

COMMITTEE ON RULES AND ELECTIONS
ANNUAL REPORT
2012-2013

TO THE MERCED DIVISION OF THE ACADEMIC SENATE:

In academic year 2012-2013, 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

CRE made no formal legislative rulings in AY 2012-2013.

UC MERCED BYLAW REVISIONS

CRE presented at the Meeting of the Division on April 4, 2013 substantial edits to the UCM Bylaws and the edits were approved through an electronic ballot in May 21, 2013. The following substantive changes were made:

- **Bylaws I.IV.2.D, I.IV.2.E, II.II.4.F, II.II.4.G, II.III. 7 and II.IV.3:** Graduate and Research Council (GRC) split into two new standing committees: Graduate Council and Committee on Research. The current workload of GRC is substantially greater than for most other Senate standing committees, which is a deterrent to faculty service and leads to a lack of committee focus on specific issues and topics.
- **Bylaws I.IV.2. M, II.II.4.B, and II.III.5:** Expanding duties of Faculty Welfare into Faculty Welfare, Diversity, and Academic Freedom. The scope of duties of the Faculty Welfare committee in our bylaws is restricted to welfare issues such as salary, benefits, retirement, and conditions of employment. We currently have no standing committees that explicitly handle Senate issues related to diversity or academic freedom.
- **Bylaws II.IV.1.A:** Changing membership of CAPRA, removing Vice Chairs of GRC/UGC, and adding representatives from Schools. Our current practice of assigning CAPRA membership to the Vice Chairs of Undergraduate Council and Graduate Council has not been as effective as hoped, primarily because of the workload demand within those committees. Furthermore, Division Council recognizes a need for stronger ties and better communication with School Senate Committees and Deans related to planning and resource allocation.

- **Bylaws I.IV.A.4, I.IV.A.5, I.IV.A.6:** Expanding membership of Division Council to include the chairs of the two split GRC committees (Graduate Council / Research), and include the chair of Faculty Welfare, Diversity, and Academic Freedom. Given the importance of both graduate studies and research to the success of our campus, we feel that Chairs of each of these committees should be included in the voting membership of Division Council. In addition, the importance of faculty welfare, diversity, and academic freedom on our campus likewise calls for Chair membership on Division Council.
- **Bylaws II.IV.2.A:** Adding an additional member to the Undergraduate Council. While there is an overall agreement to split UGC, further discussion is needed whether a split is feasible for implementation. An additional member would help ease some burden from committee's high workload and allow concerns for splitting the committee to be addressed.

CRE sent the substantive change revisions to the University Committee on Rules and Jurisdiction (UCRJ) for approval. UCRJ approved the bylaw revisions on July 23, 2013.

SCHOOL BYLAW REVISIONS

School of Engineering (SOE) Bylaws

CRE corresponded over email regarding the proposed revisions to the SOE Bylaws and no substantive concerns were raised. CRE had some minor suggestions summarized below.

- In the event that a Vice Chair does not want to be chair upon the second year, there should be some agreement in place regarding election of a new Chair in the election description of ENG3.1 (it is included in ENG4.1.1). This suggestion is just aesthetics.
- In ENG4.1.1, this phrase is not entirely clear: "and up to the larger of the number of undergraduate programs and seven (7) voting members of the Faculty". If CRF noted that it is not clear how the undergraduate program representation will be determined.
- ENG4.3 seems unnecessary (it is within their power by default to form ad hoc committees).
- ENG7.3, in the spirit of senate deliberation secret ballots 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. CRE felt that it would be fine if the SOE faculty chose to maintain this as it is, but secret ballots are not part of the parliamentary tradition of a deliberative body.

School of Natural Sciences (SNS) Bylaws

CRE was asked to review the revision to the SNS Bylaws for compliance. CRE identified recommendations and forwarded them to the SNS Chair for consideration. Below is a list of the recommendations.

