

**Committee on Rules and Elections (CRE)****Monday, October 23, 2023****1:00pm – 2:30pm****Minutes**

Pursuant to call, the Committee on Rules and Elections met at 1:00pm on October 23, 2023. Chair Christopher Viney presiding.

**I. Consent Calendar**

- A. Approval of today's agenda
- B. September 25 draft Meeting Minutes

**Action:** Today's agenda and the September 25 Meeting Minutes were approved as presented. The CRE analyst will update the Senate website accordingly.

**II. Chair's Report – Christopher Viney**

- A. Updates from [Divisional Council](#) Meetings ([September 28](#) and October 12)

Items discussed at the September 28 DivCo meeting included:

- Interim EVC/P Zatz attends the beginning of each DivCo meeting to share updates on campus initiatives. She discussed issues concerning the potential federal shutdown, which was averted. She also mentioned that she is looking at ways to bring faculty together through social events. The VPAP is also looking to hold similar types of events to increase faculty morale.
- Professor Kara McCloskey joined DivCo as an at-large member. She replaces Matt Hibbing who took on the role of Senate Vice-Chair.
- FACS has requested a DivCo liaison, however DivCo opted instead to invite the FACS Chair to provide regular updates at DivCo meetings at least once a semester.

Items discussed at the October 12 DivCo meeting included:

- The administration has responded to the memo from DivCo regarding the financial challenges on campus. Additionally, the Chancellor attended a DivCo meeting and provided a written commitment as to what the next steps are in addressing the financial concerns.
- Later this semester, Professor Heather Bortfeld, who currently is the UGC Chair, will serve as the Interim Dean of SSHA as Dean Gilger will be stepping down for retirement.
- VPDUE Sarah Frey will be leaving UC Merced as she obtained a Provost position at Nevada State University. An email was sent out to faculty seeking nominations for an interim VPDUE.

- Professor Joshua Viers has been appointed as the new Associate Vice Chancellor for Interdisciplinary Research and Strategic Initiatives. He will assist VCR Wilson with her very large enterprise on campus.

#### B. Shared Governance Retreat (September 29, 2023)

The agenda for the retreat included four main items for discussion:

1. Faculty morale
2. The financial reporting system and financial management
3. Clarity regarding enrollment growth and faculty hiring
4. Graduate student funding

It was noted that the agenda items were all challenges faculty are familiar with. By the end of this year, the plan is to provide feedback and a map for next year's Senate leads.

#### C. Requests from UGC

The proposals listed below were hyperlinked on the agenda.

##### 1. ELWR Petition Delegation Proposal

VPDUE is requesting that ELWR petitions be reviewed and approved by her office.

Per SR 636

“A student who has not satisfied the University of California Entry Level Writing Requirement prior to enrollment at the University of California must do so during the first year in residence. A student who has not satisfied the University of California Entry Level Writing Requirement after three quarters or two semesters of enrollment will not be eligible to enroll for a fourth quarter or third semester. Exceptions to this requirement may be made by an appropriate agency of the campus's Academic Senate.”

Chair Viney's response to UGC was hyperlinked on today's agenda.

It was noted that a Dean's office is not an agency of the Academic Senate. One solution is that since UGC has precedent, and since the decisions to approve those exceptions were previously approved by UGC, it seems reasonable that some cases be delegated to the VPDUE. However, if a case comes through and it is not represented by circumstances in past cases, said cases should be reviewed by UGC for discussion and approval. This would reduce the number of cases coming to UGC, but would still allow UGC to retain the right to say if new circumstances are or are not approved.

Members discussed if the Office of Undergraduate Education has a record of petitions to use as reference when assessing cases. It was noted that they do, and reports are sent to UGC at the end of each academic and archived.

**Action:** Members agreed with CRE Chair Viney's response to UGC.

##### 2. Elimination of First Semester Academic Dismissal

Chair Viney's response was hyperlinked on the agenda.

It was noted that the proposal is consistent with the spirit, but not the letter of the current [Senate Regulations](#). If the request relates to all UC Merced students, some polishing of the Senate Regulations is needed.

Members discussed how the proposal would affect transfer students.

If transfer students come in with one or more semesters of credit, and, after one semester at UC Merced end up with a cumulative GPA less than 2.0 and a semester grade less than 1.5, they could still be dismissed under the proposal.

Additionally, it was noted that transfer students may experience a decrease in GPA due to the unfamiliarity with the higher workload they experience at UC Merced.

The committee agreed that the proposal is redundant with the campus's current Senate Regulations, however some changes are recommended. As presented, Item 2 of the Senate Regulations does allow students to be kicked out after one semester. A clause will need to be added to signify that "in no case will a student be dismissed after one semester".

The committee decided that UGC is free to implement the proposal in the short term (Spring 2024). In the meantime, the Senate Regulations will need to be amended to reflect the proposal.

**Action:** CRE analyst will draft and circulate a memo reflecting the committee's comments.

### III. VPDUE's Proposal for the Formation of a Division of Undergraduate Education Executive Committee – **Chair Viney**

VPDUE Frey is proposing the consolidation of the General Education Executive Committee and the Honors Program Executive Committee into a new Division of Undergraduate Education (DUE) Executive Committee. The DUE Executive Committee would provide faculty governance for both the General Education and Honors programs. The proposal was introduced at the September 7 Divisional Council meeting. Please refer to [section V of the meeting minutes](#).

