-Senate faculty membership and voting rights is available [here](#). Additions to the document since the April 21, 2025 CRE meeting have been highlighted in [green](#). A summary of the information can be found at the top of the document.

The Unit 18 Lecturer MOU is available [here](#). Relevant Articles from the Unit 18 Lecturer MOU are available [here](#).

On April 25, 2025, on behalf of Chair Yoshimi, the Executive Director sent a request to the Chair of the Systemwide [University Committee on Rules & Jurisdiction \(UCRJ\)](#) seeking clarification on [Systemwide Senate Bylaw 35.C.2](#).

Chair Yoshimi noted that he is inclined to extend voting privileges to non-Senate committee members as long as CRE is provided with the proper guidance on how to specify what kind of votes non-Senate members are permitted to make.

Members considered a potential timeline for the completion of this item. It was noted that there was the potential for a substantive change to the Bylaws which would require approval from DivCo and then a vote at the next Meeting of the Division.

Members discussed the origin of the request. Chair Yoshimi noted that as Unit 18 Lecturers are an important part of the curriculum at UC Merced, it would appear natural for them to want to serve and participate on a committee such as UGC. It was added that the request did come directly from a current non-Senate committee member of UGC. Chair Yoshimi added that this was valuable to know, however CRE's ruling should be made independent of this information.

Members reviewed the new responses on the [supplemental information](#) gathered from other UC campuses

regarding non-Senate faculty membership and voting rights. Chair Yoshimi noted that UCSF had extended voting rights to a student member on a Senate committee, however there was no specification as to the student member not being permitted to vote on ‘final actions’ or on items ‘in the name of the Senate’.

Members reviewed various Articles in the [Unit 18 Lecturer MOU](#) related to Academic Senate committee participation. Members wondered whether the language in [Article 1](#) would negate an individual from their collective status in a bargaining unit if they were to participate in an Academic Senate committee. Chair Yoshimi clarified that he did not believe this was the intention of the language but rather to state that if an individual were to become a Senate member, they would cease to be in the bargaining unit. Members also discussed [Article 24](#) which relates to Unit 18 Lecturer duties and workload.

Members discussed their overall sentiment regarding UGC’s request. While some were inclined to support extending voting privileges to non-Senate members, others expressed concerns. It was noted that if voting privileges were extended to non-Senate members, the influence of their vote may be so restricted that it might not be worthwhile. Furthermore, there were concerns with the Bylaw language and the potential confusion both at UC Merced and systemwide levels if the Bylaw language were to be unclear.

Actions:

- CRE will prepare a response to UGC upon receiving guidance from the [University Committee on Rules & Jurisdiction \(UCRJ\)](#).
- Following the meeting, Executive Director Paul provided a brief update to UGC regarding CRE’s progress on the matter.

V. [Memo from the Committee on Academic Personnel \(CAP\): Bylaws Inquiry](#) – Chair Yoshimi

On May 1, 2025, CAP issued a memo to CRE requesting a ruling on the interpretation of the following highlighted statement from the [Merced Division Bylaw Part II.I.1.C](#):

Part II. Committees. Title 1. Appointment and Term

- C. No member of the Division holding an administrative title of Chancellor, Vice Chancellor, Provost, Vice Provost, Dean, Associate Dean, Director of Organized Research Units, or titles with equivalent levels of administrative responsibility, may serve as a member of a Divisional committee or council (with the exception of membership in the Divisional Assembly), or as a Senate representative of the Merced Division to any taskforce, committee, or agency (except in a non-voting, ex officio capacity as provided in these Bylaws). **Chairs of academic departments or programs, or persons with titles with equivalent levels of administrative responsibility, may serve on Divisional committees or councils, or as a representative of the Merced Division, with the exception of membership on the Committee on Academic Personnel, Reserve Committee on Academic Personnel, and the Committee on Privilege and Tenure.** (Am 01 June 15)

CAP seeks clarification on whether graduate groups and graduate programs are considered “programs” and whether graduate group or graduate program chairs are eligible to serve on CAP. CAP would appreciate CRE’s response by Monday, May 12, 2025.

CRE reviewed [responses from UC CAP Analysts](#) regarding an inquiry pertaining to their own Division Bylaws allowing graduate group or graduate program chairs to serve on CAP. Most campuses did not allow graduate group chairs to serve on CAP due to potential conflicts of interest.

Members believed that "academic program" in the Bylaw would constitute as a formally established university program which grants degrees or certificates, with curricula reviewed by the Undergraduate

Council (UGC) and/or the Graduate Council (GC). Moreover, graduate groups meet these criteria and are considered "programs" in the sense of the Bylaw. Members interpreted the Bylaw to mean that graduate group chairs are precluded from serving on CAP. Members discussed whether undergraduate chairs should also be considered but ultimately decided that they should only be included if they were formally appointed by the university as they are typically appointed at a more local level, such as the School or Department.

Members then discussed the origin of the request and wondered why the restriction was originally put in the Bylaws. Executive Director Paul provided a [former CRE ruling](#) from November 29, 2007 regarding administrators serving on Senate committees. The justification of the ruling was the potential for conflicts of interest between the work of some Senate committees and the responsibilities of some administrative positions.

Members added that the UC Davis Bylaws are silent on graduate group chairs or graduate program chairs and therefore would seem to allow both to serve on CAP and UC Merced could in a similar fashion remove the reference to "academic programs" in its Bylaws. If this is a change that CAP would like the campus to consider, it can certainly be put forward to CRE.

Actions:

- CRE members drafted language for a response to CAP during the meeting and agreed to incorporate the comments into a memo.
- The CRE Analyst will incorporate the comments into a memo and circulate it for the committee's review and approval.
- The approved memo will be transmitted to the CAP Chair by May 12, 2025.

VI. Other Business

A. Proposed Amendments to [UCM Senate Regulations II.3.B. Academic Dismissal](#)

Background: On June 21, 2024, the Assembly of the Academic Senate [approved amendments to systemwide Senate Regulations 900 and 902](#), making a shift in terminology from "probation" to "academic notice" as the designation given to undergraduate students not meeting the minimum standards for academic progress as defined in the Regulations. To ensure compliance and alignment with these updated systemwide Regulations, the corresponding Regulation at UCM required a similar amendment. Specifically, amendments to UCM Senate Regulation (SR) Section II.3.A. which pertains to Academic Probation, were proposed to integrate the new terminology. On September 25, 2024, CRE discussed proposed amendments to UCM SR Section II.3.A. and initiated consultation with UGC for feedback. On October 16, 2024, UGC expressed its support for the proposed amendments. Proposed amendments were then approved by Divisional Council on December 2, 2024 and by the Merced Division on December 16, 2024, effective January 26, 2025. The relevant Senate correspondence is available [here](#).

As the language in [UCM Senate Regulations II.3.B. Academic Dismissal](#) uses the term "Academic Probation", a similar amendment may be required.

Members discussed the origin of the request and ultimately agreed that the proposed amendments to UCM Senate Regulations II.3.B. Academic Dismissal seemed straightforward and necessary in order to align with UCM Senate Regulations II.3.A. Academic Notice.

Actions:

- The CRE Analyst will include the proposed amendments into the Word document of the [Regulations of the Merced Division](#) as part of CRE's review of the Merced Division Bylaws and Regulations (item III of today's agenda).

There being no further business, the meeting was adjourned at 2:20pm.

Attest: Jeff Yoshimi, CRE Chair