- ***Role of Administration Representatives:*** Clarify the role of administrative representatives on committees (5.a.i.e, 5.b.i). As a matter of process, systemwide bylaws have ex officio members as non-voting.

- ***Delegation of Authority:*** It is acceptable for the curriculum committee to approve such issues listed under 5.b.iii. Currently it indicates that *recommendations* of approval are made, but at the school level, it is acceptable for the executive committee to delegate the final school-level approval of relevant measures to the curriculum committee.
- ***Instructors in Residence:*** As the voting rights of Instructors in Residence with less than two years of service are governed by the Regents Standing Order 105.A, CRE discussed whether it was necessary to mention it in the bylaws. CRE felt that these voting rights only needed to be included to help maintain compliance in issues of membership and voting only.

REVIEW REQUEST ITEMS FROM DIVCO

Campus

- ***Applied Mathematics CCGA Proposal:*** CRE corresponded over email and paid special attention to the proposed Graduate Group Bylaws. No issues were raised by the committee.
- ***Draft 2013 WASC Handbook of Accreditation:*** CRE chose not to opine as the handbook did not require an interpretation, legislative ruling, advise or change to the UCM Bylaws and Regulations.
- ***English and Spanish B.A. Proposals:*** As requested by DivCo, CRE discussed the proposals for new English and Spanish majors. The committee members did not perceive any issues with regard to rules, and recommended moving forward with these proposals.
- ***Interdisciplinary Humanities CCGA Proposal:*** CRE corresponded over email and paid special attention to the proposed Graduate Group Bylaws. No issues were raised by the committee.
- ***Life and Environmental Sciences (LES) Bylaw 55 Unit:*** The committee identified no major issues, and supported moving forward with the proposal. One comment was raised regarding personnel procedures included in the LES Bylaws. According to APM 245, chairs are responsible for final recommendation on personnel cases since it's the chair's obligations (after consultation with relevant faculty). CRE suggested that the transmittal letter procedure may be supplemented with this detail because, in the proposal, it is implied that the letter goes directly from the faculty vote to the Dean, though the explicit recommendation by the chair is specified in APM 245.
- ***Political Science and Sociology Bylaw 55 Unit Proposals:*** CRE reviewed the two new Bylaw 55 Unit proposals in the School of Social Sciences, Humanities, and Arts. The committee identified no major issues and recommended moving forward with these new units.
- ***Political Science CCGA Proposal:*** CRE corresponded over email and paid special attention to the proposed Graduate Group Bylaws. No issues were raised by the committee.
- ***School Executive Committees:*** At the DivCo August 30 meeting, CRE was charged with assisting the Schools with the election of their new Chairs and Executive Committees for the 2012-2013 academic year. The School of Engineering and School of Social Sciences,

Humanities and Arts elected their School Executive Committees by early Fall 2013. CRE worked with former Faculty Chair of the School of Natural Sciences to help facilitate the election of the School Executive Committee.

- ***School Executive Committees Advisory Document:*** Chair O'Day drafted a Shared Governance advisory document for Deans and School Executive Committees. CRE suggested that explicit language should be added for any committees that have final sign-off for the School (e.g. courses and curriculum). The committee also felt that the Executive Committee should opine on where the new FTE go and should not opine on Academic Personnel matters.
- ***Systemwide Review Items- Rebenching and Enrollment Management, Revisions to APM 700 and New APM Section 430:*** CRE chose not to opine on the review of the proposed revisions to APM-700 and new APPM Section 430, as the proposed revisions and policy do not require an interpretation, legislative ruling, advice or changes to the UCM Bylaws and Regulations.

