

**COMMITTEE ON RULES AND ELECTIONS
ANNUAL REPORT
2013-2014**

TO THE MERCED DIVISION OF THE ACADEMIC SENATE

In academic year 2013-2014, the Committee on Rules and Elections (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.

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 March 13, 2014. 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. Complete forms were due to the Senate on April 2, 2014. On May 19, 2014 CRE extended the nomination period to allow nominations to be returned to the Senate office on May 30, 2014.
- ***Online Voting System:*** CRE continued to use the system developed in collaboration with the Cognitive & Information Sciences Unit, the IT Department and Central Authentication Service.

FORMAL LEGISLATIVE RULINGS ISSUED

CRE made no formal legislative rulings in AY 2013-2014.

REVIEW REQUEST ITEMS FROM DIVCO:

Campus

- **8/28/13 Appointment of Professor Martha Conklin as Acting Director of SNRI:** CRE considered the appointment of Professor Conklin as Acting Director of SNRI, while also serving as AP Chair for Engineering. CRE decided the Bylaws do not seem to preclude a double appointment as Director and Bylaw 55 unit chair.
- **9/24/13 SACAP Charge:** CRE reviewed the SACAP charge and a concern was raised regarding one of the revisions related to the SACAP's voting procedures. CRE advised

that the charge specify that the voting procedures ensure equitable Senate/Administration representation to avoid biases on one side or the other.

- **9/24/13 Physics CCGA Proposal:** CRE considered the Physics CCGA proposal and recommended moving forward with the proposal.
- **10/1/13 Bylaw Unit Voting Process for Personnel Matters:** CRE discussed Bylaw unit voting processes for personnel matters and advised on the following:
 - Provisions 55.B.8 and 55.C permit some flexibility in voting procedures by a unit.
 - 55.C states that faculty already permitted to vote on a case must approve any changes to voting procedures by a two-thirds majority.
 - It seems natural to have all faculty veto on *new* appointments (hiring) at any level.
 - It is very unusual and CRE advises against having faculty at the Assistant level voting on advancement (“barrier”) tenure cases, for several reasons.
- **4/18/14 CRE Comments on MCB Graduate Program Proposal:** CRE reviewed the bylaws of the proposed program, and identified no major concerns. The committee noted three issues that may be worth considering for MCB and encouraged moving forward with the proposal regardless, as the below identified issues could be added at a later date, if desired.
 - To be explicit that the student representative does not receive a vote (implied, but it may be helpful to future activities for this to be explicit in the document)
 - The chair currently chooses the representatives, but if the representation is meant to be deliberate on behalf of the student body, the MCB group may consider having the graduate student body more involved in the selection process for their representative.
 - Make plane one or two criteria that might guide this selection process (e.g., a more senior graduate student).

Systemwide

- **1/15/14 Proposal to Change Bylaw 55 for Salaried Non-Senate Faculty (NSF):** CRE considered the proposal to amend Senate Bylaw 55, and raised the minor concerns summarized below:
 - Faculty of various stripes may have expectations and duties that differ quite radically. Additionally, the tenure expectations on Senate members may be quite different from evaluation of NSF clinical series.
 - The amendment has the risk of being a substantial change to systemwide bylaws for what is a relatively small slice of individuals across the whole system; does this create a precedent for a cascade to recognize other series?
 - The flexibility, inherent in inevitable subsequent amendments to a new BL 55.E, may be a concern, or a boom, depending on one’s perspective. So the concern of reciprocity was raised.
- **1/23/14 Self-Supporting Graduate Professional Degree Programs (SSGPDP) Policy Review:** CRE discussed Self-Supporting Graduate Professional Degree Programs

(SSGPDP) issues. CRE noted that this is a new and relatively unfamiliar issue to both CRE and UC Merced's faculty and nevertheless shared these general thoughts:

