

**COMMITTEE ON RULES AND ELECTIONS
ANNUAL REPORT
2011-2012**

TO THE MERCED DIVISION OF THE ACADEMIC SENATE:

In academic year 2011-2012, the CRE conducted business via teleconference, e-mail and in person meetings.

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 legislation or action from the Board of Regents. 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.

FORMAL LEGISLATIVE RULINGS ISSUED

As requested by Chair Amussen and CAP Chair Wallander, the Committee on Rules and Elections reviewed a vote on a personnel file in the School of Natural Sciences (SNS). This vote was cast by the set of faculty who remain in the SNS Bylaw 55 unit because they have not joined the four new Bylaw 55 units approved by the Senate in 2011. Without *explicit* joint membership in two units, it is implicit in the Bylaws that the faculty of SNS who became part of the four new Bylaw 55 units *left* the original SNS unit, thus leaving a set of "residual" faculty. These faculty, as a group, have all the privileges of voting on personnel issues, etc. as specified in the Bylaws. The vote was therefore valid. The confusion appeared to have come from the use of the LES name not yet recognized by CAP. The name, as chosen by these faculty, refers to the future Bylaw 55 unit that will soon be codified by these faculty members. A glance at the recent history of the formation of these SNS units reveals explicit plans for such membership in a fifth unit. Use of this name seemed immaterial to the vote, though it may help future such situations by making explicit that voting faculty are those remaining in the original Bylaw 55 unit.

PROPOSED AMENDMENTS TO BYLAWS

UC Merced Bylaw Revisions

After extensive revision and feedback through the course of the 2010-2011 Academic Year, CRE presented at the Meeting of the Division minor edits to the UCM Bylaws. There was no quorum at the Meeting of the Division on December 1, 2011 and the edits were approved through an electronic ballot in February 2012. The following substantive changes were made:

- **Bylaws I.III.1.A, I.III.2.A, I.III.3.A, I.IV.2.E, II.I.2.A, II.III.2.B, and II.III.3.A.2-** The first day of Senate service for incoming members was moved from the first day of instruction to the first day of the semester. This aligned the Academic Senate's year with the

campus' instructional academic year. In Section II.IV.2.A the word "undergraduate" was added to student member for UGC. This clarified the type of student that would serve in the committee.

- **Bylaws I.IV.3.D, II.IV.2.B.6, and II.IV.3.B.3-** Statements were removed that granted the Division Council authority to make recommendations to relevant officers and committees regarding the establishment or disestablishment of academic programs. In this regard, the UGC has final authority over undergraduate programs and the GRC has final authority over graduate programs. The change aligned the academic authorities of the UGC and the GRC, providing additional clarity and uniformity in the Bylaws.
- **Bylaw II.IV.1.B.3-** Language was removed that gave CAPRA the capacity to advise CAP on staff allocations. The language does not pertain to processes on the Merced campus.
- **Bylaw II.III.3.A.5-** A normal term on the CoC is two years. Membership staggers, so that half of the committee's members are appointed one year and the second half are appointed the following year. A statement was added to the Bylaws, so that if the number of vacancies becomes unbalanced (e.g., five members due to be elected one year and three the next), the committee could reduce one member's term by one year. Finalized wording stated "The committee may reduce the term of a member to be elected from two years to one year as needed to maintain a balance of newly elected members each year". This improved continuity and ensured that annual elections are more equitable.
- **Bylaws II.III.3.A.6, II.III.3.C.1, and II.III.3.C.2-** The timeframe between the distribution of the ballot and the final day to vote decreased from 14 days to 7 days, and the lead time for the notice of Election in the spring decreased from 30 days to 21 days. The shortened timeframe will increase the process' efficiency while maintaining its integrity.

School Bylaw Review

- *School of Social Sciences, Humanities and Arts Bylaws*

The CRE was asked to review school Bylaws, and consider how they may be updated. In doing so, the CRE identified a number of recommendations and noted what minor changes would address each concern. Below is a list of our recommendations for SSHA.

1. The SSHA Bylaws state that the "School's Management Services Officer (MSO) must mail to each voting member of the Faculty a Notice of the Election". The CRE discussed that it would be compliant with system-wide Bylaws to have an officer of the Faculty (e.g., vice chair or secretary) communicate the results of the election through the MSO.
2. The Bylaws do not include any appointment and duties for a vice chair and secretary, which is customary in school Bylaws. The CRE recommends including guidelines about these faculty officer roles.
3. A final issue concerns Section 7c in the SSHA bylaws where it is noted that any voter has the right to require a secret ballot. This may be necessary under circumstances of personnel issues. However, traditionally, all other matters are typically discussed by members of schools as a deliberative body. In a deliberative body, it is customary that no voting member be denied the right to summon a roll call. It is fine if the SSHA faculty

choose to maintain 7c as it is, but secret ballots are not part of the parliamentary tradition of a deliberative body.