Both the General Education Executive Committee and the Honors Program Executive Committee work on similar tasks that often overlap. Instead of having two structures, the VPDUE is proposing one DUE Executive Committee that would provide governance for both entities. The VPDUE is suggesting that the General Education Executive Committee be folded into the Honors Program Executive Committee as the latter does not currently have any Bylaws. A new set of Honors Program Bylaws will need to be created that would include the General Education Bylaws.

CRE agreed with the proposal to have the DUE Executive Committee provide governance for both the General Education Executive Committee and the Honors Program Executive Committee. It was noted that the General Education Executive Committee should consider revising the General Education Bylaws to reflect this governance restructuring. Additionally, the Senate will have to vote on the Bylaw amendments.

**Action:** CRE analyst will draft a memo to the VPDUE and circulate the draft for the committee’s review and approval.

**IV. Addition of Teaching Professors on the Committee on Academic Personnel ([CAP](#))**

CoC has requested a CRE ruling regarding the appointment of a full Teaching Professor on CAP. The Senate discussed this matter in 2019, 2020 and 2021.

The committee discussed the history pertaining to the inclusion of Teaching Professors serving on CAP. It was noted that Teaching Professors are full Senate members except for being eligible to serve on CAP under the current Bylaws. The CAP Bylaws state that members of CAP must be “Full Professors”, but it is unclear if that includes Full Teaching Professors.

The committee unanimously agreed to issue a ruling stating that their interpretation of “Full Professor” in the CAP Bylaws should be read in an inclusive way to include Full Teaching Professors. In reviewing the CAP Bylaws, CRE noted that [Senate Bylaw II. III. 3. A](#) (Reserve CAP membership) will need to be revised to a) eliminate any potential ambiguities regarding the RCAP membership and b) reflect CRE’s ruling regarding the CAP membership.

**Action:** CRE analyst will draft a memo and a ruling and circulate a draft for the committee’s review and approval.

**V. Systemwide Review Item – Chair Viney**

**A. [New Academic Personnel Manual \(APM\) section 672 – Negotiated Salary Program](#)**

The proposed new APM would codify into policy to Negotiated Salary Trial Program (NSTP), which was first implemented in 2013. The Academic Senate reviewed the report of the NSTP Phase 2 Taskforce in [July 2022](#) (UCM’s comments are available on pp. 36-42). The Senate also reviewed the NSTP in [2017](#) (UCM’s comments are on page 28) and prior to this, when it was proposed in [2012](#). [The memo](#) from Vice Provost Haynes offers additional background.

The purpose of the Negotiated Salary Program (NSP) is to provide a mechanism for participating campuses to augment faculty compensation basis according to the competitive requirements of academic disciplines. Specific goals of the Program include:

- To recruit and retain outstanding faculty by leveraging external, non-state-appropriated funds;
- To encourage and recognize significant contributions to the University mission; and
- To offer negotiated compensation to participating general campus faculty.

**Key Policy Provisions**

- **Eligibility:** Eligibility is limited to Senate faculty and Acting appointees in Senate titles. Faculty who hold appointments in a Health Sciences school, college, or department with a Health Sciences Compensation Plan are not eligible to participate in the NSP.
- **Implementation Plan:** Each campus must develop an Implementation Plan that is consistent with the policy. The Implementation Plan will be reviewed by the appropriate division

Academic Senate committee, approved by the Chancellor, and reviewed by the UC Provost/EVP prior to implementation.

- **Contingency Plan:** The Campus Implementation Plan must include a Contingency Plan outlining a strategy for covering the agreed-upon compensation to each NSP participant in the event that current-year income is unexpectedly insufficient to do so.
- **Good Standing Criteria:** Written Good Standing Criteria shall be established at the campus level and must be included in the Campus Implementation Plan. Faculty participants in the NSP must be in Good Standing, make significant contributions to the mission of the University, and meet all other conditions of the campus plan.
- **Negotiated Salary Component:** The Negotiated Salary component cannot exceed 30% of the Base Salary that was in effect on July 1 of the proposed participation year.
- **Range Adjustments:** Covered Compensation is eligible for the general range adjustment, but the Negotiated Salary Component will be adjusted so that the Total UC Salary Rate remains unchanged.
- **Summer NINTHS:** To be eligible for NSP, the candidate must take the maximum amount of summer salary available to them unless the Campus Implementation Plan includes provisions allowing participants to take fewer summer nINTHS. Locations have authority to grant exceptions to the summer nINTHS requirement. Campus Implementation Plans shall address the process by which a participant may request an exception to the summer nINTHS requirement.
- **Leaves of Absence:** Salaried leaves of absence will be paid at the Total UC Salary Rate, which includes the Negotiated Salary Component. In the event of a funding shortfall, the Contingency Plan will be implemented to resolve the shortfall.
- **Data Collection:** Appendix A (third attachment) establishes minimum requirements for collection of data on which locations must be prepared to report, if requested to do so.

*CRE is a lead reviewer.*

The committee discussed the meaning of the NSP program and its implications. Members agreed the language was too vague and underspecified. Specifically, it was not clear what would constitute “significant contributions”. What is a significant contribution and who determines what is a significant contribution?

After further discussion, the committee decided to revise the draft memo that was shared during the meeting to include additional comments.

**Action:** CRE analyst will revise the draft memo and circulate it for the committee’s review and approval.

Comments are due to the Senate Chair by Friday, November 3, 2023.

## VI. Other Business

There being no further business, the meeting was adjourned at 2:30pm.