- The document clearly wishes to make the original mission of self-supporting program more flexible—yet the name and spirit seems still to be narrowing.
- In the spirit of shared governance, if the self-supporting programs are intended to open up new opportunities for creating degree programs that can stand alone in terms of resources, then it seems that flexibility may come in the form of programs that may be hard to establish as “professional”, yet may still satisfy needs and be in demand (e.g., 5th year master's programs in topics that may not have an existing professional society that supplies accreditation, but yet serve a specific potential educational function that is In demand). The shared governance issue here is that the curriculum belongs to the faculty. If a faculty body can carefully justify a self-supporting program according to all the resource-based guidelines, CRE is unsure of the reason to specify “professional”. CRE questioned if this will put constraints on how faculty can design these courses of study in a manner that is orthogonal to the budgetary/resource concerns. If this is true, this may put undue constraints on a faculty body's development of advanced curriculum using new approaches for delivery (e.g., hybrid) or new topics (e.g., data science, digital humanities, etc.) that goes against the spirit of faculty control over these academic domains.
- From a quite different angle, does a professional program blur the distinction between the standard roles of shared governance? On DivCo and in other committees there has been some discussion that professional master's degrees can decouple academic programs from state support and, by implications, from coordination with administration, what are the implications here for the long-standing structures inherent in the relationship between administration and faculty at the UC? Expanding these programs may have such broad structural implications.

REQUESTS FROM THE SCHOOLS

- ***9/18/2013 Review of SOE Bylaws:*** In June 2013 CRE offered comments to the SOE faculty regarding an updated set of School Bylaws. The comments were only suggestions and were not deemed required in order for SOE faculty to finalize their updated Bylaws and should be considered approved whether the suggestions are followed or not.
- ***4/22/14 Guidance on Procedures for Updating School Bylaws:*** CRE clarified the process by which schools update their bylaws. CRE stated that school's faculty is sovereign and can update its bylaws as faculty see fit, via voting procedures specified in existing bylaws. While it is not necessary for the Division to approve bylaws, consultation (e.g. through CRE) is recommended before sending a ballot to faculty to reduce the possibility that a revision may be a variance with systemwide or Division bylaws. CRE noted that the Division Council does not approve bylaws changes, in fact, neither does CRE. It is the school's faculty who approve their own bylaws.

- **4/30/14 Addition of Emeritus Voting to Group Bylaws:** CRE considered an issue in the Cognitive & Information Sciences Bylaw 55 unit where the unit voted long ago to grant emeritus faculty voting rights in their group. In some recent voting, one emeritus voter in the group was left off ballots inadvertently. CRE recommended that CIS/SSHA simply move forward with granting their emeritus colleague voting privileges and noted that no further action is needed to grant these privileges, as the voting privilege is current in the group. Regarding moving forward with this group and others, CRE recommended referring to systemwide bylaw 55.D.4.c.i.: “When a group, as a class (e.g., emeritus), is granted the privilege to vote outside of default bylaw 55 provisions, this privilege must be extended for at least a year.”

REQUESTS FROM STANDING COMMITTEES

- **1/22/14 Clarify of MAPP procedures for Career Equity Reviews:** Discussions at DivCo regarding the campus policy on Career Equity Reviews (CER) promoted CRE to review the relevant sections in the UC Merced’s Academic Personnel Policies & Procedures (MAPP) and compare it to that of UCLA (“Merit Equity Review”). CRE considered these documents together and made the following recommendations:
 - The MAPP could offer clearer guidelines on how to formulate a committee to evaluate a CER’s, in particular, conditions under which a faculty might bypass a unit chair or whole unit.
 - The MAPP could give a bit more concrete guidance on initiating and drawing up the CER. UCLA’s document offers an example that is straight forward and easy to implement
- **5/13/14 Graduate Group Bylaw Template Review:** At the Graduate Council’s request CRE vetted the draft Graduate Group Bylaws Template and had no additional comments or revisions. CRE encouraged the Graduate Council to move forward with its adoption.
- **8/15/14 COR’s Revised Research Unit Policies:** CRE reviewed the revisions made by COR to propose research unit policies and had no additional comments or concerns.

Respectfully submitted,

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