OTHER BUSINESS

- ***Conflict of Interest Policy:*** CRE has considered a number of potential COI issues this semester, and the committee corresponded over email about the nature of Senate activities and what circumstances should prompt a COI concern. These issues were resolved, but CRE felt they presented an opportunity to clarify Senate COI, and set the groundwork for a policy of some kind. After CRE discussions, and consultations with committees on other campuses, CRE recommended to DivCo adopting an "open model" for establishing a COI policy. DivCo discussed the "open model" and endorsed testing model in AY 2013-2014.
- ***FTE Allocation Process-*** CRE determined that Senate participates in FTE Allocation Process but does not own it (noting in the APM or the Bylaws say how positions are allocated) and bylaw 55 units are the only Senate agencies authorized to actually vote on an appointment, therefore Bylaw 55 Unit buy-in is required or nothing useful will happen.

REQUESTS FROM STANDING COMMITTEES

- ***Social and Cognitive Sciences (SCS) Graduate Group Membership Procedure:*** CRE was asked by GRC to opine on the opt-in procedure used by SCS to update their graduate group membership. Previously, SCS had by consent added faculty in certain disciplines as they were hired into SSHA and only two remaining members seem to have joined according to the SCS approved Bylaws. CRE felt that this was not a serious issue to consider for compliance as the message was broadcast widely.
- ***Social Sciences Graduate Group Bylaws:*** CRE reviewed the revised graduate group bylaws and found that as much as the group would like to bind the Dean and Chancellor in the appointment of their Graduate Group Chair the faculty could only advise. CRE felt that it would helpful to include language that determines the role of faculty advisors.

- ***Physics Graduate Group Bylaws:*** CRE reviewed the revised graduate group bylaws and cautioned the wording used for removing a faculty member from a graduate group.
- ***UGC CRF Subcommittee Conflict of Interest:*** CRE was asked to opine on a potential Conflict of Interest (COI) issue in UGC. A UGC faculty member is a CRF Subcommittee member and a SSHA Curriculum Committee member, courses in the faculty members group have reached UGC for action and the committee asked if it warranted raising a COI issue. CRE concluded that as a deliberative body, UGC should only be concerned about COI issues if there are substantial personal benefits confounded in such deliberation. This may be an issue if someone's *own* class is seeking approval (in such a case the person may recuse themselves from *that specific motion only*). However, generally speaking, a COI is not an issue if it concerns the group a person belongs to; if anything, their role is to represent such groups within a deliberative body.

ELECTIONS

- ***Academic Senate Election:*** The call for nominations for four positions on the Committee on Committees and one At-large member of the Divisional Council was distributed to the Senate membership on February 14, 2013. 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 28. CRE extended the nomination period to allow nominations to be returned to the Senate Office on March 18. An electronic election ballot was created on UCM CROPS and sent to all Senate members on April 3. The last day of the election was April 10. The ballot included four nominees for CoC and two nominees for the DivCo At-Large vacancy. The electorate was asked to submit write-in candidates for both committees. The four CoC candidates were voted into office.
- ***New Online Voting System:*** CRE worked with the Cognitive & Information Sciences Unit, IT Department and UC Merced's Central Authentication Service to develop a login system to facilitate the distribution and marking of ballots for the Academic Senate. The system shows current and past ballots without storing the User ID. Members were asked to provide feedback to improve the new system. All feedback received by CRE was positive. CRE found that the new voting system increased faculty participation by 15%.
- ***Special Election:*** As one of elected candidates for Committee on Committees (CoC) was not able to serve, CRE held a special election for a final vacancy on the committee. The call for nominations for this position was sent on April 23, 2013 and closed on May 6, 2013. Only one nomination was received and an electronic ballot was created using a new online voting system. The ballot was open for voting from June 26, 2013 and closed on July 9, 2013.

NEXT YEAR'S BUSINESS

- Review Graduate Group Bylaws to make sure they're complaint with campus and systemwide policies.
- 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)
Peter Vanderschraaf (SSHA)

Ex-Officio:

Peggy O'Day, Divisional Chair (SNS)
Ignacio López-Calvo, Divisional Vice Chair (SSHA)

Senate Staff:

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