The Division Council forwarded the CRE recommendations to SSHA. SSHA updated its Bylaws to address a number of issues, such as the membership on its Executive Committee. Upon receiving the updated [Bylaws](#) approved by SSHA faculty, CRE reviewed them and deemed them compliant on June 11, 2012.

- *School of Engineering Bylaws*

CRE identified a number of recommendations for SOE Bylaw updates but did not require the recommendations to be fulfilled. For example, it is not explicitly against system-wide Bylaws that there is currently no explicit mention in the SOE Bylaws of how curriculum issues are decided (such as by a Curriculum Committee). The implication, however, is that the entire faculty of SOE as a whole decide on these issues. This may be an inefficient means of approving new or changed courses. Given the number of SOE faculty, CRE recommended that the Bylaws be rendered explicit about these curricular decision issues. Below is a list of CRE's recommendations

1. As noted above, the SOE Bylaws do not contain any specification on issues relating to curriculum. This implies that all SOE faculty, as a whole, vote on such matters. SOE faculty may wish to render the Bylaws more explicit. For example, perhaps the curriculum issues are currently being delegated to SOE's Executive Committee, or perhaps courses are voted upon in SOE faculty meetings. Any such option is up to SOE faculty, but the Bylaws are traditionally explicit in this regard.
2. In general, CRE recommends that the SOE Bylaws be more explicit about how the Executive Committee is constituted and how it functions. For example, as in #1 above, perhaps curricular issues are part of its purview?
3. A final issue concerns Section 7c in the SOE Bylaws. Here it is noted that any voter has the right to require a secret ballot. This may be necessary under circumstances of personnel issues. However, traditionally, all other matters are typically discussed by faculty members as a deliberative body. In a deliberative body, it is customary that no voting member be denied the right to summon a roll call. It is fine if the SOE faculty choose to maintain 7c as it is, but we discussed that secret ballots are not part of the parliamentary tradition of a deliberative body.

CRE forwarded its recommendations to DivCo on February 27, 2012.

- *School of Natural Sciences Bylaws*

CRE was asked to review the SNS Bylaws, and consider how they may be updated given recent changes in the Bylaw 55 units that faculty from SNS have formed. In doing so, the CRE identified a number of recommendations and forwarded them to DivCo on February 27, 2012. Below is a list of the recommendations.

1. The SNS Bylaws do not contain any specification on issues relating to curriculum. This implies that all SNS faculty, as a whole, vote on such matters. SNS faculty may wish to

render the Bylaws more explicit. For example, perhaps the curriculum issues are currently being delegated to the SNS Executive Committee, or perhaps courses are voted upon in SNS faculty meetings. Any such option is up to the SNS faculty, but the Bylaws are traditionally explicit in this regard.

2. In addition, CRE recommends that the SNS Bylaws be more explicit about how the Executive Committee is constituted and how it functions. Bylaws appeared to reflect an SNS faculty body that functioned as a personnel committee. Now that new Bylaw 55 units have formed, more explicit composition and function of the committee would be useful. What functions will the Executive Committee have? For example, as in #1 above, perhaps curricular issues are part of its purview?
3. A final issue concerns Section 7c in the SNS Bylaws where it is noted that any voter has the right to require a secret ballot. This may have been necessary when SNS, as a whole, was operating as a personnel committee. With the formation of new Bylaw 55 units, the School will consider issues that, traditionally, are decided upon by a deliberative body. In a deliberative body, it is customary that no voting member be denied the right to summon a roll call. It is fine if the SNS faculty choose to maintain 7c as it is; however secret ballots are not part of the parliamentary tradition of a deliberative body.

In response to CRE's February 27 memo, DivCo sent an email to Dean Meza and SNS Unit Leads regarding the SNS being out of compliance with its own Bylaws. The memo requested that SNS elect a school chair and determine the size and composition of its Executive Committee. It was recommended that SNS consult with CRE Chair for guidance in amending the Bylaws to account for Academic Units.

PROPOSED AMENDMENTS TO REGULATIONS

Changes to UC Merced Regulations

CRE reviewed and endorsed the below change and addition to the UC Merced Regulations.

- **Change:** In response to a request from the Registrar to revise the course drop policy, CRE reviewed and approved changes to UCM Senate Regulation 70.2, Course Schedule Changes, Dropping a Course. The Regulations were changed in order to synchronize the deadline to drop course with the deadline to add courses at the end of the third week of instruction.
- **Addition:** The Multiple Major Policy was adopted by UGC in Fall 2010, as a result CRE proposed that the policy be added to Section 55-Normal Progress to Degree of the UCM Senate Regulations.

The change to UCM Senate Regulation 70.2 was pending the approval from other Senate Committees and only the addition of the Multiple Major Policy was presented and approved at the Meeting of the Division on April 12, 2012.

Addition of the School Regulations to the Division Regulations

In 2010-2011 CRE requested the Regulations from each School to be included in the campus Regulations as is customary on other UC campuses. It was found that some of the School Regulations needed to be revised prior to being included in the campus Regulations. In response, CRE made the following queries to the Schools:

- *School of Engineering*- It would be useful to provide information to the students regarding what happens to them if they do not complete requirements for their major with a C- or better. Presumably they will be dropped from the major, but we would like to confirm this and provide students with any other information that might be available. This information should be added to Part II, Section 1, 101.
- *School of Natural Sciences*- It would be helpful to provide students with information on where they can find out what the School's General Education requirements are. This should be added to Part II, Section 2, 200.A.
What happens to students that do not complete all major requirements with a C- or better? Part II, Section 2, 200B and C.
- *SSHA*- What happens to students who do not complete major and minor course requirements with the required grade of C- or better? Relevant to Part II, Section 3, 300B and C. The language regarding unit limits for coursework from other institutions is currently in violation of the transfer agreement between the UC and community colleges.

On January 30, 2012, CRE agreed to first address the review of School Bylaw issues before reviewing Regulations.

OTHER BUSINESS

- ***Lecturer representation in UGC***- On October 19, 2011, DivCo discussed the UGC Chair's request to formalize a process where CoC appoints Unit 18 lecturers to serve on UGC. The request originated from both the WASC visiting team and the external Program Review team for the Merritt Writing Program recommendation that the campus find a way to better communicate with the lecturers. The UGC Chair has currently invited two lecturers to be guests. The lecturers were non-voting members – much like the student members. It was agreed that a revision of the UGC duties would be a simple way to accommodate the request without changing the Bylaws.
- ***Addition of Senate Elections Tab on Academic Senate, Merced Division Website***
- ***UC Merced Naming Policy***- The Campus Physical Planning Committee submitted an informational item to CRE for review. A draft naming policy and procedures was drafted in response to the Regents established policy on the naming of University properties, programs and facilities. CRE had no issues with the initial draft and recommended that the draft be forwarded to DivCo.

ELECTIONS**• *Academic Senate Election***

The call for nominations for two positions on the Committee on Committees and one At-large member of the Divisional Council was distributed to the Senate membership on February 15, 2012. All positions for both committees were for two-year terms. Nominating petitions required five signatures including the signature of the candidate showing willingness to serve and were due to the Senate office on February 29. An electronic election ballot was created on UCM CROPS and sent to all Senate members on April 9. The last day of the election was April 11. The ballot included two nominees for CoC and one nominee for the DivCo At-Large vacancy. The electorate was asked to submit write-in candidates for both committees. The two CoC candidates were voted into office.

• *Special Election*

A total of 11 write-in candidate submissions were received during the Academic Senate Election in early April. 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 April 24 through May 1, 2012. The ballot included four nominees for one position on the Committee on Committees.

NEXT YEAR'S BUSINESS

- Begin reviewing School Regulations so that they may be added to the UC Merced Regulations.
- Present revised UCM Regulations at the next Meeting of the Division for faculty vote.
 - Revised Course Drop Policy to the UC Merced Regulations (Section 70 to reflect approved changes by DivCo)
 - Revised Probation and Dismissal Policy to the UC Merced Regulations (Section 55 and 65 to reflect approved changes)
- Review the [Undergraduate](#) and [Graduate](#) Handbooks to make sure they're aligned with updated UC Merced Bylaws and Regulations.

Respectfully submitted,
Rick Dale, Chair (SSHA)
Peter Berck (UC Berkeley)
Paul Almeida (SSHA)

Ex-Officio:

Susan Amussen, Divisional Chair (SSHA)
Peggy O'Day, Divisional Vice Chair (SNS)